

RELEASED

087840

~~RESTRICTED — Not to be released outside the General Accounting Office except on the basis of specific approval by the Office of Congressional Relations.~~



**REPORT OF THE
COMPTROLLER GENERAL
OF THE UNITED STATES**



**An Assessment Of Selected
U.S. Embassy-Consular Efforts
To Assist And Protect
Americans Overseas During
Crises And Emergencies**

Department of State

This report examines the actions taken or not taken to protect Americans abroad in recent crises and the related laws and regulations. It makes recommendations to the Secretary of State for improving policies, procedures, and regulations to provide greater protection and assistance to U.S. citizens and their property in emergencies.

ID-76-4

DEC. 4, 1975

7
~~49801~~ / 087840



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D. C. 20548

B-182401

The Honorable Dante B. Fascell
Chairman, Subcommittee on International
Political and Military Affairs
Committee on International Relations
House of Representatives

The Honorable Edward M. Kennedy
Chairman, Subcommittee on Refugees
and Escapees
Committee on the Judiciary
United States Senate

In response to your joint request of October 8, 1974,
we have reviewed U.S. Embassy-consular efforts to assist
and protect Americans overseas during crises and emergencies.

We invite your attention to the fact that the report
makes recommendations to the Secretary of State. As you are
aware, section 236 of the Legislative Reorganization Act of
1970 requires heads of Federal agencies to submit statements
concerning the actions they have taken on our recommendations
to the House and Senate Committees on Government Operations
not more than 60 days after the date of the report and to
the House and Senate Committees on Appropriations with the
agency's first request for appropriations made more than
60 days after the date of the report. We will be in touch
with you in the near future to arrange for copies of this
report to be sent to the Secretary of State and the four
Committees to set in motion the requirements of section 236.

We wish to acknowledge the cooperation our staff received
from the Department of State as well as the foreign embassies
we contacted during our review.


Comptroller General
of the United States

C o n t e n t s

		<u>Page</u>
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
	Political climates	1
	Organization and functions of Embassies and consulates	5
2	EMBASSY AND CONSULATE PLANNING AND STAFFING TO ASSIST AND PROTECT AMERICANS	7
	Planning	7
	Staffing	14
	Conclusions	20
	Recommendations to the Secretary of State	21
	Agency comments and our evaluation	21
3	LAWS, REGULATIONS, AND TREATIES GUIDING CONSULAR OFFICERS IN ASSISTING AMERICANS	23
	Protection in arrest cases	23
	Protection by admittance to Embassy- consulate	27
	Protection of private property	30
	Financial assistance	33
	Conclusions	34
	Recommendations to the Secretary of State	35
	Agency comments and our evaluation	35
4	FOREIGN EMBASSY AND CONSULATE ASSISTANCE EFFORTS	37
	Chile	37
	Greece	39
	Hong Kong	39
	Conclusion	40
	Recommendation to the Secretary of State	40
	Agency comments and our evaluation	40
5	SCOPE OF REVIEW	41
APPENDIX		
I	Letter requesting the review	42
II	Examples of Embassy-consular efforts to assist Americans	44
III	State Department organizations involved in protection	51

APPENDIX		<u>Page</u>
IV	Treaties and conventions regarding consular relations	53
V	Senate Resolution 205, 91st Congress, First Session, adopted September 25, 1969	54
VI	Senate Report No. 91 338, July 29, 1969-- "United States Recognition of Foreign Governments"	55
VII	Letter dated September 22, 1975, from the Deputy Assistant Secretary for Budget and Finance, Department of State, and Addenda dated September 26, 1975	63

ABBREVIATIONS

GAO	General Accounting Office
USIS	United States Information Service

COMPTROLLER GENERAL'S REPORT

AN ASSESSMENT OF SELECTED
U.S. EMBASSY-CONSULAR EFFORTS
TO ASSIST AND PROTECT
AMERICANS OVERSEAS
DURING CRISES AND EMERGENCIES
Department of State

D I G E S T

The Department of State is the primary agency concerned with the safety and protection of American lives and property overseas. Its protection efforts are carried out by incountry consular personnel under the overall direction of the Ambassador and the Deputy Chief of Mission.

Welfare and protective services generally involve matters concerning arrest, injury, death, repatriation, property, whereabouts, and evacuation. Treaties and conventions also govern consular actions and assist in the protection function.

GAO reviewed laws; Department policies, regulations, and procedures; and Embassy-consular planning and assistance efforts to protect Americans in Chile, Greece, Cyprus, and Hong Kong. While GAO believes that consular personnel, in most instances, exerted strong efforts on behalf of Americans overseas, assistance and protection for Americans can be improved if the following recommendations are considered and acted upon.

GAO recommends that the Secretary of State:

- Review the registration system to find ways to increase the voluntary registration of Americans abroad.
- Review the emergency and evacuation plans at all posts to ensure that they are current, complete, realistic, and practical.
- Ensure that consular officers know treaty provisions for countries in which they serve relating to rights and protection of American citizens.

ID-76-4

- Review Department policy and regulations and consider the benefits or detractions of permitting high-level official representation to a host government on behalf of detained American citizens during temporary periods of non-recognition.
- Clarify policies and guidelines for admitting American nationals to Embassies and consulates for protection during emergencies.
- Amend regulations concerning protection of personal property to provide for formal or informal protests, depending on circumstances, of loss of personal property due to unwarranted actions by the host government.
- Establish guidelines for consular officers to exchange ideas and information, within the limits of national security, with other foreign consular officers to improve overseas assistance and protection procedures and methods. (See pp. 21, 35, and 40.)

GAO believes that, in Chile during the aftermath of the coup in September 1973, consular assistance and protection efforts were hindered by State Department policy which prohibits formal contact between U.S. and host country officials during periods of temporary nonrecognition, by the lack of a clear policy for providing protection to Americans in Embassies or consulates, and by an outdated and incomplete registration system for resident Americans.

In the first few weeks following the coup, thousands of foreigners living in Chile were arrested and detained, including 26 Americans. Some of these Americans said they had property stolen or destroyed by arresting officers. Two Americans were found dead from gunshot wounds.

While high-level private discussions were being held between U.S. and Chilean officials on matters unrelated to the detained Americans, consular officers were prohibited from writing diplomatic notes to assist Americans.

Several Americans received refuge in foreign embassies and in the apartment of a U.S. official, but requests for protection in the U.S. Embassy and consulate were not acted upon.

During the next year, 10 Americans were arrested and detained on suspicion of extremist political activities, and in October 1974, an American was held incommunicado for 12 days. The United States did not formally protest these actions until press publicity was brought to bear in the latter case.

The emergency and evacuation plans for the posts that GAO reviewed were generally outdated, voluminous, unrealistic, or unfamiliar to personnel responsible for carrying them out.

The Department of State said GAO's review should have included more countries, but it generally agreed with the information presented. In response to the recommendations, the Department said that, except in one instance, it plans to take appropriate action or will review the situation in the light of GAO's recommendations to see what action is appropriate.

State advanced several reasons for the policy of temporary nonrecognition, but also noted that policies and regulations are under constant review and revision, according to experience. (See app. VII.)

CHAPTER 1

INTRODUCTION

At the joint request of the Chairmen of the Subcommittee on Refugees and Escapees, Senate Committee on the Judiciary, and Subcommittee on International Political and Military Affairs, House Committee on International Relations (see app. I), we reviewed Embassy-consular efforts to protect Americans and their property in Chile, Cyprus, and Greece during recent crises. We also reviewed this subject at the British Crown Colony of Hong Kong because of the large number of Americans residing in this area.

The United States has always been concerned with the safety of its citizens in foreign countries, particularly in time of war, civil disorder, or natural disaster. The Department of State is the primary agency concerned with the safety of Americans overseas. Its protection efforts are chiefly carried out by incountry consular personnel under the direction of the Ambassador and the Deputy Chief of Mission. The success of the protection efforts is directly related to the dedication of consular personnel and the particular laws, characteristics, and political climates of the countries they are working in, and to the support and guidance received from several organizations in the Department of State. (See app. III.) International law and practice together with treaties and conventions also govern consular actions and assist in protecting American lives and property. (See app. IV.)

POLITICAL CLIMATES

Chile

The Embassy estimates that between 2,200 and 2,800 Americans were in Chile on September 11, 1973, the date of the coup. There were relatively few tourists. Also, the U.S. Embassy had about 60 American employees, 5 of whom were assigned to the consulate in Santiago, and other U.S. agencies had about 19 American employees.

Rumors of military intervention were prevalent in Chile from the election of Salvador Allende as President in 1970. The economic and political situation in the country was deteriorating, and in June 1973 mounting pressure in the lower ranks of the Army led to an attempted coup by an armored regiment. By August 1973 political and economic life was in complete disarray and violence was becoming a daily routine.

During the first 10 days of September 1973, transport personnel, doctors, airlines personnel, shopkeepers, and others were on strike at various times. The military was raiding factories and finding arms, and a militant senator attempted to subvert Navy enlisted personnel at Valparaiso. On September 5 a women's march for Allende's resignation ended in violence, and on September 8 a Communist party spokesman told a radio audience that the possibility of a rightist coup was real.

On September 10 President Allende met with his full cabinet amidst continued rumors of an impending military coup. Some U.S. personnel were alerted late in the afternoon that, in view of the delicate situation in Santiago, the registration cards for Americans which are maintained at the consulate should be revised and grouped according to areas of the cities where the Americans resided. By 8:40 a.m. on September 11, a radio station had carried the first announcement of the united military and police government. Fighting continued throughout the day, and by nightfall President Allende was dead, and an around-the-clock curfew was imposed which was not relaxed until September 13.

Almost immediately, the new government stressed the theme that there were large numbers of foreign extremists in the country, and Chileans were urged to report these foreigners to the military authorities. On September 16 the interior minister, in a nationwide address, made a strong anti-foreign statement.

The first American was arrested on the day of the coup, but the consulate did not become aware of American detentions until September 15. Between September 11 and 26, 26 Americans were arrested and detained for periods ranging from a few hours to 2 weeks, and two Americans died from gunshot wounds. The Americans arrested were not charged with any specific crime, although in a few cases their visas had expired.

On September 24, 1973, the United States renewed diplomatic relations with Chile which had been suspended at the time of the coup, and 2 days later the last 8 Americans being detained were released. However, during the following year, 10 Americans were arrested and detained on suspicion of extremist political activities. In October 1974 an American was held incommunicado for 12 days.

Greece

The Republic of Greece has a population of 8.8 million. About 35,000 Americans permanently reside in Greece,

and approximately 2,500 American tourists visit there on any one day during the summer months.

At the time of the July-August 1974 crisis, the U.S. Embassy in Athens had a staff of about 145 Americans, only 45 of whom were State Department employees--16 of them assigned to the Administrative Section (to support both the Department's staff and some 100 other agency personnel assigned to the Embassy) and 8 assigned to the Consular Section. In Thessaloniki, one American is assigned full time to the Consular Section, but all employees, including the Consul General, devote some time to consular work. Several thousand U.S. military personnel and dependents were also stationed in Greece.

In 1973 the Greek monarchy was abolished and a republic was proclaimed. Within a few months, however, this new government was overthrown and replaced by a military junta. The military government remained in power until the Turkish troops landed on Cyprus in July 1974, when it resigned in favor of a civilian regime, which is still in power.

The landing of Turkish troops on Cyprus caused the crisis which affected Americans in Greece. The Greek Government, anticipating possible assistance to Cyprus, declared a state of emergency on July 20, 1974; called up military reserves; and closed airports to civilian traffic. July 20 was a Saturday, and banks and other facilities were closed. Some American tourists were without funds and unable to leave the country.

Although most of the difficulties for American tourists were resolved within a few days, there were many anti-American demonstrations in Greece because of a belief that U.S. policy favored Turkey's action in Cyprus. Greece has withdrawn its military forces from NATO, although it still remains politically allied. The Greek Government has asked for talks on continued U.S. use of military bases in Greece, indicating that it wishes to reassert sovereignty over the base areas. The United States hopes that a peaceful solution to the Cyprus problem will result in improved relations with Greece.

Cyprus

Cyprus has a population of about 689,000, 80 percent of whom are of Greek origin, 18 percent of Turkish origin, and the remaining 2 percent principally of British and Armenian origin. Before the July 1974 coup, 762 Americans resided on Cyprus; as of February 1975, 369 resided there. Also, an estimated 8,000 tourists had visited Cyprus each year; as of February 1975, there were few or none. There

had been 245 Americans residing in areas now under control of the Turkish military; as of February 1975, only 29 resided there.

In Cyprus, consular functions are performed by the consular section of the Embassy in Nicosia rather than by a separate consulate. The U.S. Embassy had 37 American employees, with 1 part-time employee assigned to the consular section during the July 1974 crisis. In addition, the United States Information Service had a staff of 4 Americans.

On July 15, 1974, Greek officers of the Cypriot National Guard, backed by the Greek Government, overthrew the Government of Cyprus by a military coup. Turkey believed that the new Cypriot Government would increase the possibility of union with Greece, and, to prevent this, it invaded Cyprus on July 20, 1974. On July 21, Americans were taken to a British Sovereign Base on the island for evacuation, and the following day many boarded a U.S. ship that took them to Beirut, Lebanon. During the crisis, about 600 Americans were evacuated, most of them to Lebanon and others to Great Britain or Turkey. Two Americans were killed by tank fire by the invading Turkish forces.

In August the U.S. Ambassador to Cyprus was killed during anti-American demonstrations, and Turkish military forces completed occupation of about 40 percent of the island. In February 1975, Turkey established a separate federal entity for the section of Cyprus under Turkish Cypriot control, and it is colonizing this area. The island remains divided, but negotiations to resolve the Cyprus problems are continuing.

Hong Kong

Hong Kong has a population of 4.2 million. There are about 6,500 resident Americans, and as many as 3,500 American tourists on any given day each year. An average of 6,000 U.S. Navy personnel visit the colony each month. The U.S. consulate general contains 59 American employees, 11 of whom are in the consular section. The consulate is also responsible for Americans in the nearby Portuguese colony of Macau, which has about 175 resident U.S. citizens and a daily average of 50 to 100 American tourists. Various U.S. Government agencies in Hong Kong have about 75 American employees.

There has been no political unrest in Hong Kong since 1967, when the cultural revolution in mainland China caused some violence in the colony.

ORGANIZATION AND FUNCTIONS
OF EMBASSIES AND CONSULATES

U.S. diplomatic relations overseas are the responsibility of the Ambassador, who is the personal representative of the President and the official spokesman to the government to which he is accredited. The Ambassador, under the supervision of the Secretary of State, is in charge of the entire U.S. diplomatic mission, which is an integrated structure including not only personnel of the Department of State but also representatives of all other U.S. Government agencies (excluding operational military commands) which have programs or activities in the country. These agencies may include the United States Information Service, Agency for International Development, Peace Corps, and Departments of Defense, Treasury, Justice, and Agriculture. Representatives of these agencies have membership in a group known as the Country Team, through which the Ambassador exercises his responsibility for coordinating and directing all activities in a planned and effective countrywide program.

The Ambassador is assisted by the Deputy Chief of Mission who acts for him in his absence.

Embassy organization may vary according to the needs of the post, but usually there are four major sections. Although this report generally discusses the functions of the Consular Section, a brief discussion of other sections is provided because they all may be called upon to assist Americans directly or indirectly.

The Political Section analyzes and reports on local political developments and their effect on U.S. interests, negotiates agreements between the two governments, and advises the Ambassador on political matters.

The Economic-Commercial Section gathers and analyzes information on the country's economic condition, assists with economic development programs, works to advance U.S. trade, and participates in trade negotiations.

The Administrative Section is responsible for the administrative functions of the Embassy, including personnel matters, budget planning and financial management, and negotiation of contracts with the host government and others. It furnishes administrative support services to all agencies within the Embassy infrastructure, including housing, medical and education services, communications, and security.

The Consular Section provides visa, citizenship, passport, and special consular services. It may be located in an Embassy or in a separate consulate. A large consulate is usually similar to an Embassy in organization. The status and authority of consular personnel differ from other Embassy personnel (unless they also carry diplomatic titles) in that they are governed by separate consular treaties and, to some extent, by a different tradition. During crises or emergencies, Consular Sections concentrate totally if necessary on providing necessary welfare and protective services for Americans. They may be given assistance and personnel from other sections as required.

CHAPTER 2

EMBASSY AND CONSULATE PLANNING AND STAFFING

TO ASSIST AND PROTECT AMERICANS

In reviewing the planning and staffing of Embassies and consulates for assisting Americans who may need help in crises or emergencies, we found that greater assistance could be rendered if registration cards and contingency plans were reviewed and updated, sufficient personnel were assigned during crises, and training of personnel in welfare and protection were increased.

PLANNING

Accurate information is necessary to protect Americans through evacuation or shelter in the Embassy, consulate, or other facility. Registration systems and emergency and evacuation plans are two basic tools the Embassy or consulate uses in efforts to assist and protect Americans.

Americans residing overseas are encouraged to register their whereabouts at the U.S. consulate, and those traveling in troubled areas are advised to keep in touch with the nearest American diplomatic or consular office. This is done through a notice in the passport and various other means, such as newspaper advertisements. Registration consists of entering the individual's name, address, phone number, family members, and other pertinent data on an index card, designated as the "Passport and Nationality Card-Native Citizen."

Since providing registration information is voluntary, we believe it is incumbent upon the Embassy or consulate to periodically reinform Americans about the system and to encourage them to register without applying undue pressure. The Department of State's Emergency and Evacuation Manual contains general guidance on what should be included in plans for evacuating Americans during emergencies, but the Chief of Mission at each post is responsible for developing detailed plans. The plans must be reviewed every 6 months and updated as necessary. They are submitted to liaison groups in the applicable unified military commands for their guidance and coordination and for their reviews and approval of the military phase.

The plans we reviewed seem to be of little value, because they are either outdated, voluminous, unrealistic, or unfamiliar to the people responsible for carrying them out.

Chile

Registration system

It was known before the coup that many Americans were not registered, and little effort was made to update and increase registrations, even though the political climate indicated that some type of violent change was likely. Increased knowledge of the whereabouts of Americans residing in Chile could have reduced the time and effort of consular personnel during the crisis in ascertaining the welfare of Americans in response to requests from relatives or friends in the United States and could have enabled the consulate to check on other American residents.

A consulate report prepared for the Ambassador after the September coup stated that the registration system was incomplete, unreliable, and of no help in locating Americans in response to specific requests. The report further stated that the consulate has traditionally had a low percentage of registrations among resident Americans and that lack of information was a problem after the coup when the consulate had to try to locate them and check on their welfare. The consulate stated that, after the September 1973 coup, it investigated the status of or directly assisted more than 600 American citizens, ascertained their whereabouts, and informed relatives and friends in the United States about their welfare.

About 3 months before the coup, in reviewing the emergency and evacuation plan, Embassy and consulate personnel discussed the lack of registration, but no specific actions were taken. We were told that before the coup the Ambassador judged that asking through the public media that American citizens register would have led to undue alarm in a situation which at no time contemplated general evacuation of American citizens in Chile. The afternoon preceding the coup, the consul, having been alerted by the Embassy to the delicate political situation, called a special meeting of the vice consuls to review the situation of American citizens. The completeness of registration cards and steps needed to broaden the information base on Americans, such as the use of newspaper and radio notices, were discussed, but no decisions were reached.

Other means of increasing the knowledge of the number and whereabouts of Americans in Chile were previously available to the consulate but were not used, apparently because effective coordination had not been established between all elements of the U.S. diplomatic mission. For instance, many young Americans who were not registered had contact with

United States Information Service (USIS) and with the Embassy when picking up their mail. We did not find that either the Embassy or the consulate made any effort to register these people, many of whom were unaware of the registration system. USIS staff suggested that they go to the consulate to register, but most chose not to do so. Several people who were in Chile at the time of the coup told us that many young Americans were in sympathy with Allende and either associated with the Embassy and consulate with the forces opposed to Allende or did not want to wait in line at the consulate.

We see no need for U.S. citizens to go to the different locations simply to fill out registration forms. The consulate, Embassy, and USIS Cultural Affairs Office were all in different locations. Americans visiting these offices should have been advised of the advantages of registering and asked to complete registration forms.

Emergency and evacuation plan

The emergency and evacuation plan for Chile was revised in April 1973. It states that the Deputy Chief of Mission is responsible for declaring the existence of an emergency after consultation with the Ambassador and for directing the execution of all phases of the plan. During the September 1973 coup, the plan was not activated nor were plans initiated for a limited evacuation of Americans who were having problems.

From September 11 to September 22, Chile was closed to all regular international air traffic. Three or four days after the coup, when mass arrests and detentions and anti-foreign statements became known, Americans began calling the consulate to ascertain whether they could leave the country. Consulate personnel told them that their names would be put on a priority list for use by an American international airline when the airport was again open to international traffic.

Although the U.S. Government did not initiate action to arrange a special flight for Americans desiring to leave, 31 Americans were able to leave on a space-available basis on a special U.N. flight on September 19, 1973. Some of these 31 Americans feared arrest by the military government because of their association with the Allende government; at least 3 of them had previously received protection at a USIS employee's apartment, and 1, according to a vice consul, was thought to have been a contact in Chile for the leftist Tupamaro organization and almost certainly would have been arrested.

In commenting on providing a special flight for Americans, the consul noted that the question of obtaining a special plane had been raised with the Deputy Chief of Mission or the Ambassador about September 15 or 16 with reference to an individual who was sick and needed special treatment that could not be obtained in Chile. The consul was informed that there was no chance of bringing in a special flight. (The sick American also left on the U.N. flight.) The consul stated that he did not ask about arranging a special flight for Americans who might have political problems, since he felt the Chilean authorities would not make exceptions for such flights and he did not realize the seriousness of the Americans' situation until about September 20.

The Deputy Chief of Mission and the former Ambassador expressed varying views on the evacuation. The Ambassador stated that, at the time of the U.N. flight, preparations were being made to fly Americans out of Chile but the U.N. flight alleviated the need for a special flight. The Deputy Chief of Mission stated that from September 11 to 20 evidence did not indicate that Americans would be picked up and detained for a period of time. He also stated that it was believed commercial plane operations would be resumed at an earlier date.

In contrast, by September 16, at least two countries had dispatched planes to pick up their nationals and others who sought protection in their embassies. Also, by September 16 it was known that Americans were being held in the national stadium, with thousands of other foreigners and Chileans, for suspected political activities.

Greece

Registration system

The consular section in Athens has approximately 35,000 active registration cards on file and many inactive cards for individuals who have not contacted the Embassy for the last 5 years. Consulate officials believe that many more Americans have never registered. We were informed that the Embassy relies on a local American Forces radio station to contact Americans because locating them quickly through the cards is not practical. The cards can be used for statistical estimates, but their accuracy for even that purpose is questionable.

Through form letters sent immediately after registration, registrants are encouraged to inform the consulate of address changes and are reminded to reregister within 5 years. No

other efforts are made to get Americans to register. Consulate officials said they hesitate to use public media to encourage registration during times of stress because they fear the local newspapers may start rumors of an American exodus.

Emergency and evacuation plan

At the time of our visit, the basic emergency and evacuation plan was dated April 1969, with two formal revisions of certain parts. The Embassy is again revising the plan in the light of the July 1974 crisis.

The administrative officer stated the 1969 plan was basically sound and needed to be revised only in the technical areas, such as communications and air and seaport facilities. He wants to keep the plan as general and flexible as possible and to develop detailed subplans assigning specific responsibilities. Subplans will be developed for the warning system and for operating an assembly point.

Although the plan calls for periodic testing of various plan elements, only the capability of the communications system has ever been tested. The administrative officer said he planned to test portions of the plan in the future.

Our examination of the plan indicated that a few problems remain. For example, the plan does not address the evacuation of Americans from the outer islands of Greece. The administrative officer said these people would be told to stay put, but he offered no comments as to what would happen then. Also, the plan is based on the premise that the government and police of Greece will be friendly and cooperative. When asked about this, the administrative officer stated there were no alternatives and that an unfriendly situation would necessitate a "standfast" position until the situation improved and some action could be taken.

Cyprus

Registration system

The consulate in Nicosia uses form letters requesting information to update the registration cards and then prepares two envelopes for each registrant. During potential emergency situations, these envelopes can be used to send letters or notices informing Americans of consulate actions or of precautions to be taken.

At the time of the July coup, about 770 U.S. citizens and dependents were registered. We were informed, however, that the short reaction time precluded use of the prepared envelopes to notify Americans of the evacuation. However, the cards enabled the consulate to identify Americans living in the Turkish-controlled sector.

At the time of our review, the consulate was updating the registration cards, and local newspaper advertisements were encouraging Americans to register. The consular officer believed the response was good and that most Americans were registering.

Emergency and evacuation plan

The plan for Nicosia had not been updated since 1970, and the security officer who arrived in September 1973 was assigned the task of revising it. At the time of the coup, a revised draft was essentially complete and ready for review by the Embassy. According to the security officer, the Deputy Chief of Mission was about to reestablish the evacuation committee according to the Emergency and Evacuation Manual. The evacuation committee is supposed to convene twice a year, but in Nicosia it had become defunct.

The security officer stated the old plan was much too voluminous and detailed to be effective. It was virtually useless during the July crisis primarily because it was 75 percent dependent, including airlift, on a military unit no longer located in Cyprus. However, according to the Department of State, the old plan also provided for evacuation by surface convoy to the British Base at Dhekelia, which was done. The security officer said that the evacuation in July was mostly handled as the situation developed and that, for this reason, plans should be as general as possible and offer several alternatives. (See app. II.)

During our visit in late February 1975, the Embassy had no formal written evacuation plan. Both the 1970 and the revised plan were destroyed with all other classified material as a security precaution when the Embassy was stormed and partially burned by demonstrators in January 1975. The security officer said that conditions in Nicosia have kept him too busy to develop a new plan. He was scheduled to leave Nicosia in April but stated that, before he left, the sketchy outline plan he had developed would be expanded to include his experience and comments. The Department of State informed us that the Embassy now has an approved plan dated July 16, 1975.

Hong Kong

Registration system

From our discussions with consulate personnel and a review of records, it appears that most resident Americans are not registered, and little effort is made to encourage registrations.

In looking over a sample 790 passport and registration cards out of a total 6,000 to 7,000 cards, we found that almost 40 percent were inactive and more than half were dated in 1970 or before. In another sample of 48 active registration cards, 25 cards, or 52 percent, could reasonably be considered inactive based on the intended length of stay listed. Another 13, or 27 percent, had listed indefinite lengths of stay, and in attempting to contact these individuals, we found that only one still resided at the listed address.

It appears, therefore, that the passport and registration files in Hong Kong would not be very useful for contacting Americans during a crisis or emergency. Despite this, there were no plans to update and/or purge the files. Officials stated that if a crisis or emergency necessitated contacting American citizens in Hong Kong, they would use television, radio, or newspapers, most of which are in the English language. The State Department, however, said it would urge the consulate general to review the utility of updating its files on resident Americans.

We believe a periodically updated and complete registration system could help the consulate in carrying out a selected evacuation of Americans without the upsetting of the general populace that resorting to the mass media during a time of stress might cause. As noted by the Department of State, however, there are times when the mass media technique is necessary even if selective evacuation is intended, particularly when large numbers of Americans must be contacted immediately.

Emergency and evacuation plan

The consulate in Hong Kong has a complete detailed emergency and evacuation plan, revised as of March 1974.

We believe, however, that the consulate will have difficulty in implementing the plan if an emergency arises. At the time of our inquiry, it was not known how many copies of the plan there were or who had them; some officers had not read the plan; and no followup had been made to ascertain whether it was understood or had been read by the principal

officers. In fact, one member of the emergency action team, which is responsible for implementing the plan, had never read the revised version nor had the deputy consular officer. The State Department informed us that it will bring the attention of the consulate general to these points.

Two of the four reports to the State Department required by the plan had never been submitted. Both of these were semiannual reviews that were to be made of the plan and of the emergency action team, respectively. The plan also calls for maintenance of a current file of resident Americans, but, as noted, the registration system is incomplete.

STAFFING

The number of Embassy and consulate personnel for the countries we reviewed appears to be sufficient to assist Americans during most emergencies or crises. However, during the September 1973 coup in Chile, the consulate was not augmented in the immediate aftermath by Embassy or other U.S. employees, although additional staffing was needed to provide adequate assistance to Americans. During the July 1974 crisis in Greece and Cyprus, the consular sections were assisted by Embassy personnel and, in one instance, by private citizens. The consulate in Greece, however, could have provided better assistance were all the assigned consular officers required to be available for duty. In Hong Kong, where there have been no recent problems, the staffing level of the consulate general appears to be adequate to handle most emergencies.

Most consular officers in the posts we visited agreed that additional training in assisting and protecting Americans would be useful.

Chile

From our review of records and in discussions with persons in Chile at the time of the coup, the lack of consular staff did not allow simultaneous assistance to Americans at the consulate and the Embassy, which were about a mile apart, nor sufficient time to help Americans seeking advice and assistance.

The consulate staff at that time consisted of five American officers and seven Chilean employees. It was not increased, despite a general indication of an impending crisis, until 2 weeks after the coup, when most problems had abated. On or about September 25, 1973, an officer from the Embassy's Economic Section was assigned to the consulate; on September 28, an American secretary from the Embassy was assigned

to the consulate, essentially to type classified material. No consular personnel or designated consular personnel were assigned to work in the Embassy to help Americans seeking assistance. In some instances, however, U.S. military personnel attempted to obtain information on detained or missing Americans. The Ambassador also informed us that the Defense Attaches assisted the Embassy in attempting to learn the whereabouts of missing Americans and in securing the release of those detained.

From the day of the coup, the consulate staff devoted its full time to the protection and welfare of Americans, and most passport and visa work ceased until about September 24. For 4 nights after the coup, consular officers remained in the consulate overnight. The Saturday after the coup, September 15, which is normally a nonworkday, the consulate was staffed in the day time. However, on Tuesday, September 18, Chilean Independence Day, the consulate was staffed only by a couple of American officers for about 4 or 5 hours.

The normal staff of the consulate did not appear to be sufficient for the amount of work required to provide adequate services and protection for the American residents of Chile. This work, in the period following the coup, consisted of:

- Advising Americans who telephoned or visited the consulate.
- Registering those who contacted the consulate.
- Providing documents and helping to obtain safe-conduct passes (exit permits).
- Locating Americans and reporting on their welfare and whereabouts.
- Obtaining the release of persons who had been arrested and detained.
- Establishing priority lists for transportation and arranging for some departures on the special U.N. flight.

This work was often time consuming in relation to the number of persons assisted. Many false reports of Americans detained or hospitalized were received and had to be checked out.

The lack of sufficient assigned personnel is evidenced by the fact that a vice consul, at the Embassy on consular business, did not have time to speak to an American seeking protection and the American sought and received protection at the Panamanian Embassy. Also, because the Embassy was not properly staffed to take care of consular functions, such as taking registration information and providing advice, Americans seeking such assistance at the Embassy were sent to the consulate a mile away, when, according to personnel in Chile at the time, there was still some gunfire in the streets.

After the coup, calls about the welfare and protection of Americans were recorded to aid in their assistance, but there were several instances in which calls were said to have been made to the consulate for which no records exist. One such call was about the detention of an American at the Chilean national stadium. Part of the reason for this may have been because there were not enough personnel to man the phones at the consulate. The phones were not tied in to each other, so some calls went unanswered during this period. Many of the assigned employees were not in the consulate during the 2 weeks after the coup but were out checking on the welfare of Americans. During this time, consular personnel estimated that about 100 phone calls were received daily.

Of the five Americans assigned to the consulate, only two had extensive experience in the protection and welfare of Americans. Formal training of consular officers was limited to the 4-week basic course at the State Department's Foreign Service Institute. We noted, in reviewing the material and attending some lectures, that the course contains 3 to 9 hours of instruction on the welfare and protection of Americans and stresses the negative aspects of these services by emphasizing the restrictions on services which can be given.

Had additional employees been available (even non-consular-trained clerical personnel) to staff the consulate on a 24-hour basis during the 2 weeks after the coup, there might have been more time to contact persons about leaving on the U.N. flight of September 19. The consul was informed at his home late on the evening of September 18 that additional seats on the flight were available. He had to return to the consulate to get the priority departure list and try to contact persons on it, many of whom could not be reached. As a result, a visiting 10-member U.S. swimming team was placed on the flight to fill the available spaces.

Available records and discussions indicate that many persons who had contact with the consulate during this period have expressed dissatisfaction with the treatment they

received. In general, these people feel that consulate personnel were "hostile," "not friendly," and did not wish to help them. Some complained of delays, long waiting periods, and unsympathetic treatment.

The basis for many of these allegations may have been the fact that the consulate was understaffed and personnel had to work long hours without rest. This may well have resulted in what appeared to be the lack of concern and could have caused the delays and long waiting periods. Some consular officials agree that overwork may have caused them to become irritable and unsympathetic. The Department of State also said that Embassy-consular personnel are not going to be able to do everything that Americans may ask or demand, particularly for those citizens who may feel antagonistic to the Embassy or consulate because of political beliefs.

Some consular personnel believed that they could have used additional personnel effectively while others were not sure that some of the activities could have been handled effectively by untrained personnel. The Ambassador to Chile during this period stated that the consul did not request any additional personnel. Nevertheless, we feel that, once it became known that Americans were concerned about their safety, additional personnel should have been assigned to perform many of the functions not requiring specific training. We understand that many USIS employees were available, since their normal functions were greatly restricted.

Greece

Some Americans complained of inadequate assistance by the consulate during the crisis period which began on July 20, 1974. Only four of the eight consular officers were available for duty at the time, although a strong possibility of trouble was apparent. The consul general had left Athens for a new duty post; the consular officer who would have been acting consul general was on home leave; two other officers, one of whom later served as acting consul general, were away for the weekend. With respect to the latter two officers, the State Department noted that one had departed on an early morning plane on July 20 to Rhodes on consular business and that the other had returned the following morning. The Embassy's counselor for administration served as consul general until July 21, when the senior consular officer was able to return to Athens. This officer, who acted as consul general until the present consul general arrived on July 27, 1974, is not a State Department employee. He was on loan from the Social Security Administration, but he is also a Foreign Service Reserve Officer.

The absence of the consular officers is difficult to understand. In view of the Cyprus coup of July 15, 1974, there was a strong possibility of Greek and Turkish involvement on the island to protect their interests and of possible conflict between the two countries. In such an event, American citizens would be in need of protection and assistance. In recognition of the situation prevailing between July 15 and 20, the British Embassy in Greece advised tourists to leave and the Australian Embassy requested emergency funding for tourists that might be stranded.

When the crisis developed on July 20, 2,000 to 3,000 Americans gathered at the consular section of the Embassy, most of them seeking information on the crisis and on how long the airport would be closed. Some were in need of financial assistance because banks and check-cashing facilities were closed.

To handle so many people, 12 American Embassy employees, 38 local national employees, and 37 American volunteers were assigned to help the consulate staff. This augmentation of the regular consulate staff was apparently very helpful, but some Americans were dissatisfied with the services and assistance provided. Some Americans stated that:

- When they arrived at the Embassy, the doors were locked and a cordon restrained people.
- Not one citizen was permitted to see any official in authority, including those with severe problems, such as lack of money.
- It was very disconcerting to see Americans locked out of the American Embassy with ropes and armed Marines.

Such complaints as armed Marine guards stopping people from entering the Embassy may be one of perception rather than of actual circumstances. Embassy and State Department personnel told us the Embassy was open, but everyone could not be accommodated, and persons with serious problems were allowed to enter. Had the regular consular officers been available, the added assistance they could have provided might have prevented this misperception.

Some Americans complained that they were without funds and could not obtain assistance from the consulate, but this could have resulted from the fact there were not enough consular officers available to handle all urgent requests. We noted that six loans totaling \$1,005 were made to tourists

in need of financial assistance. Foreign Service posts are generally not authorized to cash personal checks or money orders offered by private citizens.

We question whether consular officers should have been permitted to leave the Athens area during the potential crisis period when more effective assistance and protection should have been available to Americans. The Ambassador agreed that the staffing situation during the crisis could and should have been avoided.

With respect to the staffing of the American Embassy, the Department of State said that undoubtedly the staff would have been in a better position if all officers had been available on July 20. It further stated, however, that this is hindsight, as seldom are all personnel at the post at the same time, given regular transfer and leave schedules. We believe, however, that once the potential crisis situation developed on July 15, arrangements should have been made to insure that the consular staff was at full strength.

The need for additional training or orientation of consular personnel is illustrated by the fact that one consul we talked with in Greece was unaware of the 1954 treaty governing the rights of U.S. citizens in Greece. The consul was under the impression that the Vienna Convention and a consular treaty ratified in 1903 were the only ones applicable. Greece did not sign the Vienna Convention, and American rights in Greece are also governed by the 1954 Friendship, Commerce, and Navigation treaty.

Cyprus

The consular section of the Embassy in Nicosia had only three full-time local employees and one part-time consular officer during the July 1974 invasion. Throughout the continuing crisis in Nicosia, nearly all Embassy personnel have worked in what would normally be consular functions. At the time of our visit, the consular section was composed of two permanent local employees, one local employee on loan from another Embassy section, a consular officer on temporary duty from the Embassy in Portugal, and a part-time consular officer who also serves as the political officer for Turkish affairs. The Department of State had approved a position for a full-time consular officer, who was scheduled to arrive sometime after July 1975. The political officer for Turkish affairs will also become a full-time position.

No staffing problems were noted in reviewing Embassy and consulate handling of the evacuation of Americans from Cyprus. (See app. II.)

Hong Kong

The existing staffing level of the consulate general appeared to be adequate to handle most emergencies. The chief consul did not believe that anyone would be, or would need to be, assigned to Hong Kong from another post in an emergency. He said that there was enough staff to handle almost any situation and that most of the senior officials had handled evacuations at other posts.

Several consular officers believe the Foreign Service Institute training to be inadequate for emergencies. They had learned either by studying the emergency and evacuation plan while on the job or by having been involved in actual emergency situations. We found, however, that several persons at the consulate did not know their assigned duties under the plan and that some had never read the plan or had not seen it for over a year.

Consulate officials were confident, however, that they could adequately handle an emergency situation. The consul told us that, as long as consulate officials knew what to do and everyone read the plan and understood their responsibilities, the consulate could adequately cope with any emergency. He said he would ensure that all involved personnel read the emergency and evacuation plan.

CONCLUSIONS

We believe that most Embassy and consulate plans for assisting and protecting Americans in crises or emergencies need to be improved. Greater attention should be given to the types of crises developing in the countries and to the registration systems, emergency and evacuation plans, and provisions for protecting Americans in U.S. facilities. The registration systems are generally incomplete and inaccurate and are not segregated by geographical areas. The emergency and evacuation plans are outdated, voluminous, unrealistic, or unfamiliar to personnel responsible for carrying out their provisions.

In the Cyprus crisis, no major problems were caused by the lack of full and complete advanced planning. In Chile, however, it was known before the coup that many Americans were not registered. Yet little effort was made to update and increase registrations, even though the political climate

indicated some type of violent change was very likely. The lack of information about U.S. citizens was a major problem after the coup when the consulate had to try to locate them and check on their welfare. No plans were initiated for evacuation. We believe that the U.S. Mission should have recognized, at least by September 16, that mass arrests and detentions of Chileans and foreigners were taking place and that some Americans probably would need to be evacuated.

The assignment of sufficient personnel during a crisis and training of more personnel in welfare and protection could result in more effective responses to requests by Americans for assistance and protection. In Greece, consular personnel were permitted to leave the immediate area of Athens although there was a strong possibility that a crisis would occur. In Chile, the lack of staff in consular functions did not allow simultaneous assistance to Americans at both the consulate and Embassy nor sufficient time to assist Americans seeking advice and protection. Almost all consular officers said they could use more training in the protection and welfare of Americans.

RECOMMENDATIONS TO THE SECRETARY OF STATE

We recommend that the Secretary of State:

- Review the registration system to find ways to increase the voluntary registration of Americans abroad. Regulations should be revised to permit registration at any U.S. Government facility overseas, with consolidation of the information by the consulate.
- Review all posts' emergency and evacuation plans to ensure that they are current, complete, realistic, and practical. The plans should permit selective evacuation, without formally activating the entire plan, of Americans who may suffer unreasonable hardships by remaining in the country.
- Ensure that all consular officers know the treaty provisions for countries they serve that relate to the rights and protection of American citizens.

AGENCY COMMENTS AND OUR EVALUATION

The Department of State has taken an ambivalent viewpoint toward the voluntary registrations of Americans overseas. It questions the value of this and states that it is time consuming and costly. However, it further states that it

will seek the views of overseas posts on whether some kind of informal registration system can be effectively designed which would be more useful, even on a limited basis, during an emergency or crisis.

We believe that entering an American's name, location, and other pertinent data on a simple index card need not be time consuming and that the costs involved would be negligible. Also, while State questions the usefulness of the registration system, it encourages Americans, by a statement in their passports, to register and incorporates registration in its emergency and evacuation plan. As previously noted, the consular officer in Chile believed the low percentage of registrations among resident Americans hindered his efforts in assisting Americans after the coup.

State generally agreed with our other recommendations. It intends to conduct a comprehensive review of emergency and evacuation plans and their implementation at overseas posts, but said existing plans do permit selective evacuation in most instances. State also said consular officers should know the treaty provisions for countries in which they serve that relate to their functions. Reminders will be sent to consular officers and the Department stands ready to help in any problem of interpretation and implementation. (See app. VII.)

We believe the actions planned by the Department, if properly implemented, will lead to more effective assistance to Americans overseas.

CHAPTER 3

LAWS, REGULATIONS, AND TREATIES GUIDING

CONSULAR OFFICERS IN ASSISTING AMERICANS

In providing assistance and protection to Americans overseas in times of crises, consular officers are guided by the Department of State Foreign Affairs Manual, which incorporates U.S. laws, regulations, and policies, and by international and bilateral treaties. Each post also prepares a consular duty manual and an emergency and evacuation plan, which provide further guidance applicable to the situation at the post.

In reviewing these laws and regulations, we found them to be generally adequate, but clarification of certain regulations would help to prevent their misinterpretation. In particular, no clearly stated regulation or policy governs protection by admittance to U.S. facilities, and some regulations may hamper application of the basic U.S. law (22 U.S.C. 1732) on Americans detained abroad.

PROTECTION IN ARREST CASES

The basic U.S. law governing the protection of U.S. citizens arrested or detained overseas is more than 100 years old, but its importance has not diminished. It imposes on the President a mandate in the strongest terms to secure the release of unjustly held Americans short of acts of war and provides guidance to U.S. Government officials. The law is complemented by customary practice and by international and bilateral treaties which detail the rights of consular officials to be notified of and have access to detained nationals. State Department regulations provide further guidance.

In Chile, prompt and effective protests by high-level U.S. officials on behalf of arrested and detained Americans, in accordance with the international Vienna Convention on Consular Relations, were not always made. Recent State Department instructions emphasize the importance of immediately protesting treaty violations concerning notification of arrest, inhumane treatment, and access to prisoners.

In Greece, Cyprus, and Hong Kong, bilateral treaties govern the rights of arrested and detained Americans. The treaty with Greece provides for reasonable and humane treatment, the right to a speedy trial, and other safeguards for Americans accused of crimes and taken into custody. The right of access to detained persons is not specifically stated but appears to be implied. Consular personnel told us that

the Greek police usually notify the consul general of an American arrest, and the consul general or his representative immediately contacts the citizen. The treaties with Hong Kong and Cyprus provide protection to Americans similar to that contained in the international Vienna Convention on Consular relations. We were informed that no problems have been experienced in obtaining compliance with these treaties. In Cyprus, however, 40 percent of the land area at the time of our review was controlled by a Turkish military occupation force, which prevented the effective application of treaty provisions. According to Embassy officials, there are no known cases of Americans being detained in this area.

Vienna Convention

In Chile, U.S. consular relations are governed by the international Vienna Convention. Since the September 1973 coup, Chilean authorities have several times violated the provisions of the Convention, and have held Americans incommunicado for long periods of time. U.S. law requires that the President demand the release of U.S. citizens unjustly held, and, if the release is refused or unreasonably delayed, that he take appropriate measures. U.S. Embassy and consulate personnel protested to the Chilean authorities the detention and lack of communications with Americans who were not formally charged with any crime. The protests, however, were often delayed and not made in the most effective manner. Formal written protests were made only in response to press publicity and congressional interest.

The Vienna Convention was agreed upon on April 24, 1963, and ratified by the United States on December 24, 1969, and by Chile on January 9, 1968. Article 36 of the Convention states that an arrested person should be able to communicate without delay to his consular post and that consular officers shall have the right to visit the person while he is in prison, custody, or detention. The Constitution of Chile is silent on the right of the person arrested and detained to communicate, but it does provide that an authority ordering an arrest must, within 48 hours, report it to the proper judge and place at his disposal the person detained.

After the military junta took over the reins of government on September 11, 1973, it suspended normal constitutional rights but indicated that it would abide by international treaties and obligations. For instance, on September 12 the new government informed the United States of its desire to strengthen and to add to traditional friendly ties with the United States and to honor Chile's obligations. The following day, the Chilean foreign minister announced that the government would follow treaties on asylum strictly.

The change in governments brought a suspension of United States-Chile relations which were not renewed until 13 days later, on September 24, 1973. During this time, while private discussions continued between officials of the two countries, at least 26 Americans were arrested and detained for periods of a few hours to 12 days with no formal charges being placed against them. Most of them were held incommunicado, and the consulate became aware of most of these detentions only through persons who had witnessed the arrests.

During the suspension of relations, the Chilean Government eagerly sought a renewal of relations. It was particularly anxious to renew relations by September 18, Chilean Independence Day. A September 20 Department of State message to the U.S. Ambassador stated it was imperative that consular officers gain access to detainees. There is, however, no evidence that the U.S. Embassy during this period discussed with top officials of the Chilean Government the arrest and detention of American citizens and the violation of the Vienna Convention. Eight Americans, some held in detention for 10 days, were not released until September 26, 2 days after the United States renewed relations with Chile. On that day the United States Government, apparently for the first time, discussed the question of human rights with an official of the Chilean Government.

From September 11 to 24, the Embassy seemed to have an overriding concern not to grant de facto recognition to Chile. (See apps. V and VI on U.S. Senate discussion and resolution on the principle of recognition.) The Ambassador did not attempt to visit the detained Americans and consular personnel were restricted from writing diplomatic notes. No diplomatic notes of protest were issued to the Chilean authorities about Americans being detained without notice to the consulate. However, the consul stated that on several occasions he brought up the situation with Chilean authorities and told them they were violating the Vienna Convention.

The consulate also used the "piece of paper" approach, which according to the consul was not too effective in getting action and registering protests. The "piece of paper" approach was a memorandum addressed "to whom it may concern," that was given to the Chilean Foreign Ministry official handling North American affairs. It was used to obtain safe conduct passes (exit permits) for Americans leaving on the special U.N. flight of September 19, 1973. The Ambassador rejected the use of a regular consular note because of the suspension of diplomatic relations between the two countries. The consul also stated that, about the time the eight Americans were released from detention on September 26, he had

prepared a diplomatic note mentioning several cases in which the Chileans were violating the provisions of the Vienna Convention. He further stated that the Deputy Chief of Mission disagreed with the use of a diplomatic note, so the complaint was made by way of a piece of paper, even after diplomatic relations were resumed.

Upon resumption of diplomatic relations, both diplomatic notes and the piece of paper approach were used on several occasions to request information from the government on the circumstances of the death of two Americans. In November, however, when a U.S. Senator who had requested an explanation of the circumstances expressed dissatisfaction with the replies received, the State Department requested that formal diplomatic notes be sent, and one requesting answers to specific questions was sent on November 15, 1973.

Informal protests by the consul to Chilean authorities continued as late as November 1974. On November 26, an Embassy official made an official oral expression of concern to a Chilean Foreign Ministry official about detaining an American incommunicado in October 1974 for more than 10 days, stressing the provisions of the Vienna Convention about notification. The Chilean official said he understood the U.S. position and would convey the U.S. concern to others in the ministry. However, because of press publicity and congressional concern, the Embassy sent a diplomatic note the following day to the Chilean Foreign Ministry expressing concern over not being notified of the detention and citing the provisions of the Vienna Convention. Appendix II contains some examples of Embassy and consular efforts to assist Americans arrested, detained, and reported missing.

State Department policy

As noted, no formal diplomatic notes or effective high-level protests about the treatment of Americans were made by U.S. officials to the Chilean authorities during September 11 to 24, 1973, when relations between the two governments were suspended. This was partly because of political reasons but also because State Department policy governing official conduct during periods of suspended diplomatic relations discourages high-level official contacts with the host government. This hampers compliance with the legal requirement that the President of the United States use every possible means short of acts of war to secure the release of Americans unjustly held by foreign governments.

At the conclusion of our review in Chile in December 1974, the State Department issued instructions to the Embassies in Argentina and Chile to make formal protests to

the concerned governments when the Vienna Convention with respect to Americans rights is violated. In February 1975 these instructions were amplified and made applicable to all Latin American countries. The new instructions also note that worldwide instructions are to be issued. Complete worldwide instructions had not been issued by the completion of our work, but instructions issued in June provide for reporting of arrested Americans in greater detail. Under this instruction, any denials of human rights are required to be reported.

The February instructions (1) provide detailed guidance for assisting arrested and detained Americans and for registering formal protests, (2) stress the importance of interviewing Americans after their detention, (3) prohibit consular officers from entering into formal agreements to control the movement of released Americans, and (4) conclude, in part, that failure to act promptly to protect Americans may not only endanger the rights of those involved but can prove detrimental to State Department relations with the public, the information media, and the Congress.

We believe the new instructions will greatly assist Americans arrested and detained overseas, but we noted they do not address the problem of low-keying official actions during periods of suspended diplomatic relations.

PROTECTION BY ADMITTANCE
TO EMBASSY-CONSULATE

At all Foreign Service posts, the U.S. Ambassador or Chief of Mission is responsible for deciding when a U.S. citizen may be admitted to the Embassy or consulate for personal protection. We believe, however, there are no clearly stated policies or guidelines for making this decision. The State Department believes the Foreign Affairs Manual provides sufficient and clear guidelines on the question of when American nationals as well as aliens may be admitted during emergencies to Embassies and consulates for protection. In reviewing the section of the manual cited to us, we noted that no reference is made to Americans and that the language of the section, while not specifically excluding Americans, seems to be directed to foreign nationals.

At the posts we reviewed, no special provisions have been made for protecting nonofficial Americans in consulates or Embassies. In Greece and Cyprus, we found no requests for admittance by Americans who feared for their safety. In Hong Kong, there has been no recent crisis which would require such protection.

In Chile, Americans seeking protection were told the facilities were not adequate to permit them to stay overnight. As a result, some Americans sought protection in foreign embassies and in the private apartment of a USIS employee.

The emergency and evacuation plan for Chile notes that the Embassy and consulate can maintain 150 and 300 people, respectively, for 72 hours but does not specify that they be used. The Embassy is located on several floors of a commercial office building, which would make housing of American citizens difficult. The consulate, however, is located in a spacious building, which was formerly the U.S. Ambassador's residence, is protected by an 8-foot wall, and contains ample indoor and outdoor space (see photo). The consulate no longer has specific resident areas but is still equipped with limited shower and kitchen facilities, and the basement contains the commissary, which stocks basic food needs for the U.S. diplomatic community.



U.S. CONSULATE, SANTIAGO, CHILE

Before the coup, it would have been difficult to prepare the consulate for the events that took place, since any outward signs of preparation would have given credence to the story that the U.S. Government believed a coup was imminent and thus supported the overthrow of the Allende government. Also, the type of coup that occurred was not easily predictable. Nevertheless, once it became apparent that Americans would be seeking and needing protection, it would seem that the facilities could have been prepared to take in a few Americans overnight. No elaborate arrangements were needed beyond clearing some offices, obtaining the temporary use of a few beds, and providing some cooking utensils and food. The French Embassy told us that it made no arrangements before the coup for housing refugees but that when people began seeking protection in its facility, it obtained the temporary use of beds from a private school and a charitable organization.

From discussions with consulate and other personnel, it appears that, although the Ambassador did not prohibit it, Americans were discouraged from seeking protection in U.S. facilities inasmuch as 4 Americans went to foreign embassies and at least 10 Americans at various times went to the apartment of a USIS official. A USIS official stated that Americans with whom he came in contact said they had requested permission to stay overnight at the consulate but were refused. A vice consul noted that a request for American priests to stay at the consulate was referred to the Deputy Chief of Mission or Ambassador and the reply received was that it would be considered. No further response was received. The Deputy Chief of Mission stated that he does not recall any Americans seeking protection in U.S. facilities.

The consul said he had discussed the taking in of Americans and providing asylum to other people on several occasions after the September coup with the Deputy Chief of Mission or Ambassador. He was told to follow the State Department Foreign Affairs Manual, which addresses the requests for asylum by foreign nationals but does not specifically discuss the offering of protection to U.S. citizens.

It is difficult to ascertain what instructions, if any, were provided to Embassy and consulate personnel about taking in overnight the Americans who feared for their safety. The Department of State said that the Ambassador and Deputy Chief of Mission did not infer to Mission members that sheltering American citizens would not be looked upon with favor. An Embassy official, however, noted there was no clear policy of not permitting Americans to stay overnight but there was a clear inference from the Ambassador and Deputy Chief of Mission that sheltering them would not be

looked upon with favor. For instance, a U.S. citizen sought Embassy protection overnight on September 19 but was not permitted to stay. She did receive protection with her family in the Panamanian Embassy from September 19 to 29, 1973 as confirmed by a diplomatic note from the Panamanian Embassy during our incountry visit.

Another American woman sought protection at the consulate on September 17 for her Brazilian fiance who was the father of her child. She and her fiance and child sought and received protection in the Swedish Embassy. According to Swedish personnel they arrived at the Embassy in a very nervous state. The U.S. consul noted that, had the woman come to the U.S. consulate in fear of her life and in the condition described by the Swedish Embassy, he would have taken her and the child in and then requested instructions or guidance from the Deputy Chief of Mission. He further stated, however, he would not have taken in the Brazilian citizen, who could have sought refuge in the Brazilian Embassy. This would have meant separation of a family unit, as the parents planned to marry upon completing some legal papers.

Another American couple sought and received protection in the Mexican Embassy from about September 16 to 26. According to consulate personnel, they had inquired at the consulate about leaving Chile but did not request protection at the Embassy or consulate. We do not know the circumstances, but at this time, consulate personnel were not agreeing to American requests for protection overnight in the Embassy or consulate.

We were informed that, based on the experience of the immediate coup period, consulate officers began asking people who seemed to have serious political problems if they wanted to stay in the Embassy or consulate. In December 1973, an American couple in such circumstances were asked, but they refused. This policy, however, has not been put in writing and disseminated to all interested personnel.

The French, Swedish, Belgian, Venezuelan, and Netherlands missions accepted both their own and foreign nationals during the crisis period.

PROTECTION OF PRIVATE PROPERTY

According to State Department regulations, all American-owned private property, including personal possessions, is entitled to protection. In an emergency when evacuation is not contemplated, consular officers are permitted to accept private property at the owner's risk for safekeeping in U.S.

sought
not
er
29,
manian

facilities or for transmission to another destination. State Department regulations, however, do not provide for protesting the theft or destruction of personal property in connection with a search, arrest, or detention not authorized by court actions.

consulate
father of
received
ish per-
state.
U.S.
scribed
he child
he Deputy
ld not
ought
nt separ-
ry upon

In Chile, immediately after the coup, consular personnel refused to accept personal property for safekeeping because they believed the situation did not warrant this type of protection. The Embassy or consulate did not formally protest the destruction or theft of personal property. In Cyprus, the Embassy attempted to protect real and personal property of Americans evacuated from areas controlled by Turkish military forces and Turkish Cypriots, but difficulties were encountered because of the lack of a political settlement for the area.

action
Ac-
the
tection
um-
ot
t in

Personal property

After the Chilean coup, several Americans asked the Embassy or consulate to accept their manuscripts or books for safekeeping, but all were refused. The writings the owners were seeking to protect generally dealt favorably with the Allende regime and was the type of material the Chilean Government was destroying or using as evidence to detain the writers on suspicion of extremist activities.

the
y people
wanted
3, an
they
citing

For instance, an American went to the consulate on September 17, 1973, to leave some manuscripts for safekeeping. He reportedly was denied permission on the basis that U.S. law did not permit the accepting of personal property. The consul said he did not accept the manuscripts because, in his judgment, conditions did not warrant it at the time.

therlands
s during

A USIS official came in contact with many young Americans, some on U.S. Government-sponsored scholarships, who wanted to protect their research work. This official told us he requested guidance from the Embassy on accepting personal property for protection. When no guidance was provided, he accepted a substantial amount of writing and sent it to the United States on his own initiative, thus avoiding the possibility of the material being found in the students' possession when they left the country.

merican-
s, is
on is
accept
n U.S.

Only in early 1974, several months after the coup and in response to congressional interest, did the Embassy request and receive permission to ship papers of Americans where this would assist in protecting the citizen's property.

Consular regulations provide for prompt, vigorous action to protest unjust detention of U.S. citizens but do not require such action when a citizen's personal property is unjustly seized or destroyed. A person who loses his possessions as a result of unjustified action by a foreign government may, at his own expense and initiative, institute a civil suit against that government. If this does not succeed, the Embassy may then intervene on his behalf.

In Chile, 4 days after the coup, an American was allegedly robbed of \$100 while being searched by soldiers, and personal effects of two other Americans were reportedly stolen while these Americans were temporarily detained by Chilean police. There were other reports of stolen money and property during this period. A year later, an American who was detained stated she lost about \$400 in destroyed or stolen personal property. She contends this loss was attributable to actions of Chilean Government personnel.

In no case was a formal protest made to the Chilean authorities, although the consul said he registered verbal protests on some occasions.

Problems in protecting property

U.S. laws and regulations cannot provide for every event, as shown by the case of attempting to protect personal and real property of Americans in the Turkish section of Cyprus. This area occupied by Turkish military forces and Turkish Cypriots, is not recognized by the United States and others as a political entity, but the forces in the area are capable of preventing U.S. access. In this instance, Embassy and consulate initiatives and dedication become increasingly important.

The consular officer at the Embassy spent much time trying to gain access to property owned by Americans who were evacuated, including homes, automobiles, furniture, and other items left in the Turkish sector. The officer estimated there were 160 such property claims. The Embassy has provided lists of these properties to both the Turkish Cypriot administration and Turkish Embassy in Nicosia. The lists have included requests for visits to the property by consulate personnel or property owners. The consular officer estimated that visits had been made to 20 percent of the properties at the time of our visit. Much of the property had been looted.

In addition, 16 American businesses had contacted the Embassy seeking assistance in safeguarding their properties. The American Embassy wrote letters to the Turkish Cypriot

administration, requesting its protection of the property and/or access to the property by an Embassy representative. Most of these requests were submitted to the Turkish Cypriots in August, September, and October 1974. As of the end of February 1975, the Embassy had not received a positive response to any of the letters. The Turkish Cypriot administration asked for additional information or stated that it had not received the request or that the property cited could not be located. In some cases no responses were received.

The commercial attache in the American Embassy said the American-owned businesses generally have not been very aggressive in their requests for help. Some of the businesses have Turkish Cypriot employees who are protecting the properties or are at least keeping the companies aware of the conditions of the properties, and others have holdings in Turkey and may be using other avenues to protect their property.

FINANCIAL ASSISTANCE

The State Department's written policy provides for extending courteous and prompt consideration abroad to all requests of U.S. nationals for assistance with personal financial problems and for assistance as appropriate in the circumstances.

The regulations implementing this policy chiefly concern repatriation of individual destitute Americans and mass evacuations. However, provision is made for emergency repatriation expenditures up to \$50 without prior Department of State approval in cases of destitute Americans, provided the citizen appears to be eligible otherwise for a repatriation loan. In emergency evacuations, the Foreign Affairs Manual states that, in the event of the unanticipated, extreme emergency, common sense rather than these regulations should guide the actions of budget and fiscal personnel.

During the Chile crisis, six persons required incidental expense assistance, and the consul provided it from his personal funds. He did not seek reimbursement under the manual's provisions. One person repaid him and the other amounts were reimbursed to him by the Government Wives Association. The consul also paid for an airline ticket for an American whose ticket to the United States was found to be invalid at the time of his departure. He had not been reimbursed for this at the time of our review.

Various types of loans were also made by the consulates to needy Americans during the July 1974 crises in Greece and Cyprus.

CONCLUSIONS

Existing U.S. laws and regulations for the protection of Americans abroad are very general, but their intent is clear. They do not hamper consular efforts, but require that U.S. nationals receive the maximum protection possible. A State Department policy which discourages high-level official contacts during periods of nonrecognition of a foreign government, however, limits the effectiveness of Embassy-consular protection and assistance efforts. There are also several areas in which the regulations are deficient or policy is lacking.

For 2 weeks after the 1973 coup in Chile, the U.S. Government, through the American Embassy, did not discuss with or prepare formal notes of protest to top Chilean officials concerning the arrest and detention of Americans in violation of the Vienna Convention. Immediately after the coup, although private top-level discussions were being held among U.S. Embassy and Chilean officials, consular personnel did not have the authority to bring effective pressure upon the Chilean authorities on behalf of Americans. A State Department regulation inhibits high-level official contact with a foreign government during periods of nonrecognition. However, formal recognition seems to be more of a political than a legal act.

Subsequent to renewal of relations on September 24, 1973, arrests and detentions of Americans diminished. However, when they did occur and were in violation of the Vienna Convention, the Embassy made no formal protests until press publicity and congressional interest occurred. Instructions issued in December 1974 to the Embassies in Argentina and Chile and in February 1975 to all U.S. Embassies in Latin America now provide for formal protests when the Vienna Convention is violated. The instructions, however, do not appear to take precedence over State Department policy applicable to periods of temporary nonrecognition. Consequently, U.S. assistance to Americans during such periods may be somewhat limited.

No definite policy or guidelines govern admittance of U.S. nationals to Embassy or consulate premises for protection. The decision to extend or withhold this form of protection must be made by the U.S. Ambassador or his delegate. In Chile, the Embassy and consulate made no special provisions to protect Americans in U.S. facilities although Americans were being arrested and detained. The consulate could have helped a limited number of persons with a minimum of effort and expense.

State Department regulations recognize the need for protecting the personal property of Americans abroad. However, in Chile there were several cases of alleged loss, theft, or destruction of property of relatively small value by personnel of the Chilean Government during searches of Americans' living quarters. These losses were not protested by the consulate, and it is not required to do so.

RECOMMENDATIONS TO THE SECRETARY OF STATE

We recommend that the Department of State:

- Review its policy and regulations and consider the benefits or detractions of permitting high-level official representations to a host government on behalf of detained American citizens during temporary periods of nonrecognition by the United States.
- Clarify its policies and guidelines for admitting American nationals to Embassies and consulates for protection during emergencies. U.S. consulates and Embassies located in troubled areas should make some provisions for the temporary housing of Americans needing assistance.
- Amend the regulations concerning protection of personal property of American citizens to provide for formal or informal protests, depending on the circumstances, of loss of personal property due to unwarranted actions by the host government.

AGENCY COMMENTS AND OUR EVALUATION

The Department of State expressed the opinion that often Americans overseas expect treatment in accordance with U.S. laws and that Americans are obligated to respect the laws and customs of the host country. (See app. VII.) Although the Department's opinion may be applicable on a worldwide basis, we do not feel it has general applicability to our review. The Americans we spoke to recognized the need to respect host country laws and the Americans arrested and detained as cited in the report were not charged with any crime, although in a few cases their visas had expired.

The Department of State advanced several reasons for its policy of not permitting high-level official representations to a host government during temporary periods of nonrecognition by the United States. Often there is no host government to deal with, and dealing with the newly established government will be manifested as an intent to recognize. The

Department also said its experience has been that the initiative and action by an individual Foreign Service Officer at the "street level" is usually far more effective for immediate or short-term results.

Because our review was limited to four countries and only one involved a period of temporary nonrecognition, the views advanced by the Department may have merit, but we also believe a detailed review of this area is warranted. Dealing with the host government on a high-level, formal basis on behalf of detained Americans need not necessarily imply recognition of that government. We noted during our review of the crisis in Chile that high-level private discussions were held between United States and Chilean officials prior to formal recognition. The records made available to us provide no indication that the detention of Americans was discussed. However, because of U.S. policy during periods of temporary nonrecognition, the chief consular officer could not write consular diplomatic notes on behalf of arrested and detained Americans nor of those in need of assistance.

The Department of State feels that its Foreign Affairs Manual contains adequate guidance on admitting American nationals to Embassies and consulates. We believe, based on our review in Chile, that the manual is not clear on this point. The Department, however, further stated that it will review the Foreign Affairs Manual with the object of providing further guidance to posts on action that may be taken to protect Americans in Embassies and consulates when there is a prolonged emergency and a sustained breakdown of law and order.

Concerning the protection of personal property of American citizens, the Department stated that the lack of specific requirements for making protests does not preclude the post from taking whatever action is necessary and appropriate in the circumstances to assist the citizen. While we agree that the absence of guidance does not prevent consular officers from taking actions, it can leave consular officers in a quandary, with the possibility of being censured for taking actions not clearly authorized. We noted in Chile that protests were not always made on behalf of Americans who stated they suffered losses resulting from actions of arresting officers. We believe this could have resulted from a lack of firm written policy and guidance. The Department further stated that it will consider our recommendation in its current review of consular regulations.

r
1-

ly

re
le

1

1

CHAPTER 4

FOREIGN EMBASSY AND CONSULATE

ASSISTANCE EFFORTS

We spoke to officials in several foreign Embassies in Chile, Hong Kong, and Greece to obtain their views and experiences of planning for and assisting their citizens in crises or emergencies. We believe their views and experiences are useful to help better understand past U.S. assistance efforts to Americans and to improve future efforts.

CHILE

r
r

g

r.

We spoke to officials of the Embassies of France, Sweden, the Netherlands, Belgium, and Venezuela. These Embassies experienced many of the same problems as the United States in protecting their citizens in the aftermath of the September coup, but their responses were somewhat different and in some cases appeared to have achieved greater success. All had citizens arrested and detained during the 2 weeks after the coup, but, unlike the United States, the Belgians and Dutch on one or two occasions were able to obtain access to their detained citizens. All these Embassies offered protection to their citizens in their facilities, and one also arranged a special flight to take its citizens who feared for their safety out of Chile. At the time of our review, some of these Embassies' citizens were still being arrested and held incommunicado for long periods of time.

Citizen registration at the Embassies was not compulsory nor, in some cases, formalized. The Dutch Embassy encouraged registration by imposing double fees on unregistered persons when they applied for such fee services as passports. At the time of the coup, the French community had an estimated 8,000 residents (many had dual citizenship), the Belgian community had 600, the Netherlands 500, the Swedish 200, and the Venezuelan 150.

At the time of the coup, the Embassies acted in most cases on the initiatives of the Ambassadors rather than through formal plans prepared beforehand. A French official noted an old French law which prohibits asylum, but the Embassy took the initiative to provide protection to about 80 to 100 French citizens and 100 Chileans and foreigners. The action was later supported by the French Government. Extra beds for the people were obtained from church organizations and the French schools. The Netherlands, however, has written worldwide procedures for protecting its citizens.

Each country had some of its citizens arrested and detained. France had 30 arrested, Sweden 6, the Netherlands 4, Belgium 3, and Venezuela 2. These persons, like U.S. citizens, were not permitted to notify their Embassies of their arrests and detentions. Notification generally came through relatives or friends who knew of the arrests or, later, through published Chilean lists. The detention periods varied from about 2 to 7 days, and one person was not released for more than 3 months.

The Chilean authorities restricted access to persons detained in the national stadium, and U.S. officials were not able to visit Americans detained there. But personnel of the Dutch and Belgian Embassies apparently on some occasions were able to visit their citizens who were detained at the stadium. The Swedish Ambassador frequently visited the stadium and obtained the release of his citizens, but he apparently did not obtain access to them while they were detained. The Dutch subsecretary, while visiting the stadium, saw some of the detained U.S. citizens and notified the U.S. Embassy. Also, Swedish Embassy personnel, while visiting some of their citizens detained in the south of Chile, notified the U.S. Embassy of a detained U.S. citizen that the Embassy was unaware of.

The success of some foreign Embassy personnel in gaining access cannot be specifically attributed to any one factor. We noted, however, that all Embassies continued to write diplomatic notes and that the ambassadors of some countries took an active part in protecting their citizens. The Swedish Ambassador secured the immediate release of one of his citizens by personal intervention at a police station. The Dutch subsecretary who gained access to the stadium probably did so because of his insistent manner. The Belgian Ambassador's protest to the Chilean authorities permitted access to a Belgian citizen held at the national stadium.

At least four of the countries did not appear to tie the protection of their citizens into the question of diplomatic recognition. The French and Venezuelan Governments extended recognition a few days after the coup. Belgian and Swedish policy is that recognition is accorded to the country and not to a specific government so there was no need for a renewal of relations with Chile. The French National Assembly, however, considered legislation to cut off all assistance to Chile if prisoners were not released, and Belgium suspended its technical assistance program to Chile.

During our incountry visit in December 1974, the French and Venezuelan Embassies noted there was a continuing problem of their citizens being held incommunicado for long periods of time. We understand this problem was not unique to any particular country.

GREECE

We spoke to officials of the Embassies of Great Britain, the Federal Republic of Germany, and Australia. Each of these Embassies made special efforts to assist their nationals when the crisis developed in Greece as a result of the Turkish invasion of Cyprus on July 20, 1974. They stayed open over the weekend for various periods of time when they would normally be closed, to assist and advise their citizens.

In July 1974 Great Britain had about 9,000 residents and 30,000 tourists in Greece; Germany had about 1,000 residents and 30,000 tourists, and Australia had about 700 residents and an undetermined number of tourists. The British Embassy said its citizens are advised to register by a note in the back of their passport, and the German Embassy said its citizens are advised to register with the Embassy when leaving Germany. However, personnel in these Embassies stated that their citizens do not normally register unless there is trouble.

When the crisis developed on July 20, 1974, the British Embassy notified British airlines and charter airline companies to stop bringing tourists to Greece and told everyone calling for advice to consider leaving Greece immediately unless they had urgent reasons to stay. Australia did not notify the airlines to stop bringing in people, but it did advise tourists about a week before the crisis to leave Greece. The German Embassy advised its tourists to sit tight in their hotels and wait for conditions to return to normal.

The British Embassy was not authorized to cash personal checks or travelers checks, but it did lend money to its stranded citizens, as did the Embassies of Germany and Australia.

HONG KONG

We contacted the Australian Mission and learned that its procedures and policies for protecting and assisting its citizens in Hong Kong during emergencies are similar to those of the U.S. consulate. It keeps a list of registered citizens residing in Hong Kong as part of its consular activities,

and during an emergency it would contact and advise these citizens of recommended actions. The Mission's list is incomplete for the same reasons the American consulate's list is incomplete--registration is not compulsory and citizens do not register if they feel no threat. Also, those leaving the Colony do not usually notify the Mission of their departure.

The Mission has procedures for evacuating its citizens if the need arises, but we did not obtain specifics. It would work closely with Quantas Airlines, which is partially state-owned, in evacuating Australians, if permitted to do so.

CONCLUSION

We believe the exchange of ideas, methods, procedures, and experiences between U.S. consular personnel and foreign Embassy-consular personnel for the protection of citizens in emergencies or crises can be mutually beneficial in improving assistance and protection efforts. We found the foreign Embassies and consulates very open and cooperative, with a sincere desire to be helpful.

RECOMMENDATION TO THE SECRETARY OF STATE

We recommend that the Department of State establish guidelines for consular officers to exchange ideas and information, within the limits of national security, with other foreign consular officers to improve U.S. assistance and protection procedures and methods.

AGENCY COMMENTS AND OUR EVALUATION

The Department of State agreed that an exchange of information among the officers of the consular corps is useful. It noted that informal exchanges have been carried out for many years, but they now will be formalized. The Department said the point made in our report is a good one and that it is preparing a circular instruction encouraging consular officers and all Foreign Service Officers to seek an exchange of information of their experiences in assisting their nationals during times of emergencies and crises. (See app. VII.)

We believe the Department's planned actions should help consular personnel in assisting Americans overseas.

CHAPTER 5

SCOPE OF REVIEW

We reviewed U.S. laws and treaties, State Department regulations, plans, reports, correspondence, and other documents and interviewed private citizens and U.S. officials to ascertain the effectiveness of protection of American citizens and their property in foreign countries during crises or emergencies and to seek ways to improve this protection.

The review was made at the request of Senate and House Congressional Committees, and the overseas work was originally to be limited to Embassy-consular functions in Chile on behalf of Americans in the latter half of 1973. Subsequently, at the request of the Committees, the review was expanded to include Embassy-consular protection plans and efforts in Greece, Cyprus, and Hong Kong and to cover the case of an American imprisoned in Chile in October 1974. The Committees also asked that, if it were possible, we discuss with several foreign embassies their plans and efforts for protecting their citizens.

For our review in Chile, we visited El Salvador, Bolivia, Argentina, and several locations in the United States to discuss effectiveness of U.S. Embassy-consular activities with Americans who had been in Chile during the coup.

THOMAS E. MORGAN, PA., CHAIRMAN

CLEMENT J. ZABLOCKI, WIS.
 WAYNE L. HAYS, OHIO
 L. H. FOUNTAIN, N.C.
 DANTE B. FASCELL, FLA.
 CHARLES C. DIGGS, JR., MICH.
 ROBERT N. C. NIX, PA.
 DONALD M. FRASER, MINN.
 BENJAMIN S. ROSENTHAL, N.Y.
 JOHN C. CULVER, IOWA
 LEE H. HAMILTON, IND.
 ABRAHAM KAZEN, JR., TEX.
 LESTER L. WOLFF, N.Y.
 JONATHAN B. BINGHAM, N.Y.
 GUS YATRON, PA.
 ROY A. TAYLOR, N.C.
 JOHN W. DAVIS, GA.
 OGDEN R. REID, N.Y.
 MICHAEL HARRINGTON, MASS.
 LEO J. RYAN, CALIF.
 CHARLES WILSON, TEX.
 DONALD W. RIEGLE, JR., MICH.

PETER H. B. FRELINGHUYSEN, N.J.
 WILLIAM S. BROOMFIELD, MICH.
 H. R. GROSS, IOWA
 EDWARD J. DERWINSKI, ILL.
 VERNON W. THOMSON, WIS.
 PAUL FINDLEY, ILL.
 JOHN H. BUCHANAN, JR., ALA.
 J. HERBERT BURKE, FLA.
 GUY VANDER JAGT, MICH.
 ROBERT H. STEELE, CONN.
 PIERRE S. DUPONT, DEL.
 CHARLES W. WHALEN, JR., OHIO
 ROBERT B. (BOB) MATHIAS, CALIF.
 EDWARD G. BIESTER, JR., PA.
 LARRY WINN, JR., KANS.
 BENJAMIN A. GILMAN, N.Y.
 TENNYSON GUYER, OHIO
 ROBERT J. LAGOMARSINO, CALIF.

MARIAN A. CZARNECKI
 CHIEF OF STAFF

Congress of the United States
 Committee on Foreign Affairs
 House of Representatives
 Washington, D.C. 20515

October 8, 1974

B-182401

Honorable Elmer B. Staats
 Comptroller General
 U.S. General Accounting Office
 441 G Street, N.W.
 Washington, D.C. 20548

Dear Mr. Staats:

Following the Chilean coup of September 11, 1973, which overthrew the government of President Salvador Allende our Subcommittees have received a number of complaints regarding the United States Embassy in Santiago and its discharge of responsibilities to safeguard the lives and property of United States citizens. In view of these complaints we would appreciate the General Accounting Office conducting a thorough investigation of the conduct of the embassy's consular functions during the latter half of 1973.

While it is our hope that the primary result of this study will be recommendations designed to insure maximum effectiveness in carrying out consular functions during future crises involving United States embassies in any area of the world we are also interested in a number of particular issues related to events in Santiago. Among the latter are:

1. Given evidence of the likelihood of a coup and/or civil strife was there sufficient planning to maximize effective protection of U.S. citizens in Chile?
2. Were sufficient trained consular personnel assigned to Santiago before and after the coup? Were such personnel able to devote maximum efforts to consular responsibilities or were they diverted to other, non-consular, functions?
3. To what extent did the failure of U.S. citizens to make their whereabouts known to the embassy hamper consular efforts to safeguard U.S. citizens following the coup?

Committee on Foreign Affairs

4. To what extent did existing United States laws or regulations hamper consular efforts to protect American lives and property?

5. Did the United States embassy pursue in an effective and timely manner and in compliance with 22 USC 1732 and other relevant statutes issues related to the disappearances and subsequent deaths of United States citizens Charles Horman and Frank Teruggi, Jr.?

The Subcommittees would, of course, appreciate your detailed pursuit of any other issues which may come to your attention as a result of your investigation. In this connection, it is our hope that it will be possible for your staff to be in contact with as many U.S. citizens as possible who had contact with the embassy during and after the coup.

Any questions you or your staff may have in connection with this request may be directed to either Michael Finley at 225-8095 for the Subcommittee on Inter-American Affairs or Mark Schneider at 224-4543 for the Subcommittee on Refugees and Escapees.

Sincerely,



Dante B. Fascell
Chairman

Subcommittee on Inter-American Affairs a/
Committee on Foreign Affairs
U.S. House of Representatives



Edward M. Kennedy
Chairman

Subcommittee on Refugees and Escapees
Committee on the Judiciary
U.S. Senate

DBF/EMK:rmf

a/ Now named: Subcommittee on International
Political and Military Affairs,
Committee on International
Relations

EXAMPLES OF EMBASSY-CONSULAR EFFORTS TO ASSIST AMERICANS

In the aftermath of the coup in Chile, consular personnel helped to obtain the release of many arrested and detained Americans. They also made strong efforts to locate two Americans initially reported missing but subsequently found dead from gunshot wounds. In Cyprus, Embassy-consular personnel assisted in evacuating about 600 Americans from the island.

INCOMMUNICADO DETENTIONS

Below are some details on four of the several Americans assisted by the consulate in Chile.

Missionaries

Two U.S. missionaries were arrested by Chilean authorities on September 16, 1973. They were held for 11 days without being permitted to contact the U.S. consul as provided for by the Vienna Convention. The U.S. Embassy did not protest this violation of the treaty although required to do so by U.S. law and by State Department regulations.

These men were arrested while visiting the office of "Project for Awareness and Action," an organization that had published material critical of U.S. policy toward the Allende regime. One man had done some work for the organization, but the other, according to people we spoke with, had no connection with it. The Americans were taken first to a police station and later the same day to the national stadium detention center. They were never told the reason for their detention.

Their superior in Chile received word of the arrests the same day and called the U.S. Embassy and consulate that evening. On September 17 the consulate verified that the two men were being held at the stadium. They had registered at the consulate before the coup.

A subsecretary from the Dutch Embassy, who was assisting detained Dutch nationals, visited the missionaries in their cell about 3 days later. They asked him to contact the U.S. consulate, which he did, and he visited them again the next day. The missionaries were not permitted to communicate with their superior or with the consulate. Several days after their arrest, they were told that a U.S. consular officer was at the stadium. The Chilean authorities asked if they would agree to leave Chile as a condition of their release; they both refused unless they were allowed to consult with their superior or the consulate. The next day, September 26, they were released from the stadium and met by the U.S. consul and an Embassy official and learned that their release required

nel
ri-
that they leave Chile. The only alternative would be to return to the stadium. Under these circumstances they had little alternative but to accept the conditions, and they left Chile on September 29 with assistance from the consulate. In our interviews with them, they expressed resentment at having been forced to leave the country when no charges had been brought against them.

s
-
1-
The Department of State offered no specific reasons for not protesting the violation of the Vienna Convention with respect to the two missionaries. However, it noted that the manner and means of intervention, including protests, on behalf of Americans detained has been kept flexible in State Department regulations so as to allow the Department, the Ambassador, and consular officers the greatest degree of discretion in order to secure the best results under the wide set of changing conditions encountered. The Department noted that intervention at lower levels of authority during chaotic conditions is often more effective.

Reporter

e
t
a-
n
A news reporter was arrested on October 7, 1973, and detained in the national stadium until October 13 without being allowed to contact the U.S. Embassy or consulate. He had been returning to Chile by air on September 11, and because of the coup, his plane was diverted to Buenos Aires. When airline service to Chile was resumed on September 22, he returned to Santiago and on October 7 was arrested at his apartment. He indicated to us in an interview that he believed the arrest was the result of the anti-foreigner campaign in Chile at that time, rather than because of individual interest in him.

e
-
1
After a short period of questioning at a local police station, he was taken to the national stadium. There he requested that the U.S. Embassy be informed of his arrest, but this was not done. The next day he arranged with a U.N. visitor to the stadium to inform the U.S. consulate of his detention. The consulate was told on October 10, and immediate steps were taken to arrange his release.

d
He was released on October 13 and allowed to remain in Chile on condition that he refrain from contacts with known Marxists and not change his residence without permission. He told the consular officer who met him upon his release, and who later confirmed to us, that he had not been mistreated at the stadium. Partly because of threatening telephone calls which he received after his release, the reporter left Chile on October 22, 1973.

The failure of the Chilean Government to notify the U.S. Embassy of the arrest and 6-day detention of the reporter as required by the Vienna Convention was not protested by the Embassy. As in the case of the two missionaries previously discussed, no specific reasons were advanced by the Department of State for not formally presenting a protest in this case.

Art teacher

An American who was a permanent resident and was teaching art at a Chilean university was arrested on October 11, 1974, and detained by Chilean authorities at their Air Force War Academy until October 23. During her detention, the consulate was not notified by Chilean authorities that she had been arrested, nor was she allowed to contact the U.S. Embassy or consulate.

She entered Chile in April 1972 on a temporary visa and obtained a permanent residence visa in July 1974. From September 1973 until February 1974, she had been taken for interrogation or had her apartment searched approximately 10 times on suspicion of extremist political activities. During this period of time, the consul observed to the Deputy Chief of Mission that the harassment of American citizens and the lack of cooperation with consular officers, who were trying to do their difficult job, would appear to be potentially harmful to United States-Chile relations. Although no formal protests were made to the Chilean Government, the Embassy informed the State Department that consular officers would continue to maintain frequent contacts with this teacher to ensure her safety.

On October 7 the teacher was again arrested and held briefly at a police station before being released the same evening. Four days later, she was arrested and held incommunicado at the Air Force War Academy. On October 22, the consulate became aware of her arrest when her father called from the United States. The previous evening her father had received unconfirmed information from friends that she had been arrested by Chilean air force personnel. The consulate, after verifying the reported detention, took all necessary steps to secure her release. She was released the evening of October 23, after the consul and vice consul signed a statement that she was in perfect health, and on October 28 she returned to the United States.

On October 31, 1974, her father wrote a U.S. Senator praising the consul for helping obtain his daughter's release. The letter also noted that Chilean authorities did not treat her well and that she had to sign a statement under duress before her release.

when we spoke to the teacher, she noted that she expected someone from the State Department to contact her concerning her treatment by the Chilean authorities. When she did not hear from the State Department, and not knowing who to contact there, she contacted the news media. The article appearing in the press on November 27, 1974, recounted her experiences while being held by the Chilean authorities. This publicity resulted in some controversy about events that actually occurred from the time of her arrest.

As a result, a formal diplomatic note of protest was presented to the Chilean authorities the same day. The note cited violations of the Vienna Convention with respect to lack of notice about the detention and requested an investigation of the teacher's treatment during detention. Previously, consulate and Embassy personnel had made verbal protests of the violation of the Vienna Convention concerning her incommunicado detention.

The Chilean Government replied to the U.S. note on December 3, 1974, and on February 4, 1975. The first note apologized for violating the Vienna Convention, and the second one said the teacher had been involved in leftist subversive activities and had not been mistreated during her detention, citing as evidence her confession and the statement signed by consular personnel. We believe it is reasonable to assume that statements made by persons held incommunicado have little value. The statement signed by the consul and vice consul, while probably necessary at the time to obtain her release, is not sufficient evidence that she was not mistreated. The consul informed us he signed the statement solely to obtain her immediate release.

In December 1974 the State Department instructed the Embassies in Chile and Argentina to request detailed statements from Americans released from detention. In February 1975 it issued similar instructions to other diplomatic posts in Latin America, and at the time of our review it was preparing worldwide instructions. These new instructions should help to avoid unnecessary controversy and help consular personnel in assisting Americans overseas.

AMERICANS FOUND DEAD
FROM GUNSHOT WOUNDS

In the immediate aftermath of the Chilean coup, two Americans residing in Chile died from bullet wounds. A filmmaker and writer, age 31, was killed on September 18, 1973, and a student, age 24, was killed on either September 21 or 22, 1973.

Available evidence indicates that the basic statute relating to U.S. assistance to Americans arrested and detained overseas (22 U.S.C. 1732) was not applicable in these cases. The Americans apparently were dead when personnel of the U.S. Embassy and consulate first became aware of their disappearance.

The records we reviewed at the consulate and the discussions we had with personnel show that once the consulate became aware of the men's disappearance, it tried to locate them. The consulate also made numerous oral inquiries and issued diplomatic notes of inquiry to the Chilean authorities seeking to learn the circumstances of the deaths of these Americans. The families of the deceased, however, were not completely satisfied with the actions taken by the Embassy-consulate. The Chilean authorities deny any responsibility for their deaths. To date no satisfactory explanation has been advanced regarding the manner in which the two Americans were killed.

EVACUATION FROM COMBAT ZONE

After the Turkish invasion of Cyprus on July 20, 1974, approximately 600 Americans were evacuated from the island, the majority by U.S. ship to Beirut, Lebanon. The evacuations, which were carried out in several phases, were not based on the formal emergency and evacuation plan but were for the most part handled as the situation warranted. The formal plan, according to the security officer, was considered virtually useless during the July crisis.

Initial evacuations

On the evening of the Turkish invasion, the local British Forces Broadcasting Service, through a prior agreement between the American Ambassador and the British High Commissioner, announced the possibility of an international evacuation. The next morning, July 21, the British radio announced that an evacuation would take place and named assembly points and times. Americans were to meet at the Embassy by 1 p.m.

In the meantime the Embassy and the State Department had approached the Turkish and Cypriot Governments and had been assured the Embassy area and the evacuation route would not be shelled. The assurances were in force only for a few hours, hence the short reaction time from the announcement to departure.

A convoy of 65 private and Embassy vehicles, marked with American flags, left the Embassy around 1:30 p.m. and joined the international convoy just outside the capital of Nicosia. U.N. and British troops escorted the convoy to the British base at Dhekelia, a port city in southern Cyprus, where British and U.S. ships were waiting offshore. The American evacuees were accompanied by four Embassy personnel, two of whom returned to Nicosia while two accompanied the evacuees to Beirut.

Persons evacuated by the British were quickly processed and left by a British ship the evening they arrived in Dhekelia. The 394 American evacuees were not so fortunate. Unknown to the evacuees or to accompanying Embassy personnel, the Department of State had cabled the U.S. Embassy in Nicosia to postpone the evacuation for 24 hours while a general cease-fire was being negotiated. The delay caused hardships for both the British base commander, who was already housing 10,000 Turkish-Cypriot refugees, and the American evacuees. Most of the Americans were housed in the officers club which had a limited number of cots and blankets supplied by the British. Many spent the night in the parking lot.

The problem was compounded by the uncertainty of the destination, which Embassy escort officials did not learn until they boarded the ship. They said they were extremely frustrated trying to answer the evacuees' questions as to when and where they were going, particularly since the British evacuation was going smoothly and the U.S. ships were in view. Many evacuees, particularly residents, were hesitant to leave without knowing their destination. The cost of returning to Cyprus was a very real and necessary consideration for many Cypriot Americans with limited incomes. The evacuees did not learn Beirut was the destination until they were airlifted to the U.S. ship. Embassy officials said that some people returned to Cyprus and had to be evacuated a second time.

The airlift began around 2 p.m. on July 22, and the U.S. ship docked in Beirut about 6 a.m. on July 23. Lebanese police and customs officials and personnel from the American Embassy in Beirut assisted in debarkation. The evacuees were bused to an American-owned hotel where consular officers had tables set up for emergency loans and information. An official from the Embassy was there to cash checks of Government employees, and agents for the two American airlines were there to arrange travel.

Two Americans of Jewish ancestry, however, were not permitted to leave the ship in Beirut and had to be returned to Cyprus for evacuation by air to London.

Subsequent evacuations

After the cease-fire on July 23, a British carrier evacuated British citizens and about 60 Americans and 100 other nationals for whom the United States was responsible from the northern coast of Cyprus. These people were later transferred to a U.S. ship and taken to Beirut.

Following the cease-fire, Embassy officers began traveling into the Turkish sector looking for American citizens. Americans wishing to leave were taken to Dhekelia in small groups or individually as they were located. From Dhekelia, the Americans were flown to London on British military aircraft or to U.S. bases in Turkey and then to Europe on U.S. military aircraft. The Embassy also located about 30 Turkish-Americans in the Greek sector and they were taken to the British base at Akrotiri and placed on ships to Turkey.

On July 25 the American Embassy in Nicosia organized another evacuation by convoy to Dhekelia. Using Embassy and Embassy employees' cars, some 125 persons, only 25 of whom were American citizens, were evacuated to Dhekelia, where they were flown to London by the British military.

After the August demonstration when Ambassador Davies was killed, all but essential personnel were evacuated by U.S. Air Force planes from the British base at Akrotiri.

The Department of State received at least two letters from Americans evacuated who were not completely satisfied with the way the evacuation was carried out. The Embassy, however, received a number of letters thanking and complimenting it for a job well done. The persons we spoke with who had been evacuated had nothing but praise for the Embassy staff and said the evacuation was well organized and the Embassy was courteous and helpful.

STATE DEPARTMENT ORGANIZATIONSINVOLVED IN PROTECTION

The Department of State appears to have an impressive array of resources available for protecting and assisting Americans in emergency situations overseas. At the Washington level, officers from geographic bureaus and their country offices, the Bureau of Security and Consular Affairs and its constituent Office of Special Consular Services, Public Affairs Advisors of the various bureaus, and the Washington Liaison Group (which handles emergency and evacuation plans and operations) are organized into a Task Force to assist and guide overseas Missions in their protection efforts during an emergency or crisis.

REGIONAL AND COUNTRY DESK OFFICERS

The regional and country desk officers' most significant responsibility appears to be to provide the Missions with guidance on protection matters having political implications. Such matters include instructions regarding representations to be made to the host government, analysis of events from the Washington point of view, and advice on issuing warnings or instructions to U.S. citizens.

BUREAU OF SECURITY AND CONSULAR AFFAIRS
OFFICE OF SPECIAL CONSULAR SERVICES

The Bureau of Security and Consular Affairs and its constituent Office of Special Consular Services assist and advise the overseas Mission regarding the protection of U.S. citizens on a continuing basis. When a crisis or emergency situation develops and significant numbers of American citizens are caught up in it, the Bureau and the Office become an integral part of the Task Force team. The team functions as the focal point between the overseas Mission and inquiring relatives and Congressmen for information on the welfare and whereabouts of U.S. citizens.

Special Consular Services, in concert with other Department offices, provides guidance and instructions to the consulate regarding efforts to gain access to Americans detained by local authorities and to secure their release.

OFFICE OF PRESS RELATIONS
AND PUBLIC AFFAIRS ADVISORS

The Office of Press Relations is an adjunct of the Secretary of State's Office and operates at that level as the official Department spokesman. Its responsibilities

involve only the press, and it does not respond to inquiries from the general public. Public Affairs Advisors are on the staffs of regional and functional bureaus with whom the Press Office works closely. In crises or emergencies, a Public Affairs officer from the concerned bureau would normally be on the Task Force team. He would provide the Press Office with information on the situation and serve as the contact point through which the Press Office would direct questions from the media to regional and desk officers, Special Consular Services, and overseas Missions for answers.

WASHINGTON LIAISON GROUP

The Washington Liaison Group is an interagency organization under the responsibility of the Assistant Secretary of State for Administration and is chaired by an appropriate Department of State officer, with membership consisting of representatives of the Department of Defense, the Joint Chiefs of Staff, Army, Navy, and Air Force. It is responsible for coordinating planning and implementation of plans for the protection and/or evacuation of Americans abroad in time of emergency.

TREATIES AND CONVENTIONSREGARDING CONSULAR RELATIONS

The following treaties covering consular activities are currently in force in Chile, Greece, Cyprus, and the British territory of Hong Kong.

1. Consular Convention Between the United States and the United Kingdom (3 U.S.T. 3426, T.I.A.S. 2494), signed at Washington on June 6, 1951; entered into force on September 7, 1952. This convention governs our consular relations with Cyprus. The Republic of Cyprus assumed all international obligations and responsibilities of the United Kingdom applicable to Cyprus on August 16, 1960 (British Treaty Series No. 4, (1961)).

2. Convention on Consular Relations (21 U.S.T. 77, T.I.A.S. 6820), made at Vienna on April 24, 1963; entered into force for the United States on December 24, 1969. This convention applies to Chile, Hong Kong, and Macau.

3. Optional Protocol to the Conventions on Consular Relations concerning the Compulsory Settlement of Disputes (21 U.S.T. 6820), made at Vienna on April 24, 1963; entered into force for the United States on December 24, 1969. The optional protocol applies to the Crown Colony of Hong Kong.

4. Convention Concerning the Rights and Privileges of Consuls and Protocol of Amendments (33 S. 2122, T.S. 424), signed on March 5/18, 1903; entered into force on July 9, 1903. Certain sections concerning seamen were abrogated on July 1, 1916. This convention applies to Greece.

5. Treaty of Friendship, Commerce, and Navigation (5 U.S.T. 1829, T.I.A.S. 3057, 224 U.N.T.S. 279), signed on August 3, 1951; entered into force on October 13, 1954. This treaty covers consular relations with Greece.

SENATE RESOLUTION 205,
91ST CONGRESS, FIRST SESSION,
ADOPTED SEPTEMBER 25, 1969

RESOLUTION To set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments

Whereas official statements over the last fifty years concerning the policy of the United States in granting or withholding recognition of a foreign government have given rise to uncertainty as to whether United States recognition of a foreign government implies approval of such a government; and

Whereas recognition by the United States of foreign governments has been interpreted by many Americans and by many foreigners as implying United States approval of those foreign governments; and

Whereas such uncertainty adversely affects the interests of the United States in its relation with foreign nations:
Now, therefore, be it

Resolved, That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States necessarily approves of the form, ideology, or policy of that foreign government.

91st Congress
1st Session

SENATE

CALENDAR NO. 331
Report
No.-91 338

UNITED STATES RECOGNITION OF FOREIGN
GOVERNMENTS

July 29, 1969.-Ordered to be printed

Mr. Fulbright, from the Committee on Foreign Relations,
submitted the following

R E P O R T
together with

INDIVIDUAL VIEWS

[To accompany S. Res. 205]

The Committee on Foreign Relations, to which was referred the resolution (S. Res. 205) to set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments, having considered the same, reports favorably thereon with an amendment and recommends that the resolution (as amended) do pass.

Committee Action

Senate Resolution 205 was introduced by Senator Alan Cranston (for himself and Senator George D. Aiken) on May 27, 1969. The Committee on Foreign Relations held a public hearing on the resolution on June 17. At that time testimony in support of the resolution was received from Senator Cranston, Mr. George H. Aldrich, Acting Legal Adviser, Department of State, and Mr. Adrian S. Fisher, dean, Georgetown University Law Center. Dr. Stephen Pan, representing the Chinese Consolidated and Benevolent Association of New York, testified in opposition to the resolution. The transcript of the hearing has been printed and is available to the Senate and the general public.

Senate Resolution 205 was considered by the committee in executive session July 2, 1969, at which time it was ordered reported favorably with an amendment. The amendment, which was proposed by Senator Case during the public hearing on June 17, makes it clear that recognition "of itself" does not imply approval of a foreign government.

Purpose and Provisions of Resolution

Senate Resolution 205, as amended, expresses the sense of the Senate that the extension of recognition to a foreign government and the exchange of diplomatic representatives with it "does not of itself imply that the United States approves of the form, ideology, or policy" of that government.

The resolution deals only with the implications of recognition. It does not set forth any criteria or conditions for determining whether recognition should in fact be extended to a foreign government. In the words of Senator Cranston, its sponsor:

It would simply * * * give the President and the Secretary of State greater flexibility to serve basic American interests by removing an obstacle that presently stands in the way of recognition at a time when recognition may really be viewed by them as serving our interests.

What Resolution Is Not Intended To Do

In his testimony before the Committee on Foreign Relations on June 17, Senator Cranston made clear that Senate Resolution 205 is not intended to bring about the recognition of Communist China or to condone the incorporation of Estonia, Latvia and Lithuania into the Soviet Union. He stated:

In the first place, this resolution is not a camouflaged attempt to bring about the immediate, unconditional recognition of the Government of Communist China.

I do not favor recognition of Communist China at this time. There are a great many substantive matters which must be worked out before we recognize the Peking regime.

We must determine the role and the status of Taiwan, the future of the Nationalist China Government, and we must be satisfied that American representatives who might be sent to the Chinese mainland will not be abused.

These are just three of the many elements which stand in the way of recognition of the Chinese Communist regime at this time. As the members of this committee know, there are other problems. This resolution does nothing to solve these problems, nor is it intended to.

I want to make it equally clear that the resolution does not in any way condone or imply acquiescence in the forceful incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. The Soviet aggression against these hapless republics took place years after we recognized the Soviet Union.

Adoption of this resolution would make it clearer than ever that our recognition of the Soviet Government does not condone the brutal actions of that Government in the Baltic, the Balkans, and elsewhere.

Senator Cranston added:

Finally, the resolution is not intended to have us follow the lead of the United Kingdom in adopting a policy of automatic recognition of a new government.

Recognition is more a political than a legal act. Our decision in such a matter is often crucial and should never be lightly taken in any individual case. I believe we should carefully weigh the national interest of the United States before deciding to extend recognition.

Present U.S. Recognition Policy

In recent years, in determining whether to extend diplomatic recognition to foreign governments, the United States has considered several criteria. These are described in Whiteman's Digest of International Law (vol. 2, pp. 72-73), published by the Department of State as follows:

1. Whether the government is in de facto control of the territory and in possession of the machinery of the state;
2. Whether it is administering the government with the assent or consent of the people, without substantial resistance to its authority, i.e., whether there is public acquiescence in the authority of the government; and

3. whether the new government has indicated its willingness to comply with its international obligations under treaties and international law.

In addition, the following factors have been taken into consideration:

Other factors increasingly borne in mind, as appropriate, for example, are the existence or non-existence of evidence of foreign intervention in the establishment of the new regime; the political orientation of the government and its leaders; evidence of intention to observe democratic principles, particularly the holding of elections; the attitude of the new government toward private investment and economic improvement. Importantly, also, the interest of peoples, as distinguished from governments, is of concern. These, and other criteria, depending upon the international situation at the time, have been considered, with varying weight.

Thus, recognition is actually a political, and not a legal, act. Moreover, it is a matter of judgment for the Executive to determine whether a foreign government will be recognized and his decision is based on a number of factors which may have a direct or indirect bearing on U.S. interests. In this connection, while testifying before the committee, Dean Adrian S. Fisher said:

But when you recognize the importance of recognition as a political act, you really come down to the decision that recognition should be extended only when the totality of U.S. interests would be advanced by such actions. You don't have to do it automatically.

* * * * *

But, as I say, it is a problem of when the total balance of U.S. interests and including the vital U.S. interests in maintaining contact with the people that are actually running other countries of the world, when that total balance of interests points to a decision to extend recognition and establish diplomatic relations this decision should be made free of incumbrance that such an action might imply approval of the form, policy, or ideology of the government so recognized.

The current resolution, by expressing the sense of the Senate to that effect, if passed would, I believe, make it easier for the executive branch to make this decision on the basis of a realistic total balance of the U.S. interests.

Conclusions and Recommendations

As a result of statements made by various Secretaries of State over the years, considerable confusion exists today with regard to U.S. recognition policy. This confusion has led many people to believe that the act of recognition implies approval of the government recognized. This is not the case. "As a matter of international law," Dean Fisher testified, the recognition of a foreign government does not involve "approval of the form, ideology, or policy of the government."

In the committee's view, the Cranston-Aiken resolution will eliminate much of the confusion over current U.S. recognition policy. This was confirmed by Mr. George H. Aldrich, who represented the State Department at the public hearing held on June 17, 1969. The concluding paragraph of his prepared statement reads as follows:

We believe that Senate Resolution 205 could serve a useful purpose in the conduct of U.S. foreign relations by helping to make clear that no implications of approval or endorsement may reasonably be drawn from U.S. recognition of a foreign government or from the exchange of diplomatic representatives with it. That this may not today be fully understood results, I believe, in significant measure from confusion between the factors that enter into a recognition decision and the proper meaning and implications of that decision. The Department of State is pleased to support Senate Resolution 205 as a contribution to the effort to dispel that confusion.

The committee wishes to emphasize that the pending resolution does not prescribe any criteria or standards for recognition. It simply clarifies current U.S. recognition policy to make it plain that the act of recognizing a foreign government does not carry with it the approval or disapproval of that government or its policies.

The committee believes that Senate Resolution 205 will strengthen the hand of the Executive in establishing closer communications with all foreign governments and thereby contribute to the overall national interest. The committee recommends, therefore, that the resolution be approved by the Senate at an early date.

INDIVIDUAL VIEWS OF MR. DODD

I am opposed to Senate Resolution 205 on three basic grounds.

First, the resolution is superfluous because, as the State Department pointed out, it simply "reflects the established position" of the U.S. Government, going back to the founding of our Republic.

I am opposed to it, secondly, because it is bound to generate confusion by conjuring up a pretended confusion where none, in fact, exists. Contrary to the implications of the resolution's preamble, we have never in our long history made recognition dependent on political approval or construed recognition as signifying our political approval.

I am opposed to the resolution in the third place because, in the name of giving the State Department greater flexibility, Senate Resolution 205 may wind up by restricting the flexible recognition policy which successive administrations have followed in the past.

It is impossible to think of a single useful purpose that the resolution would serve; and a resolution that serves no purpose should not be enacted, even if it does not hold the possibility of mischief, as this one does.

The Senator from California, Mr. Cranston, who has sponsored this resolution, denies that it is "a camouflaged attempt to bring about the immediate, unconditional recognition of Communist China."

Whether one supports or opposes the recognition of Red China, there might be some logic to the resolution if it were, in fact, intended to bring about recognition.

But if the resolution is not intended to clear the way for the recognition of Communist China, now or in the near future, then it is difficult to understand the motivation behind it.

The resolution holds that a half century of official statements have given Americans and foreigners the misguided impression that our recognition of another government implies approval of it.

But the record of the hearing failed to produce any specifications to support this contention.

Since the days of Secretary of State Thomas Jefferson, according to Mr. George H. Aldrich, Acting Legal Adviser of the State Department, our acts of recognition have not been intended to imply "approval." Rather, the basic, overriding consideration has been "national interest."

The Senator from California has stated that "the resolution is not intended to have us follow the lead of the United Kingdom in adopting a policy of automatic recognition of a new government."

The historical preamble which seeks to justify the resolution is as inaccurate in its reference to British policy as it is in its reference to American policy.

The fact is that we recognize 136 governments, including Castro's Cuba, and have relations with 117, while the United Kingdom, whose recognition policy is supposed to be virtually automatic, recognizes only 128 and Moscow recognizes only 99.

The Senator from California further argued that "we should carefully weigh the national interest of the United States before deciding to extend recognition." But this is precisely what our policy has been for almost 200 years.

The fact that we recognized Hitler, and Mussolini, and Fujillo certainly did not signify that we approved of their regimes. Nor have I ever heard anyone argue that our recognition of the Communist governments of Europe and most of the notley succession of military dictatorships in Latin America signifies our approval of these regimes.

We have withheld recognition from countries like North Korea, North Vietnam, and Red China, and Rhodesia for the simple reason that we consider nonrecognition to be in our national interest.

On the other hand, during World War II we granted recognition to the governments in exile in London, even though these governments were in not in de facto control of their countries, while we denied recognition to the Petain government in France and the Quisling government in Norway which did enjoy substantial de facto control over their respective territories.

If we had pursued a policy which needed correction, then there might be some point to a Senate resolution like Senate Resolution 205. But even by the standards which the Senator from California and the majority report of the Foreign Relations Committee suggest, our policy of 200 years would have to be given very high marks. Indeed, I feel it meets the standards on every single point.

I question the wisdom of this resolution for the same reason that I would question the wisdom of a doctor who sought to persuade a completely healthy patient that he was ill, and then proceeded to prescribe a medicine for him.

This resolution is not needed because in seeking to correct a nonexistent confusion, it generates confusion; and in seeking to endow our recognition policy with enhanced flexibility, it may well wind up curtailing the complete flexibility we have enjoyed in the past in deciding on the issue of recognition or nonrecognition.

THOMAS J. DODD.



DEPARTMENT OF STATE

Washington, D.C. 20520

SEPT. 22, 1975

Mr. J. Kenneth Fasick
Director
International Division
U.S. General Accounting Office
Washington, D.C. 20548

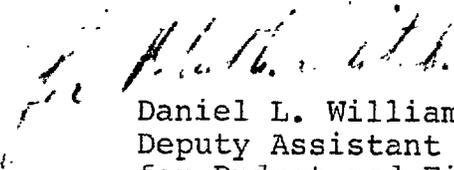
Dear Mr. Fasick:

I am replying to your letter of July 23, 1975, addressed to the Secretary, which forwarded copies of your draft report entitled "An Assessment Of Selected U.S. Embassy, Consulate Efforts To Assist And Protect Americans Overseas During Crises And Emergencies."

The enclosed comments have been prepared by the Administrator of our Bureau of Security and Consular Affairs. The Department has no objections to the declassification and publication of those parts marked Secret and Confidential on pages 33, 35, and 45 of the draft report. [See GAO note.]

I would like to express the Department's appreciation for the opportunity to review and comment on the draft report and for the extension of time to make such comments.

Sincerely,


Daniel L. Williamson
Deputy Assistant Secretary
for Budget and Finance

Enclosure:

Comments.

GAO note: Page number references may not correspond to the pages of this report.

DEPARTMENT OF STATE COMMENTS

ON

GAO DRAFT REPORT

"AN ASSESSMENT OF SELECTED U.S. -EMBASSY-CONSULAR EFFORTS TO ASSIST AND PROTECT AMERICANS OVERSEAS DURING CRISES AND EMERGENCIES."

INTRODUCTORY STATEMENT

We appreciate the opportunity to comment on this General Accounting Office Draft Report. The protection and welfare of American citizens abroad particularly in times of emergency and crises has always been of prime concern to both the executive and legislative branches of our government. As a matter of attitude alone, without regard to laws and other aids, American citizens should receive the best efforts of our government. What these efforts are and should be, of course, must be considered in light of actual conditions. It is with this in mind that we make our response realizing that joint efforts such as this, constructively approached, can be instrumental in practically achieving the high level of protection American citizens are entitled to.

In making our response we discovered that facts, descriptions and conditions in some portions included in Chapters 2, 3, and 4 were interspersed and commingled with the commentary and critique set forth in those chapters. Therefore, we have commented as a whole to the Report instead of isolating particular portions for appropriate comment.

We then set forth our responses to the recommendations and end with our conclusions.

COMMENTS1. GREECE

The Department believes the following comments on the situation in Greece gives a better perspective and background as to what actually happened.

From April 1967 until July 1974, Greeks had lived under military rule and without the benefit of constitutional guarantees of civil liberties. The Athens junta, under increasingly heavy criticism at home, inspired the July 15 coup overthrowing the elected President of Cyprus, Archbishop Makarios, and setting into motion a chain of events which led to Turkish military action on Cyprus and the Greek military regime's own downfall. Constantine Caramanlis was invited on July 23 by a new military leadership to return from exile in Paris to take over the direction of his country. Since his return, Prime Minister Caramanlis has won a two-thirds parliamentary majority in a free election, called for a referendum which decisively rejected the monarchy, and reinstated the democratic process and civil liberties in Greece.

The landing of Turkish troops on Cyprus on July 20, 1975, brought about the crisis which affected Americans in Greece. The Greek Government, anticipating possible assistance to Cyprus, declared a state of emergency on July 20, 1974, called up military reserves, and closed airports to civilian traffic. July 20 was a Saturday and banks and other facilities were closed. Some American tourists were without funds and unable to leave the country. Other Americans, who were of Greek origin and still regarded by Greece as Greek citizens, were conscripted into the Hellenic forces against their will. Most of these difficulties were, however, resolved quickly by the new civilian government.

Because of the disappointment of many Greeks in America's inability to prevent Turkish military action on Cyprus, there have been some manifestations of anti-Americanism in Greece. These manifestations have not, however, created significant difficulties for American tourists or for individual Americans residing privately in that country. Some official Americans and members of the U. S. armed forces have experienced inconvenience. But the overwhelming majority of Greeks regard America as a friend and distinguish between their disappointment with official U. S. policies and their continued good will toward individual Americans.

With respect to the staffing of the American Embassy at Athens, we would undoubtedly have been in a better position if all officers had been available on July 20. However, this is hindsight as seldom are all personnel at post at the same time given regular transfer and leave schedules. Two of the officers departed for transfer and home leave in mid-June before events above sparked the coup on July 15. As the crisis developed on July 20 American tourists did find themselves unable to leave Athens and unable to cash personal checks owing to the closure of the airport and banks which reopened on Monday morning, July 22. As noted in the GAO draft report, embassies and consulates are unable to provide check cashing services because of a prohibition based on U.S. statute. As the vast majority of citizens visiting the embassy wanted current information and the embassy was not configured to receive such large numbers of people, an arrangement was established in front of the entrance where people might gather to receive periodic briefings and have individual questions answered. At no time were individuals seeking specific consular services such as passports, repatriation loans, etc. refused admittance to the building. To have admitted the overall crowd of people seeking only information, would have disrupted the provision of specific assistance to individual Americans and made it impossible to provide orderly control of the crowd and information briefings.

11. CHILE

Although the GAO draft report admits that the coup d'etat in Chile was of a type that was not easily predictable the report goes on to mention or to imply in several places that the Embassy should have been better prepared for what followed. Although a political situation may be unstable and one can speculate that something might happen, no one can ever predict the exact timing nor type of a coup d'etat which would affect the danger and problems Americans might face. For example, during the period in question in Chile, the Embassy judged that asking in the public media that American citizens register would have led to undue alarm in a situation which at no time contemplated general evacuation. Also, there were hour-by-hour reports and expectations that the authorities would open the Santiago airport. Once the airport was opened commercial flights were resumed thus eliminating the need for a special evacuation aircraft.

In regard to staffing, because visa functions were suspended for two weeks four additional personnel were immediately available to the Consulate as it concentrated its work on welfare and whereabouts of U.S. citizens. Another Vice Consul and two secretaries were added a few days later. As the Chairmen (Senator Kennedy and Congressman Fascell) noted in their letter of October 3, 1974, "trained consular personnel" were the key factor, and untrained recruits might have been of marginal use. The Embassy's experienced consular officers who were knowledgeable in Chilean law and practice were, of course, the principle asset the Embassy had in this regard. In answer to the Chairmen's question - and as the report notes - these personnel devoted maximum efforts to consular responsibilities and were not diverted to other, non-consular functions.

The post was not informed Americans were being arrested immediately after the 11th. In fact, there was a twenty-four hour a day curfew in the downtown area for several days, with the result that American citizens remained in their hotels, homes and in suburban areas. The Embassy had a twenty-four hour watch system operating in the chancery proper during the first days after the coup. This watch system handled many protection problems.

The full resources of the Embassy were committed to the effort to verify detentions of Americans, locate any American detainees, and obtain their release. The Embassy's Service attaches and Military Group officers were the principal ones who were in a position to make informal contact with the military officers who had assumed control in the country after September 11. These officers spent much of their time in the days following the coup calling on Chilean officers who might be knowledgeable about detained Americans, checking lists of detainees, checking out reports on individual Americans, and making informal representations for release. There was not an office of the Embassy

which was not involved in the Embassy's efforts to afford consular protection and assistance to Americans. It is true that the emphasis of the Embassy's effort during this period before diplomatic contact was resumed was on intense but informal representations rather than formal demarches or public confrontational tactics. The objective was to obtain the facilitation necessary to get the detained Americans located and set free.

To give an example of the intense informal efforts of the Embassy's military officers, a check of the chronology prepared in the Horman case reveals that the Defense Attache made four representations to high level Chilean officers prior to the resumption of diplomatic contacts on September 24 and the Commander of the Military Group was active in the case twice. In the period between September 24 and 30, the Defense Attache made three more representations, the Ambassador made four representations at the highest levels, and the Military Group Commander made one. On other cases, Embassy officers at all levels were similarly active.

Refuge was given Americans in a number of cases, both in the homes of Embassy officers (which were located in safer places than the Embassy offices) and on occasion in the Chancery. For example, the wife of one of the Americans later found dead was given refuge, first in an officer's home and later in the Chancery. As the report notes, some Americans' attitudes toward the U.S. Government were such that they were reluctant to register, reluctant to seek assistance at U.S. offices, and suspicious of official efforts on their behalf. Some persons turned elsewhere.

The report indicates that the Embassy had no record of all calls which were reportedly made to it. That could well be. Consular sections, do not as a rule, make a record of every call and during emergency situations such a log may be started but still not be complete because of the exigencies of the situation. There was of course an officer on call 24 hours a day for emergency consular services. Extra people could have been put on such duty but at the time it was not felt that this type of augmentation was necessary. In regard to getting more American citizens on the UN plane, the chief of the consular section tried on the night of September 18/19 to telephone many American citizens who indicated anxiety about leaving Chile. Several could not be reached at the telephone numbers they had given the Embassy, in some instances only a few days before. We understand one person claimed that his phone never rang, although our material indicates that the individual was telephoned. This is an impasse we cannot resolve, but additional staff making these telephone calls would not have solved this problem.

IX VI:

the
 e dipl
 resenta
 al
 cessary

Embassy's
 the
 presen-
 tion of
 the Mili-
 between
 repre-
 ne highest
 ner cases,

the homes
 an the
 mple,
 in refuge,
 the
 overnment
 to seek
 orts

calls
 nsular
 d
 still

emer-
 on
 f augme-
 citizens
 n the
 ns who
 be
 y, in
 person
 ndi-
 sse
 hone

The Department is aware that some persons who had contact with the consulate or the embassy during this time have expressed dissatisfaction. However, we have received many letters indicating the opposite. In a situation like the coup in Chile officers are not going to be able to do everything that Americans may ask or demand particularly those citizens who may feel antagonistic to the consulate and/or embassy because they believe it is an extension of a U.S. political administration to which they may be in opposition. In Chile there are reports of several cases of persons who had been active in or enthusiastically observers of the political and social/economic life of the recently overthrown government, which made them suspect to the new government. Protection of such persons is always more difficult than cases of arrests for felonies. In this connection the Junta placed Chile under a constitutional "State of War" for a year, starting on September 11, 1973. In September 1974, the Junta lowered this to a "State of Siege". "State of Siege" concepts exist in almost all Latin American constitutions. During a state of siege or state of war, normal constitutional rights are suspended, including the "48-hour provision" mentioned in the report regarding the provision under the Chilean constitution requiring that persons detained must be arraigned within 48 hours. Further, consulates find out about detained Americans in two ways: 1) when a witness brings it to the consulate's attention; and 2) more usually when local authorities inform the consulate. A consulate is dependent largely on the good faith of a local government in observing the appropriate treaties.

During a period of administrative chaos such as just after the coup in Chile, any degree of notification received, whether from local government or private sources, is noteworthy.

The GAO Report contains no criticism of Embassy actions in the tragic case of the two Americans who died of gunshot wounds. The Embassy was first informed that these Americans were missing after they were already dead. In all other cases, the Embassy was successful in obtaining the release of Americans detained by Chilean authorities, obtaining safe conduct passes, and arranging transportation. Embassy consular, military and diplomatic officers were engaged in intensive efforts to secure these releases starting in all cases immediately after word was received that the Americans were in difficulty. U.S. personnel checked on the welfare of 600 citizens and reported to relatives or friends in the U.S. Beyond the 17 Americans released after Embassy efforts, the Embassy helped arrange transportation for more than 20 others before commercial flights were available. This was accomplished in the midst of street violence and

Chilean administrative disorganization, and with efforts impeded by the lack of diplomatic relations with the new regime, difficulties in communication, and a strict curfew. As the GAO report notes, all Americans being held in detention were released within two days of resumption of diplomatic relations on September 24. This contrasts favorably with such references in the report to nationals of other countries being held "long periods of time."

Finally, we believe the following point-by-point comment is required.

Page 13, final sentence: The report gives the impression that American citizens calling at the Embassy were required to wait in "a long line". While it was necessary for some visa applicants to wait in line, as a rule American citizens were seen promptly.

Page 33, first full paragraph: As is clear from our previous comments, contrary to what is stated here, our officials did discuss detentions with top officials of the Chilean Government even before diplomatic relations were resumed. For example, our military representatives spoke frequently to this point with high-ranking counterparts in the Chilean armed forces. Nor is it true that it was not until September 26 that we discussed "apparently for the first time" questions of human rights with Chilean officials. On the contrary, this was central to the informal representations of both our military and civilian personnel.

Page 34, first incomplete paragraph: The Deputy Chief of Mission has clarified that diplomatic notes were resumed upon resumption of relations in all cases where normal usage dictated.

Page 34, first full paragraph: This implies that the "piece of paper approach" was used until Congressional interest in the case of the two dead Americans was expressed. As the chronology of the Horman case shows -- and it was made available to the GAO team for its examination -- four formal, official notes had been sent to the Chilean Foreign Ministry on that case alone by October 15, 1973. Three formal, official notes on the Teruggi case were sent by October 3, 1973.

Page 39, final paragraph: It is not correct that either the Ambassador or the Deputy Chief of Mission inferred to Mission members that sheltering American citizens would not be looked upon with favor.

Page 46, first paragraph: As indicated elsewhere in this memorandum, it is inaccurate that the Embassy took no effective actions nor made formal protests on behalf of detained Americans until press publicity and congressional interest occurred.

Page 48-50 (Chapter 4): To the best of our knowledge only the Dutch Vice Consul was able to gain admittance to the National Stadium.

Regarding the implication that the Ambassador did not take an active part in protecting American citizens, while he may not have made personal appearances at police stations, the Ambassador did provide guidance as situations arose and he was able to devote his attention to these problems. In most instances the Embassy was able to obtain the quick release of Americans once it became aware they were detained.

Chapter 2 - Staffing: Additional Comments: We were not aware of any case of Americans receiving protection by a foreign embassy with the possible exception of (1) a woman who asked help for her Brazilian companion (we understand she was taken in by the Swedish Embassy); and (2) a family which was flown out on a Mexican plane and apparently never approached our Embassy.

Concerning the UN flight, the Chief of the Consular Section, on the night of September 18-19 tried to telephone many American citizens who had indicated anxiety to leave Chile as soon as possible. Several could not be reached at the numbers they had given the Embassy, some only a few days before. We do not believe that more staff in the Consular Section would have solved this problem.

While the Department is aware that some persons who had contact with the Consulate and the Embassy during this time have expressed dissatisfaction, we have received many letters indicating quite the opposite. In a situation like the Chile coup, officers are not going to be able to do everything that Americans may ask or demand, but most we believe were satisfied.

III. Statutory and regulatory basis for protection and welfare assistance to Americans overseas.

The Department believes that the GAO draft report reflects a confusion on the statutory and regulatory basis for the protection and welfare services accorded to Americans abroad. In international practice the U.S. protects its citizens on the basis of international legal rights flowing from treaties, customary practice and laws of the host country which detail the rights of consular officials to be notified of and have access to detained nationals. The "basic US law" that the GAO draft report consistently refers to is 22 USC 1732. This is a statute passed in 1868 by Congress specifically intended to insure that naturalized American nationals receive protection if they return to their country of origin. Historically the President has relied on his responsibility to conduct foreign affairs under the Constitution in protecting American citizens abroad. However, the Department appreciates that it is a pertinent statute since it imposes on the President a mandate in the strongest terms to secure the release of unjustly held Americans. Nevertheless, the statute does not go so far as to say every possible means. It has several qualifications including a requirement that such means not be acts of war and that they in any event be necessary and proper. In this connection, the manner and means of intervention, including protests, on behalf of Americans detained has been kept flexible in State Department regulations so as to permit the Department,

Ambassadors and consular officers, the greatest degree of discretion in order to secure the best results under the wide set of changing conditions encountered. Often, particularly in times of chaos where high-level authority is not only unstable but frequently non-existent, intervention at lower levels, is more effective. The kind of intervention or protest to be used is largely a matter of judgment depending on a variety of factors. A strong protest delivered in person and/or in writing by an Ambassador to the head of state or government of the host country does not necessarily guarantee that the host country will be receptive to any such protest if they believe their internal security is at stake, or it is not in their national interest to respond positively to our demands.

The GAO draft report also may create confusion in some readers' minds as the use of the term "US basic law" is not always identified as 22 USC 1732. Therefore some readers may assume that US law per se has application in foreign countries. Often, Americans do expect treatment in accordance with what they believe they are entitled to under US law and the Constitution, and they express their dissatisfaction of "protection services" based on those standards. While the world-wide application of those standards may be desirable, our citizens are still obligated to respect the laws and customs of other countries when they are within their territorial jurisdiction. This dilemma becomes even more acute to both our government and our citizens when the day-to-day functions of the host government are disrupted or suspended as is usual during crises situations.

"U. S. basic law" does have an effect in that it provides guidance to U. S. government officials but such "basic law" does not effect the responsibility of the particular individual to respect the sovereignty and laws of the host country.

IV. REGISTRATION

Throughout the GAO draft report there is a general acceptance and encouragement of "registration" as a basic and universal tool for providing assistance to Americans overseas in times of emergencies and crises. This is a matter of judgment and, in fact, based on our experience over a number of years we question its value. Registration of American citizens at US diplomatic and consular overseas posts is and has been primarily concerned with establishing the citizenship of Americans residing in a particular consular district. Such Americans are often dual nationals and do not otherwise carry American

documentation. The registration provides for adjudication of the Americans' citizenship status if that is already not a matter of record. Evidence of citizenship must be presented to the consular officer and if he is unable to establish the citizenship of the individual he must forward the application for adjudication to the Passport Office in Washington, D. C.

In FY 1975 the results of a recent cost survey indicated that this type of service (for which there is no fee) required on the average 35 minutes (at an estimated cost of \$9.32) for each execution of the application excluding subsequent costs of updating and maintaining such files overseas. With an estimated resident community abroad of 1,300,000 Americans, the total cost of such a formal registration system would be substantial with no appreciable benefit in times of crises after the initial registration either to the citizen or the United States Government.

Periodically the Department, with the assistance of posts overseas, has evaluated this procedure as a tool applicable to emergency and evacuation plans including the use of a more simplified form of registration that would not involve adjudication of the citizenship of the individual. To date the Department has not found it practical or particularly useful to implement a registration program on a global basis.

The primary problems with a registration system whether formal or informal is that it can only be voluntary and characteristically holds only marginal interest for Americans. Maintenance is time-consuming and costly, i.e. sending out follow up letters every 6 months or so to verify the current address of the Americans. More importantly, in times of crises registration does not necessarily provide a viable means to communicate with large masses of Americans. Generally, in a crises situation not only is there no time to send warning letters, but even if sent their timely delivery would be impracticable. Any sizable number of Americans cannot as a practical matter be reached by telephone. The pragmatic solution that has been found to be effective in some circumstances is the use of the mass media and that depends sometimes on the extent to which these services have not been disrupted.

In 1964 the Department authorized embassies and consulates to exercise discretion whether they would encourage a formal registration system or establish a simplified informal system, if any. One thing should be kept in mind is that since WWII the number of Americans who reside and travel abroad has grown enormously. For example, in FY 1974 approximately 460,000

Americans resided in and about 4 million Americans traveled through Western Europe. It is the latter group of people who are by far the greatest number of Americans to be assisted in any emergency or crises and who would be the least susceptible to a registration procedure particularly when they are passing in and out of a consular district on an average of a few days or a week. For even an informal system to be fully useful, registration records must be constantly filed and updated, a project which in the Department's view would consume an inordinate amount of time in manpower in relation to its utility.

RESPONSE TO RECOMMENDATIONS

1. "Review the registration system to find ways to increase the voluntary registration of Americans abroad. Regulations should be revised to permit registration at any U.S. Government facility overseas, with consolidation of the information by the consulate."

For the reasons indicated previously, the utility of attempting to install and maintain an updated registration system for the purpose of welfare and protection is highly questionable. It must be kept in mind that the ability to deliver effective notice is the real keystone to any E&E plan. This ability typically is severely curtailed by the nature of the crisis involved. A balanced approach is necessary and we intend to respond to the recommendation accordingly. In this regard the Department will continue to monitor this problem and seek the views of posts on whether some kind of informal registration system can be effectively designed which would be more useful even on a limited basis within an emergency or crisis concept. The subject will be placed on the agendas of regional consular conferences starting with Hong Kong in October.

2. "Review the emergency and evacuation plans at all posts to ensure that they are current, realistic and practical. The plans should permit selective evacuation without formally activating the entire plan, of Americans who may suffer unreasonable hardships by remaining in the country."

The Department intends to conduct a comprehensive review of its E&E plans and their implementation at post. The plans in existence do permit selective evacuation in most instances. It is Departmental policy that all plans should be current, complete, realistic and practical.

3. "The embassies should ensure that all consular officers know the treaty provisions for countries they serve that relate to the rights and protection of American citizens."

Without question consular officers should know the treaty provisions that relate to their functions for countries in which they serve. They are instructed to do so and reminders will be sent that they carry out this responsibility and that the Department stands ready to help in any problem of interpretation and implementation.

4. "Review its policy and regulations and consider the benefits or detractions of permitting high-level official representations to a host government on behalf of detained American citizens during temporary periods of non-recognition by the United States."

One of the reasons we have temporary periods of non-recognition is that there is no host government. Obviously, if this is so, no high-level protest can be made. If, however, some kind or form of government emerges there still remain other considerations.

According to accepted international law and custom, recognition of a newly established government is a question of intent on the part of the recognizing government. Intent can, however, be manifested by conduct as well as explicit statement. For instance, simply by continuing to conduct diplomatic relations with a new government a diplomatic mission may manifest its country's intent to extend recognition. In the circumstances, the head of a mission is required to exercise considerable circumspection in the absence of explicit instructions from the Department and is advised to use communications of an informal character. To have approached the GOC formally and at the top level would have been regarded as precipitate recognition. The de facto regime which was seeking immediately to legitimize itself most likely would have publicly portrayed such U.S. approaches as recognition.

In any event though, a formal diplomatic demarche, either oral or written, delivered by an Ambassador to a head of state is not a guarantee that such a protest will be effective. Further, a formal high-level protest is usually used after all other means have failed. Our experience has been that the initiative and action by an individual Foreign Service officer at the "street level" is usually far more effective for immediate or short-term results. In a situation of civil strife or coup d'etat, making a high-level representation can be difficult to effect if the lines of authority and power of the foreign government have not been established or are simply not working. While policies and regulations should be (and are) under constant review and revision according to

experience, it has been and remains our policy to afford discretion to the post to make decisions in response to changing events and in consultation with the Department.

5. "Clarify its policies and guidelines for admitting American nationals to Embassies and consulates for protection during emergencies. U.S. consulates and Embassies located in troubled areas should make some provision for the temporary housing of Americans needing assistance."

In general, United States diplomatic or consular posts do not grant asylum to American or foreign nationals (2 FAM 228.2). Temporary refuge is granted to American and foreign nationals in emergency situations (2 FAM 228.3). We believe that these provisions constitute sound guidelines on the question of when American nationals - as well as aliens - may be admitted during emergencies to embassies and consulates for protection.

As was indicated previously this discretion must be exercised prudently in light of the physical facilities available so that persons in proven need are not turned away and the Embassy can continue to function.

However, the Department will review the regulations with the object of providing further guidance to posts on action that may be taken.

6. "Amend the regulations concerning protection of personal property of American citizens to provide for formal or informal protests, depending on the circumstances, of loss of personal property due to unwarranted actions by the host government."

The Department notes that the GAO Draft Report correctly reflects the fact that American ownership interests in a foreign country are entitled to protection but that the regulations under which embassies and consulates operate cannot provide for every conceivable event. Nevertheless, the GAO report stresses that there should be specific regulatory provisions for formal or informal protests on the loss or seizure of personal property. The lack of any specific requirement for making protests does not or has not precluded the post from taking whatever

action is necessary and appropriate in the circumstances to assist the citizen. Any type of representations to a foreign government (whether oral, written, protest, inquiry, etc.) are done in accordance with international law, custom and bilateral agreements rather than on the basis of U.S. domestic law and/or regulations. In its current review of consular regulations (7 FAM), the Department will take this recommendation into consideration.

7. "Establish guidelines for consular officers to exchange ideas and information, within the limits of national security, with other foreign consular officers to improve overseas assistance and protection procedures and methods."

The Department of State agrees that an exchange of information among the officers of the consular corps is useful. Since protection efforts by American and foreign consular and diplomatic officers are not governed by domestic statutes and recommendations of the respective countries but rather by international law, custom, and consular conventions and treaties, American and foreign consular officers from other countries function under similar frameworks. Such exchanges are useful. In fact, an informal exchange along these lines is and has been carried out for many years, including consular officers assigned to the Department of State who regularly meet with their consular colleagues serving at foreign embassies and consulates in Washington, D.C. The Department is preparing a circular instruction encouraging not only consular officers but all Foreign Service officers to seek an exchange of information of their experiences in assisting their nationals during times of emergencies and crises.

SUMMARY

The survey or scope of the report involved a review of protective services provided American citizens in times of crises or emergencies in Greece, Cyprus, and Chile, and a review of the emergency and evacuation plans at the American Consulate General in Hong Kong. Unfortunately, the report does not review past crises involving protection to American citizens in such cases of Tel Aviv, Beirut, and places where there was less evidence of dissatisfaction. Such inclusion might have given a comprehensive view of the protection accorded Americans overseas and could have supplied a broader insight as to whether any failures in Greece, Cyprus and Chile were due to inadequacy of performance, a lack of guidance, formal or informal, or the difficult conditions then and there existing.

One can learn from all experiences, regardless of the degree of criticism. Such an examination produces a greater perspective.

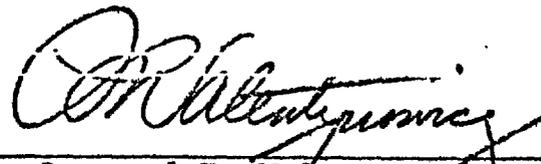
Additionally, the report, particularly the recommendations, places too much stress on the need for form, and formalized plans. We recognize the fact that formalization is quite necessary in this sophisticated world. Nevertheless, we still do not have universally effective law. Each country jealously guards its sovereignty. As indicated previously, protection in a foreign country is primarily based on international law and not on U.S. domestic law. Representations or protests are made with international law and practice. Accordingly, our consular personnel must have discretion as well as guidance. Flexibility is quite important and too much form may make us too rigid to meet rapidly changing circumstances.

Further, the report fails to recognize that all too often Americans expect treatment in accordance to what they believe they are entitled to under U.S. law and Constitution and they express their dissatisfaction based on those standards. While the world-wide application of those standards may be desirable, our citizens still are obligated to respect the laws and customs of other countries when they are within their territorial jurisdiction. This dilemma becomes even more acute to both our government and our

citizens when the day-to-day functions of the host government are disrupted or suspended as is usual during a crisis.

In this connection it may be noted that frequently detained Americans once released and in the exercise of their constitutional right of free speech often create an atmosphere which makes it more difficult for our consular personnel to secure the release of other detained Americans. This is particularly true when there is a period of prolonged crises. This is not to say that Americans should not exercise their rights, but only to suggest that it may be prudent and to the benefit of others that they be discreet at least until conditions improve.

The Department welcomes a GAO review of this type for it permits it to focus more acutely on its responsibilities and performance and thereby achieve hopefully even better results.



Leonard F. Wałentynowicz
Administrator, Bureau of
Security and Consular Affairs

September 18, 1975

ADDENDA TO
DEPARTMENT OF STATE COMMENTS
ON
GAO DRAFT REPORT

"AN ASSESSMENT OF SELECTED U.S.-EMBASSY-CONSULAR
EFFORTS TO ASSIST AND PROTECT AMERICANS OVERSEAS
DURING CRISES AND EMERGENCIES."

The Department submits the following additional comments regarding the protection of American citizens during the 1973 coup de etat in Chile.

The former DCM in Santiago, who departed post in June, 1973, reports that he and the consul, at the Ambassador's suggestion, held a meeting in the AID Building in Santiago in the spring of 1973 at which the principal American employers in Chile, the heads of missionary organizations, and other American community leaders were assembled to discuss the safety of Americans and possible steps which might be taken to enhance it. Everybody was urged to get their American friends and colleagues to register. The head of the Mormon Mission, for example, committed himself to carry back registration information from his missionaries throughout the country. At the meeting there was considerable discussion of means to communicate with Americans outside Santiago - assuming a breakdown in telephone service. Americans outside Santiago were urged to locate ham radio operators in their vicinity (who are numerous in Chile) and be ready to enlist their help if necessary. Other elements of emergency and contingency planning were discussed. Without going into the specifics of it - for reasons of security - the Emergency and Evacuation Plan was also described and discussed. The DCM reports that he and the consul repeatedly discussed ways to plan for the general safety of Americans during his last months at post.

In connection with the Emergency and Evacuation Plan, it should be pointed out that it was updated in order to provide for what was generally regarded as the most likely contingency if the Chileans' political situation should degenerate to the point of violence. President Allende's speeches were replete with references during his last months

of office to his confident expectation that any move on the part of the Right would be met by full scale fighting as the Leftist workers from Santiago's popular quarters poured out of their homes and factories with the weapons that all of Santiago had been told they had in abundance. Judging from the statements of President Allende and his supporters, large scale civil war was to be the inevitable result of any move to overturn the Unidad Popular government. The Emergency and Evacuation Plan, not unreasonably, was prepared to meet a contingency of this kind and there was ample reason to believe that its updating in the spring of 1973 was an important and sensible precaution.

In regard to the death of one of the Americans shot, according to our material he and a friend were offered refuge in the home of an officer of the U.S. Military Group in Valparaiso before he returned to Santiago and his home there. It deepens the tragedy of this American's death that he and his friend both declined the offer of refuge and the urging of the Mission officer to accept.



Leonard F. Walentynowicz
Administrator, Bureau of
Security and Consular Affairs

September 26, 1975