U.S. POLICY TOWARD ARGENTINA

HEARING

BEFORE THE

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OF THE

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U.S. POLICY TOWARD ARGENTINA

WEDNESDAY, MARCH 16, 1983

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, D.C.

The subcommittee met at 2:05 p.m., in room 2172, Rayburn House Office Building, Hon. Michael D. Barnes (chairman of the subcommittee) presiding.

Mr. BARNES. Ladies and gentlemen, the subcommittee will come to order.

The purpose of this hearing is to review the administration's policy toward Argentina.

The subcommittee has been prompted, frankly, to hold this hearing at this time because we are hearing reports that the administration has decided to certify Argentina. As required by law, the President has to certify to the Congress that the Government of Argentina has improved its human rights performance in order to provide military aid to that government.

I recently visited Argentina, along with a number of my colleagues, and along with the gentleman at the witness table, and I am convinced that Presidential certification at this time would be totally inappropriate.

IMPROVEMENT IN HUMAN RIGHTS

On the merits of the certification itself, it can be argued that human rights conditions have improved during the past year. But the most important question the administration needs to address is whether or not it makes any sense to certify aid to a government that has lost all of its credibility internally and externally, and that has finally decided to hand over the reins of power to an elected civilian government because it has proven to be incapable of dealing with the problems affecting the country.

Why certify now? What is the urgency? Why not wait 10 months until the new government comes to office?

When the military overthrew the government of Isabel Peron in 1976, many Argentines supported the takeover as a welcome relief from terrorist attacks and the sorry state of the economy. Seven years later, many of the same people believe that the cure was worse than the disease. Thousands of people have disappeared, thousands have been murdered, while hundreds have been tortured and held in confinement without any recourse to the judicial process.

The economy is in worse shape than it was in 1976. Argentina's foreign debt in 1975 was $8 billion; now it is well over $37 billion. Economic indicators point to a 7-percent decrease in Argentina's gross domestic product this year.

The military is thoroughly discredited because of the disastrous miscalculations with respect to the Falkland war. Argentina's defeat in that war was, of course, the turning point that galvanized political parties to form a united opposition to the government.

In this context, it simply makes no sense to certify Argentina. In less than 8 months a civilian government will be elected. As the gentleman at the witness table will recall, not one civilian politician that I spoke with when I was with you in Argentina favored certification by the United States at this time.

CERTIFICATION WOULD ENDANGER RETURN TO DEMOCRACY

Everyone thought that certification would, in fact, endanger the return to democracy in Argentina. How will the future leaders of Argentina view U.S. efforts to better relations with a dictatorial regime that was responsible for some of the worst human rights violations in the history of our hemisphere.

Some people will argue that the administration should certify Argentina in order to heal the wounds that resulted from U.S. support for Great Britain in the Falklands war. There is no doubt that fence-mending is necessary. It should be a policy priority to improve our relations with Argentina.

However, the way to do that is not by cozying up to a dying and unpopular military regime, but by supporting democracy, helping Argentina with its debt problem, and above all—making it crystal clear to our friends, the British, that we expect them to enter into good-faith negotiations over the Falklands.

Quite frankly, I think it is an extremely serious mistake for the administration to bring up this certification at this time. We were doing just fine by quietly letting it slide until after the elections. By talking about certification now, this administration has once again demonstrated its facility for getting this country in no-win situations.

Now we are damned if we do and we are damned if we don't. If the certification goes forward, Argentina's democrats will feel betrayed. But if the certification doesn't go forward now that it has surfaced now that everyone in Washington is talking about certification, the military is going to feel betrayed.

We would have been so much better off if the administration had been able to control its tendency to sell guns to everyone for just a few more months. Then we could have resumed our relationship with the Argentine military through a democratically elected Argentine Government, and everyone would have been satisfied.

I take this matter so seriously that, when the subcommittee marks up the foreign aid request next week, I intend to offer an amendment to prohibit any security assistance to Argentina. When a democratically elected civilian government is inaugurated in Buenos Aires next January 30, I will be delighted to remove my objections to certification.

I will be pleased to support such certification, assuming, of course, that human rights conditions continue to improve in the meantime as we all hope and assume will be the case. But meanwhile it is our responsibility to try to protect Argentina's very fragile democratic process, and the democratic politicians who are engaged in that process, from what I believe would be a very unwise move. If legislation is the only the remedy open to us here on the hill, that is what I am going to use.

I am looking forward to hearing from our witnesses here today on the isses that I have raised, and other issues of U.S. relations with Argentina. Our first witness is Mr. N. Shaw Smith, Director of Southern Cone Affairs, Department of State.

Mr. Smith, I want to welcome you this afternoon to the subcommittee.

Let me recognize the ranking minority member, the gentleman from California, Mr. Lagomarsino, for any comments he may have at this time.

Mr. LAGOMARSINO. Thank you.

The strategic importance of the southern cone of South America for the United States must not be considered lightly. We have witnessed the tragic events of the Malvinas/Falkland crisis and the effect it had for U.S. relations throughout the hemisphere.

As we review U.S. policy toward Argentina today, I think we must keep in mind the importance of a regional balance in South America and overall balance in the hemisphere, and with our allies in other parts of the world as well.

So I hope that today's hearing will serve as a chance to review where we have come in our relations with Argentina, and to explore ways in which we can strengthen our relations with that nation, without producing stresses in other areas.

Thank you, Mr. Chairman.

Mr. BARNES. Mr. Smith, we look forward to hearing your testimony. I noted that you had a prepared statement. We will include that in the record in its entirety, and you may summarize it or comment as you wish.

STATEMENT OF N. SHAW SMITH, DIRECTOR OF SOUTHERN CONE AFFAIRS, DEPARTMENT OF STATE

Mr. SMITH. Thank you very much, Mr. Chairman.

It is a great pleasure for me to be here as it was to join your group visiting Argentina, Chile, and other countries in Latin America in January. I thought it was a very useful visit and, indeed, a model for what congressional visits can accomplish, because it came at a time when Argentina was undergoing some fundamental change. It is difficult for us, this far away, to really get a sense of what is going on in that country. So I think the timing of the visit was excellent.

Instead of reading my statement, I might make a few general comments.

My statement is divided into three parts. The first part tries to lay out what American interests are in Argentina, because I found that so often in discussing the issues with people, we wind up with

debates on things which are not really central to our purposes or our policy toward Argentina.

U.S. INTERESTS IN ARGENTINA

So I have tried to be fairly explicit in listing our interests there for our discussion today. They cover the gamut. We certainly saw last year that we had an enormous interest in maintaining peace in the southern cone area and in the South Atlantic. They also include Argentina's important nuclear program. We have a number of economic interests as well and, of course, a fundamental interest in human rights and the return to democracy in Argentina, as elsewhere.

The second part of my paper summarizes recent developments in Argentina. It is an effort to be factual and brief. But in many ways our policy is driven not just by what our particular orientation is, but by the sweeping changes that have occurred in Argentina in the last year. So I would hope that we would have some chance to focus on that with the other witnesses today as well.

In the third part of the paper I deal in general terms with some of the policy ramifications. Since you have mentioned the question of certification, I might state here, Mr. Chairman, where we are at the moment on that.

NO DECISION ON CERTIFICATION

The administration has made no decision on whether to certify Argentina or Chile, or one or the other, or both, or neither. We have not at this point made a decision on what we are going to do. The issue is under active consideration within the Department of State and the administration. We have no specific timetable on when a decision will be made.

It is, I think, an issue that has many aspects. One of them, if you look at the terms of the law, is whether or not we should withhold certification because, while the administration doesn't have an official view, I think the view of most people is that the improvement in the human rights situation in that country has been so substantial in the last year that Argentina clearly meets the congressional test for certification.

You, Mr. Chairman, have raised one of several broader political issues which, of course, we must consider as well, and we have not reached a definitive position on those.

Since this is a very brief statement, there is only one other opening comment. I have been in the office now for only 9 months, and those 9 months have encompassed two very distinct periods. I arrived about the same week that General Bignone was being inaugurated in Argentina, that is shortly after the end of the Falkland/Malvinas war in June.

Our first 4 or 5 months, from then until November, were spent trying to think very carefully about what kind of relationship we might have with this interim government and with the governments that follow. We tried to find a way, because we think we have substantial interests in that country, to piece together a relationship that made sense from the standpoint of maintaining

peace, from the standpoint of protecting human rights, and our many other interests in Argentina.

So you could say that that period ended with the vote in the United Nations on the Malvinas/Falkland issue when our Government supported a moderate Argentine resolution looking toward negotiations of that issue. The more recent period has focused on internal developments.

Among the many changes that we have seen in Argentina, none are more important than two shifts: One, from where we were in April a year ago, with the conflict going on, to what is very clear evidence today that the Government of Argentina intends to pursue this issue peacefully through negotiations, and two, the move back to democracy in Argentina, now well advanced.

Those are my general comments, Mr. Chairman. I thank you very much.

[Mr. Smith's prepared statement follows:]

PREPARED STATEMENT OF N. SHAW SMITH, DIRECTOR OF SOUTHERN CONE AFFAIRS, DEPARTMENT OF STATE

1.

Mr. Chairman: I appreciate the opportunity to appear before you to discuss United States policy toward Argentina.

I was especially pleased that Chairman Barnes and others here were able to visit Argentina earlier this year. You had a full program of meetings with government officials, political and labor leaders, persons active in the human rights movement, representatives of the business and financial communities and others. Argentina is a rich, diverse country with complex social and political institutions. It has its own dynamics and its special perspectives on events. It is now going through a political transition back to democracy. So, it is helpful to get a first hand look at the situation there.

I was delighted to have accompanied you on the visit and I welcome these hearings as an effort to broaden public understanding of events in Argentina and United States policy toward that country.

2.

American policy flows from our national interests and our ideals. It makes sense, therefore, to reflect on what these are in the case of Argentina and how they interact. In a country of Argentina's prominence, it is not surprising that the United States has a number of interests -- political, economic and strategic. Some are immediate while others are longer term. Obviously, they vary in importance and indeed shift somewhat over time, in response to evolving U.S. priorities and to changing circumstances in the area. In the case of Argentina, some of our more significant interests include:

-- The maintenance of peace in the South Atlantic and the Southern Cone; the achievement of progress toward peaceful resolution of territorial disputes involving the Falklands/ Malvinas Islands and the Beagle Channel;

-- The establishment of sound relations, with a productive dialogue and hopefully with increased Argentine-U.S. cooperation on hemispheric and global issues;

-- Argentine efforts to establish stable democracy and domestic tranquility;

-- Argentina's reconstruction of a sound and prosperous economy, creating a basis for increased trade, investment, financial and technological relations and the strengthening of mutual economic cooperation.

-- The development of Argentina's enormous capacity as a major supplier of the world's food needs, now and in the future; and increased U.S.-Argentine cooperation, as major world agricultural suppliers, in the reduction of barriers to growth of international trade;

-- The peaceful advancement of Argentine programs of energy supply;

-- Cooperation in the Antarctic; and

-- Prevention of Soviet disruption or strategic inroads in the area.

These are, I repeat, some of our interests. They are not listed in priority order, but I believe the listing itself indicates something of the nature, scope and importance of U.S.-Argentine relations.

The subject of human rights, of course, represents a special dimension in our relations, reflecting not only our interests but also our ideals. This issue reflects, in Argentina as elsewhere, fundamental American values. And it is, there as elsewhere, a matter of great local sensitivity. Human rights has been at the crux of the Argentine-U.S. relationship in recent years. Fortunately, there has been substantial progress in this area which is removing it as a complicating issue in our relations.

Our policy should reflect both our major interests and developments in Argentina. Certainly, the circumstances of the post-Falklands/Malvinas period present a policy panorama

considerably different than that which existed in 1981 or early '82. The war itself brought major changes within Argentina and, of course, in relations between Argentina and the United States.

Some recent notable developments:

-- The Government of President Reynaldo Bignone, installed July 1, 1982, announced that it was a government of transition whose primary task was to oversee the return to democracy. The Government has pledged to hold national elections on October 30 this year, with the new government installed on January 30, 1984. There has been a notable increase in political activity. Parties are freely organizing, inscribing voters and holding public rallies in preparation for internal party elections this spring and summer. The press now is relatively unrestrained. Open and even severe criticism of the government is common. Although a few publications were closed or editions seized in recent months, these cases are reviewed by the courts, which often reverse government decisions. Argentina has shown substantial improvement in the exercise of political rights, but given the country's history of political turbulence many observers do not foresee an easy transition this year, although the positive trends are expected to predominate with the political opening continuing on track.

-- The situation regarding individual rights in Argentina has shown dramatic improvement. There have been no new cases of confirmed disappearances in two years although this remains a very sensitive issue. Questions of accountability and of accounting for the disappeared are politically important. Detentions for national security of political reasons have virtually ceased. Reports of prisoner mistreatment have similarly declined. Moreover, the courts have shown increased independence, ordering the release of PEN prisoners, convicting prison officials for abuse, levying fines on military officers and shortening sentences imposed by the highest military court. National security or political prisoners held under "PEN" authorization were reduced sharply, with 425 freed during 1982, bringing the total down to 243 at year end. Releases continue. The government has said that all remaining PEN prisoners are to be freed, or brought to trial, in 1983. The state of siege is to be lifted before the elections this year and Argentina returned to the full exercise of individual rights under its constitution.

-- Argentina, like many other countries, has experienced a period of economic recession, with budget deficits, a high rate of inflation and problems in external repayments. It suffered from unemployment and a decline in real wages in 1981/82, a

situation which began to reverse late in the year. The government successfully negotiated a standby arrangement with the IMF and debt relief is being negotiated with its major creditors. Nevertheless, problems persist and economic management will not be easy during a period of political transition. Argentina is a rich country, self-sufficient in energy with a healthy trade surplus and a reputation for rapid recovery from prior difficult periods. Thus we forsee a period of continuing serious short term strains, cushioned by underlying elements of strength in the mid-term and beyond.

-- The Argentine Government has turned its attention once again to the active pursuit of negotiations to resolve the Falklands/Malvinas issue. This has become its central foreign policy focus. Meanwhile the Papal mediation between Chile and Argentina on the Beagle Channel continues. Although Argentina has largely replaced its military equipment losses suffered during last year's conflict from Western Europe and elsewhere, we believe the period ahead for both disputes will be characterized by efforts to find a peaceful resolution for these difficult disputes, rather than armed conflict.

What are the implications for American policy?

U.S. relations with Argentina fell to a low point in 1982 following the Falklands/Malvinas conflict. Many Argentines believed the United States played a role in the British victory. Resentment against the United States was deeply felt in many quarters. Under these circumstances, we should not expect a rapid return to warm relations. Nevertheless, Argentina and the United States share many common interests; our heritage, our peoples and indeed the problems we face are similar in many respects. There is a basis for solid, cooperative relations between us in the future. First, we must restore confidence on both sides step by step.

Our desire to do so was manifested by President Reagan's meeting with the new Argentine Ambassador last year very shortly after his arrival. It also was seen clearly by the constructive and supportive approach we took toward Argentina's negotiations of its international financial obligations, last year and this.

Another important milestone was the U.S. vote in the United Nations last fall in favor of a moderate resolution, sponsored by Argentina, calling for future negotiations on the Falklands/Malvinas issue. We remain opposed to the use of force to resolve territorial issues, as in the Falklands/Malvinas case. But we have never taken a position on the sovereignty of the islands and have reiterated United States support for a peaceful, negotiated resolution of this issue.

Our current and future policy approach to Argentina is open and carefully balanced. We seek areas of mutual interest, respect and cooperation.

We must recognize that Argentina has already entered a sensitive period of transition from military to civilian rule. We welcome this. The pre-electoral period will witness inevitably certain tensions as candidates and parties freely compete. Obviously, we have no favorites in that campaign. Nor do we wish to intrude in any way. It is entirely a matter for the people of Argentina to decide, without interference from abroad.

Our basic position is this: We are pleased that Argentina is launched again along the democratic path. We will try to establish a productive dialogue this year and next and offer our cooperation to whoever is chosen by the people of Argentina to lead their country. We recognize the importance of their country and of its return to democracy for the future peace, stability and development of this hemisphere. We wish them well.

It follows, that in the years to come we hope to strengthen our ties of interest and understanding with all elements of Argentine society. This is important because in the past the network of linkages between our two societies has not been as broad or as firmly rooted as it should be. These contacts are, of course, predominantly private and non-governmental. They include educators, labor, political parties, media, the arts, the business and scientific communities, indeed all segments of society. We would hope to encourage increased interactions at all levels as the best way, in the long term, to increase our understanding of each others' societies. Obviously, we should include the Argentine Armed Forces in this process. As they return to a more traditional role, they will continue to be an important element in the future life of their country. In particular, the military will play a key role on issues of importance to the United States, including the maintenance of regional peace. We do not seek to minimize the obstacles to improved relations, but it is important to both countries that we undertake the effort to reestablish confidence and the basis for future cooperation.

Economic cooperation is another area requiring close future attention. U.S. support for sensible foreign debt arrangements with creditor institutions is important in Argentina and elsewhere in the hemisphere. Improvements in the U.S. and world economies should increase demand for Argentine products. As the fourth largest trader in Latin America, Argentina also represents an important overseas market for U.S. products, as

it does for productive investment and technology transfer arrangements. We will continue to pursue areas of mutual interest in increased economic interchange, through America's dynamic private sector and through official institutions in which we participate. We both have a major stake in sound economic growth in both countries.

Finally, a note on style, always an important component in how nations deal with each other. We have been through a very rough period in this relationship with Argentina. And one can expect a certain amount of raw nerves as the political transition moves forward in the months ahead. In these circumstances, it clearly serves our interests to be prudent in word and deed. Good relations between Argentina and the United States are genuinely important to both of us. We should give them an opportunity to take hold again and prosper.

Mr. BARNES. This week, Newsweek magazine carried a one paragraph notation entitled "Will Washington sell arms to Argentina?" It reads as follows, and I will ask for your comments about the points that are made.

Less than a year after the Falkland Islands war, the Reagan administration is nearing a decision to resume sales of American weapons to Argentina. The State Department has discussed the possibility with British officials. They objected to any arm sales that would help Argentines launch another invasion, but administration policymakers say that modest shipments of light weapons could help curb possible Soviet influence in Argentina, as well as encourage President Bignone to keep his promise to hold elections next year.

They also hope the aid will persuade President Bignone to send military advisors to El Salvador. The administration's final decision will not be announced before Queen Elizabeth ends her visit here.

Mr. SMITH. They were right on the last part.

Mr. BARNES. What about some of the other points?

You have already told us whether or not you are nearing a decision. You say that it is under consideration.

Mr. SMITH. Active consideration.

Mr. BARNES. Active consideration.

U.S. DISCUSSING CERTIFICATION WITH THE BRITISH

This says that the State Department "has discussed the possibility with the British." Is that correct? Have you been talking with the British about the possibility of such certification?

Mr. SMITH. Yes, we have.

We have been talking in an ongoing sense with the British, with the Argentines, with the Chileans. This is not because we have made a decision yet or are at the point of a decision, but this is part of the normal diplomatic process.

This issue has been touched upon in discussion with every government that has had an interest, on and off, ever since I have been in office. So, yes, we certainly have had discussions with the British. You know, I talk about it to our Argentine friends. I talk about it to our Chilean friends. We talk about it to our British friends. That in itself is not a sign that we have made a decision, but it is very important because they obviously have an interest in the area, and we intend to consult with them very closely.

BRITISH ATTITUDE TOWARD CERTIFICATION

Mr. BARNES. What is your sense about the British attitude about potential U.S. certification?

Mr. SMITH. Mrs. Thatcher has said publicly they are opposed to certification. I think that the British reaction would be keyed by two elements: one is the psychological benefit they see for the Argentine Government from certification. But I really think it is a more practical question so far as they are concerned.

I can't speak for them, and I won't try here, but if I were to put myself in their shoes, they are saying, what we don't want to have are massive American arms sales to Argentina because those might threaten our situation in the Falkland/Malvinas area.

It is important here to make quite clear that a decision on certification is entirely separate from a decision on future arms sales.

As you know, Mr. Chairman, we have well established procedures for making decisions on whether or not we should sell particular weapon systems or security items to countries that ask us to sell them. Certainly in a case where there has been a conflict in the area, we will apply those procedures if and when we ever get to them in a very careful way.

We have no reason to believe that the Argentine Government is going to be seeking massive supplies from us. They don't think we are a reliable supplier. They have in fact, engaged in a reequipment effort from many western European suppliers. I am not sure that they are in the market for major weapon systems from us.

This issue which we see highlighted in the Washington Post and in the Newsweek article, in a sense, isn't really what we are talking about in certification. We are not talking about massive, enormous, significant arms sales to Argentina. We are talking about a step which goes before that, and that step is whether or not Argentina has met the requirements of our law which will enable us to remove a restriction because of human rights improvements and because it is in our national interest.

ARGENTINE REQUESTS FOR U.S. MILITARY EQUIPMENT

Mr. BARNES. In your conversations with officials of Argentina, have you been given, either formally or informally, a list of what they would want in the way of military equipment from the United States?

Mr. SMITH. No, sir. I have seen no such list, and I would not expect to see one at this point.

SOVIET INFLUENCE IN ARGENTINA

Mr. BARNES. What about some of the other points that were mentioned in this brief Newsweek article that we are concerned about curbing possible Soviet influence in Argentina. What is the administration's concern in that respect, if that is accurate?

Mr. SMITH. Argentina and the Soviet Union have a longstanding commercial relationship, primarily grain from Argentina for the Soviets, and that, of course, is well known. We have seen no recent evidence that the Soviet Union and Argentina are nearing any

arms deals. Were that about to happen, it would be a matter of some obvious concern to our Government.

We have seen Argentina, because of the Falkland/Malvinas issue, in the international arena, taking positions closer to those of the nonalined movement. That is moving away somewhat from the strong pro-Western orientation of the Government over the last several years toward a more Third World position. We have not seen them take positions that I would consider pro-Soviet in any sense.

So at the moment, on the basis of what we know, this is not an immediate consideration. It is an important longer-run consideration. If you are a country that is strapped financially with a large export surplus with the Soviets that has to go through people's mind. You have the Peruvian example of major Soviet arms sales. But that is not why we are looking at the issue as intensively as we are. We are looking at it on its own merits, Mr. Chairman.

CERTIFICATION WORLD UNDERMINE ELECTORAL PROCESS

Mr. BARNES. Two other reports I would like to get your comments on. One is that Newsweek says that the administration thinks that certification might encourage President Bignone to keep his promise to hold elections next year.

You heard my statement that what I heard from politicians in the country is that it could undermine the democratic process if the United States appears to be giving certification to the military government in Argentina. What is, in fact, your perception of that?

Mr. SMITH. I was fortunate enough to stay on another 4 or 5 days in Buenos Aires after the rest of you had to come back. I had a chance to meet with most of the major political figures there. I would make several observations.

The first one is that none of the political leaders raised certification on their own. They are so involved in the process of deciding who is going to take power and what the nature of their political agenda is, that frankly of what we do on certification is not uppermost in their minds. Toward the end of the conversation, in every case, I raised it.

I said, "Well, what would your attitude be if we certified," and they gave me an answer that, I guess if I thought about it, wouldn't surprise me. They said, "Hey, look, why don't you certify after we get in power. We would much rather have you certify us than certify the people that are there now."

So I came away with two conclusions. The first one is, it is not a live issue in Buenos Aires now because nobody took the initiative to raise it with me. Second, the answer I got was a totally expected one.

It seems to me that the question of the popularity of our policy, while it is an important consideration; should not be the determining factor. I don't think that the certification of Argentina before the elections will undermine the elections in any sense.

As you know the process of diplomacy is an ongoing one. We never take diplomatic action in a void. Governments know exactly why we are doing what we are doing. We have conversations, that is our profession. So I really don't believe that the people in power,

were we to decide to certify and were we to take action before the elections there, would say: "The Yankees do not want us to have elections." Quite the contrary. We have made a number of public and private statements in support of the electoral process. My statement today has a number of very strong affirmations of our policy in regard to Argentina. The President and the Secretary have spoken to this, as you know.

I don't see any reason whatsoever why a decision to comply with our law, because of their human rights progress now, need be interpreted as support for the Government or opposition to democracy. I just don't think that follows. Some people are going to give things their own interpretation no matter what you do, but that was not our intention.

We strongly support the democratic process, and we would do nothing contrary to that. I don't think that certification, if we were to decide to do that, would have that result or be seen that way.

PERCEPTIONS DRAWN BY U.S. CERTIFICATION OF ARGENTINA

Mr. BARNES. You say that some people will give it an interpretation no matter what. Don't you think that it is just inevitable that the international perception, as well as the perception within Argentina, of a U.S. decision to certify would be that we were somehow giving an imprimateur of approval to the current Government.

People are not going to look at the niceties of our law and say, Well, gee, they met the technical requirements of the law of the United States and, therefore, it was appropriate for President Reagan to make the certification.

What the headlines will be and what the perception of people will be in Argentina and all over the world is that the United States has said that this Government, the one in power now, the military government, deserves this imprimateur, or stamp of approval, because of actions that it has taken. I think it is just inevitable that this will be the interpretation. Do you disagree with that?

Mr. SMITH. I do, but let me answer it this way, if I may, Mr. Chairman.

You know, it is so easy to deal with stereotypes: A military government. We are not dealing with the Government that launched the invasion of the Falkland Islands, nor are we dealing with the Government that was involved in the human rights abuses of the late 1970's.

This Government took office in July of last year with one essential function, stated clearly and followed up, and that was to assure a democratic transition in as orderly a way as possible, so the military could leave office and the civilians could come into office. That is what has happened.

We have got a lot of evidence of that. Certainly you saw in your trip, as I saw, that all of the politicians there are convinced that the military is going to leave office, and that the civilians are going to come in. It is a Government which, as you saw from our statement and the human rights report, really has done a lot of concrete things to improve the human rights situation. They would seem to have met our own law. So aren't we, really, if we don't cer-

tify, applying, a new standard? Aren't we changing the rules of the game?

The law is intended to improve human rights, and it says that if Argentina cleans up their act, and it meets our national interest, we want the President to certify them. They have done an awful lot to clean up their act. So I think personally it would be perfectly defensible.

There will be some people, no matter what we do, that will give it whatever interpretation they want. But it seems to me at least, although we have not made a decision on this issue, that that is a defensible posture given what this government of transition has done in Argentina.

Mr. BARNES. I don't want you to belabor this argument. I want to get to my colleagues who also have a lot of questions, I am sure.

However, the distinction of the old Government from the current Government is a relatively fine one. I mean, they shifted among the military officers. They shifted titles. One can argue that this is an altogether new Government, but I think that this is a not completely correct analysis of what took place last summer.

Also let me just say that the law does not require, and Congress did not say, that the President must certify when the conditions that might warrant certification have taken place. The President may make such a certification. There are a lot of us in and out of the Congress—I don't know if you read the Washington Post article on the subject over the last few days, but I thought it made my points rather well—who believe that just because the President can technically make such a certification, it is not necessarily the right thing to do, and there is no requirement in the law that you do it.

ARGENTINE ADVISORS IN EL SALVADOR

There is one last point in the Newsweek article that I wanted your comment on before turning to my colleagues, and that was the statement that the United States also hopes that certification would help to persuade the Argentines to send military advisors to El Salvador.

Have there been any discussions with Argentina about sending military personnel to El Salvador or otherwise engaging in military assistance in Central America?

Mr. SMITH. No, sir. I have been involved in no such discussions and I have seen no pieces of paper on this subject since I arrived last July. That is not why we are considering certification at the time.

Mr. BARNES. Let me turn to the gentleman from California, Mr. Lagomarsino.

I am going to ask the gentleman from Connecticut to assume the Chair while I go over to participate, at least for some time, in the debate on the nuclear freeze. I hope to get back, Mr. Smith.

EUROPEANS SUPPLYING ARMS TO ARGENTINA

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. Smith, you mentioned that various European nations were supplying arms to Argentina. Could you give us some idea of who

they are and what kind of arms are being supplied, and perhaps their dollar value?

Mr. SMITH. Yes, sir, let me speak to that generally, and then we can submit some supplemental information with more details.

The Argentines, of course, were involved in an arms acquisition program before the Falkland/Malvinas War broke out. At the time of the Falkland/Malvinas War most of the countries of Europe decided to discontinue arms sales to Argentina, but they have since resumed them.

For example, take West Germany. Argentina has outstanding contracts with West Germany to build submarines, certain kinds of frigates that are intermediate size, and those that are smaller. The German Government is going ahead with those contracts.

The Argentines have completed purchases of super Etendard jets and Exoceet missiles from France. I think there was a recent purchase of tanks from Austria. They reportedly have purchased a number of Mirage III and Mirage V jet aircraft from several countries, some in Europe, some in the Middle East, and some in Latin America.

There has been a substantial effort to replace the supplies that they lost in the war, and that effort has centered mostly in Western Europe.

We, of course, have sold them nothing. We will be glad to give you full information.

Mr. LAGOMARSINO. You said the Middle East. What countries in the Middle East have Mirages for sale?

Mr. SMITH. Well, what I would like to do is provide that for the record. There have been some sales discussed. I don't know what one can say in public on this and what one can only say in confidence.

[The material referred to follows:]

Question. Can you describe the types and sources of armaments acquired by Argentina since the end of the war for the Falklands?

Answer. The Government of Argentina has made no public accounting of armaments acquired in the past year. It is believed, however, that each military services has sought to improve its military capability and to replace equipment lost during the Falklands fighting. Below is a list of major material reported by the news media to have been acquired or under consideration by Argentina.

Army.—15 Puma Helicopters from France; 27 self-propelled antitank guns from Austria; and possible acquisition of Roland surface-to-air missiles built by French-German firm.

Air Force.—Between 23 and 54 Mirage III aircraft from Peru and Israel; and may seek to acquire additional aircraft, such as Mirage V and Mirage 2000 or other high performance aircraft.

Navy.—1 Meko 360 guided missile frigate has reportedly arrived in Argentina. It is part of a four ship contract with a West German firm before the war; 9 Super-Etendard aircraft from France (part of a prewar contract); between 9 and 12 Exocet missiles from France; and it is reported that the navy will also construct additional light frigates and submarines in cooperation with German firms.

UNITED STATES-ARGENTINA RELATIONS

Mr. LAGOMARSINO. How would you characterize U.S. relations with the military in Argentina today, with the present government?

Mr. SMITH. Overall, relations are better, although there are serious strains still. Our relations on the military-to-military level are not so good.

At the time of the conflict, many people in Argentina believed that we had provided significant assistance to the British in the war against them. It is not surprising that there is considerable bitterness within the Armed Forces in Argentina toward the United States.

We, of course, acted as mediator and followed the principle of opposition to first use of force. Our actions on supply are known. But so far as they are concerned, we were a major factor in their loss of the war. So, of course, we have many friends there, but there are a number of people who are extremely bitter about our role in the conflict.

In my opinion it is going to take a while before, even in the best of circumstances, we are able to have the kind of communications and relationship with the military as an institution, and with military leaders that we ought to have for our own self-interest. This is clearly a serious problem.

RESPONSE BY OTHER SOUTH AMERICAN NATIONS TO U.S. CERTIFICATIONS

Mr. LAGOMARSINO. How would other countries in South America view reestablishment of military training programs and the sale of military equipment?

Mr. SMITH. We used to be such a major supplier to the whole area. We have slipped over the years, and we are now a minor supplier throughout South America. In the case in Argentina and Chile, of course, we have a prohibition and sell nothing. I think, as a general matter, the governments in the region would not oppose a more active U.S. participation in this area.

In the Southern Cone there have been traditional tensions before between Argentina and Chile, and I have no doubt that a program of sort of massive supply of U.S. arms to Argentina would not be very good news to the Government of Chile. They have an outstanding territorial dispute in the Beagle Channel area, and they are sensitive about each other's relative power.

So obviously whatever we do eventually, if we do something in the certification issue, we will have to consider very closely this question of balance and what impact our actions would have in this area.

Mr. LAGOMARSINO. Thank you. I think my time is up.

POSTPONING CERTIFICATION UNTIL AFTER ELECTIONS

Mr. GEJDENSON. Let me ask just a couple of questions.

One is, and I think the chairman expressed it well. I mean, basically, what is puzzling to many of us is that we are talking about 7 or 7½ months, and it would seem that if the administration were to wait those 7 months to review its own statistics and actions before it acted precipitously, we wouldn't do any damage.

Maybe the discussion of looking toward certification is a good one, and that what we are doing here is helpful, but I think even those of us like myself would still have some questions about the numbers—and I will get to some of those in a moment—that we

have the discussion, and that we wait the 7 months for the elections to occur, and that it could serve all of our purposes just as well by not going through the actual act of certification.

I don't think anybody is arguing that Argentina at this point is in such a militarily vulnerable position, or that it needs American arms in particular at this moment.

You know that our relations throughout Latin America which are somewhat being damaged by our association with El Salvador and Guatemala, and many of the countries. It might be helpful, I think, if you want to talk about certification, but certainly not to do it until after the election actually occurs.

I guess what I am asking is what harm is there in waiting the 7 months?

Mr. SMITH. You have raised the three or four key issues that we have to wrestle with as we make our decision.

There are in fact a lot of people who hold that position, as we saw in the Washington Post's Saturday editorial. The administration has not taken a position one way or the other. Let me make that clear. At the same time, let me try to give you the considerations on the other side without expressing an official view, but my personal view as to what the arguments are.

In the first place I think there is a basic question of equity and a question of changing the rules of the game. The question of equity is this. The Congress passed legislation and it is now law which says: We are to withhold arm sales until there are significant human rights improvements. When I was down in Argentina, they said to me:

Good Lord, what do you want? We are going back to civilian government. We have let out two-thirds of the political prisoners. We will let the rest of them out this year. We haven't disappeared anybody in two years. We are not picking up people on the old pen prisoner charges.

What do we have to do to show progress. Aren't you guys changing the rules of the game? You said that if the human rights situation improved in Argentina, then the President would certify, and then you could decide whether to give arm sales or not. Now, we hear that there is some other reason why you don't want to do it. Isn't that changing the rules of the game? What is fair?

A lot of people have supported the concept, although it is a controversial one, of country-specific legislation. But it clearly has a danger. And the danger is that when you get ready to remove it, because it should be removed, suddenly it is enveloped in a mythology and becomes something much bigger than it is. Do we need that kind of burden in our foreign policy, We have enough complications.

Argentina is a very complicated place, and there is no question in anybody's mind who has studied it about the problems of establishing democracy. You should address this to the other people who will be testifying, outsiders who are more expert on Argentina than I am.

The military which has played a very important role in Argentina for the last 50 or 70 years will continue to play an important role in the national life of that country. Thus there is a major institutional actor, an actor which is very important to our national interests in terms of maintaining the peace in the Southern Cone, that won't talk to us now. Who says, "You guys are discriminating

against me. You don't have to sell me a lot of stuff because I bought it in Europe. But you ought to take the stigma away."

I think there is a legitimacy to not changing the rules in the game once they meet the human rights criteria and saying, "Well, we will just wait another 7 months," when those people, for their own reasons, have done what they feel they should do, now suffering the stigma of our not acting.

So it seems to me that not doing it carries it own connotations. We are dealing with a government that is in the process of returning to democracy. It is not an antidemocratic measure, I really don't believe so, sir.

Mr. GEJDENSON. I am sympathetic to what you are saying in a sense. I would think that on balance we could certainly get across to the leadership in Argentina that we are heading in that direction, that their arrival at a better human rights policy did not happen overnight, and that as we move toward certification, it will add that much more meaning as we enter democracy in Argentina.

I am not sure that if we don't create the image that the 7 months is so critical a waiting period, or a process to go through, that it will have to be interpreted in Argentina as we are still holding them up. We are heading in that direction. They have gone in a very good direction, and one that I think has broad support in this country. Our foreign policy doesn't occur in a vacuum either. Other actions going on throughout the region might give us some pause as well.

INFORMATION TO THE FAMILIES OF REDISAPPEARED

Let me just ask you this. In the country reports on Human Rights Practices, 1982, the State Department mentions as an example of improving human rights that the families of the 1,450 disappeared have gotten information from the Government, and there was some question as to whether this is happening.

Mr. SMITH. Let me try to deal with that. Clearly this whole question of disappeared people is one of the most tragic and troubling questions we have to confront in deciding what we are going to do about Argentina. They went through a period in the 1970's which was a very grim period.

I think the assumption on the part of many observers is that most of the people who disappeared, in fact, are dead and have been dead for some time. It is an issue which is a very volatile one for both sides in the redemocratization process. To many people who have relatives who were killed, without getting into the merits of the war against subversion in Argentina, it is clear that it is a highly sensitive issue.

What has happened? Nobody is being "disappeared" today. Nobody has disappeared in Argentina for 2 years. We are not talking now about the process of having people yanked out in the middle of the night and shot.

We are talking about something different, which is how do you deal with what went on a few years ago. The requirement in our legislation talks about progress, the Argentine Government's progress in informing families of the "disappeared."

Our requirement is that we consider the government's efforts to tell people in effect who is dead and who isn't, and to the extent possible what has happened with the disappeared. This is by its very nature an issue that is not susceptible to hard numbers.

We don't have a list of who died when and under what circumstances. Nor do we have a list of the 1,426 people that the Government told us last November had been officially told what had happened to the disappeared family members.

It is not something that anybody can prove mathematically. It is a very contentious issue. It is a very tragic issue. It is one that the Argentine society and body politic will have to deal with—the question of accountability for the people who died over the last few years in this battle against subversion down there.

Mr. GEJDENSON. I guess the information that we have is that almost of the human rights groups have any substantial record of people being informed of the status of relatives. Maybe if you could get that to us after the hearing, to try to give us a sense that something is being done there, not even so much in the context of certification, but just something for the families.

ARGENTINE NUCLEAR CAPABILITY

Let me ask you just on some other issues as long as we have got you sort of in the hot seat. What is the status of the Argentines with respect to nuclear weaponry. Is there any information on the diversion of nuclear power technology or uranium towards nuclear weapons?

Mr. SMITH. This is one question I will read my answer to because it is both technical and an area where we want to be very precise.

We have no indication that Argentine is undertaking to build an atomic bomb or any other nuclear explosive device. Argentina has publicly stated on many occasions that while it reserves its legal right to develop nuclear explosive devices for peaceful purposes, it has no present intention of doing this. Moreover, Argentina certainly realizes that any such action could touch off regional nuclear competition and would have other serious repercussions.

On a purely technical level, Argentina has the most advanced nuclear program in Latin America and has a strong general, industrial, scientific, and technological base to its economy. As with other countries that account for the level of scientific and industrial advancement, it could probably develop a nuclear explosive device if a political decision were made to do so, although this would undoubtedly require a number of years.

Mr. GEJDENSON. Before I give that to counsel, my personal interpretation is that they can do it if they want to. We have no evidence that they want to at the moment, but it might take some time if they decided to.

Mr. SMITH. Yes.

Mr. GEJDENSON. Let me yield to Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I want to commend you for your straightforward and responsive answers to the questions and for the quality of your statements. I very much appreciate that.

I would have asked the same question as Mr. Gejdenson, what is the harm in waiting. I appreciate the thoughtful reply and some of the telling points that you made.

I think in some ways it is probably unfortunate that this hearing is being held. I understand, and certainly recommend, increased oversight as a matter of foreign policy by this committee, but whether stimulated by this particular article, or for whatever reasons, I say it is perhaps too bad in that it seems to me that addressing the question of certification is an issue, particularly since it wasn't raised with you in meetings down there as a high priority or even a priority item, that this should suffer from benign neglect here for a period of time.

Mr. SMITH. I think we would all be happy if we were not in public forum reviewing a decision that is to be made on a number of sensitive grounds.

Mr. BEREUTER. I understand what you have raised about the sense of equity and meeting the law. From what I have read, they have made sufficient progress to be certified, but it is an issue that I think, perhaps, it is unfortunate that we are raising now. It should have been neglected for some months until after the election in my judgment. I would have preferred it, frankly.

Maybe what should be said, since we are now here and convened, is that this subcommittee ought to commend the Argentine Government for the progress they have made in this period of time. It might even be a challenge, but it is one I probably won't address because I am afraid of the outcome, to see if my colleagues in the full House would be unbiased enough to say in a resolution.

I am pleased to hear what you said about the lack of evidence of any interest in purchasing Soviet weaponry, that is very encouraging. I would hate to see the United States make the mistake that was made some years ago with respect to Peru. I would hate to see it redone in Argentina.

As I visited Peru in January 1981, I saw very vivid evidence of hundreds of Soviet technicians in Peru, which are still there, landed in airfields that has the radar run by Soviet technicians even in outlying portions of the country.

When I visited there, I saw a democratically elected government, pro-American, with pro-American people all around the President there, but captive to the repairs of the Soviet-made weaponry that dominates their air force in particular, but also their army.

We see the deterioration in relationships between the United States and the officers of the army and air force down there. We have a pro-U.S. navy, apparently, in Peru, but the same could not necessarily be said of the other two services.

So I would hope that we do nothing that would move us in that direction. I would hope, frankly, that this issue could be neglected, even if unfairly, for a period of time until there is evidence that it cannot be neglected, until a discrete period after the elections are held.

I would ask if you have anything to say further about relationships among the Southern Cone countries that might be affected by this certification or noncertification. You mentioned the Beagle Islands, is there anything beyond that?

Mr. SMITH. No, sir, because I think once we know for sure how we are going, it is much easier to address this. We are up here talking about it, and we have a number of potential options before us as to how to certify one country or two countries, or to do it phased, or to have some relationships.

There are various ways in which one can conceive of trying to help deal with the question of the military and political rivalry between countries there. Without having come to a conclusion as to which makes the most sense from our standpoint, I would prefer to defer that until we have made the basic decision. But I agree it is a very important consideration, and it is very much in our thinking.

Mr. BEREUTER. Thank you very, Mr. Chairman.

Mr. GEJDENSON. Thank you.

The gentleman from Nevada.

Mr. REID. Thank you, Mr. Chairman.

One of the questions that I have is. You mentioned a number of times the word "redemocratization" of Argentina. Knowing the little bit that I do about Argentina, was it ever a democracy?

Mr. SMITH. I think what we could do is give a list of sort of how many elections they have had.

[The material referred to follows:]

Question. Explain what is meant by the redemocratization of Argentina? Was Argentina ever a democracy?

Answer. Since 1945, Argentina has held six national electons. During this period, there have been several exchanges of executive power between elected and de facto governments. Few question the fairness or representative nature of elections when all major political parties were allowed to participate. As noted below, on several occasions members of the Peronist Party were barred from participations in the elections or from holding national executive office. Below is a chronology of the major changes in government in Argentina since 1945:

1946—Juan Domingo Peron elected President in free elections.

1952—Peron reelected President.

1955—A military coup ousted Peron.

1958—Arturo Frondizi elected President; Peronists barred from participation in the elections.

1962—Frondizi deposed by the military; Jose Maria Guido served as provisional president.

1963—Arturo Illia elected President; Peronists barred from presenting candidates for executive offices.

1966—Illia toppled by a military coup.

1973—Hector Campora, a Peronist supporter, was elected President when Peron was prevented from running. Campora resigned less than 2 months after taking office, paving the way for the election of Juan Peron as President. In 1974, Peron died and was succeeded by the Vice President Isabel Peron.

1976—A military coup removed Mrs. Peron. Argentina governed by a military junta which named four successive presidents, the last being the current President, retired General Reynaldo Bignone.

1982/83—The military junta announced national elections on November 30, 1983 and the return to elected government on January 30, 1984.

Mr. REID. That is one of the concerns I have had. Over the past couple of decades, Argentina has had six or seven different types of government. They had a civilian government for a while, and then military.

My question is, is this just another attempt to look good? What assurance do we have that this really is a valid election and everybody will be able to participate.

You know, it is very nice to be in a forum like we are in today, because in the last few hearings we have had, we were talking

about people being murdered and not knowing where they are. Now we have come a step forward. We have acknowledged that they have been murdered, and now we are trying to figure out if we are going to tell their relatives when they did and that type of thing.

I guess my question is, and I will repeat it, is Argentina for real? Are they really making progress toward having a type of democracy that would be comparable to some of their European counterparts which I understand the country looks like a European country anyway?

Mr. SMITH. It sure does.

I will try to answer the question. I think two of the other witnesses are infinitely better prepared to do that because they are scholars on Argentina, and some of their papers address this question.

There are experts on Argentina who maintain that the real system there, involves a rotation between civilian and military governments, that is one of many theories. I don't consider that inevitable. We expect that the elections that will occur this year are going to be honest, open, normal elections, and that you will have a valid process.

The issues that arise in Central America with regard to participation in the electoral process, so far as I know, do not arise in Argentina. For example, the Communist Party held recently an open rally attended by 10,000 people. They may wind up a 0.5 percent of the vote, or whatever it is. But there are a number of political parties that will be contesting strongly after a 6-year hiatus of not having been in politics. It is going to be a very interesting, dynamic, unpredictable period. But I think that that is healthy. I think that it is what democracy is all about.

I really would rather defer to the people know more about Argentina and its systemic aspects to try to answer the basic question, will there be a military government in the future down there?

Mr. REID. Thank you, Mr. Chairman, I have no further questions.

Mr. GEJDENSON. Unless there are further questions, I will thank you for coming before the subcommittee today. It is refreshing from some of the battles we have had of late with State Department witnesses. I think, even though there may be disagreement, in this case I think not tremendously significant for the moment, that tone is helpful to the process of government in this country.

The only thing that I would ask is that prior to any public decision on certification, that you get back to this subcommittee and its chairman in particular, Chairman Barnes, on any decisions in that area.

Mr. SMITH. Thank you very much, I appreciate that. We will certainly continue our discussions with the chairman.

Mr. GEJDENSON. Thank you.

Next we have Aryeh Neier, executive director of America's Watch; Gary Wynia, professor of Political Science, University of Minnesota; and Mark Falcoff, resident fellow, American Enterprise Institute.

We will start with Mr. Wynia.

STATEMENT OF GARY W. WYNIA, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF MINNESOTA

Mr. WYNIA. Thank you. I appreciate the opportunity to be with you and share some thoughts about the issue before this committee.

In reviewing the issue of certification, I think it is useful to step back and look at some of our past perceptions of Argentina, what is happening today, whether or not we are improving our understanding and, is so, how we are doing it.

We all know that very little good comes from war, and the recent one between Argentina and Great Britain was no exception. But the war did, hopefully accomplish one thing, namely, calling into question the administration's shortsighted and badly damaged Argentine policy.

Its approach to Latin America placed the highest priority on gaining advantages in the East-West struggle. Among other things, it tried to forge alliances with Latin American governments of like mind that were willing to assist in the suppression of forces thought to be hostile to U.S. interests or favorable to those of the Soviet Union.

REAGAN ADMINISTRATION EMBRACING ARGENTINE MILITARY

Starting in 1981, Argentina was to become a major contributor to this effort. Normally reluctant to assist in the execution of any U.S. plan for the hemisphere, the Argentine forces were delighted by the election of an American President who embraced them enthusiastically, as we all know. In return they promised to assist the United States in Central America and elsewhere.

The alliance, however, proved to be a very shallow one. Had the Falklands war not undermined it, the forces at work within Argentina's political process no doubt would have done so, for it was based more on wishful thinking about Argentina than an accurate understanding of how politically insecure the Argentine military was.

You see, most of the Argentine public had never shared the military's enthusiasm for the new alliance with the United States. Argentine political party leaders resented the generals increasing their responsibility for the region's defense, and they viewed the alliance as primarily an attempt by the military to bolster its claim to a strategic mission, giving them another excuse for treating their domestic opponents as threats to the nation, rather than legitimate critics.

IMPETUS FOR ARGENTINE INVASION OF FALKLANDS

The Junta was desperate to justify its ignoring civilian demands for the immediate restoration of constitutional rule, especially after its economic program began to collapse back in 1981. New external obligations gave them one way of dealing with this problem until the Falklands invasion provided another.

As we all know, the war backfired in large part because of the Junta's many miscalculations, which I will not go into here. But the Argentine people—and this is what we have to pay close atten-

tion to—emerged from the war confused, demoralized and quite bitter, eager to blame others for their fate. Disgust for their military's conduct was common, and the denial of any means of punishing officers for their misconduct only increased public frustration.

Much of Argentina's wrath was directed at the British and their American allies, no doubt in part because of the need for scapegoats, but also because the Argentines are convinced that the United States came to the aid of Great Britain with fuel and other supplies critical to its victory.

UNITED STATES-ARGENTINE RELATIONS IN THE AFTERMATH OF THE FALKLANDS

Nonetheless, I don't think that we need to despair about United States-Argentine relations. Bitterness will linger for some time to come. But the war and the Argentine defeat, along with U.S. contributions to it, will not lead, I believe, to an Argentine retreat into isolation from the United States or from Western Europe, primarily because Argentine economic dependence, for better or worse, dictates their cooperation with the major capitalist nations.

In sum, the time for wishful thinking about an alliance with the Argentine Armed Forces, is over. Argentina must be dealt with as it is rather than as American strategists would like to pretend it is going to be.

Hopefully, the Falkland catastrophy has made it clear that Argentina cannot be made to serve as an instrument of U.S. foreign policy. Instead, it should be regarded as a nation without any national enmity toward the United States, but also as one that will be an unreliable ally as long as its domestic politics are plagued by deep divisions that make consistent policy unattainable.

Where do we go from here?

I think American officials should give up any hope of enlisting the Argentine military to help them achieve their strategic objectives elsewhere within the hemisphere. I am not sure they have done so yet. But clearly little will be gained from such an alliance now.

Second, the U.S. Government should do nothing to discourage the restoration of civilian rule no matter how removed from the center stage American acts might seem to be. New civilian governments may not comply with American wishes, but they offer the only route to a humane, civilized political life for this very troubled nation.

RETURN TO DEMOCRACY

Two weeks ago, Argentine President Bignone, issued a long awaited call for elections. If all goes according to plan, the Peronist, Radical, and other political parties will compete for national and provincial offices later this year.

The decision to hold elections does not, however, guarantee that they will occur. The transition to constitutional government is a very delicate process that is plagued by the many pitfalls that haunt civil/military relations in Argentina.

Fearful of reprisals by their civilian successors, and weakened currently by divisions within their own ranks, the Argentine officers are entering the process very warily, still occasionally violating press freedom, closing publications, and threatening outspoken critics with persecution. Even if the arrests are not made, the threat is still there.

We should want to improve relations with Argentina, but I think it is unwise to let this legitimate desire to cause us to assume that certification and arm sales will be an effective means for doing so.

Arm sales have not and will not induce the Argentine armed forces to relinquish their political control. Certainly, they want the stigma of human rights abuses removed, but you have to remember that they also want complete amnesty for their past deeds.

Human rights certification will be used by the military in its effort to justify its demands for amnesty from its elected successor. We should, however, do nothing to help them make their case internally, for it is for the Argentines to decide whether or not any reprisals are justified and not for us to exert any influence over that decision.

If certification and arm sales cause any political consequences, it will be, I think, to disturb or perhaps alienate a new generation of civilian politicians, even if it is not the highest thing on their current lists of priorities as Mr. Smith has informed us.

Consequently, I urge that we leave it to the constitutional government elected in October to request, if it wishes, certification and the purchase of weapons in the United States.

Now that a date has been set for elections we need to show our respect for the candidates and their right to set policy by waiting until their inauguration before addressing the issue of certification and arm sales.

In conclusion, the time has come for U.S. officials to be spectators, lending their verbal support to the restoration of constitutional rule, while watching the Argentine people achieve their own goals in their own ways. Then, once a legitimate government has been selected, we should do all we can do build a healthy and realistic relationship between our two nations.

Thank you very much.

[Mr. Wynia's prepared statement follows:]

Prepared Statement of Gary W. Wynia, Professor of Political Science, University of Minnesota

Introduction

Argentina has seldom attracted much attention in the United States. But that is hardly surprising, given its location, cultural ties to Europe, and disinterest in being the object of American concern. That changed suddenly on April 2, 1982, when the Argentine army landed on the Falkland/Malvinas Islands, beginning a tragic saga that was reported episode by episode to a baffled world until it ended in Argentina's humiliating defeat by the British armed forces three months later.

Bewilderment about Argentine behavior is nothing new. The country has always been inexplicable to most, a nation endowed with substantial natural wealth and human capital, but one persistently plagued by economic emergencies and political debacles. Yet, even now only the most defeatist write off Argentina as unsalvagable, for beneath the veneer of apparent self-destructiveness there lives a sophisticated people known for their ability to survive in relative comfort while constantly flirting with disaster. Whatever their adversities, few Argentines have suffered the deprivations common to Bolivians, Peruvians, and Guatemalans.

Argentina is economically troubled and politically divided today, just as it was before the Falklands/Malvinas war. In 1976 the nation's armed forces took control of a nation shocked by terrorism and economic disorder. They persecuted suspected terrorists along with anyone else who resisted their authority, promising to maintain order, restore economic confidence, and then supervise the creation of some form of constitutional government. But after seven difficult years it became clear that they had failed, and that Argentines longed for a government of their own choice whatever the risks.

U.S officials should make a special effort to assess the forces at work within Argentina carefully and realistically as they respond to events in the months ahead. If they do not, they will undoubtedly repeat many of the embarrassing errors they made during 1981 and 1982. The Falklands/Malvinas war and its interruption of Argentine-U.S. cooperation has given American leaders an unexpected opportunity to start anew, putting the lessons learned in 1982 to work in the formulation of policies more in line with the interests of the citizens of both countries.

History

If anything characterizes Argentine politics, it is the military's habit of evicting civilian presidents only to allow them back into office some years later. After the turn of the century the middle class Radical party rose to challenge the conservative oligarchy's monopoly of public office. But in 1930, after fourteen years of Radical party rule, the oligarchs brought the democratic experiment to a halt, evicting the Radicals in the midst of the world depression with the help of the military. Nothing has occurred since to break the habit of military intervention. What did change later was the primary source of political division within the nation. In 1943 nationalistic officers turned against the oligarchs, evicting them from office and allowing free elections two years later. Little was the same afterwords. General Juan Domingo Peron was elected president in 1945, ruled for a decade, was overthrown and fled into exile in 1955, returned to become the country's president again in 1973, and died one year later. Built primarily on the shoulders of organized labor and the urban poor, the Peronist movement counts from forty to sixty percent of the Argentine

electorate within its constituency. Though lacking organizational coherence, the Peronist movement is unified by its members' determination to monopolize political authority.

Whether to allow the Peronists to govern has been the major preoccupation of an Argentine military that turned against Peron in 1955. Three men were elected president after 1955. Radicals Arturo Frondizi in 1958 and Arturo Illia in 1963, in contests from which Peronist candidates were excluded, and Juan Peron in 1973. None completed his term. Frondizi and Illia were removed by the armed forces not long after each had let the Peronists compete in congressional elections, and Peron died two years before his wife and successor Isabel was deposed by the military.

Political divisions are reinforced by intense disputes over economic affairs. Disagreements over how to promote the nation's development have split political parties, businessmen, farmers, and labor leaders into two camps: nationalists who favor a highly protected industrial economy backed by an interventionist government, and internationalists who are convinced that protection is self-defeating, preferring instead that Argentines compete in unregulated national and international markets. Neither group has monopolized policy for long. Instead the country's economic direction has shifted frequently from determined efforts to achieve the objectives of one approach to equally intense campaigns to apply the dictates of the other. What results is an unstable, cyclical policy process that has taught enterprising Argentines to hedge their bets against inevitable shifts in official policy.

The most recent policy changes came when the military removed the

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Peronists in 1976. After Peron's death his movement was torn apart by bitter infighting; simultaneously the country's establishment was frightened by unprecedented terrorism and the economy was shaken by record inflation. The military's intervention surprised no one, though the brutality of their anti-terrorist campaign did. Once in place General Jorge Videla and the junta turned the direction of the economy over to civilians from the internationalist camp.

Minister of Economy Jose Martinez de Hoz's prime objective was to make Argentines live by the rules of the marketplace, securing their individual and corporate gains where the laws of supply and demand dictated. Specifically this involved the gradual opening of a highly protected economy to foreign competition, the reduction of state ownership and economic regulation, and the displacement of "weak" private firms by ones able to withstand price competition. Simultaneously, officials sought to reduce a rate of inflation that had soared to over 400 percent in 1976.

In early 1980 Argentine officials and their friends abroad boasted that despite some minor setbacks Martinez de Hoz had worked a miracle of sorts, eliminating price and wage controls, reducing tariffs substantially, lowering inflation to around 100 percent, and raising the country's dollar reserves, from $555 million in 1976 to $9 billion in 1979. But only a year later one was struck not by the government's achievements but by how quickly they had vanished. Economic crisis and investor and consumer despair, not order and growth, plagued the nation. Real GDP (Gross Domestic Product) fell by 6 percent and manufacturing by a whacking 14 percent in 1981. Nothing could have been more embarassing to an autocratic government that,

having eliminated the terrorist threat, justified its rule by claiming a unique capacity to restore prosperity to the nation.

Then came the invasion of the Falkland/Malvinas Islands, the European Common Market's five month blockade of trade with Argentina, Argentine defeat, and financial panic. Along with Martinez de Hoz's reliance on an overvalued exchange rate in 1979 and 1980, the world recession in 1981 and high interest rates abroad had caused the Argentine foreign debt to soar from $8 billion in 1975 to a record $37 billion at the time of the invasion. Simultaneously the Argentine peso collapsed, going from 2,400 pesos per U.S. dollar in early 1981 to 50,000 at the war's end. With the GDP declining by 7 percent in 1982, the postwar government was destitute and its creditors frightened by the possibility of massive defaults. As the year ended negotiations between the Argentine government and its creditors, and between both and the International Monetary Fund, seemed to be the last hope for getting the debt problem under control. But no one, either in the military or the political parties, forcast a speedy recovery for the Argentine economy, even under the best of circumstances.

Argentina's economic woes were accompanied by political problems with which the military proved unable to cope. They began as General Roberto Viola replaced President Videla as scheduled in March 1981. From the outset he contended with the rising protests of businessmen upset about the high cost of credit and the threat of foreign competition brought on by lower tariffs. Officials had anticipated that many of the weaker Argentine firms would go under as the economy was opened up, but the bankruptcy of some of the country's largest companies and the collapse of sixty financial

institutions during 1980 and 1981 was too much. At first, Viola acknowledged the protestors, promising to slow tariff reduction and provide subsidized credit to ease short-term debt burdens. He also sought to placate them by inviting delegates from entrepreneurial associations to assume posts in his cabinent. The result was not, however, a new unity but a divided cabinent that prohibited the formation of a coherent program.

The pleas of political party leaders for the restoration of competitive politics also haunted Viola. Though he and his predecessor had promised to create a constitutional government, neither was eager to take the first step. Taking advantage of the government's economic woes and rising editorial criticism of its competence, political party leaders, led by Peronists and Radicals, pressed for the adoption of a program leading to national elections within three years. Viola responded by meeting with individual leaders, recognizing the legitimacy of their pleas but refusing to concede to the demand for a restoration schedule. He knew that immediate concessions to the parties might provoke hard-line officers who still distrusted the parties, yet he also recognized that without the cooperation of these well entrenched organizations the creation of a legitimate government was impossible. Viola chose the middle-ground, but in doing so neither placated military hard-liners nor satisfied party leaders.

General Viola was forced into early retirement by a frustrated junta only eight months into his term. He was succeeded by General Leopoldo Galtieri who promised to get the economy's liberalization back on track, but before Galtieri's economics could be tested he launched the invasion, hoping that a swift victory would bring him and the armed forces the popularity and

power that had eluded them in the past. Instead, he took his nation to defeat and humiliation. And like the colleague he had removed eight months before, Galtieri was forced out, and General Reynaldo Bignone brought out of retirement to replace him. Desperate to prop up the collapsing regime Bignone promised elections and started the restoration process by announcing a new political parties statute in August 1982. Soon thereafter the Peronists, Radicals and other parties began registering their members and preparing the way for candidate selection, confident that they had the military on the run, yet quite aware that there was nothing inevitable about the restoration of constitutional government.

U.S.-Argentine Relations

Argentina and the United States have never been close diplomatically, but hostility between them has been minimal and infrequent. Only during World War II did Argentina assume a strategic importance to the United States, and then the U.S. was given no special access because Argentines claimed neutrality until just before the war ended. Until recently the two countries have gone their separate ways since neither required the help of the other to accomplish its primary foreign policy objectives.

Trade between the two countries is significant though not essential to the technology hungry Argentines as long as European and Japanese supplies are available. Many U.S. manufacturers have plants or outlets in Argentina, but Argentina is less important to most than either Brazil or Mexico. Of more importance to the Argentines is the fact that they compete with the United States in the international grain market. Since the late nineteenth century Argentines have depended on the sale of grain and beef to

finance the country's economic development. Today Argentina is the world's fifth largest exporter of grain, selling 10.1 million tons in 1980. Though industry accounts for a larger share of the gross national product than agriculture, reliance on grain exports remains quite high because it supplies the foreign exchange needed to purchase capital goods, technology, and raw materials essential to industry.

It was its dependence on the grain trade and not the Carter administration's human rights policy that led the Argentine government to ignore President Carter's call for a boycott of grain sales to the Soviet Union in 1979. Trade with the Soviet Union after its invasion of Afghanistan was never a matter of dispute in Argentina as it was in the United States. Despite the military regime's anti-communism at home it was compelled by economic self-interest to do business with the Russians. U.S. human rights policy was simply irrelevant to this decision. Only by guaranteeing Argentina the same size market could the U.S. have forced a reconsideration of its policy.

Argentina must trade with other communist countries as well. Again there is little that the U.S. can do. Argentina, for example, sells goods to Cuba. The exchange was begun by civilian presidents and is sustained by military ones who have repressed the political left in their own country. Argentine firms, including some that are American-owned, are eager to expand their markets in Cuba and Eastern Euorpe. Instead of discouraging them, the Argentine government, by following an economic policy that aimed at lowering production costs at home in order to increase sales abroad, tried to promote industrial exports. A central objective of post-1976 economic reform was to increase the country's competitive position. Tariffs were lowered and the

peso overvalued in order to reduce the cost of imported consumer goods which, in turn, were to induce Argentina industrialists to lower their costs and increase their efficiency, eventually leading to a cheaper product that was competitive in international markets. The strategy is not unique to Argentina, but because of years of protectionism and high labor costs, it has been more painful there. For it to work Argentina had to secure new markets abroad against stiff competition from countries like Taiwan, Korea, and Brazil which have been increasing their industrial exports for some time.

In their foreign relations Argentine leaders also have been guided by a tradition of independence from the major powers. This is most evident today in the country's nuclear energy policies. Argentines have refused to sign regional agreements aimed at limiting the proliferation of nuclear weapons. They argue that they have no intention of arming themselves with nuclear weapons but refuse to have their policies circumscribed by treaties with neighbors or the major powers. Traditionally, they have used foreign policy to gain a respect abroad that their domestic woes seemed to deny them. They are sophisticated people who believe they deserve better, and to appear to be little more than the instrument of a major power was thought to undermine their independence and with it their self-esteem.

And though U.S. officials might wish it were otherwise, the Argentine military is not dependent on the U.S. for its weapons or training. Obviously the armed forces welcome the opportunity to purchase sophisticated weapons from the United States, but this desire can seldom be used by American officials as leverage over the Argentine military establishment.

As in the past, they can purchase what they need from suppliers in Europe, Israel, and even Brazil, and they can manufacture much at home. The sale of arms to Argentina by the U.S. gains income for the American arms industry but little diplomatic leverage.

Finally, there is the issue of human rights. The Videla administration was singled out for criticism by President Carter, international organizations, and private groups for the way official and paramilitary forces seized, tortured, and killed the many citizens they accused of subversion. Disappearance and imprisonment are markedly reduced today but the government has not relinquished the power to seize anyone it wishes. It is this condition that makes human rights still a major issue in Argentina. The armed forces must also deal with the issue of the "missing ones", those seized since 1976 but still unidentified by the government. Demands for an accounting have grown during the past year and have le d to divisions within the military over how to deal with the issue. Some officers want to publish the names and close the books, but others fear that their publication would provoke hostility and retribution from the country's future leaders. For the time being the issue has been excluded from the presidential agenda.

The Reagan Admininstration tried to turn attention away from the issue of human rights, but it will not go away. In April, 1981, the issue returned to the front pages in the U.S. with the publication of exiled Argentine editor Jacobo Timerman's account of his imprisonmnet by the Videla adminstration. Timerman's moving tale, as well as his presence in the hearing room, gave human rights activists and congressmen an effective instrument in their successful efforts to block the appointment of Ernest

Lefever to the human rights post in the State Department. It also served as a reminder of the loss of human liberty under autocratic rule. Timerman indicted Argentine officers not only for their deprivation of his constitutional rights but also for their anti-semitism. The latter charge became the subject of intense controversy in Argentina as well as in the United States. Argentines acknowledge the presence of anti-semitism among some officers and paramilitary groups but disagree on the threat that it poses. Yet, whatever the truth, the fact that anti-semitism and human rights are still subject of debate in the country is enough to require that the U.S. government confront both issues directly and publicly.

Past U.S. Policy: An Exercise in Self-Defeat

Little good comes from war, and the battle between Argentines and the English over the Falklands/Malvinas Islands was no exception. It did, however, accomplish one thing: it brought to an end the short-sighted and self-defeating policies of the U.S. government. Their abrupt halt was certainly not welcomed by American officials; had there been no invasion and war, they would have been continued as long as conditions permitted.

Policy toward Argentina should aim at protecting U.S. security and promoting trade and other exchanges between the peoples of the two countries. How to achieve those ends is naturally a subject for dispute. Recent experience offers lessons that should inform the discussion in the months ahead. Should they be ignored, past mistakes will probably be repeated.

The Reagan administration's policy within the hemisphere was derived from its giving highest priority to the East-West struggle. To execute its

strategy it sought to forge alliances with Latin American governments of like mind who would assist in the suppression of forces considered hostile to U.S. interests and/or favorable to those of the Soviet Union. Argentina was to become a major contributor to the scheme.

Previously reluctant to assist in the execution of any U.S. plan for the hemisphere, the Argentine armed forces, bitter about having been castigated by President Carter for their brutality, welcomed the Reagan administration's shift in priorities. In return for the embrace given them by the new president, Argentine officers offered to assist the U.S. in Central America. Emboldened by their defeat of terrorists at home, they supplied technical assistance to their colleagues in Honduras and El Salvador in 1981. They also listened sympathetically to U.S. requests for collaboration in increasing U.S. military presence in the South Atlantic, possibly through American use of Argentine naval or air facilities.

In their eagerness to take advantage of Argentina's sudden receptiveness to their plans, American officials lost sight of the superficiality of the entire arrangement. Had the war with the English not undermined the American initiatives, the forces at work within the Argentine political process no doubt would have done so, for the entire effort was based more on wishful thinking about Argentine sympathy for the administration's program than on an accurate understanding of how fickle the military would be as a result of its precarious position within Argentina. More specifically, U.S. policy can be faulted for its inappropriateness, its unattainability, and its perverse political consequences.

First, its inappropriateness. A notable example was the decision to

seek an agreement aimed at the use of a military facility in the South Atlantic. What would the U.S. gain from such a base, or even from the close cooperation of the Argentine navy and air force along the country's southern coast? Very little, it seems. The most critical sea lanes in the area are on the eastern side of the Atlantic, out of reach of the Argentine navy and air force with their limited refueling capabilities. Moreover, given their intense nationalism, it is doubtful that Argentine officers would have tolerated the construction of a large U.S.-controlled facility. A small base, on the other hand, would at best only give the U.S. military a symbolic presence that would do little to deter the Soviets or other U.S. rivals, but much to irritate the proudly independent Argentine people.

U.S. goals were also unattainable, even had there been no war. One should not be deluded by the appearance of Argentine enthusiasm for the Reagan Adminstration's initiatives. Undoubtedly the junta was relieved by the cessation of the Carter human rights policies. Their sudden friendliness cannot be explained from a bilateral perspective, however. The U.S. initiative came at an unusual time in Argentina, one in which the contenders for power, both military and civilian, were trying to use their recognition by foreign government, business, and academic leaders to reinforce their importance and legitimacy internally. This is rather ironic given the country's tradition of independence from foreigners, but it is not really that strange. Foreign authorities became minor instruments in an internal struggle. This is why Peronist leaders as well as junta members were visiting the United States and making speeches wherever they were invited, from the Council of the Americas to the Harvard Center for

International Affairs. Eventually they discovered the diminishing returns of such visits; meanwhile many Americans mistook their actions as evidence that the U.S. had suddenly risen high in Argentine esteem.

Argentina's relationship with the United States also aided its military's defense of its extravagent consumption of resources. Even by Latin American standards, it was gorging itself with weapons acquisitions, subsidies to military run public enterprises, and additional fringe benefits. After 1976 the regime's fiscally conservative civilians had met with no success in halting the growth in military expenditures, but Galtieri's new Minister of Economy, Roberto Alemann, extracted his pledge to accept substantial cuts in the military budget in 1982. As they often do, the service chiefs cried foul, claiming that their increased foreign obligations, ranging from defending the country against possible invasion from Chile to working closely with the United States in the South Atlantic, prevented their compliance.

Last and certainly not least were the adverse political consequences of U.S. policy. The Argentine public did not share Viola and Galtieri's enthusiams for the Reagan adminstration and its objectives in the region. Political party leaders in particular resented both presidents' attempts to gain credibility outside the country at a time when their power was declining at home. But by reinforcing the military's claim of a strategic mission, the U.S. government gave the Argentine presidents another excuse for treating their civilian opponents as threats to the nation's defense rather than as the legitimate critics that they were. Increasingly at a disadvantage because of the economy's decline, the junta was desperate in

1982 to justifiy its ignoring civilian demands for the immediate restoration of constitutional rule. New external obligations gave them one way of doing so until the invasion of the Falklands (Malvinas) provided another.

The Falklands Invasion

Predictably, it was the belligerent Argentine generals and not the Administration's congressional critics who forced it to face reality and recognize the naivete of its belief in Argentine dedication to its agenda for the hemisphere. On April 2, 1982, Argentine armed forces invaded the Falkland (Malvinas) Islands taking possession of the British ruled territory over which they had claimed sovereignty since the British navy occupied it in 1833. None, except perhaps the British foreign Secretary, were more startled and confused by the Argentines' boldness than its friends in the Reagan administration.

Since 1966 when United Nations Resolution 2065 had instructed the Argentines and the British to decolonize the islands, the two countries' diplomats had failed repeatedly to resolve differences between Argentina's claim of complete sovereignty over the islands and the Falklands' 1,800 British citizen-residents' demand that the territory remain under British rule. Argentine governments had threatened invasion in the past but seldom had been taken seriously by procrastinating British governments who did not want to risk the domestic political consequences of islander protests against turning the territory over to the Argentines. When the invasion finally was launched, not even the persuasive power of President Reagan, in a last minute phone call to Argentine President Galtieri, could hold back the Argentine armed forces.

Refusing to reward the invaders by acquiescing to their conquest, the Thatcher government sent its fleet to the South Atlantic, hoping to combine military force with hard bargaining in order to secure the eviction of the Argentine troops and the renewal of negotiations over the fate of the islands and their residents. However, when the conflict proved irresolvable through negotiations, a very disappointed U.S. government found itself in the midst of a war between a trusted old ally and an unreliable new one.

U.S. policy-makers can learn a great deal from careful study of the invasion and its aftermath. The most obvious one is how a desperate military regime can easily misinterpret the intent of a superficial friendship constructed hastily by a new U.S. president. Argentina's claim on the islands is a relevant one that merited a more sincere effort to resolve the matter than was given by Labor and Conservative governments in Britain during the 1970s and early 1980s. It is also a popular cause embraced by every Argentine from childhood, and to which civilians and military are equally committed. But the decision to invade in April was motivated by more specific needs of the Galtieri administration. Some were largely internal. Foremost was Galtieri's need to diffuse rapidly rising public protests against economic austerity. Mass demonstrations against the government, unknown since it took power in 1976, rocked it one week before the invasion. Argentine officers and technocrats were also interested in offshore drilling rights, convinced that petroleum will be found near the islands. And it is conceivable that some officers welcomed it as a means of resisting Minister of Economy Alemann's attempt to reduce the military budget.

It is on the external front, however, that Galtieri made his most costly miscalculations, some of which were encouraged inadvertently by the Reagan administration's policies. When it invaded, the Argentine military was convinced that the world would accept its conquest as an accomplished fact. The Russians, dependent on Argentine grain, were expected to veto the predictable British sponsored U.N. Security Council resolution censuring Argentina for the invasion; instead the Russians abstained. The third world countries were supposed to cheer Argentina's attack on colonialism; however, most of them, plagued by their own border disputes, gave only token support. Great Britain, deep in an economic crisis, was expected to scream loudly but reluctantly accept its fate. And finally, the Argentines' North American ally, though publicly displeased, was to work behind the scenes to calm the British and discourage its European friends from taking reprisals against Argentina. Not suprisingly, Argentina's politically insecure but belligerent military leaders assumed that in exchange for their enthusiastic contributions to U.S. security in Central America, they had earned U.S. toleration of their regional strategic claims, even if their actions were distasteful to a U.S. ally. Here, too, they miscalculated, though it is easy to understand why, given the Reagan Administration's persistent public defense of the Argentine generals.

The invasion should also remind Americans of what unreliable allies Argentina's military rulers can be. The armed forces govern a nation that resents their methods and their inability to learn from their mistakes. Moreover, the Argentine junta was never really committed to the Reagan administration's anti-Soviet objectives, for though they were anti-communist

at home, they needed the Soviet grain market for economic survival. The foreign exchange and financial crises they faced after the war only increased their dependence. This does not mean that the Argentines will ally themselves militarily with the Soviets, as some were predicting when U.S.-Argentine relations turned sour during the war. What it does mean is that when matters within Argentina necessitate nationalistic adventures disapproved by the United States, the Argentine military will take them. In short, Argentines are not natural enemies of the United States, but neither are they about to be close allies, especially when governed by officers who have no means to sustain their authority other than physical force and emotional nationalism.

The Political Future

It is essential that one distinguish between what is transient and what is enduring in Argentine politics. This is especially so at a time when Argentines are trying to chart a course leading to the restoration of constitutional rule that will neither be smooth nor guaranteed of success.

Argentine politics have never been simple. The military does not view itself as the ally of a small rural oligarchy, but as the restorer of order and discipline to a society plagued by political conflict. They have been frustrated by civilian politicians, frightened by terrorists, and are tired of the country's economic troubles. But their approach to the nation's governance has proven too rigid, cruel, and simplistic. Convinced that competitive politics is destructive, they believe that it is their duty to offer something else. Yet repeatedly they have been forced to face the fact that they cannot ruthlessly wipe the slate clean and start anew. Sooner or

later disappointed service commanders always discover the impossibility of their task, and make their way to the nearest exit, albeit temporarily. The Argentine regime created in 1976 has endured longer than its predecessors, but its rule has been more disastrous to the country and embarassing to the military itself than those of its predecessors.

The principle opponents of military rule within Argentina today are not terrorists, but the political parties which have governed the country during the past thirty years. In 1976 Argentine party leaders accepted the need to defeat terrorism militarily; they knew that they had as much to lose from a terrorist victory as did the military. But they parted company with President Videla when repression was extended to party leaders, journalists, and many others who had no association with terrorism. Nevertheless, parties like the Peronists and Radicals had little choice but to wait until the military undermined itself before reasserting themselves in 1981. When they did, they were ready to engage once again in the familiar but precarious game of negotiating the military's withdrawal from office.

Argentine political parties must share some of the blame for the country's economic and political condition. They and the military, along with labor leaders, businessmen and farmers, are intense competitors and each has contributed to the country's malaise. But the parties do remain a major force and will not go away, as the armed forces repeatedly discover. In June, 1981, the five largest parties, led by the Peronists and Radicals, formed a united front dedicated to persuading the president to restore constitutional rule following a schedule leading to open elections in 1984. Six months later they took the unprecedented step of issuing a declaration

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of principles, promising a moderate course in economic and social policy once the constitution is reinstated. A move toward unity that might seem normal in most democracies was a major achievement in Argentina. Peronist and non-Peronist political parties, long bitter rivals, had at last discovered the virtues of a common agenda and the necessity of working with rather than against each other. Anything less, they now acknowledge, would be self-defeating.

It is the survival of the political parties that made the Reagan administration's approach to Argentine politics appear so deficient and its initiatives so inopportune. Ambassador Jeane Kirkpatrick's visit to Buenos Aires in 1981 was just one of many examples of this. By refusing to talk with party leaders who were already discussing their views with Argentine government officials and the staff of the U.S. Embassy, she conveyed a message of American opposition to them even if it was not intended. This behavior is strange, especially when it comes from a U.S. official who has argued so intensely for recognition of the fact that one of the attributes that distinguishes an authoritarian government like Argentina's from a totalitarian one like Cuba's is the ability of the former to achieve the coveted goal of redemocratization.

Nothing conveyed the growth of opposition to military rule better than the criticism expressed by the leadership of the Roman Catholic hierarchy. The traditionally conservative Church leaders had tacitly supported the Videla government in 1976. Their support was withdrawn five years later when they publicly called for the restoration of democratic government and the rule of law. One might accuse the political parties of being motivated

by nothing more than narrow self-interest in their drive to restore constitutional rule, but this is hardly true of the clergy. In July, 1981 Church leaders called for national reconciliation and in December held a much publicized meeting with the parties in the national front. The message that the bishops sent the military was clear: the war against terrorism was over and the time had come to allow other Argentine patriots to govern the nation.

The Argentine people emerged from the war confused, demoralized, and bitter, eager to blame others for their fate. Disgust with their military's conduct was common and the denial of any means for punishing them for their misdeeds only increased public frustration. Much of the Argentines' wrath was directed at the English and their American allies, no doubt in part because of the need for scapegoats. But they were also convinced that the British victory was made posssible by American supplies of fuels and other materials. The necessity of American loyalty to its British ally was generally understood, but that did not make accepting the Reagan administration's abrupt shift in policy early in the conflict any easier to accept.

But despite a bitterness that will linger for some time to come, the impact of the war on Argentine diplomacy will not be as great as was feared at the war's end. Argentines have no choice but to maintain normal relations with the nations of Western Europe and the United States. Its unfortunate economic dependence and vulnerability dictates cooperation. To be sure, if elections are held, nationalistic rhetoric will be heard, and the new government, whether Peronist, Radical, or something else, will

reverse some policies, giving higher priority to protecting national enterprise against foreign competition and compensating those who suffered from economic liberalization. But it is no longer a simple matter, if it ever was, of Argentina versus the rest of the world. If current party platforms are to be believed, their leaders are aware of the nation's plight and recognize the limits it places on their nationalistic ambitions.

A New Realism

The time for wishful thinking is over. Argentina must be dealt with as it is rather than as American strategists would like it to be. Hopefully, the Falklands/Malvinas debacle has made that clear. Argentina cannot be made to serve as an instrument of U.S. foreign policy as was hoped a few years ago. It must be regarded as a nation without any natural enmity towards the United States but one that will be an unreliable ally as long as its domestic politics are plagued by deep divisions that make consistent policy impossible.

To begin with, American officials should give up hope of enlisting the Argentine military to help them achieve their strategic objectives elsewhere in the hemisphere. Clearly, little is gained from such adventures, and at worst they merely tie the United States to an insecure autocratic government that enjoys using its foreign obligations to justify the repression of its opponents at home. Second, the U.S. should do nothing to discourage the restoration of civilian rule, no matter how removed from the center stage U.S. acts might seem to be. Civilian governments may not prove to be compliant with American wishes, but they offer the only route to a humane, civilized political life for this troubled nation.

On February 28, 1983 Argentine President Reynaldo Bignone issued a long awaited call for national elections. If all goes according to plan, the Peronist, Radical, and other political parties will compete for . . national and state offices at the polls on October 30, 1983. Thus, seven years after taking over the Argentine armed forces, defeated on the battlefield, politically exhausted, and economically nonplused, decided that they had had enough, at least temporarily.

The decision to hold elections does not, however, guarantee that they will be held in October. The transition to constitutional government is a very delicate process inevitably plagued by the many pitfalls that haunt civil-military relations in Argentina. Fearful of reprisals against them by their civilian successors and weakened by division within their own ranks in the wake of war and defeat, the armed services enters the process warily, still violating press freedom s and threatening . outspoken critics with persecution. Whether or not it holds elections will be determined largely by the growth of its confidence in civilian candidates and the degree to which popular support for the elections makes their cancellation politically expensive for the military.

U.S. government assistance to the Argentine military at this time will do nothing to increase the probability that elections will occur.

If military aid has any effect politically, it will be to antagonize civilians and further alienate them from the United States. It will be the responsibility of the new constitutional government to accept or reject military assistance. Now that a a date has been set for the elections, candidates expect foreign governments to show them the respect of holding back on any new agreements until the new government has been inaugurated. It is in the interests of the United States to give them such respect.

The time has come for U.S. officials to become spectators who lend their verbal support to the restoration of constitutional government while watching the Argentine people achieve their own goals in their own way. Only after a legitimate government has been selected, can a healthy relationship between the two countries be achieved.

Mr. GEJDENSON. Thank you.
Mr. Neier.

STATEMENT OF ARYEH NEIER, EXECUTIVE DIRECTOR, AMERICAS WATCH

Mr. NEIER. Thank you, Mr. Chairman.

Mr. Chairman, I would like to submit my prepared statement for the record. In addition, I would like to submit for the record a report that has been compiled by the leading human rights research group in Argentina, the Center for Legal and Social Studies, headed by Dr. Emilio Mignone. This report is dated March 9, 1983, and it deals with human rights developments in Argentina during November and December 1982, and during January and February 1983.

Mr. GEJDENSON. Without objection.

Mr. NEIER. Then I would like to make a statement.

Mr. REID. Mr. Chairman, could I ask the staff to bring us a copy of that report when it comes in?

Mr. NEIER. I have copies available here. I have given one to the staff director already. I can make them available right now. They just arrived by plane from Buenos Aires.

Mr. REID. Thank you.

Mr. NEIER. I would like to comment just briefly on a few of the things that Mr. Smith said earlier.

CONDITIONS FOR CERTIFICATION HAVE NOT BEEN MET

First, Americas Watch opposes certification of Argentina. We disagree with Mr. Smith. He said that the Government of Argentina now complies with the law, that the conditions for certification have been met. We don't think that they have been met.

The conditions for certification, in addition to referring to significant progress or significant improvements in human rights, specify that the President shall consider specifically the question of an accounting for the disappeared and shall consider specifically the question of releasing or bringing to trial the people who have been held without charges under the national executive power.

NOTIFICATION TO FAMILIES OF DISAPPEARED

As to that first condition of certification, to the best of our knowledge, that has not been met. The first time that we encountered the figure of some 1,450 families allegedly notified as to what happened to their children, generally, was in the State Department's Country Reports for 1982.

We have discussed those Country Reports with Mr. Smith and other officials of the Department of State. We have heard questions to the Assistant Secretary of State for Human Rights about that figure from another congressional committee.

As far as we know, the State Department is simply saying that it got this information from the Embassy and it believes that this information came to the Embassy from the Argentine Government. We maintain very close contact with the human rights organizations in Argentina. Many of those organizations are made up of the

families of the disappeared. They all say that they haven't received any kind of notification.

Because we are highly skeptical of this claim in the Country Reports, Americas Watch has undertaken, in conjunction with the Center for Legal and Social Studies in Buenos Aires, to commission a study supervised by Argentine sociologists in which a random sample of the families of the disappeared are being questioned about information they might have received, or whether they received any information at all about the disappeared.

We anticipate that the results of that study will be available within a month. We will make it available to the Department of State and to the committee. So far as we know, nobody else has undertaken to make such a study, least of all the U.S. Embassy in Buenos Aires.

Therefore, given the extraordinary sensitivity of this issue, we think that it was probably irresponsible of the Department of State to include this specific figure in the Country Reports. It really doesn't have any way of knowing whether that figure is in fact true.

As you know, the question of an accounting for the disappeared is a central question in Argentine life. That figure was not known to the human rights groups in Argentina before it appeared in the Country Reports. Again, they don't give any credence to that figure.

Second, Mr. Smith said that nobody has disappeared in the past 2 years. First, if that were true, it would not be saying much. Klaus Barbie has just been returned to France to face trial. So far as I know he has not committed any murders in the last 38 or 39 years. Yet I would not be about to give him a certificate of merit for not having killed anybody recently, and I wouldn't give a certificate of merit to anyone who hasn't killed anybody for the last 2 years.

PRESENT GOVERNMENT CONSTITUTES THOSE RESPONSIBLE FOR DISAPPEARANCES

The same people are the Government of Argentina today as were the Government of Argentina at the time of the disappearances and murders. Specifically, the President of Argentina, General Bignone, was the deputy commander of a military base known as the Campo de Mayo during the period of the disappearances. The Campo de Mayo was the place where the largest concentration and extermination camp in Argentina operated.

General Nicolaides, who is the chief of the army in Argentina and a leading figure in the military junta, announced that he had taken care of a group that was captured in 1980, a group of people who all disappeared. One could go on to list the role in the disappearances of other leading members of this Argentine Government.

This is the same military government that has been in power since 1976. Chairman Barnes was accurate in suggesting that there is some rotation of office that takes place within the military government, but it is essentially the same military government.

RECENT CASES OF DISAPPEARANCES

It is not the case that there have been no disappearances within the past 2 years. In 1982, Ana Maria Martinez disappeared and subsequently her body was found. Marcelo Dupont disappeared and subsequently his body was found. Ricardo Haidar disappeared in December, his body has not been found. He has not been located.

In addition, there were a dozen or so temporary disappearances during 1982 with all of the earmarks of the disappearances of the 1976 to 1980 period. That is, people were abducted by groups of men in civilian clothes in unmarked cars, and subsequently turned up in the quarters of the security forces. In some instances, they had been tortured before they were released.

In addition to the disappearances there are many other very serious violations of human rights that continue in Argentina. The people who are still held in P.E.N. detention have been there now for 5, 6, or 7 years without charges. The continuation of their incarceration in and of itself would mark Argentina as a very serious violator of human rights.

Mr. Smith told us that at the end of 1982 there were some 243 persons who were still held without charges under P.E.N. detention. Some were released in early 1983, but a considerable number are still held. Until those persons are released, I don't think Argentina deserves its human rights certificate.

The state of siege continues in Argentina. My prepared testimony also cites torture. It cites the murder of a demonstrator in circumstances indicating that the security police were involved. It cites the closing of publications, including the largest circulation magazine in Argentina, and the temporary seizure of issues of publications. One could go on to cite additional human rights violations.

I think that Chairman Barnes articulated very well the undesirability of having the United States identify itself with a military regime that committed such serious abuses and that is so discredited and so despised within Argentina. There is nothing that I was able to discern in Mr. Smith's testimony that made a convincing case as to any interest of the United States that might be served by identifying itself with this discredited and despised military regime.

We do have the prospect of a democratic election later this year and of a civilian democratic government that would take office at the end of January of 1984. It will be time enough to consider certification when the democratic government takes office, when the state of siege has ended, and when there is compliance with the specific criteria for certification that the President must consider according to the foreign assistance law.

In conclusion, Mr. Chairman, I would like to endorse Chairman Barnes' stated decision to offer an amendment to the foreign aid bill. One shouldn't have to do that. One shouldn't have to say, it is the law and we really mean it, so we are going to pass another law. But I am afraid that this is sometimes the way that one has to go about things.

We already have section 502(b), and the certification law, and we may need yet another law—the kind of law the chairman spoke about—to make certain that the law indeed is obeyed.

Thank you.

[Mr. Neier's prepared statement and accompanying document follow:]

Prepared Statement of Aryeh Neier, Executive Director, Americas Watch

My name is Aryeh Neier, I am Vice Chairman of the Americas Watch Committee, Vice Chairman of its affiliate the Helsinki Watch Committee, and I am Adjunct Professor of Law at New York University. I appear today on behalf of the Americas Watch. As the Americas Watch is exclusively concerned with human rights, my testimony responds to the questions the Committee has posed insofar as they relate to human rights.

The Americas Watch believes that certification of Argentina is not warranted because Argentina has not complied with the human rights conditions of the Foreign Assistance Act of 1981. The law requires that, in determining whether to certify that there "is significant progress" on human rights, "among other things, the President shall consider:

1) efforts by the Government of Argentina to provide information on citizens identified as 'disappeared'; and
2) efforts by the Government of Argentina to release or bring to justice those prisoners held at the disposition of the National Executive Power (PEN)."

Members of this Committee are well aware, of course, that providing an accounting on the "disappeared" is a central question in Argentina today. The military forces that rule Argentina today and that have ruled Argentina since 1976 are those that made people disappear - that is, they abducted them, confined them in concentration camps, tortured

many of them, and murdered the great majority. The fact that additional disappearances take place comparatively infrequently today does not absolve the armed forces who rule Argentina today of their guilt for an estimated 20,000 disappearances between 1976 and 1980. To suggest otherwise would be equivalent to contending that Klaus Barbie should now receive a certificate of merit because the Butcher of Lyons has not murdered anyone lately.

The Americas Watch Committee maintains day-to-day contact with human rights organizations in Argentina. To the best of our knowledge, there has been no effort by the Government of Argentina to meet the first criterion that, under United States law, the President must consider in determining whether to certify Argentina. We are aware that the Department of State asserts in the Country Reports On Human Rights Practices For 1982 (p. 386) that the Argentine Government "is believed to have provided information to family members on the deaths and in some instances the location of the remains of the disappeared in about 1,450 cases." The Americas Watch has questioned the Department of State about the source of this information. To date, the only response we have been able to obtain is that this information was furnished by the U.S. Embassy in Buenos Aires. Similarly, Assistant Secretary of State Elliott Abrams was questioned about this at a recent hearing of a Congressional Committee and was only able to respond that the information was furnished by the Embassy. So far, the Department of State has been unable to answer our questions or the questions from members of Congress as to how the Embassy acquired this information.

Because the Americas Watch and the human rights organizations we are in touch with in Argentina are highly skeptical of this assertion in the Country Reports, we are now sponsoring a study under the supervision of Argentine sociologists in which the families of the disappeared are being questioned about whether they have received any information and, if so, what information. The results of that study should be available within a month. We will make the findings available to this Committee and to the Department of State. To our knowledge, no one else - least of all the U.S. Embassy in Buenos Aires - has conducted such an effort to determine whether families of the disappeared have received an accounting. The relatives of the disappeared who are active in the Mothers of the Plaza de Mayo, or the Grandmothers of the Plaza de Mayo, or the Commission of Relatives all say that they have not received an accounting. Accordingly, pending substantiation of the assertion in the Country Reports, it should be dismissed. Indeed, we suggest that it was highly irresponsible of the Department of State to include this statement on so sensitive an issue in the Country Reports at a time when officials in Washington could not say on what it was based.

The Country Reports for 1982 go on to assert (also at p. 386) that, "On September 29 the Minister of Interior publicly said the Government will continue to collect information about disappearance cases and provide it to relatives." This is a misstatement. The Minister of the Interior has actually only promised a "philosophical" explanation of the disappearances. There was no promise of an

accounting. Even this philosophical explanation has yet to be produced nearly six months after the date cited in the Country Reports. The Ministry also announced that it is planning an amnesty for security personnel - in effect attempting to shield them against judicial redress if and when an accounting is ever provided.

The handling of the entire question of disappearances in the State Department's Country Reports for 1982 is shoddy. It demonstrates an effort to lay the groundwork for a contention that the first criterion that the President must consider in determining whether to certify has been met. It has not been met. Accordingly, for this reason alone, certification would represent disregard for United States law.

The second criterion for certification specified under U.S. law has also not been met. Argentina continues to confine 500-600 political prisoners (it is difficult to provide exact figures as Argentina does not release the names of such prisoners and because shifting categories are used in public statements about numbers). More than one hundred prisoners continue to be held at the disposition of the National Executive Power without charges as they have been held for periods of five, six or seven years. In the view of the Americas Watch, all those imprisoned without charges for extended periods should be released before it is determined that Argentina has complied with the second criterion for certification that the President must consider.

In addition to these specific criteria that must be considered in measuring "significant progress" on human

rights, we note the following aspects of the current situation that should also be considered:

- Argentina continues to be governed under a state of siege. Important constitutional rights remain suspended; the government continues to assert the power to arrest and hold persons without charges; and over a thousand Argentines are required to remain in exile, prohibited from returning to their homeland by administrative fiat.
- temporary disappearances continue, bearing the earmarks of the disappearances of the period from 1976 to 1980 - that is, abductions by heavily armed men travelling in unmarked cars. When those abducted turn up, it is generally in facilities of the security forces. Some have been tortured. These temporary disappearances demonstrate the readiness of the armed forces to revert to the old practice.
- actual disappearances and killings after disappearances continue. In December, Ricardo Rene Haidar was abducted in Buenos Aires and remains "disappeared," perhaps dead. Earlier in 1982, Ana Maria Martinez

and Marcelo Dupont were murdered after disappearances such as took place from 1976 to 1980.

- freedom of expression is regularly attacked. Most recently the security forces have seized issues of the magazines Humor (which has the largest circulation in the country) and Quorum. One such seizure of Quorum took place just this week. The editor, Jose Palozzi, has now sought asylum in the Italian Embassy in Buenos Aires. In December, the offices of La Voz were bombed. Journalists - such as Richard Kessler who was detained and mistreated in December - continue to be harassed. Also in December, Damiro Flores was murdered while taking part in a demonstration. A security officer got out of a car occupied by three other security officers, walked over to him, and shot him point-blank.
- judicial independence has not been restored, as illustrated by the case of Judge Narvaiz, one of four federal district judges for Buenos Aires. After being threatened by General Lopes Dominguez if he pressed

for information on the death of prisoners under torture, Judge Narvaiz resigned in December and fled to Brazil. It is further illustrated by the refusal of the courts to deal with the discoveries of some 1,500 unmarked graves except as cases of illegal burials.

- torture continues. Less than two weeks ago, on March 4, two young Peronist activists were leaving an office of their political faction in the San Vicente suburb of Buenos Aires. Their motorcycle was run over by a Renault car on purpose. When they started to run, they were shot at repeatedly. One got away. The other, Luis Raffatella fled into a nearby house, was caught by the men in the Renault (who also shot and wounded an occupant of the house) blindfolded and taken to a place where he was tortured and interrogated about the Intransigencia faction of the Peronists. There was a doctor among the torturers. He was released the next morning showing serious signs of the mistreatment he endured.

Certification is not warranted because there has not been "significant progress" on human rights and because the statutory criteria for measuring progress have not been met. In addition it is contrary to the interests of the United States. It would identify the United States with a corrupt, brutal, incompetent, discredited and despised regime.

We emphasize again that the current military rulers - such as General Bignone, the President and General Nicolaides, the commander of the army - were themselves deeply implicated in the disappearances and murders of the period from 1976 to 1980. A principal aide to President Bignone, Colonel Minicucci, was himself the director of several concentration and extermination camps. It would shame the United States to award a certificate of merit to such persons.

As the Committee is aware, the restoration of civilian rule is promised for January. It is impossible for us to discern what interests of the United States would be served by certification at this time - rather than nine months from now - other than providing a sign of friendship to the hated military rulers of Argentina who committed thousands of murders. The United States can best aid the democratization process in Argentina by withholding certification until democratic rule is restored, the state of siege is ended and human rights are respected.

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HUMAN RIGHTS BULLETIN: NOVEMBER, 1982 - FEBRUARY, 1983

March 9, 1983

The following bulletin is intended to serve as an "update" on human rights in Argentina, and covers the months of November, December, of 1982, and January, February of 1983. The bulletin is published periodically in an effort to provide those working on Argentina outside of the country with detailed information.

INTRODUCTION

With a thoroughly discredited de facto government proposing to remain in power through October elections to the January 30, 1984 transfer of power to civilians, Argentina remains in a state of social, political and economic crisis.

As the economic disintigration occurs at an ever quickening rate, the Military Junta issues periodic declarations, cracking down on the press, human rights groups and certain politicians, all of which they say are involved in a "campaign to destabilize and discredit" the armed forces. Paralleling these statements is the continued operation of state security units in the repression and intimidation of the population.

At the official level, all constitutional rights remain suspended under the State of Seige which has been in effect for more than eight years. In recent months, magazines have been shut down, plays and films have been barred, and politicians have been warned to tone down their criticisms of the government. At the unofficial level, journalists continue to be threatened, as do human rights groups and political activists. Incidents of temporary disappearances, brutal beatings and and torture of political and non-political victims continued to occur.

Simultaneously, however, the last four months have brought about a hightened consciousness among the general population of the problem of the disappeared, which became inextricably linked to repression in other areas, not only political, but economic and cultural, as well.

The most apparent manifestation of this has been the series of anti-government rallies which have taken place recently, in which the slogans "Reappearance with life of the disappeared" and "Freedom for political prisoners" were central. In November, two human rights marches were held, one in Cordoba and another in the outskirts of Buenos Aires. On December 10, International Human Rights Day, the Mothers of the Plaza de Mayo organized a twenty four hour march in the name of the disappeared, in which over 10,000 people participated. On December 16, the coalition of the major parties called a protest march, which gathered over 100,000 people, shouting anti-military slogans, before the police repression dispersed crowds, killing one person.

In addition, demonstrations have sprung up in the outskirts of Buenos Aires and in the interior of the country, protesting tax hikes and the continued lay-off of workers by the big industries. Soccer matches, and rock concerts have even been transformed into political events that generally end with the crowds chanting "The military dictatorship is going to end," and "assassins, assassins."

Next on the agenda for the military government is the long-awaited "Report on the War Against Subversion," expected to be released at the end of March. According to press reports which cite high military sources, the publication will include four parts. Its release has been viewed by many politicians and Church leaders as a possible resolution to the thorny problem of the disappeared. However, virtually every major politician has declared their opposition to the amnesty for the military which will be included.

The report was initially rumored to include a list of the disappeared. Declarations made by former police chief, Ramon Camps, however, would seem to have made that impossible. Camps admitted that the armed forces had used terrorist tactics in fighting the subversion,and placed the number of disappeared at 8,000. At this point, then, press reports conclude that the first part of the document will consist of an explanation in ideological terms of the so-called "war against subversion." They say the issue of whether to mention the disappeared is still under debate.

The second part of the report will consist of an institutional act, in which the armed forces will assume responsibilty for all action taken during the so-called "war against subversion." The third section will be a self-amnesty for the military, making investigation and punishment of crimes of repression impossible. The final part will be a "Law in Defense of Democracy", which will in effect assure the military's future right to intervene in case of a resurge of subversion. The law would also extend the permitted period of time of detenton under the law of habeas corpus from fourty eight hours to seven days.

Meanwhile, the courts have been flooded with demands into the fate of the disappeared. Several important cases have been brought before the federal judges by CELS in which evidence of the reponsibilty of the armed forces and the complicity of the justice system in the torture, assassination and illegal burial of persons was clearly demonstrated. While none of these cases have thus far been carried to their logical end (most remain stalled under the "secreto de sumario"), press attention has brought into focus the details of the repression, and has pressured judges to continue investigations.One judge, Pedro Narvaiz, was forced to resign and flee the country when investigations into the disappearance of several persons led to the doorstep of former Navy chief, Emilio Massera.

THE DISAPPEARED

In the course of the last three months, the issue of the disappeared has becone central to the unfolding political situation of the country. As a result of the internal disarray of the armed forces, the work of the human rights groups and the enourmous attention given to the issue by certain information media, the general public has become increasingly conscious of the magnitude andthe nature of the repression carried forward by the current military regime. Columnist José Ignacio Lcpez analysing the efforts of the church to mediate the national crisis, wrote that the problem of the disappeared "as no other, overshadows the current political situation to the point of conditioning it in a decisive form."

Lists

In January, a new list of names of persons disappeared in Argentina was published , which includes 7291 persons, plus 494 persons who and held temporarily in concentration camps or clandestine places of detention. The list, which was published by CLAMOR (Committe for the Defense of Human Rights in the Southern Cone) in Sao Paulo, Brazil, is the longest yet published. The APDH (Permanent Assembly for Human Rights) in Buenos Aires has a list of 5,566 cases of disappeared persons, with the testimonies of relatives documented in each case. To this they have added a list of 1,164 persons whose disappearance was denounced, but complete information was lacking.

Because of the fear of relatives to speak out at the time, and because of the difficulties for those in the interior of the country in learning of the human rights groups, much less visiting them, it is estimated by Amnesty International that approximately one in every three disappearances that occurred in Argentina since 1975 were reported to human rights organizations. In the last six months, over one hundred persons have showed up in human rights offices to report disappearances that occurred from three to seven years ago. Many of these relatives had never presented a habeas corpus on the missing person's behalf.

In October, a government spokespersons declared that the Ministry of the Interior had informed "over 1,000" families of the fate of their disappeared son or daughter. In January, 1983, the U.S. Department of State reported in its annual human rights document, that it was believed that the Argentine government had informed some 1,450 families. No such list has ever been made public, and, according to Emilio Mignone of CELS, there are not more than a handful of cases in which relatives of missing persons have been informed of the fate of their loved ones. In those instances when the family has been informed, (see cemetery cases), it was usually clamied that the victim died in a military clash, despite the fact that autopsy results showed that the body bore signs of having been tortured, and that the cause of death was a bullet wound received at less than two inches from the head.

Camps' Statements

In the wake of hightened press attention given to certain key cases of disappeared persons under investigation by the judicial branch, General Ramon Camps, former head of the Buenos Aires Police Force, declared that "there are no disappeared alive". In an interview with the Spanish newspaper, Pueblo, published January 27, Camps said "I assume all the responsibiliy and that of the 30,000 men I directed in the struggle (against subversion)."

Camps came to the attention of the world as a result of Jacobo Timerman's book, in which he recounts torture sessions directed by the former police chief. Camps responded to Timerman with a book of his own, called El caso Timerman: El punto final, in which he accuses the former newspaper editor of being at the center of the subversive conspiracy.

The Spanish journalist reports Camps as asserting that "the government ought to present itself as proud and publicly assume responsibility for all

of its actions." He offered his own set of figures on the disappeared, whom he prefered to refer to as the "subversives", saying that between 1973 and 1979,2,050 persons were killed by the security forces, 1,500 of which were never identified. Pressed by the interviewer on these numbe.

he admitted that figure is closer to 8,000.

He also said that the so-called "war against subversion" involved only two forces, the subversives and the military. "Everyone acting against the subversion," he said "always did so under orders from the military authorities, although in many cases they had to act as civilians. He explained "we had to act as civilians; to use a uniform was useless. He ended the interview stating that "If there is anything that I am guilty of, it is not having won the political victory as well. But the struggle has not ended, nor has my role in it."

These declarations constituted the first admission by one of the top military officials that the government was responsible for the torture and murder of thousands of Argentine citizens. The Mothers of the Plaza de Mayo responded to the publications of his words with the following statement:

> "The confession of General Ramón J. Camps, after almost seven years of what is pompously referred to as the "Process of National Reorganization," decided to publicly confess to the crimes committed by him and other members of the "Process." He has done it for dark reasons, because of personal ambition, a quest for notoriety and with a spirit of boastfulness... not, however, to repent his role in the monstruousitiesand crimes against humanity, since he is evidently proud of his participation.We imagine that he intended to stiffle the cries being heard around the world in protest of the Argentine holocaust, by saying that all the disappeare are dead. However, this effort will bear no fruits. On the contrary General Camps and his associates in the crime will have to provide detailed information on each and every one of the approximately 2,000 disappeared buried as 'N.N.'... as well as on the thousands whose fate remains unknown and whose appearance with life we will continue to demand. Camps must respond before God for his crimes when he is dead, before that, alive he will have to face justice, as Eichmann and other Nazi criminals had to..."

On February 4, some 200 Mothers of the Plaza de Mayo marched outside the Supreme Court while representatives delivered a letter to the president of the court, Adolfo Gabrielli, demanding that he summon General Camps. On February 25, the Permanent Assembly for Human Rights presented a denunciation, in which it was pointed out the "apologia" or theadmission with pride of a crime, is punishable by three to six years, according to Article 213 of the Penal Code, for those who, for reasons of the public post,have under their influence other persons. Neither of thesecases have been responded to by the judicial system.

The Children

In statements subsequent to the interview published in Pueblo, Camps said that many of the disappeared were known by relatives to be dead or to be living abroad. He sighted as an example the case of three month old Mariani, who,he said,"died in a shoot-out and even though her grandmother knows this perfectly well, she forms part of the group Grandmothers of the Plaza de Mayo, and she continues to ask for her whereabouts."

On February 16, CELS lawyer Octavio Carsen presented a request on behalf of the grandmother that General Ramon Camps be summoned by Judge Héctor Adamo, (juzgado No. 3 of La Plata). Buenos Aires Police had, according to Carsen, "repeatedly informed the court that there was no information on the whereabouts on the child, in flagrant contradiction with the declarations of Camps" who was head of the police at that time. The summoning of generals Carlos Suarez Mason and Adolfo Sigwald was also demanded, as they were present in the military operative which took place in November, 1976 in La Plata, during which the small child disappeared.

According to the Grandmothers of the Plaza de Mayo, there are over 130 children disappeared, some kidnapped with their parents, and others known to have been born in clandestine places of detention.

In January, the Grandmothers announced that two children had been returned to their grandparents, in two separate incidents. One, a boy, was born in captivity, his mother having been kidnapped when she was seven months pregnant in December, 1977, and has been missing since. However, the father, who was in jail as political prisoner,was recently released and was able to track down the child through an orphanage. In the secpnd case, a girl, six months old when she was kidnapped with her parents in October, 1976, was returned several months ago to her grandparents. The parents remain missing . In both cases, the grandparents asked not to be identified, and refused to provide further information for security reasons.

Dupont

Investigations into the September 30, 1982 disappearance of Marcelo Dupont, and his murder on October 7th, remain underway. Through November and December a certain amount of press attention was devoted to following the case. However, in the last month,the investigation has stalled and the issue has fallen from public view.

The victim's brother, who has repeatedly stated that he believes the crime was committed by members of the government security apparatus, was a key witness in the investigation of the disappearance of diplomat Elena Holmberg, and had provided testimony that Holmberg had information on former Navy chief Emilio Massera which she was going to report shortly before her disappearance. The brother, Gregorio Dupont, strongly objected to statements made by the head of the Federal Police, General Juan Bautista Sassaín, in which he asserted that the crime

was not political in nature. Dupont retorted that Sassain should either investigate the crime or resign, and that such speculations were out of place.

The main effort of the investigations continues to focus on a trip to Brazil and Uruguay that Dupont supposedly took during the period of his disappearance. Details of the trip, however, are shaky and in some instances, contradictory, making it look like a set-up.

For example, descriptions provided by witnesses who claimed to have seen Dupont traveling did not coincide with his own family's accounts of his habits;e.g., whether he wore glasses cigarettes. It was also reported by a medical team that hairs found in a bag that belonged to Dupont and was discovered in Colonia,Uruguay did not pertain to the victim. This information compounded two earlier revelations which made the trip appear to be a set-up. First, Dupont had been tortured within twenty four hours of his death, and second, because of recent bankruptcy, he was prohibited from leaving the country.

Gregorio Dupont has publicly discounted the possibilty of the trip, and likened it to the trip Fernando Branca supposedly took to Brazil and Uruguay following his disappearance in 1977.

Branca

The Branca case resurfaced last September as a result of accusations made by Guillermo Patricio Kelly, a former right-wing activist , that ex-Navy chief Emilio Massera was responsible for the disappearance and murder of the businessman. Fernando Branca disappeared in April of 1977, on the same day he was supposed to go sailing with Massera.

The investigation into the disappearance, stalled since 1977, was reopened under Federal Judge Pedro Narvaiz. Narvaiz, who resigned and fled the country after receiving numerous death threats. Before leaving the country, he had gathered important testimony by assuring the witness that the source of the information would remain secret.

In early January, however, Noticias Argentinas obtained copies of the testimony provided by friend and employee of Branca, Raúl Ibarra. Ibarra reported that shortly before the disappearance he was in Punta del Este with Branca who was attempting a reconciliation with his second wife, Marta McCormack.Ibarra claims that the couple fought and that McCormack told him "When I get back to Buenos Aires I'm going to tell "Negro" (Massera) that this son of a ... does not want to give up the business... When "Negro" finds out he is going to run a truck over him."

Ibarra also reported that on the day of Branca's disappearance, his car was found in the airport with a note in it indicating that he had gone to Brazil. A telegram later arrived, supposedly from Branca, stating that he had passed through Uruguay and was in Brazil. It was discovered by Ibarra that the telegram bore the same number as a telegram sent inside the country to the Massera family. In addition, the pilot who claimed to have seen Branca on the plane to Uruguay was unable to recognize the businessman in photograghs.

In January, Ibarra reported to the police that on several occasions he has been threatened. He complained "Narvaiz has fled the country, the implicated are free, and I am here being threatened with death."

Cemeteries

Following the launching of the "Grand Bourg" case last October, in which human rights groups demanded the identification of over 400 cadavers buried as "N.N." in the Grand Bourg Cemetery, similar investigations have been initiated in the case of twelve other cemeteries around the country. Nationally and internationally the repurcussions of these cases have been considerable, setting off a wave of new interest in the disappeared among sectors of the country, and among foreign governments, that had up to now taken little or no interest.

The Argentine military authorities have attempted to avoid the grave implications of these cases by asserting in conversations with politicians, foreign diplomats and journalists, that the "N.N." tombs issue is simply one more indication of the politicization of the human rights movement. These officials point to the fact that many people had known of the existence of these unmarked graves, and say that the information was guarded, to be released at a politically opportune moment.

In fact, the background to the Grand Bourg case is worth noting as it clearly demonstrates the dynamics of how information surfaces and is carried forward by the human rights groups particularly in this period. The last six months have been commonly referred to in in the Argentine press as the "destape", or the unplugging, as information suddenly began to flood the press on issues which have been for years hidden from the public eye. A key factor making this possible has been the altered attitude of some judges in desiring to assume the appearance of being separate from the military "process" of the last seven years.

The existence of the unmarked graves containing the bodies of disappeared persons was first publicized in the O.A.S. 1979 report on human rights in Argentina. Photographs appeared in Time magazine a year or so afterwards, showing the "N.N." tombs, accompanied by an article on human rights in Argentina. At that point, no effort was made by human rights lawyers to demand investigations and identification of the cadavers, as no concrete proofs were available. In addition, many relatives of disappeared persons were against denouncing the existence of the graves, as it implied an implicit recognition of the death of many of the disappeared.

The case of Miguel Angel Sosa, who was kidnapped on May 25, 1976, arose through a series of chance circumstances, and finally provided the irrefutable documentation of the illegal burial of persons by the armed forces.

In February, 1981, the Ministry of the Interior informed the Sosa family that their son was buried in Grand Bourg cemetery in N.N grave number one. The family had in the previous five years presented numerous habeas corpus that were rejected by the court. According to the government notification, Sosa was found dead two days after his disappearance.

Emilio Mignone, who had been the lawyer handling the habeas corpus up to that point, and Sosa's brother, also a lawyer, went to examine the court files. They found not only an autopsy report which revealed that the victim had been tortured and then shot in the head at short

range, but a letter notifying the family of their son's death, which had supposedly been sent to the wrong address, and had been returned to the court. Despite the fact that Sosa's address appeared correctly in the records, no attempt was made to resend the letter.

At this point, complicity of the judicial branch in the cover-up was suspected and Mignone suggested to the family that they publicize their situation. The Sosas,however, were reluctant, and indicated that they wanted to be sure of the identity of the body. The next step, then, was an extended legal procedure to have the body exhumed and the identity verified. When the body was finally exhumed at the end of 1981, it was discovered that there were four other bodies buried in the same grave. Meanwhile the family began to frequent the graveyard, and in conversations with neighbors and cemetery workers, they were repeatedly told that during 1976 and 1977 military trucks would come at night with four or five bodies which they would bury. The neighbors believed that these trucks came from the nearby army base, Campo de Mayo.

In September, 1982, the family noticed a small handwritten sign posted amidst the N.N. graves, advising relatives of the unidentified dead that if the bodies were not claimed, they would be removed within a few weeks. At this point, the Sosas felt morally obliged to publicize the situation for the sake of other families like them. It was arranged, then, that six parents of disappeared persons would file suit t prevent removal of the bodies, and to insist that the court obtain from the armed forces the names of the more than 400 unidentified bodies estimated to be buried in the cemetery.

Following the massive press attention which this case received, information on similar cases began to filter in, and within two months, twelve other cemeteries with large numbers of N.N. graves were denounced, and identification of the bodies was demanded. In total, it is estimated that there are more than 1,500 cadavers buried in the thirteen cemeteries. Cases were initiated in the following cemeteries: Claypole, Mar de Plata and Necochea, Luján, Loma de Zamora, Villegas, Moron, Magdelena, Berisso, La Matanza, Córdoba and Tucuman.

Judicial Morgue

On Novemer 11, CELS lawyers initiated a second case which was have important political and legal repercussions. Documented in this instance was the military order of the illegal burial of Norberto Gomez in a N.N. grave, and the complicity of the judicial branch in this action.

Gomez had been kidnapped by plainclothes men in his home in November, 1976. In December, he managed to send word to his parents that he was alive and being held at the Navy Mechanics School. In October, 1982, the family learned that he was brought to the judicial morgue dead in March, of 1977, and that a top army official ordered his burial, along with three other bodies brought at the same moment to the morgue, in an unmarked grave in Chacarita cemetery.

As in the Grand Bourg case, the documentation of the case arose out of a series of chance circumstances. Last October, the Gomez family was sent a notice by the police, requesting their signature on the certification of death of their son. Up to that moment, the family had received no word on their son's whereabouts. In 1978 a habeas corpus was presented on behalf of Norberto Gomez before Judge Carlos Olivieri, but, as with thousands of other cases of disappeared, the case was provisionally closed in October, 1981 for lack of information.

Upon receiving the police request, a visit was made my CELS lawyers with family members to the offices of Judge Olivieri to look into the status of the investigation. In examining the dossier on Gomez, it was revealed that Olivieri had determined that Gomez was dead, and had tracked down his records at the morgue and at Chacarita. According to Olivieri,he had for humanitarian reasons decided not to inform the family of his findings.

Olivieri's documentation, obtained through the police office on disappeared persons and made available to CELS lawyers, also showed that three other bodies were brought to the morgue at the same time by the army. The other three included two men, who's names did not appear on the documents, and a women, Lucia Kalaidian. The military order indicated that the three had died in an armed clash with military and that the group in charge of the action was "GT 3.3.4" which is known to be a Navy intelligence unit. However, autopsy reports also appeared, in which it was reported the bodies showed signs of having been tortured, and that the cause of death was a bullet wound received at short range in the head.

Shortly following the visit to the court, a leak was made to CELS, including xeroxed copies of authorization forms signed by Coronel Roberto Rualdes, coordinator of the repression in Buenos Aires, which ordered the autopsy and burial in unmarked graves of these bodies, without the investigation of a judge. Such investigation is required by law when the cause of death is violent. Also leaked were forms signed by two members of the Criminal Court directly under Judge Mario Pena which approved the military orders.

Central to the Judicial Morgue case was the fact that contrary to the procedures required by law, no judge initiated an investigation into the causes of death of these persons. The morgue, which is a dependency of the Court of Appeals in Buenos Aires, was in effect acting under direct orders from the military with the complicity of the judicial branch. In addition, while the identity was known in atleast two of the cases, families were never notified and the cadavers were buried in unmarked graves.

On November 11 four parents of disappeared persons, including the father of Gomez, presented a denunciation before Judge Raúl Héctor Pierini, demanding that Judge Mario Penna, two administrators of the morgue , Mateo and Donnewal,

the head doctor in charge of autopsies, Jorge García Blanco, and Col. Roberto Rualdes, be called to testify. They also demanded the identification of all bodies buried as N.N. in Chacarita Cemetery, investigation into the causes of death of each one, and punishment of those responsible in cases of assassination.

Suspicion that many of the N.N. graves contain the bodies of disappeared persons was supported by neighbors of the Judicial Morgue, who reported that between 1976 and 1978, Army trucks would sometimes arrive at night at the morgue, blocking off the street when they did.

In the Judicial Morgue case, as well as the Grand Bourg case, the information permitting the documentation of the events arose following what appears to have been an unusual episode in which police, several years after the fact, sent notices to the family indicating the death of their disappeared son. In both cases, it has been speculated that it may simply have been a bureaucratic mix up that led to the notification. Other, however, have ventured that they may have been linked to internal power struggles within the security apparatus.

Since the initiation of an investigation in November, Judge Pierini has made public no information from the proceedings. The only indication that the case was being examined was a list issued on December 20, of 76 persons buried as N.N. Not only was the list partial (there are an estimated 600 unidentified cadavers in Chacarita) but in each case the reported cause of death was a "military clash". In several cases,there is clear documentation that the victim was kidnapped in his home by plainclothes security agents weeks or months prior to his/her death. Nevertheless, the judge appears to have accepted the official version without further investigation.

Of the 76 published names, the families of 53 of the dead had already been notified. Many of these families reported to CELS that they were forced to sign their son or daughter's death certificate, on which it was indicated that they died in a military clash. Of the total number only nine persons appeared in the CLAMOR list of disappeared, which provides some idea of the small percentage of disappeared persons the human rights groups have actually been able to document.

On February 10, CELS made a second presentation concernigg the Judicial Morgue case. Following the rejection by the court of the right of Gomez' father to serve as plaintiff in the case, and preceding the appeal which CELS was to make of the decision, a presentation was made to the Court of Appeals in which the impartiality of the judges in this matter was questioned. CELS argued that the entire court was incompetent to handle this appeal, as it stood accused of complicity in the illegal burials, given the fact that the Judicial Morgue is a dependency of the Court of Appeals.

Protest of Stalled Investigations

On January 19, CELS issued a statement directed to the press protesting the lack of progress in cases concerning the N.N. graves.It was asserted that the judges are "acting in such a manner as to indicate their intention to cover up the responsibilities which emerge in these cases, and to avoid the identification of cadavers buried through irregular proceedures."

"If this attitude is not modified" continued the communiqué, "new and serious charges will be added to those already leveled against the judicial branch of the de facto regime." This will occur, it is pointed out, once the country is restored to civilian rule.

Three main points were expressed as cause for such a conclusion:

1) The complainants and their lawyers are without the means to influence the proceedings of the investigations as a result of the "secreto de sumario" which denies access to information. They are not permitted to see dossiers, nor to examine evidence gathered by the court, such as the cemetery registers, certificates of death, autopsy reports, declarations of witnesses, etc. Nor, since they are not plaintiffs, are they permitted to formulate their own petitions, offer proofs, appeal resolutions, etc. As a result, the level of investigation which the judges undertake remains at the discretion of the official functionaries.

2) No information is offered by the courts, either to those directly interested, or to the press. This amounts to a virtual cover up of information concerning a problem which has take on national and international importance.

3) No measures have been taken to identify the bodies buried as N.N., nor to determine the reponsibility for these crimes. Judges have not requested information from the armed forces, despite the fact that in many cases, evidence showing the role of the armed forces in kidnapping, torturing, killing and burying persons is abundant. Investigation have, instead, been limited to determining responsibility of municipal functionaries and employees of the cemeteries. In addition, in almost every case, the burials under question were in clear violation of the law and the justice system has failed to investigate and punish these crimes, which in the last six years has constituted an inadmissible silence. That silence continues to be maintained.

It should also be noted that while in most cases of the cememteries under investigation, the cadavers did not, as in the case of the Judicial Morgue, pass through a morgue, and, therefore, necessarily appear in the police records. Many of the bodies were brought directly from clandestine places of detention, such as Campo de Mayo, to the cenemteryies. However, this does not mean that the bodies cannot be identified. It is unimaginable that the armed forces did not know who it was that they were killing and burying, and therefore, it should be assumed that they have the names of these persons.As a result, partial lists, such as that published by Judge Pierini, are insufficient, as the courts must subpoena the data from the armed forces.

Archbishop and Military Respond

In the wake of the flood of press attention which the cemetery issue produced, the Archbishop of Buenos Aires, Juan Carlos Arumburu created an uproar when he asserted in Italy that "in Argentina, there are no common graves. Each cadaver corresponds to a tomb,and everything was recorded properly in the registers."

In an interview published in the Italian newspaper, Il Messagero on November 11, 1982 Arumburu asserted:

> "The unmarked tombs belong to dead people who the authorities were unable to identify. Disappeared? No, you shouldn't confuse things...You know there are disappeared who are living peacefully in Europe. Sure, the problem exists, but it must be dealt with and presented in realistic terms. It is not easy to explain what happened in Argentina in recent years. The provocation was, without doubt, the terrorism, which, luckily, was eliminated... Violence was responded to with violence and a situation was created which we know today, one which is much-discussed in Italy, and I don't know why."

Following the publication of this interview, Rubén Franco, Commander in Chief of the Navy, echoed the Archbishp's statements in Lima on November 12. Asked by journalists about the N.N. tombs, he answered:

> "The subject of the disappeared is a motive for agitation by certain sectors that want to destabilize or perturb....there are no no common graves... and many of the disappeared or not in the country but outside. What happened in Argentina occurred because there was terrorist violence which had to be confronted... the victory was a triumph for the entire nation."

On November 17, after several members of the Argentine Episcopal had indicated their disbelief that the Archbishop would make such declaration declarations, Arumburu declared that the interview had been distorted he suggested perhaps as a result of the language difference. The journalist, head of the Latin American bureau for Il Messagero, defended the accuracy of the interview, stating that he speaks perfect Spanish.

Foreign Governments Demand Information on Disappeared

Contributing to the international attention being given to the disappeared in the last several months has been the surge in interest on the part of several European governments in determining the fate of their own citizens who had disappeared in Argentina.

Italy was the first country to press for information,after an Italian newspaper revealed in early November that some 241 Argentine-Italians, 45 Italians and 18 children of Italian descent had disappeared in Argentina since 1976. The issue of whether or not the Italian embassy in Buenos Aires had done everything possible in the last six years to determine the whereabouts of these individuals became a national issue in Italy, and the government was forced to take rapid measures to reiterate its demands for information to the Argentine authorities.

A mission of Italian legislators arrived in Buenos Aires to investigate

the situation in December, after much debate about whether the Argentine government would permit their visit. The representatives met with human rights groups and received hundreds of denunciations of disappeared Italian Argentines, many of which had never been denounced. The Ministry of the Interior refused to meet the group.

Upon return to Italy, the issue of the disappeared continued to be discussed in the parliament, and it was agreed that a working group on the subject would be set up. On January 11, the foreign minister, Emilio Colombo declared "We cannot accept as valid or satisfactory the Argentine authorities' version that it is not possible to know the fate of the disappeared."

On November 17, Spain announced that 154 of its citizens had disappeared in Argentina. On November 4, West Germany announced that 48 Germans had disappeared. Peru reported that 6 of its citizens are missing in Argentina. All three governments in the last months have issued new demands to the Argentine government for information on these people.

On January 9, a Brazilian mission arrived, composed of legislators and human rights leaders, which reported that 10 Brazilians have disappeared in Argentina since 1975. They also protested the fact that their own government has remained silent on this issue.

In Uruguay, some 80 Mothers of Uruguayans Disappeared in Argentina requested a meeting with their minister of foreign affairs to ask that the government investigate these disappearances. The Mothers were not only refused a meeting, but several were arrested as they gathered outside the Foreign Ministry, and interrogated for several hours by the police. There are 123 Uruguayans reportedly disappeared in Argentina, including six children, and it has been reported that in several cases following the kidnapping in Buenos Aires , the victims were sent with Uruguayan intelligence units to an unknown fate in Montevideo.

On January 21, a delegation of U.S. congresspersons arrived in Buenos Aires, headed by the chairman of the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee.Representative Michael Barnes. He was accompanied by two other Democrats, Rep. Barbara Mikulski and David Bonior. The group met with human rights organizations and with the Ministey of the Interior. Upon returning to the United States, Barnes declared that he was against lifting of the ban on arms sales to Argentina, imposed in 1976 as a result of the gross violations of human rights in the country. He said that it would be interpretted as a measure of support for a military government that is completely isolated politically at home and abroad.

Disappeared in 1980

On February 7, CELS presented habeas corpus on behalf of fifteen persons who disappeared in 1980, and had not been publicly denounced. It was requested that the judge, Dr. Martin Anzoátegui, summon Commander of the Army, General Cristino Nicolaídes to explain statement he made in April, 1981. Nicolaídes stated that he had been in charge of interrogation of persons who had illegally entered the country, and who he asserted belonged to an illegal organization.

Haidar

On January 9, 1983, a habeas corpus was presented on behalf of Ricardo René Haidar, believed to have disappeared between December 18 and 20, 1982. According to a group of Brazilian human rights leaders and congressional representatives, Haidar's mother contacted them in Sao Paulo,relating the news and asking them to investigate the supposed disappearance.Congressman Fernando Morais, former president of a human rights commission, immediately organized a mission, including a congressman and four human rights leaders, to travel to Buenos Aires and denounce the disappearance. As there was no news of the disappearance in Buenos Aires, a press conference was held by the Brazilians, and CELS lawyers presented a habeus corpus of Haidar's behalf.

The government has stated that Haidar is not being held, although a request for his capture had been issued in Cordoba in 1981. An article was also published on January 18, 1983 by Jesús Iglesias Rouco in which he reported a rumor circulating among the military that Haidar was killed in a military clash. CELS has added to the original habeas corpus requests for an explanation of why his arrest had been ordered, as well an investigation into the Rouco rumor.

It was also reported that Haidar's mother declared in a press conference that witnesses had seen him in Argentina, and that he had made several calls to Brazil, where his wife was awaiting his return, to postpone the trip. Haidar, who remains disappeared, is the sole survivor of the 1972 massacre of political prisoners in Trelew.

TEMPORARY DISAPPEARANCES

The practice of kidnapping as a means of detention and intimidation continues to be rampant in Argentina. In some cases, victim have reappeared in police stations. In other cases they have simply been dumped on a roadside, after having been interogated and beaten. In the last four months, these are some of the repoted incidents which have occurred:

Nov., 10. Mario Campora, Peronist leader and nephew of the former president Héctor Cámpora, was kidnapped and interrogated for several hours on his political activities.

Nov., 17 It was reported in Cordoba that a young professional (unwilling to give her name) was kidnapped and questioned for several hours on her political activities.

Dec., 17. Horacio Daniel Calladao a metallurgical worker was kidnapped at his workshop by three armed men, who showed police credentials to his colleagues before taking him away in an unmarked Falcon. Following the immediate denunciation of the disappearance by CELS, the police admitted that they were holding him, stating that they had suspected him of assassination. Callado was released the next day in poor physical condition, having been brutally beaten during the night's interrogation.

Jan., 7 . Héctor Fernández Leal, a well known actor who has been critical of the government in his public statements, was kidnapped in

Mendoza. After beating him, his captors doused him in alcohol, set his clothing on fire and abandoned him. He was able to put out the flames and walk to help.

Jan., 19 Alvaro Marcelo García, a activist of the Union Cívica Radical, was kidnapped in the city of Chivilcoy, Buenos Aires. He was blindfolded, thrown into a car and severely beaten before being set free a few hours later.

Jan.,24. Florentin Lopez, a Paraguayan living in Buenos Aires, was kidnapped at 3 A.M. in his home by three plainclothes policemen, who took him away in a Ford Falcon. A habeas corpus presented on his behalf the following day by CELS was rejected. Two days later, the police admitted to having detained Lopez, stating that they had suspected him of financial dealings. He was released on January 27th.

Feb., 17 The Secretary of the dlegation of Avellaneda of SMATA, Norberto Michelli was kidnapped during the strike against Volkwagon. He was tortured and interrogated on his union activities.

ARBITRARY ARREST AND POLICE INTIMIDATION

Arbitrary arrests continued to be a major area of human rights violations in the last several months. Activists have been detained,as have protesters in major demonstrations, and several university students. Such arrests include the following incidents:

Nov., 7 Forty youths were arrested at a rock festival, when crowds began to chant "If you don't jump, you are a military man," "the military dictatorship is going to end."

Nov., 10. Headquarters in Tucumán of the Union Cívica Radical were raided by plainclothes police. Adolfo Peréz Esquivel was to arrive the next day to participate in a protest march for the disappeared. The headquarters are within 80 meters of the police station, and half an hour after the raid, uniformed police arrived without having been called,to announce that it had not been the police which raided. Several days later, following protest by the Radical leaders, the police admitted some of their members were involved inthe raid, although no sanctions against these individuals were ever taken.

Nov., 19. Buenos Aires Federal Police prohibited 16 acts planned by the Communist Party for the following week.

Nov., 24. During a protest march in Lanús in which neighbors objected to the massive tax hikes which have been imposed in the last months, over 40 persons wereeither wounded or arrested in the police repression. All those arrested were released shortly thereafter.

Dec,.16. In a demonstration in front of the government building called by the "Multipartidaria", there was severe police repression, with tear gas canisters being randomnly shot at the crowd of over 100,000 people. Approximately 130 persons were arrested, and eighty wounded,while police rampaged the city, shooting tear gases, beating and arresting people in areas where there was complete calm.One persons, Dalmiro Flores, was shot by security agents who pulled up in a Ford Falcon as crowds were dispersing, got out of the car, took aim at the youth and shot him to death. Witnesses were able to record the liscence plate number of the vehicle, which police later admitted pertained to the intelligence services. Despite the fact that persons inside the car were supposedly identified by the judge, no action has been taken against them.

Jan., 22 Ten Peronist activists and relatives of political prisoners were arrested at a music festival in Cosquín, Córdoba. They were released after twenty four hours.

Jan., 31 Three persons were arrested in a demonstration held in front of the government building on the occasion of the presentation of a petition to President Bignone, demanding the immediate cessation of government repression. They were released the next morning.

Feb., 6 Plainclothes policemen went to the home of a young Communist Party member in La Calera, and forced him into their car, where they interrogated him on his political activities. They released him shortly thereafter informing him that this was just a routine check.

Feb., 12 Three youths of the Federal Party (headed by Fransisco Manrique) were detained by an Army vehicle while painting party propoganda in permitted areas. The three were taken to a police station and held several hours for questioning. The party characterized the action as "clearly intimidatory."

Feb. 12 Activists of the Peronist Youth, working in a small center which serves breakfast to poor children in the neighborhood of Wilde, San Martin, were attacked by police. Three persons were wounded, Alejo Espindola, Luis Garcia, and Ricardo Benigro Figueroa. Two persons who went to the police station to denounce the incident were temporarily detained. The policeman in charge of the raid, Rubén Rodriguez, was reportedly provoked because the youth were singing the Peronist March. The area police chief declared Rodriguez would be punished. However, no action has thus far been taken.

INTIMIDATION AND TERRORIST ACTS

Nov,. 3 . Father Lino Fuelaza of San Justo was attacked by a group of men in La Tablada of La Matanza. The priest, who is known for his work in the poor neighborhoods of the area, was shot in the neck and beaten.

Nov., 5. The home of union leader Jorge Triaca was machine gunned from a passing car. A few days earlier, Tiraca had made statements demanding that military corruption be investugated.

Nov., 11. In the La Plata stadium, where well-known singer, Mercedes Sosa was to preform on the same evening, a bomb exploded destorying one section of the stadium. The preformance was held despite the bombing, and ended with the crowds chanting "The military dictatorship is going to end." Sosa's music has been banned off and on by the military government in the last six years.

Nov,. 12. A bomb exploded in the Jehovah Witness' church in Comodoro Rivadavia.

Nov,. 12. Three engineering students were threatened with death in several incidents and warned by telephone that they should stop all political activities. One of the victims was a relative of the secretary general of the student center, and the other two are members of its board of directors.

Nov,. 14. Headquarters of the Peronists in Mar de Plata was attacked.

Dec., 10 The student center at the Institute for Teaching received a series of telephone threats during the preceeding days.

Jan., 1 A bomb exploded, damaging the entrance way of the law offices of Peronist leader, Vicente Leonidas Saadi.

Jan., 8 The conservative Federal Party issued a statement denouncing the threats being received by federal judges. They reported that Judge José Dibur, Judge Martin Anzoátegui, Judge Fernando Zavalia and Judge Pedro Narvaiz have been threatened by "groups linked to the armed forces."

Jan., 20 The mayor of La Calera, Córdoba received several threats from telephone callers who identify themselves as "AAA", the right-wing terrorist group which operated previous to the 1976 military coup. "AAA" wall paintings have also sprung up around the small town.

Feb., 2 The first of a series of actions took place against the youth of the Communist Party. A young member of the party was intercepted by several armed men in a red Peugot, who beat the boy unconcious, leaving him in a street in central Buenos Aires.

Feb., 3 The offices of the Peronists in Nueguen were bombed, destroying the front of thè building.

Feb., 9 A young Communist Party member was hit by stones thrown from a unmarked Ford Falcon in downtown Buenos Aires.

Feb., 9 Another young party member was beaten up by a group of men who were following him in a car in Beunos Aires.

Feb., 17 Two men forced their way into the home of Carlos Alberti son. Alberti was a Radical provincial representative in the mid-sixties. After cutting off the hair of the two grandchildren, the men told Albertis daughter-in-law "This is a first warning for your father-in-law." The incident occurred in La Plata, a few meters away from the local police station.

POLITICAL PRISONERS

As of the first of March, the numbers and locations of the political prisoners, according to the Commission of Relatives of Disappeared and Detained Persons, were as follows:*

Devoto, Unidad 2	Men	223
Ezeiza, Unidad 3	Women	65
Rawson, Unidad 6	Men	199
Mental Wards		
Borda, Unidad 20	Men	2
Moyano, Unidad 27	Women	1
Provincial Prisons		
Córdoba	Men	4
Parana	Men	7
Mendoza	Men	1
Colonia Penal Loreto		1
TOTAL	.....	503

The legal status of the prisoners is as follows:

At disposition of P.E.N.	152
Military Tribunal Sentence	137
Federal Court Sentence	164

Total number released in last four months: 248
Total since the Malvinas war in June over 500.

It is estinated that at this time there are more than 100 persons with "Libertad Vigilada", in the country, and atleast an equivilant number with "opcion" outside the country. **

In February, all of the political prisoners that had been in Devoto were transfered to Devoto, and La Plata retured to its status as a provincial jail. A few days later, all of the women, who were on the first floor in Devoto, were transfered to a new jail, Ezeiza. It is rumored that they were tranfered in order that the prisoner in Rawson may be brought north to Devoto.

* All figures are estimates, as they are based on reports from prisoners. The government does not publish statistics.

** All P.E.N. prisoners receive "Libertad Vigilada" when released, while those with military or federal sentences receive either "Libertad Condicional" or "Condena Cumplida." In general, "Libertad Vigilada" lasts six months, and involves a series of restrictions. For instance, the prisoner must stay within a defined zone (usually the city or county in which he/she resides), a periodical(normally every three days) check-in is required, and attendance of public meetings or (cont.)

After two weeks in Ezeiza, members of the Commission of Relatives who were permitted to visit the prison report that living conditions for the 65 women are extremely poor. The building itself was constructed as a rehabilitation center, and the security measures taken in the construction of the building were minimal. As a result of the "Security Law" which is applied to all political prisoners, the women have been denied access to the basic facilities offered to the common criminals. As a result, the move from Devoto to Ezeiza has meant a serious deterioration in the jail conditions for these prisoners.

Except for meal times, the rest of the day is spent in individual cells or in a small passage way which runs between the cells. There are no meeting places for the women. Typical of the problem of the building's construction is the fact that after meals, dishes are intended to be washed in the patio by the prisoners (as done by the common criminals). However, political prisoners are not allowed in the patio, so they must wash dishes in the bathroom sink, which quickly became clogged and unusable.

The Commission has demanded that either the women be allowed the normal regimen, for which the building was constructed, or that they returned to Devoto.

A campaign is also underway to press for the transfer of all political prisoners to jails in their place of origin. Signatures of church leaders in several provinces have been gathered asking that detainees of those provinces be returned. If obtained, this would be especially important for the prisoners in Rawson, who remain imprisoned at such a great distance that most families can not afford to pay the travel to visit them. It would also help to resolve the problem of Ezeiza, as 53 of the political prisoners are from the interior of country and would be transfered to provincial jails.

Illness Among Prisoners

The lack of medical attention continues to be a central problem for political prisoners. This implies not only lack of proper care but utilization of that care as a means of arbitrary punishment. On Christmas eve, for instance, jail guards denied a diabetic prisoner his medication in Rawson, as a form of punishment for having asked if he could shave before visiting with his mother the next day. In this instance, prisoners in his wing staged a hunger strike in protest and the medication was renewed several days later.

Among the many prisoners with some form of illness are the following urgent cases:

Nora MATTION. Mayano, Unidad 27. Severe mental disorders resulting from the brutal torture which she underwent immediately following her arrest

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participation in political activities in prohibited. "Libertad Condicional", which legally may be granted after two thirds of the sentence is completed, but in practice is granted only much later, involves the same restrictions except that the prisoner may travel anywhere in the country. The "Condicional" is lifted once the full sentence is completed. "Condena Cumplida" signifies full freedom.

in 1977. Federal sentence was completed in Feb., 1981. Currently being held under P.E.N.

Cecilio Manuel SALGUERO. Hospital of Caseros, Unidad 1. On January 22, and again on January 24, the prisoner fainted, according to his companions present at the time, from undernourishment and heat.Doctors which saw him, declared he was in perfect health after a cursory examination without having tested him for such basic illnesses as Chagas and Machado Guerrero. Salguerro disappeared in May of 1977, during which time he was brutally tortured for 31 days. After this, he was placed in a provincial jail and held for one year and eight months incomunicado. From May 5 to June 16, 1978 he was tortured daily with electric shock, asphyxiation, simulacrum executions, etc. He was then, in a state of physical and psychological crisis, asked to state his defense. He was sentenced to 14 years.

Rosa ALCARAZ. Moyano, Unidad 27. Severe mental disorders. Currently being held under P.E.N.

Alberto MATHEWS. Hosptial of Caseros, Unidad 1. Eye wounds suffered several years ago from beatings administered by jail guards. Federal sentence, with two/thirds completed.

Albaracin RONCEDO. Borda. Unidad 20. Psychological disorders. At disposition of P.E.N.

Alfredo Hipólito MUSTAFA. Borda, Unidad 20. Psychological disorders. At disposition of P.E.N.

Tomas ALZUGARAY. Hospital of Caseros, Unidad 1. Eye disease. At disposition of P.E.N.

Plutarco Antonio SCHALLER. Rawson, Unidad 6. Elderly man who suffers not only from the many problems of old age, but severe back aches. Schaller was a journlaist for El Independiente of La Rioja, arrested in March, 1976 and held at the disposition of P.E.N.

Isidoro GELSTEIN. Rawson, Unidad 6. Elderly, almost 70 years old, and in poor health. His wife is also a political prisoner, and together they have two sons disappeared and one killed in a military clash. Condemned by a federal court to 13 years. He was a journalist for Editorial Abril.

Fernando Diego SALESAS. Villa Devoto, Unidad 1. Psychological difficulties, in part as a result of his temporary release in October, 1982, and the revocation of his freedom, following the appeal of the state attorney. Salesas, arrested in 1975, had served more than two thirds of his sentence when he was released. The state attorney appealed the decision and won, leading to his re-arrest on January 12, 1983. In his first week back in prison, he was reportedly in a severe state of depression.

Released Prisoners

While many political prisoners are being released, the drama of their situation has in many cases only been modified. After what for most was over seven years in prison, with poor nutrition, lack of proper medical attention, extreme isolation and arbitrary punishment, virtually every freed prisoner carries with him or her some physical or psychological problem.

Given the general situation of the country, social reintigration and return to a state of good health for the ex-prisoner is extremely difficult. To simply find work in a time when unemployment and underemployment is the highest in Argentine history, is in itself for many an insurmountable obstacle. Jobs in banks, large factories or businesses, not to mention the entire public sector, are virtually closed to the released prisoner as a result of political discrimination. Many have also lost their jobs when police chose to "check up" on a former political prisoner in his work place, and in so doing, insuring that the employer knows of the individual's history, and often times frightening him, as well.For those who are in "Libertad Vigilada", particularly in the interior of the country, where industry has almost ground to a halt, the difficulties are accentuated, as the prisoner may not leave a defined zone in search of work.

In addition to these economic difficulties, most prisoners are returning to families which have been destroyed by the repression. Many have family members who were disappeared, or who have had to leave the country. Because of the general age group of prisoners, many have small children who have been living with grandparents or abroad with relatives. Also, rarely are the prisoner's parents in a position to offer economic assistance, as they themselves, usually retired with a pension dissolved by the 500% annual inflation rate, are often in extreme financial straights.

While several human rights groups have attempted to ease the situation through support of work cooperatives and direct financial assistance, there is no established structure capable of offering help to those in crisis.

PRESS FREEDOMS

While in recent months there has been an increased willingness of the press to venture into areas thus far prohibited through government and self-censureship, freedom of the press remains one of the most precarious elements of the current "apertura." In periods of "enduricimiento," or hardening of the military government's line, the first sector to be effected is the press. Magazines are shut down or issues are confiscated, anonymous threats are received by journalists, and the Military Junta issues threatening statements, warning of more drastic measures if the media does not withdraw to its previous position.

On February 10, the Military Junta issued a warning to the nation that "the conspiracy to discredit the armed forces" would not be tolerated. On the same day it was reported that the institution of a new law was being considered, which would punish possible "excesses" in the communications media.ADEPA, the Association of Argentine Press Entities, immediately issed a statement rejecting the possibilty.

On December 1, the Press Association of Buenos Aires (APBA), issued a statement in which they denounced "the campaign of threats and intimidation that many of us in the press suffer and which restrict the free exercise of our profession..." They also declared "This camapign is carried out through anonymous phone calls, letters, or the use of unmarked cars, whose occupants ostentatiously display weapons."

During the last four months, the following violations of press freedoms occurred:

Nov., 3 Quorum , a magazine devoted to exposing the crimes of the Italian mafia organization, Propoganda Two, and those of former Navy Chief, Emilio Massera, was shut down by government decree. José Palozzi. the editor, filed suit protesting the closure. On January 12, the magazine was ordered reopened by the court.

Nov,. 3 Linea, a Peronist magazine, was shut down by government decree. In January, the magazine was allowed to reopen.

Nov.,10 U.S. journalist, Martin Anderson reported he had received unusual phone calls and been followed by two Ford Falcons. Anderson works with Newsweek.

Nov. 11 Radio journalist Hugo Guerrero Martineitz, was fined 150 million pesos ($3,000 U.S. dollars) for statements he made on the air which the government considered "injurious to the Armed Forces." The journalist had, in the course of reading an advertisement for a military academy, interrupted the script to "take advantage of the press freedoms which exist ," he said. Guerrero joked "they don't mention that in the military academy you can be on your way to the presidency, de facto or elected. From the level of seargant on, you can start your political career."

Nov.,21 Television journalist Raúl Urtizberea reported having received several telephone threats.

Nov.,23 The magazine La Semana, which was shut down on October 29, 1982, was ordered by the judicial system reopened.

Nov.,24 During a protest rally against tax hikes in Lanús, Buenos Aires, a photographer and his chofer working for Noticias Argentinas were attacked by police.

Dec., 16 During a massive anti-government demonstration, in which there were over 80 persons wounded , several incidents occurred in which photographers were attacked by police, film was removed from cameras, and the equipment smashed against the ground.Several of the reporters were wounded by the police. The reporters were: Jorge Durán of El Diario Popular;Rodolfo del Percio and Julio Lopez, of La Crónica; Carlos Acuña and Pablo Algañaraz, of Tiempo Argentino; and Carlos Del'Isola of ABC T.V.

Jan., 1 The offices of the director of La Voz were bombed (see Terrorist Acts), . In the denunciation of this action, it was reported that La Voz, a peronist paper which publishes more on human rights than any other major newspaper, has received numerous bomb threats. Many of its journalists have been telephoned at home and threatened, and on several occasions, plainclothes police have visited the offices inquiring in an intimidatory fashion after certain journalists.

Jan., 11 The latest issue of the magazine Humor was confisctated by police as the copies were being loaded onto trucks for distribution. The Minister of the Interior justified the confiscation of over 280,000 copies, stating that the magazine was "subverting the institutional order." It was reported that the article provoking the government crackdown included a reproduction of a conversation that took place between Judge Pedro Narvaiz and General Hector Lopez Dominguez. In the conversation Dominguez warns Narvaiz that he will not take measures to halt the wave of threats to which the judge had been subjected.

Feb. 10 The state paper company delayed delivery of newsprint to the weekly newspaper Nueva Presencia, a paper known for its outspoken position on human rights

Feb. 19 Two journalists and three photographers were arrested while covering the arrival of politician Raúl Alfonsin in the Córdoba. The journalists, Carlos Sagristani and Raymundo Vignuda of Tiempo Argentino, Carlos Jornat and Oscar Bequan of La Voz de la Interior, and Fransisco Fernández of D.Y.N. They were released after several hours.

Currently, there are nine journalists who continue to be held as political prisoners, in addition to several in "Libertad Vigilada" and over eighty journalists disappeared. Those in prison are: Pedro Cazes Camarero, former editor of El Combatiente; Hugo A. Dedieu; Isidoro Gelstein of Editorial Abril; Miguel Mofiino; Plutarco Schaller; Alicia Zeoli de Weiland; Luis Alaracón; Pedro Perez; and Eduardo Yazbek Jozami, former head of the journalists' union in Buenos Aires.

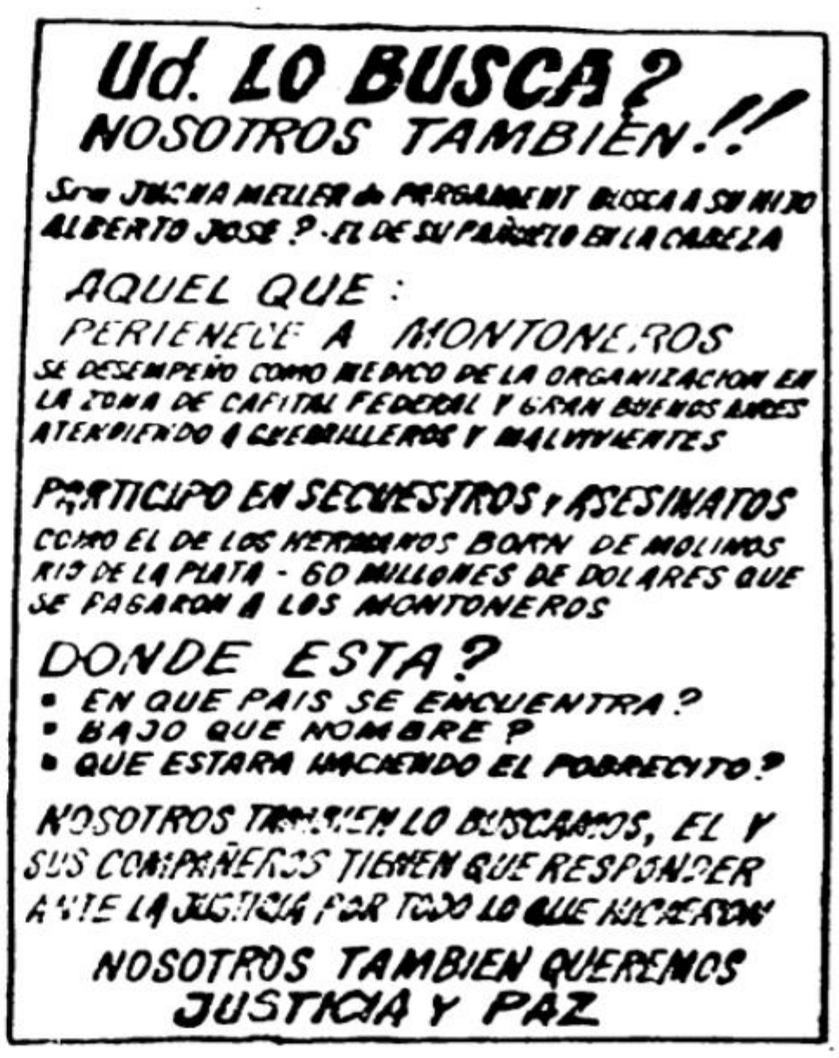
HARRASSMENT OF HUMAN RIGHTS GROUPS

On October 26, Judge Guillermo Ledesma responded to complaints brought before his court of threats received by human rights workers by indicating that he could do nothing to stop harrassment. "In this society there are certain dark forces," he said, "which maintain their vigor and continue to operate with impunity." They will continue to exist,he went on, until "there is a decision by the leadership of the structure from which they emerge."

Indeed, a close parallel may be drawn between periods in which the military authorities lash out with public statements against the human rights groups, and the waves of wall poster smear campaigns, telephone threats, and most recently bomb threats. On November 17,1982, General Edgardo Calvi, Chief of Staff of the Army declared "the subversion is connected to human rights (groups)." He asserted that the "subversives finance everything from declarations and trips of mothers of terrorists to the permanent publication of biased reports of the war that we all lived."

During the course of the next three days, five Mothers of the Plaza de Mayo were victimized by wall poster smear campaigns. Posters were printed accusing Juana Maller de Pargement , a member of the Board of Directors of the Mothers, of being the mother of a terrorist

doctor and insinuating that her son as alive and that they too were looking for him. The posters (see photo) were identical in lettering and paper to those that have appeared over the course of the last six months around Buenos Aires, also attacking human rights leaders.



Other incidents of harrassment and intimidation which have occurred include the following:

Nov., 18 The home of Emilio Mignone, CELS's president, was spray-painted with words accusing his wife of being the Mother of a terrorist and him of being a lawyer for the terrorists. Mignone lives next to the highly guarded home of Admiral Isaac Rojas, Nevertheless, the painting was done without the intervention of police. On November 27, Mignone denounced these incidents before Judge Niklison, demanding that Calvi be called to testify in the investigation of the incident in order to determine whether "this last campaign of threats was simply instigated by him, or whether it was actually a result of his direct orders." The harrassment did not subside. Calvi was not summoned.

Nov. 23 The home of Hebe Bonafini, president of the Mothers of the Plaza ofMayo, was spraypainted with "Mothers of Terrorists."

Nov.,28 The Mothers reported that a series of paintings had appeared on the homes of several other mothers pertaining to the organization.

Dec., 5 Alfredo Galleti and Elida Enriqueta Bussi, CELS members, received several telephone threats warning them that "there are two graves marked for you and your husband in the cemetery Las Flores."

Dec., The offices of the Permanent Assembly for Human Rights in Santa Fe was painted with "House of Terrorists, of Montoneros and ERP." In La Plata,the Assembly's offices were also painted with similar accusations.

Dec.,12 Raquel Cristina Coronel, a lawyer who defends political prisoners, reported that men had come to her house twice to question her superintendent on her activities. She also received several telephone threats in her office warning her "If you keep on with this work , we are going to kill you."

Dec.,22 Liliana Jons de Orfano and Lucas Orfano, members of the Commission of Relatives of Disappeared Persons and Political Prisoners, had their

home spraypainted and signs posted accusing them of being terrorists on several adjacent buildings.

Jan., 1· A phony bomb was placed in the doorway of the Justice and Peace Service. A ceremony was to be held there for Dalmiro Flores (the boy killed by security agents in the December 16 march)on that afternoon. When police arrived to investigate, they attempted to prevent the Mothers of the Plaza de Mayo from entering the building. The Mothers, however, insisted on walking past the bomb, into the building and conducting the ceremony. Police, meanwhile, exploded the small box, finding that it contained two bricks and a small detonator.

Jan. ,7 Edgardo Pimental, president of the Permanent Assembly for Human Rights, reported that starting on December 21, he and members of his family began to receive a series of telephone threats, in which even the life of his two year old grandchild was threatened. Pimental denounced the harrassment before Judge Zavalía, and requested that his telephone be tapped so that police could track calls. He also reported that a few days earlier, his son-in-law, Fabian Gonzalez, was threatened by two armed men while working at his job as an air controler.

Mr. GEJDENSON. Thank you.
Mr. Falcoff.

STATEMENT OF MARK FALCOFF, RESIDENT FELLOW, AMERICAN ENTERPRISE INSTITUTE

Mr. FALCOFF. Thank you.

I want to express my appreciation to this committee for affording me an opportunity to make some comments about the present situation in Argentina and its possible implications for U.S. policy.

STATUS OF POLITICAL PARTIES

Within 7 months, Argentina will be going into elections for a new President and Congress. As things stand now, if the Peronist Party unites, its candidate will be the victor. If it does not, the Radical Party, which is Argentina's oldest, will carry the day.

Both of these parties are centralist and populist. They favor economic nationalism, social justice, a mixed economy, industrial growth, and an independent foreign policy. The major difference is that the Peronists control the large and important trade union movement. The Radicals have no important footing in that very important political public.

The new Argentine Government, whether Radical or Peronist, will face four very serious challenges: One, a political public fractionalized into two major and a dozen minor parties. Even the two largest parties are divided. The Peronist controlled labor movement is split into two separate federations.

Two, the country must make economic choices, which are bound to be difficult, again a background of deficits and high inflation and a very unfavorable international lending environment.

It must manage rising expectations, long-postponed income adjustments, and pent up demand. As we know, these things are difficult enough to manage in politically advanced industrial democracies, much less countries with a weak tradition of compromise.

Three, the Government will have to reconstruct its civil/military relations and it will have to manage to survive politically while doing so.

Fourth, and finally, it must sort out the legal and moral issues raised by the antiguerrilla war, documenting individual cases of disappeared persons, and bringing judicial sanction to bear where appropriate. This will be a much more complicated and difficult task than people in the United States imagine.

IMPLICATIONS FOR U.S. INTERESTS

These events have implications for three areas of U.S. concern. First, it will be necessary soon to certify Argentina in the area of human rights. I, myself, am an agnostic on the question of now or after elections. We have heard some very good arguments on both sides. But I do not think that this issue can be postponed indefinitely. I think it would be dangerous and counterproductive to use certification for something beyond which it was intended.

With all due respect, if some in this country imagine that any Argentine, present or future, is waiting for some stamp of approval from the White House or the Congress, they strongly underestimate the nationalism which pervades all sectors of opinion in that country.

Second, resumption of eligibility for arm sales, which presumably would follow certification. However, eligibility is one thing and actual changes are another. The United States has shown itself to be an unreliable supplier. Big ticket items will continue to go to countries with a better record: West Germany, France, Austria, Spain, South Africa, Israel, and Taiwan.

Of course, I would have said Great Britain, were it not for the war.

Third, a reorientation of Argentine foreign policy, which seems to me to already have begun. Even under the military regime there was a close commercial relationship with the Soviet Union. Whether that goes beyond mere business to arms acquisition or other matters depends largely on Argentina's ability to find markets for its products other than grain. But I think a pro-Soviet Argentina is not probable.

Relations with Cuba and Nicaragua already have improved because of the support of those countries during Argentina's war with Great Britain. I think we can expect the new government to oppose the U.S. policy in Central America, as in a way the present government is already doing. I believe an Argentine military presence in Central America is not in the cards.

At this point, it seems to me that the process of democratization is already underway and following a logic of its own. Argentina is a big and important country which does not wait upon events in the United States. It has its own cultural traditions and history, its own sense of self, and like us it has its own problems. It is extremely reluctant to allow others, particularly Americans, to dictate or appear to dictate its course of action.

I will go further and say that if the history of United States-Argentine relations shows anything it is that intervention, real or imagined, in domestic politics there, even with the best of intentions, tends to weaken those we would help. This was certainly General Galtieri's problem, and laterally it seems to become one for an important leader of the Radical Party.

UNITED STATES SHOULD ASSIST IN ARGENTINE ECONOMIC SITUATION

If the United States wishes to play a positive role in future Argentine events, it would do better to assist the new government with its financial problems once it is in place, and avoid intensively entangling itself in complex moral and political issues which the Argentines themselves will have their hands full unraveling.

Thank you.

[Mr. Falcoff's prepared statement follows:]

PREPARED STATEMENT OF MARK FALCOFF, RESIDENT FELLOW, CENTER FOR HEMISPHERIC STUDIES, AMERICAN ENTERPRISE INSTITUTE

First of all, I wish to express my sincerest appreciation to this Subcommittee, its chairman Congressman Barnes, and its staff, for affording me this opportunity to make some comments about the present situation in Argentina and its possible implications for U. S. policy. Most of us who are professional Argentina-watchers have long believed (and our Argentine colleagues share this view) that many problems which have beset our two countries over the years could have been avoided, or at least minimized, had the United States government and the U. S. policy public more serious and sustained attention to the nuances and difficulties of our relationship. So I see these hearings as a very positive and helpful contribution, and I know they will be so viewed in Argentina.

THE PRESENT SITUATION IN ARGENTINA

Approximately seven months from now, Argentina will convoke elections for both a president and congress, and return to a constitutional regime, with a newly-elected chief executive assuming office no later than March, 1984, probably sooner. These elections will be only the seventh opportunity Argentines have had to vote for a president in the last 53 years; to put the matter in even sharper perspective, if the victorious candidate manages to complete his six-year term, he will be the first civilian to do so since Marcelo T. de Alvear, elected in 1922, and the first president of any origins --military or civilian--since Juan Peron, elected in 1946. Argentina thus stands either at the threshold of a new and more positive era in its constitutional history, or merely at one end of a fifty year cycle of military versus civilian rule.

This new opportunity for Argentine democracy is the result not of foreign pressures or even domestic upheavals, but simply the collapse, both moral and psychological, of the military regime which had ruled the country since the overthrow of President Isabel Peron in 1976. A rapidly deteriorating economic situation--in some ways, the most catastrophic in Argentine history, worse than the Great Depression--combined with an unsuccessful and humiliating war with Great Britain, have simply deprived the Argentine armed forces of the will to continue in government. Thus the door is open for a broad coalition of civilian opposition forces, generally grouped under the umbrella of the Multiparty Group, to pick up the pieces and reconstruct the civic order. Whether they will succeed in doing so depends upon a number of factors which I shall try to enumerate in the course of this testimony.

Prospects for the Immediate Future. The new government of Argentina is bound to be centrist and populist, most likely directed by the Peronists, or, as they call themselves, the National Justicialist Movement. Their program combines economic nationalism, social justice, a mixed economy, industrial growth, and an independent foreign policy. As they are presently divided into three major factions, and since the founder of the party is no longer alive, it is not possible to predict today who their candidate will be. But if the Peronists do unite under a single slate, they will unquestionably win--with anywhere from 40 to 50 percent of the vote. If they divide, then it may be possible for the candidate of the Union Civica Radical, or Radical party, to carry the day. The Radicals are Argentina's oldest political party and one of the

most venerable democratic forces in Latin America; although a historic rival of Peronism, Radicalism now espouses a program not very different from it. And although over the years the Radicals have passed from being Argentina's largest party to second place, they still account for approximately a quarter of the Argentine vote.

What in Argentina are called the "parties of the Center" (we would call them parties of the Center-Right) are divided and will not in all probability be able to present a single slate. But together they do constitute a significant force of national opinion--probably from 25 to 30 percent of the vote--and they will be represented in the new parliament in sufficient numbers (and with adequate, in some cases excellent, leadership) so as to make their views heard and their generally moderating influence felt.

In a broader sense, the return to democracy in Argentina will mean an opening-up of the civic and cultural order--a lifting of censorship (actually already begun) on the press, electronic media, films, books, and public forums generally. It will also mean a new order in Argentine universities (which may or may not be more significantly open than the one which presently obtains, but at any rate will certainly be different.) Above all, it means a return to the rule of law and accountability in public affairs. It is bound to be a period of great effervesence and excitement. We can only hope that it will be so in the most creative and positive sense of those words.

Difficulties Facing the New Government. (1) Argentina returns to democracy with a political public which is fractionalized into three major and at least a dozen minor pieces. Some of the differences are

are nothing more than rivalries among leaders and factions; others, however, bespeak serious differences of opinion on matters of domestic and foreign policy. It is precisely this lack of civic consensus which has facilitated and in some measure made inevitable the country's succession of military governments since 1930. The Peronists are divided not merely into three major groupings, but within Argentina's massive labor movement (which they control) into two separate federations. The Radicals are also split, and it is not clear whether they will be able to unite behind a single candidate. Even if they do, and even if they manage to win by a small plurality, they have no footing within the labor movement, without which many doubt they can successfully govern.

(2) The country must make economic choices which are bound to be difficult. If Argentina's international commitments are to be met, the guidelines of the IMF will have to be followed, at least in the near term. These are highly unpopular, as austerity budgets always are, but it is doubtful that the new government--whatever its leaders may say now--will want to break relations with the Fund or repudiate outstanding debts to foreign bankers. It has been said many times before but it bears repeating here: Argentina has an enviable record of meeting its international commitments. On the other hand, it may be necessary for the U. S. Treasury and U. S. representatives at the multilateral lending institutions, as well as the U. S. private banks, to take continuing steps of their own so as to assure that the Argentines are able to maintain their honorable tradition. My impression is that so far this has very much been the case.

Under the best of circumstances, the new government will be facing deficits and high inflation, against a background of rising

expectations, long-postponed income adjustments, and pent-up demand. These things are difficult enough to manage politically in advanced industrial democracies. Argentina will require more than casual doses of intelligence, good sense, a capacity to compromise, and sheer luck to see itself through.

(3) Argentina will have to reconstruct its civic-military relations. Just how this will be accomplished no one--certainly no foreigner--can say. But since there is so much confusion and misinformation about this subject in this country, several points are worth making. First, there is wide agreement within Argentina, even among parties of the Left, that the country should have a significant, professionally-trained and equipped military establishment. Second, almost all of the major and minor political parties have some sort of connection with some elements of the military, and to a degree that would doubtless surprise many Americans, there has always been some measure of dialogue across civil-military boundaries. Third, Argentines generally agree that a totally depoliticized military establishment is not a realistic goal for their political system, and seek instead to contain military politics within the framework of conventional budgetary issues and lobbying over national industrial priorities, such as the atomic program or the manufacture of armaments. Fourth, at this point the military is concerned largely with protecting its institutional integrity and prerogatives. If these are respected by the new government--and probably, in the broadest sense, they will be--civil-military relations will be properly balanced. Without doubt, however, the most serious obstacle to be negotiated will be the issue of the disappeared.

(4) The new government must enter into a tangled legal and moral

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jungle represented by the disappearance of several thousand persons during the anti-guerrilla war of the late 1970s. (It must also review alleged mismanagement of public resources by former ministers of three military governments, but this is far less controversial and difficult--in fact, it has already begun.)

The issue of the disappeared involves two separate, but inter-related questions. The families of the missing want to know the fate of their loved ones, and at the same time to see those responsible for abuses of power brought to justice. It is my understanding (and the Subcommittee has before it information on this matter) that the former procedure is already quietly underway. The latter remains to be accomplished by the Argentine courts.

Sorting out responsibilities for the anti-guerrilla war will not be easy. First, complete information as to what actually happened in individual cases is not always available. Second, there is the question of proportionality. Although human rights activists do not like to hear this, many of the missing--an unknown, and probably unknowable number--were in fact guilty of serious infractions of the law, including kidnapping, murder, and random violence in which innocent people were killed or mutilated. To some degree, also, the fallen terrorists share the responsibility for the breakdown of the rule of law in Argentina of which they (along with many innocent bystanders) ultimately became victims. No one can predict how a full and satisfactory judicial inquiry would assign weights of relative guilt or innocence, which in any event must vary on a case-by-case basis. But since the present state of seige and the anti-guerrilla campaign itself was virtually begun in the last days of the constitutional government of Isabel Peron, the legal issues are bound to be complicated in the extreme. Third and finally,

certain unpleasant political realities must be acknowledged. Whatever the present military regime may wish, or even decree in its final days, a blanket amnesty is not in prospect. But by the same token, neither is a frontal attack on the armed forces--because there cannot be, if the new government is to survive. Thus the judicial and moral bases of the new Argentine democratic order will be--like it or not--very ragged and uneven.

ISSUES IN U. S.-ARGENTINE RELATIONS

Certification of improvement in the area of human rights.

Sometime soon it will be necessary for the U. S. government to recognize that there has been a notable, perhaps even remarkable, improvement in the human rights situation in Argentina, particularly over the past nine to twelve months. Since the Subcommittee already has before it the information gathered by our Embassy in Buenos Aires, I shall not recite the data chapter and verse. The only question which remains is whether certification is appropriate before or after elections.

I have no hard and fast recommendations to make on the actual timing of certification, although I do not think it wise to postpone it indefinitely. Some believe that the U. S. should not certify the present government because it is a de-facto military regime and does not "deserve" it. On this subject, I would urge the Subcommittee to consider these points:

First, this question is now far more a U. S. domestic political issue than a burning controversy in Argentina. While expatriate Argentines will doubtless view the matter differently, in the country itself even the strongest opponents of the present regime do not recognize the right of the President of the United States or even the U. S.

Congress to pass authoritative judgement on the management of their internal affairs.

Second, it is not at all clear that certification before the elections would be regarded as a particular foreign policy victory for the military, so much as one more step towards the normalization of relations since the South Atlantic war. However, even if it were to be so regarded, I would see no reason to withhold it from a government whose entire raison d'etre has been to return Argentina to constitutional government, and whose performance in the human rights area has so notably improved over its predecessors.

Third, I think it highly undesirable to ignore incremental improvement and delay certification upon some (undefined) perfect outcome, since--as I have said, the process of sorting things out in Argentina is bound to be long, and in the end may leave quite a few people on both sides of the fence dissatisfied. (Some American and expatriate Argentine critics of the present government and the ones before it are not going to like the one that follows all that much more.) Moreover, how credible will our human rights policy be if -- in seeking to remedy local situations in dozens of countries world-wide -- we purposely ignore an improvement in Argentina for purposes exogenous to the actual issue at hand?

The resumption of arms sales. If and when Argentina is certified, she will then become eligible to purchase arms, military equipment, and spare parts from American suppliers. However, I do not believe that such an eventuality will lead to any major changes in the pattern of Argentine acquisitions. The fact is that the United States--in contrast, for example, to Socialist France--has shown itself to be an unreliable supplier. Instead, big-ticket items will continue to be purchased from those nations who stepped in to fill the vacuum

created by the Humphrey-Kennedy Amendment (1978)--France, West Germany, Spain, Austria, Israel, South Africa, Taiwan (and, were it not for the recent war, Great Britain). There will, of course, be some spare parts acquired from American suppliers, and presumably a resumption of training of Argentine officers at U. S. service schools. But unless one thinks that French officers (or even South African officers) are better political company for Argentines than their U. S. counterparts, this development should be viewed as positive for both countries.

Certification will have some side-effects, however, which the Subcommittee would do well to consider. The opening of the American market will give Argentine purchasing agents in Europe and elsewhere greater leverage in negotiating prices for arms and military equipment. (In the recent past, these have been highly unfavorable to Argentina, varying from three to ten times more than they would have been in the pre-Humphrey-Kennedy days.) This will tilt the arms balance in the Southern Cone still further in favor of Argentina and against Chile (which is not going to be certified), and presumably could effect the course or outcome of Papal negotiations over the Beagle Channel. I mention these things not because I think they are good reasons for not certifying Argentina or for certifying Chile (issues which must, perforce, be decided upon their own merits alone), so much as to point out how well-intentioned foreign policy agendas can work at cross-purposes.

Argentina, the Soviet Union, Cuba and Central America. In the last five or six years Argentina has become a major supplier of cereals and other agricultural products to the Soviet Union, to the point that the latter accounts for between 75 and 80 percent of her total cereal exports (30 percent of all ARgentine sales abroad).

This makes Argentina Moscow's leading trading partner in the developing world, a situation not likely to change in the foreseeable future.

In addition to hard currency, Argentina receives for its agricultural exports some Soviet machinery and equipment, as well as nuclear fuel. An existing trade agreement, due to expire in early 1982, was extended for three more years in August, and under another arrangement the Soviets undertook to provide enriched uranium for the Atucha II reactor. To some degree the Argentine-Soviet entente finds reflection in dealings with other nations of the bloc. Thus, in 1982 Argentina was visited by trade missions and/or signed new commercial agreements with Cuba, Czechoslovakia, the German Democratic Republic, and Bulgaria.

Although the Administration has expressed concern over the possibility of Argentina acquiring arms from the Soviet Union--and the Soviets are, doubtless, anxious to enter the market there--in my opinion this is not an immediate problem. It could, however, become one if the present pattern of Argentine-Soviet trade relations intensifies and the Soviets find themselves short of hard currency. It should be emphasized, however, that there are strong currents in Argentine society (by no means restricted to the military or even the parties of the Right) anxious to keep the Soviets at arms' distance. Whether they succeed in so doing will depend upon Argentine access to markets for products other than grain (which they cannot sell in the United States, Canada, or Western Europe).

Although Argentine relations with Cuba were cool to the point of freezing in the late 1970s, they were never broken off entirely. They reached their lowest point in 1981 when the Galtieri government supported--in ways still not clearly documented--U. S. purposes in Central America. Since the war, Argentine-Cuban relations (and also,

relations between Argentina and Nicaragua) have vastly improved, thanks to the support both countries offered to Argentina's claims to the Malvinas/Falklands Islands. According to official statements, Argentina has withdrawn her military presence from Central America. The new government will doubtless oppose U. S. policies there, and a resumption of an Argentine military role of any dimensions in Central America simply is not in the cards.

FINAL REMARKS

In the invitation to this hearing, witnesses were asked to offer recommendations for strengthening the democratization process in Argentina, and it will be noted that this testimony has been very short on suggestions of that type. The reason is simple. With all due respect to Guatemala, Argentina is <u>not</u> Guatemala. It does not wait upon events in the United States to know whether its future will go this way or that.* Argentina has its own cultural traditions and history, its own sense of self, its own aspirations for the future, and it is extremely reluctant to allow others--especially Americans, whom Argentines of all political stripes do not particularly like or admire--to dictate, or appear to dictate, their course of action.

I will go further and say that to the degree to which the United States is perceived to favor one leader, party or group in Argentina--be it of the purest democratic pedigree--that is tantamount to calling into question the legitimacy of that leader, party or group. This was General Galtieri's problem and lately it seems to have become one for Raul Alfonsin, one of the most prominent leaders

*If we knew Guatemala better, we might conclude that even Guatemala is not "Guatemala".

of the Radical party and a probable presidential candidate.

If the United States wishes to play a positive role in future Argentine events, it would do better to assist the new government with its financial problems once it is in place, and avoid entangling itself in complex moral and political issues which the Argentines themselves will have more than enough trouble unravelling.

Thank you.

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Dr. Falcoff's books include (with Ronald H. Dolkart), Prologue to Peron: Argentina in Depression and War, 1930-43 (1975) and (with Fredrick B. Pike), The Spanish Civil War, 1936-39: American Hemispheric Perspectives (1982).

A frequent contributor to journals and professional publications, his articles have appeared in The New Republic, Washington Quarterly, Commentary, Hispanic American Historical Review, Journal of Latin American Lore, Inter-American Economic Affairs, etc.

With Natalio Botana he is co-directing a project on U. S.-Argentine Relations, undertaken jointly by the American Enterprise Institute and the Argentine Council on Foreign Relations.

Mr. BARNES. Thank you very much.

I apparently timed this just as badly as I could in missing all three statements, and I apologize to all three witnesses.

You may have heard my comment earlier to Mr. Smith that when we scheduled this hearing, we anticipated a different floor schedule than it turned out to be today, and it is unfortunate.

Before I look through your statements and remind myself of the questions I want to pose, let me turn to my colleagues who were here and did hear your statements. I will come back with some questions later.

Let me first recognize the gentleman from California, Mr. Lagomarsino.

IS CERTIFICATION WARRANTED ON FACT?

Mr. LAGOMARSINO. Dr. Falcoff, you heard the testimony of the other two witnesses. I take it you would say, on the issue of human rights, that certification would be proper?

Mr. FALCOFF. No, I didn't mean to say that. I think that is a qualitative judgment which the U.S. Government has to make.

Mr. LAGOMARSINO. Maybe I should say it the other way. It would not be improper?

Mr. FALCOFF. Let me put it this way. I think if your purpose is to notice improvement or even very drastic improvement, then I think it is in order. If you want to start factoring in, as some other witnesses do, other issues, then it becomes an even more difficult qualitative judgment to make. I think that is really the distinction to make.

Mr. LAGOMARSINO. What I am getting at, I guess, is you have a different perception of the improvement or lack of it.

Mr. FALCOFF. Well, it is a question of whether the glass is three-quarters empty or the glass is one-quarter full. I think that is about what it comes to.

I am also looking at the direction in which things are moving as well as where they are at the present moment. For example, I don't believe that a date would have been set for elections if the military had not abandoned the idea of a word that was floating around in Argentina in November, "concertacion." It means an arrangement between the military and the politicians not to look into anything that happened between 1976 and 1981.

This is what the military was hoping to get, and they didn't get it. They were holding off setting a date as long as they could. The fact that they have set a date seems to me to indicate that they have given up on this idea, and now must trust the kinds of informal influences they can hope to bring marginally.

Mr. LAGOMARSINO. You know, it seems to me that one of the points you make is very valid, a valid one and one that can cause us a lot of trouble down the line. If we hold off on certification and take the position that certification can take place after the new government is installed and that will automatically solve the two problems we are talking about.

ISSUE OF DISAPPEARED WILL BE ON-GOING

Sure, a continuing violation of human rights, I think, probably would cease. There is some evidence, although apparently there is a dispute about it, that that apparently has pretty well taken place. But in relation to the disappeared, that is likely to be an on-going thing for many, many years.

Mr. FALCOFF. I am afraid it is.

Mr. LAGOMARSINO. No matter what government is in power and no matter how hard they try to uncover it.

Mr. FALCOFF. This is exactly the point to which I was addressing myself. It is unfortunate that the certification process comes at—the sequence of 6-month intervals means 6 months brings us up to a month before elections, doesn't it?

Mr. NEIER. Only on El Salvador it is in 6-month intervals.

Mr. FALCOFF. I am sorry. How often does this have to be considered?

Mr. NEIER. Just once.

Mr. FALCOFF. What I am thinking of, I guess, is this, that once we have a newly elected government in place, this government is going to have the problem of managing to survive and to manage so many different issues. It is going to be, unfortunately, a weaker government than we would like.

I think that this process of investigating what happened and punishing people is going to go on for a long time. I think that most of the arguments that you used, Mr. Neier, particularly in referring to things that happened in the past, are likely to be arguments we will hear again next year and the year after. That is exactly the point to which I referred, Mr. Lagomarsino.

Mr. LAGOMARSINO. I will address this question to all three of you. How do you see the role of the military after the election, assuming it takes place as scheduled and a government is installed as scheduled?

ARMED FORCES SELF-AMNESTY LAW

Mr. NEIER. If I may respond to that. Clearly the armed forces have played a large role in Argentine politics in the past, and one would have to anticipate that the armed forces could play a very large role in the future.

There is one particular question in Argentina right now which is likely to influence the role that is played by the armed forces. The armed forces are probably about to bring forward a self-amnesty law, that is, they are about to forgive themselves for everything they did from 1976 until 1980.

One of the special qualities that certification would have at this moment is that it might just about coincide with this attempt by the armed forces to amnesty themselves.

If a civilian democratic government comes back in early 1984, and the Argentine Armed Forces have amnestied themselves, although that is a very peculiar notion under any concept of law, but it may be found to prohibit any prosecution of members of the armed forces for murders they committed from 1976 to 1980.

Then, I suppose, any future military force in Argentina would understand that, if they depose the civilian government, and if

they do the same thing all over again, they can simply forgive themselves by yet another self-amnesty law at some future date. This is a legal monstrosity.

Certification at this moment could very well coincide with the attempt to bring forward such a legal monstrosity. If that happens, it would certainly enhance the likelihood of a future Argentine military coup of the character that took place in 1976.

Mr. WYNIA. Just one additional word on the military in Argentina. The Argentine military is in a position very different, for example, from the Brazilian military.

The Brazilian military has its own political party. It held elections in November of last year, and though it came in second place, it ended up with more seats than the opposition because it had gerrymandered the elections.

Mr. LAGOMARSINO. Like California.

Mr. WYNIA. Perhaps.

But the Argentine military do not have a political party of their own. They have dreamed of building one from time to time, but have had very few takers. So when they must restore the democratic system, they have no hope of controlling the results except by excluding particular parties from the competition.

The problem right now, as pointed out, is that the military wants to dictate the results or at least put limits on them. The Argentine parties know that in moving toward elections they are in a strong position, at least temporarily, because if they don't cooperate, there will be no elections. Of course, they always risk provoking the military to cancel elections altogether if they don't cooperate.

They also know that once elected they will have to deal with the amnesty issue. The threat of coups will be around for a long time. It gets back to the question raised earlier about democracy. Argentina can have a constitutional democracy as it has in the past, but even if it does, its leaders must deal with the military and its demand for political influence.

So I think it is a realistic to assume that this issue will continue for a long time to come. I raised it in my statement in order to point out how U.S. relations with the Argentine military cannot help but affect the Nation's politics since the military are so central to it.

Mr. LAGOMARSINO. You know, on the other hand, if the military does amnesty itself, I would imagine at the same time they do that, they will amnesty any activities by guerrillas during the same period of time, or the terrorists.

If that is done, and if it works, if it is not able to be overturned, how are we ever going to be able to certify whatever Government takes over, because that whole thing of the disappeared will never have been solved, unless we can argue progress instead of complete satisfaction.

Mr. WYNIA. There in no certainty that this would not happen, to be sure, but I would not consider certification until we know that civil liberties are respected. That has not happened yet and will not until the judiciary is free to enforce the Argentine constitution.

Mr. LAGOMARSINO. Mr. Falcoff.

Mr. FALCOFF. I don't totally disagree with what Dr. Wynia is saying. I would simply say, though, with respect to the idea of self-amnesty, I don't think it will wash even if the military passes it.

The moment of maximum strength for this new democratic government may be the weeks after it comes to power. I think that if such an amnesty or self-amnesty were passed there would be tremendous popular pressure for the new government to disavow it, but I am not familiar enough with the Argentine judicial system to say whether it could.

I agree with you, by the way, that it would be a judicial monstrosity and it probably wouldn't wash even if it were passed through a truly independent court system in Argentina. But I don't think that passing such a self-amnesty law would have much impact on those coups.

If seems to me very unfortunate that the cycle of military coup/civilian government-military coup/civilian government exists. But there are profound economic, political and social causes for these things. A self amnesty—however, undesirable—will not be the decisive factor in determining whether this cycle continues or not.

Mr. BARNES. The gentleman from Nevada, Mr. Reid.

Mr. REID. I don't have any questions. These gentlemen answered the questions I raised with Mr. Smith. Thank you.

Mr. BARNES. The gentleman from Nebraska, Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

First of all, I would like to express my appreciation to all three of you for sharing your thoughts with us. I would like to address my questions to Mr. Neier.

I think it is important that you raised the specific instances that you did about human rights violations past and present. I also think, incidentally, you made a severe indictment of the statutory direction we have given on the certification process in the process of making your comments.

I really wonder if the first question from Mr. Lagomarsino to Mr. Falcoff about whether this is an adequate statutory measure meant for measuring progress versus justice being brought for present and past sins is a critical one that the Congress ought to address.

AMERICAS WATCH'S MONITORING OF HUMAN RIGHTS VIOLATIONS

Let me move beyond that and say this. While I know very general things about your organization, as a new member of this committee I am not familiar with many of the aspects of your organization beyond what is in your letterhead and the self-charge that is listed there.

Having said that, I would ask you, what are you doing, as an organization, to investigate human rights violations?

Mr. NEIER. Let me tell you a little bit about our organization in preface to the answer to that question.

Americas Watch Committee is an outgrowth of another organization called the Helsinki Watch Committee. I am vice chairman of both organizations. The Helsinki Watch Committee was organized 4 years ago to deal with violations of human rights in the 35 countries that signed the 1975 Helsinki accords, and we focused on the countries that had been the most egregious violators of human

rights in the Helsinki countries, that is on the Soviet Union, Czechoslovakia, Poland, Rumania, Hungary, Yugoslavia, and Turkey.

The Americas Watch Committee was organized 2 years ago. It was organized because the Reagan administration, when it first came in, wanted to make a distinction between human rights abuses in friendly authoritarian countries, on the one hand, and hostile totalitarian countries, on the other hand. We believe that one had to be even-handed. Because we were focusing mainly on the hostile totalitarian countries, we thought we also ought to deal with a few friendly authoritarian countries. We created the Americas Watch, therefore, at that time.

The Americas Watch has tried to follow the events in Surinam. I have to tell you that the moment when the killings took place in December, we knew very little about Surinam. We had no experts on Surinam in our organization. We were not in touch with Surinamese living in the United States.

We have tried to inform ourselves on Surinam since then. In order to do that, we got in touch with human rights organizations in the Netherlands who knew something about it, and we discussed with them the possibility of sending of a mission to Surinam to inform ourselves more about it.

They have gone forward and sent a mission consisting of an American law professor and a Belgian law professor, both Dutch speaking. We were not able to furnish a Dutch speaking member of that mission. We didn't have a Dutch speaking member of the Americas Watch Committee. But we are going to rely on the findings of that mission, which has just been completed, in order to publish an investigatory report on Surinam.

Mr. BEREUTER. I am very pleased to hear that. I think our credibility is always in question here as Members of Congress. For you and every other organization that seems to have a similar charge, I promise to bring up this question of Surinam every time I see a representative from such organization because I am totally outraged by what is happening there.

Mr. NEIER. It is clearly a disastrous situation. It has a maniac quality to it.

Mr. BEREUTER. I think ideological neutrality means that other counterpart organizations to your own have to proceed with that one with just as strong a commitment. Thank you for your investigating. I hope you will expedite it and share your information.

Mr. NEIER. We certainly will.

We have stayed in touch with the State Department and its Human Rights Bureau and with Members of Congress on this issue.

Mr. BEREUTER. Thank you for letting me digress, Mr. Chairman.

BEAGLE CHANNEL DISPUTE

Mr. BARNES. Gentlemen, let me get your sense of what the impact, if any, would be on the dispute that Argentina and Chile have over the Beagle Channel if the United States were to make a certification with respect to Argentina at this time. Would there be

any effect on that dispute and the negotiations the Vatican has undertaken?

Mr. FALCOFF. The Chileans certainly think so. They point out that during the period in which our own arms embargo has been imposed on both countries, although they—the Chileans—could get their arms from a wide variety of European sources, because of the embargo they often had to pay anywhere from 3 to 10 times as much for those arms in Western Europe as formerly.

They are therefore worried that certification of Argentina alone would radically alter the state of things. Not only would the Argentines be able to resupply from the United States, but even if they chose to restrict their acquisition to those non-U.S. sources to which they have recurred in the last 6 or 7 years, the terms of sale would be more favorable. That is, their European and other suppliers would now know that they could in any eventuality, recur to U.S. suppliers. Chile, meanwhile, would be laboring under the same burdens as before.

The Chileans are also worried about the impact of all of this on the Papal negotiations. I bring these things up because it seems to me they illustrate how our foreign policy agendas can work at cross-purposes.

When I say the Chileans, let me be emphatic, I refer not only to the Government of Chile but to many people in the opposition to whom I have spoken. I was there in August of last year, and we did discuss this.

The nightmare of many democratic elements in Chile—if not that of the Government itself—is that Argentina will be certified, will buy arms, will then have a military coup, after having armed to the teeth, and attack Chile. That is their scenario. I think that it is a little overdrawn perhaps, but nothing is impossible. I merely lay it out for you as one aspect of this problem. It does concern people in Chile.

Mr. NEIER. If I may comment.

CERTIFICATION OF CHILE

There have been a number of statements here to the effect that certification does not loom as a great issue within Argentina. Mr. Smith made that point. I think that to the degree he is correct, that would not be the case with Chile.

The question of certification is a much larger symbolic issue, and perhaps actual issue, not only a symbolic issue in Chile. I think that there would be significant consequences in Chile of certification of Argentina.

Mr. WYNIA. I agree with my colleagues, and would add that we have to recognize that even if a civilian government is certified in January, the Chileans will still be nervous. It is a problem between two nations, rather than strictly one of military versus military.

Mr. FALCOFF. I would like to add something to that and that is—to be the devil's advocate here—certification could have some positive effect in Chile, if you assume by positive movement or more rapid and sincere movement toward democratic government.

I suspect that President Pinochet is going to be under considerable pressure from some of his fellow military chiefs over this issue

if the consequences of certification are perceived to be upsetting still further the arms balance.

This might, of course, have a number of different consequences, and one can't foresee that they would necessarily be positive. I merely point this out as one possible scenario.

Mr. NEIER. If I may respond to that.

I maintain quite close contact with the Chilean human rights groups. While they would agree with Mr. Falcoff, at the same time I have never heard from any of the Chilean human rights groups any endorsement of certification of Argentina. Their feeling is that it is important that the United States stand for human rights even-handedly.

I don't think it is disclosing any secret to say that they would be happy for anything that doesn't serve President Pinochet. Even so they are not seeking the certification of Argentina.

Mr. FALCOFF. I certainly wasn't intending to imply that they were, Mr. Neier.

MILITARY THREAT TO ARGENTINA

Mr. BARNES. What is this all about, really, in terms of the Argentine acquisition of arms. They have a $37 billion international debt. I know of no immediate threat to Argentina.

I think Britain has done all it has any intention of doing any time soon. Chile doesn't constitute a military threat, although the reverse might be the case. What is the impetus for a buildup of military equipment by Argentina, and even if the military want to do it, won't a new civilian government have some different priorities when it takes office?

Mr. NEIER. I think it is more of a symbolic issue than anything else, but no less important for being a symbolic issue. It really is a question of whether or not the United States appears to put a stamp of approval on this particular military government in its declining days.

My view, and the view of my organization, is that the military government of Argentina doesn't merit a stamp of approval. It is at least as important for the United States not to appear to give such a stamp of approval, as not actually to give it to Argentina's military rulers.

Mr. WYNIA. Regarding military acquisition, I think everyone in this room realizes how difficult it is to restrain the appetites of armed services who want to do their job efficiently and in a technologically sophisticated way. The Argentine military is no different.

They want to rearm themselves after losing so much during the war, and they want to be better equipped in the future for possible other wars.

Institutional pride and face-saving are also important. One of the things that was most difficult for the military government itself, or at least for its Minister of Economy during the last 6 years, was to get control over the military budget. Minister after minister tried and failed. The military is quite autonomous, making it nearly impossible for any President to exercise control over its expenditures. I am sure the new civilian government will have to do more bargaining than dictating in matters of military acquisitions.

Mr. BARNES. It sounds familiar.

Gentlemen, again, I apologize for not being present for your initial testimony, but on behalf of my colleagues I want to thank you again for preparing the testimony and taking the time to appear before this committee. I thank you very much.

The subcommittee will stand in recess.

[Whereupon, at 3:50 p.m., the subcommittee adjourned.]