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Foreign and Commonwealth Office

London SW1A 2AH

26 April 1982

Dear John,

/ As requested, I enclose for the Prime Minister's use in her interview on Panorama a line to take on:

- a) the 'disappeared' in Argentina;
- b) possible action by the OAS.

Yours ever

John Holmes

(J E Holmes)
Private Secretary

A J Coles Esq
10 Downing Street

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ARGENTINA: THE "DISAPPEARED"

Line to Take

1. Argentina's record on the abuse of human rights has been one of the worst in Latin America. Since the military regime took over in 1976, many thousands of Argentines have simply disappeared. The Argentine invasion of the Falkland Islands, and their consistent attempts to deny self-determination to Falkland Islanders, are clear evidence of the Junta's disregard for fundamental human rights.

(If pressed)

HMG'S ATTITUDE, PRIOR TO THE INVASION, ON HUMAN RIGHTS ABUSES?

We have condemned violations of human rights wherever they occur. We have taken every opportunity to make clear to the Argentine Government our concern about the human rights situation in Argentina. We took the initiative in 1980 in setting up the UN Human Rights Commission's Working Group on "disappearances" whose work continues.

Background

2. Although the 1976 military coup was bloodless, the follow-up operations against opposition and terrorist groups led to extensive violations of human rights. Of most concern perhaps is the fate of the thousands of people (up to 9,000 according to a United Nations Working Group, and perhaps as many as 15,000) who have simply "disappeared" and are presumably dead. The Argentine Government has disclaimed any knowledge of these people. Since 1978, however, there have been few disappearances; and in general the regime's internal performance on human rights has improved.



POSSIBLE ACTION BY THE OAS

Line to Take

1. We do not of course yet know the outcome of the meeting of Rio Treaty signatories today. There will obviously be a wish to show a degree of regional solidarity. But I hope that the majority (and there has been widespread concern in Latin America over the Argentine invasion) will recognise that any collective action would be quite unjustified and would only complicate present attempts to achieve a peaceful solution in accordance with Security Council Resolution 502.

(If pressed)

WHAT WILL WE DO IF COLLECTIVE ACTION IS AGREED?

We hope that no such action will be taken. We value our relations with our friends in Latin America.

Background

2. On 20 April, the Organisation of American States (OAS) voted by 18-0-3 (US, Colombia and Trinidad and Tobago) in favour of an Argentine request to invoke the 1947 Rio Treaty. Foreign Ministers of Treaty signatories are meeting in Washington today to consider possible collective action against Britain. The Argentine action was taken under Article 6 of the Treaty, which deals with any threat to the peace of the Continent. Possible forms of action open to Treaty members include one or more of the following measures: breaking off diplomatic, consular and economic relations and communications, and use of armed force. All decisions must be taken by a two-thirds majority.



3. Prior to the recapture of South Georgia, the prospects of the Argentines securing more than a generally-phrased Resolution in their favour were at least even. Many Latin American countries have been in private strongly critical of the Argentine invasion and anxious not to take any action which would either prejudice their relations with the UK or allow Argentina to capitalise on its aggression. However, following our action in South Georgia, the pressures on Rio Treaty signatories to demonstrate solidarity through a closer alignment with Argentina will have increased.



Private Secretary (Mr Holmes)

N. Coles (No 10)

*J.H. Holmes
26/4*

You asked for a form of words which the Prime Minister might use in her Panorama interview this evening if asked about the ICJ. I suggest something on the following lines:

"Argentina has never been willing to submit to the jurisdiction of the ICJ as regards the dispute over sovereignty. In 1955 we made a unilateral application to the Court in view of Argentine encroachments in the Dependencies. The Argentine Government refused to accept the jurisdiction of the Court. Much more recently, in 1977, Argentina rejected a binding award of the Court of Arbitration in the Beagle Channel dispute between Argentina and Chile. In the circumstances, how could one have any confidence that Argentina would respect a judgment of the ICJ if it rejected the Argentine claim to sovereignty over the Islands?"

You also asked for a form of words about trusteeship. I suggest the following:

"Theoretically, it might be possible to place the Falkland Islands under the trusteeship system of the United Nations. But it would take many months to work out the terms of a trusteeship agreement and there is no certainty that any scheme worked out would be approved by the UN General Assembly without change. We have in any event always insisted that the wishes of the Islanders must be respected. They would have to be consulted on any such proposal; and they cannot be consulted until Argentine forces are withdrawn from the Islands. The overriding and desperately urgent need is therefore to secure that withdrawal."

Ian Sinclair

Ian Sinclair
Legal Adviser

26 April 1982

cc PS/PUS