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THE ROLE OF THE **MILITARY** AND THE ARGENTINE **ARMED** **FORCES**

ITS IMPORTANCE IN THE CURRENT ENVIRONMENT

The wish of most all nations is to live in peace, **preserving** their security and vital interests. It is for this **reason** that the Armed Forces have **been**, along their historical **evolution**, closely **related** to the social and political organization of Nations as **another** expression of their culture.

The Military has been the foundation on which different **societies'** **Defense systems** have been constructed. As an **institution not** easy to improvise, the **Armed** Forces are the **form** under which **peoples** assume **their** defense and therefore, their fate **is** unquestionably linked **to** the **efficacy** of **their armed forces** along history. They have always been devoted to preserve both the physical space of a nation, its territory, and the very existence of each state.

But societies live in permanent change and require from their Armed Forces **a** dynamic adaptation to such transformations.

In the case of Argentina, the **Armed** Forces accompanied the evolution of social reality and new world and region strategic demands by updating the defense planning and reorganizing the **Services**.

Since the return to the constitutional system, Argentina, as a whole,



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has undergone a **transformation** process which in general lines, is intended to attain:

- The consolidation of democracy
- The modernization of the Government
- The economy's streamlining
- The **country's** adequate involvement in world affairs
- Progress towards **regional integration**
- Sustainable development

Structural **transformations** in the fields of **National Security**, and Defense have involved the enacting of functional statutes (National Defense, Domestic Security and Military **Reorganization** Acts) as well as the adoption of actions intended to modernize the military system and to make it **fit** for new **strategic** conditions (volunteer soldier **system**, increasing involvement **in** peace-keeping operations).

it is **only** fair to say that today the International scenario is governed by a predominant **interest** in economic matters **and** governments' concern is focused on the **welfare** of society as a first priority. This has led to the allocation of smaller financial resources to the defense **areas**.

Consequently, many countries in the world, whether industrialized or developing nations, are reorganizing, and in many cases, downsizing their **Armed Forces without** modifying their **basic** mission of defending **their**



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territories and interests. For **this** reason, although new **realities demand** certain capacities from the Armed Forces that allow them to meet other roles, their prime role is not superseded when new demands are imposed on them.

The Armed Forces of Argentina, seen within the context of the whole Society, are the instrument used by the National Government to **execute its policies tending** to fulfill the interest of the country on a **continuous basis. Their role cannot be separated** from the **National Executive Branch's authority applied to the** achievement of said interests and derives from the **National Constitution.**

THE MILITARY MISSION

The fundamental legal **bases** of the national defense system are as follows:

- **National Constitution**
- Civil Defense Act (Law **22,418, 03/05/81**)
- **Ministries Act (Law 22,450, 12/18/81)** as amended
- **National Defense Act (Law 23,554, 04/26/88)**
- Domestic **Security** (Law 24,059, **01/06/92**)
- Military **Reorganization** Act (Law **24,948, 04/03/98**)



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- Executive **Decree** No. **392/90** – Domestic Security
- Decree No. **1,739/92** on the creation of the Chiefs of Staff Military Committee (**COMIJEM – 09/21/81**)

Within this framework, the Argentine Armed Forces have certain missions assigned, which **are** discussed below:

Armed Forces Main Mission

The main mission of the Military lies in contributing -together with other power factors- to the National Defense, by acting as deterrent or effectively using the means to permanently protect and guarantee the Nation's vital interests from external aggressions.

Other missions of the Military

1) Involvement In peace-keeping operations and/or multinational coalitions under the mandate of international organizations

Armed Forces involvement in peace-keeping operations, mainly under the mandate of the United Nations, has turned into one of the habitual missions of the Military **and** translates Argentina's strong commitment to international peace and security.

Depending on the mission to be accomplished, personnel



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from both the **Armed Forces** and the **Security Forces** have effectively **performed** in different opportunities. Twenty men were sent on different **international** peace-keeping operations in **1988**, and such **figure** has been multiplied **several** times over successive **years**, to reach the 14,982 Argentine men sent on international missions between 1990 and 1998. At present, 794 fellow citizens **are** deployed in this type of operations.

Argentina sent a Battalion to Croatia and a **Company** to East. Slovenia, **provided** air and naval means during the Gulf War. A **Battalion** and a group of helicopters are still in Cyprus, an **Engineer Company** in Kuwait and **Military Observers** and **Civil Police** are acting as peace-keeping forces in different parts of the world where conflicts exist.

2) **Missions to support Domestic Security**

As the **Executive** Branch of the National Government might **require**, the **Armed Forces** may undertake operations intended to guarantee domestic security, planning and **executing** the operations **provided** for in the Domestic **Security** Act. This statute defines Domestic Security as a **law-based** state of **affairs**, in which the population freedom, life and property, their rights and the institutions of the republican and federal system established in the **National Constitution** are safeguarded.

The following types of **operations**, which provide for **Armed Forces'** involvement, are set **forth** in the law:



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- **Support operations:** consisting in the provision of Armed Forces' **services and** elements (ordnance, supplies, health, animal **health**, construction, transport, engineers and communications) when required by the Domestic Security Council Crisis Committee (Article 27) presided over by the Security and Protection to the Community **Secretary**.
- **Operations** intended to **preserve** the Armed Forces' **units** or **garrisons** and to **restore** order In the military **jurisdiction**, as a primary obligation of the military **authority**, in case of an attack **during** peace times (Articles **28, 29** and 30).
- **Operations** intended to **restore Domestic Security** when extremely **grave situations** occur, where the forces under the **Domestic Security System** are not **sufficient** to restore the state of law and order. In these **exceptional circumstances**, before the National Congress **institutes** the "state of siege", the President of the **Nation** may order the use of Armed Forces' **combat** elements and all of them, **together** with Security and Police **Forces** shall be subordinated to an **Operational** Commander to be designated **therefor** (Articles 31 and 32).

However, not even In this case can the Armed **Forces** undertake **police** activities since **it** is **definitely** established that they shall "act

¹ The Executive **Branch of Government** can only **declare** the "state of siege" by **itself** when the **National Congress** is in **recess**. **Subsequently**, the **legislative** Body must **ratify** or **suspend** such **measure** as soon as it resumes **its activities**. Arts 23.76 --**paragraphs, 27, 29** and **31--** end 99 -- **paragraphs 12, 16** end **20--** and **related articles** of the **National Constitution**.



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according to the provisions of Law **No.23,554*** of National Defense, that is, as Armed Forces in compliance with military objectives.

Congress **participation** in the oversight of activities **related to** Domestic Security maintenance is **completed** by means of the action of an Domestic Security and Intelligence **Agencies** and **Activities** Oversight Committee.

3) Armed Forces Involvement **in** the development of **international security** end confidence **building measures**.

The Armed Forces and the organizations involved in the strategic planning of a national defense system take part in studies carried out with other countries or in **multilateral** organizations at **regional and** international levels in order to **build new security systems** oriented to **co-operative action**.

Likewise, concrete measures for military **co-operation** are sought **for** with all countries in the region and **particularly** neighboring ones, trying to build confidence and **transparency** in military relations, in order *to prevent any conflicts.

Transparency in the international context

The United Nations **General** Assembly approved a



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resolution titled 'Transparency in Weapons', **under which** a Register of Conventional 'Weapon was created, as it **was** thought **that greater transparency** regarding these matters **would** contribute to **foster** confidence and security among countries.

Later on, the Regional **Conference** on Security and Confidence **Building** Measures, sponsored by the Organization of American States approved by consensus the Declaration of Santiago on Security and Confidence Building Measures.

Every **year** Argentina submits complete **information on defense transactions** to the United Nations and **OAS** conventional weapon **registers** and sends to the UN the information on the military expenditures **that** the organization requires **for** publication. This information exchange **is** intended to **foster confidence** and security arising from the transparency represented by the **dissemination** of such **information**.

In this context, the Foreign Affairs and **Defense** Ministers **agreed** with their Chilean counterparts in **Campo** de Mayo on **June 10, 1998**, to request to the Economic **Commission** for Latin American **and the** Caribbean (CEPAL) the preparation of a technical study aimed at establishing **a methodology that allows streamlining results and achieve** accuracy in the information of military expendiires.

This decision materialized in **a** letter undersigned by the Ministers during the V Meeting of the **Permanent** Committee for **Argentine-Chilean** Security, **subsequently** responded by the CEPAL by sending a budget for



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that project. Finally, Presidents **Menem** and **Frei** have **recently** undersigned a "Joint Presidential **Declaration** on Security and Confidence Building Measures" (Ushuaia, February 16, 1990) where the **progress** made in this process is duly recognized.

The importance of the project lies in its contribution to transparency **in the issue of defense and military expenditure**, not only between countries **—as a step towards bilateral and regional trust—** but also **within** each country, to the extent it **will** contribute to the evaluation of budget **executii** at the national level.

Transparency at the national level

All the measures towards transparency accompanied by our country at the international level have a correlation **with** similar **actions** regarding the defense policy, which **for its** significance and **continuity**, ranks among state Policies.

One of the three fundamental pillars on which **defense** administration is supported is an adequate relation between the Armed Forces and **the democratic system**. This Issue was addressed within the framework **of** the State reform, particularly through the **reorganization** of the Armed **Forces**, for them **to** be in an optimum **capacity** to carry out their **functions**.

The National Constitution and laws in **force** guarantee



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the adequate control of the National Government on the **military** institutions.

The National Defense Act, expressly sets forth that the Armed Forces Chiefs of Staff report to the Ministry of Defense, by delegation of the President of the Nation, Commander in Chief of the Armed Forces, and maintain a functional relation to the Joint' Staff, an **advisory** body reporting to the Minister of Defense.

The privatization process involving companies in the Defense area has been completed to all practical matters and has attained the goal of concentrating the technical capacities and human skills of the Armed Forces in their specific tasks. Like in the privatization processes applied to other publicly-run companies engaged in activities unrelated to the State specific object, the process implemented in the Defense area disabled all potential structural corruption areas.

In this sense, an adequate civil-to-military relation and the redefinition and restructuring of the Armed Forces, have been factors that greatly contributed to transparency in national politics.

4) **Community** support **missions**

The Military cooperates, in civil defense matters, with national, provincial and local **organizations** for the support to the national community and, if necessary, **with** countries within the hemisphere, in



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events of natural disaster, epidemic outbreaks, or any other circumstance. In this sense, the Armed Forces are prepared to **carry** out search and salvage tasks, humanitarian **assistance** and environment protection, as was the case during the **floods** that affected extended areas of **the Argentine littoral** in 1998, or the recent fires in the **Patagonian forests**.

For the purposes of these functions, the Joint Staff is in charge of the **follow-up**; assignment of functions to **experienced** personnel and coordination of the **required** support actions.

5) Other missions **assigned** by the Government

The National Government, through competent **organizations**, may order the military the performance **of** other tasks, granting it; by means of the required legal instruments, the **necessary authorization for such purposes**.

These **types** of missions include:

- **Support to activities in the Antarctic,**
- Different actions to **support social and** economic development in different **communities** all over the country,
- **Technical support in communications, air space control, coordination and logistics** in the fight against **drug** trafficking



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and international **terrorism**.

CIVIL COMMAND OF THE DEFENSE SYSTEM

The Chiefs of Staffs of the **Armed Forces –Army, Navy and Air Force**—as well as the **Armed Forces Joint Staff report** to the Ministry of Defense. The Joint Staff advises the Minister of Defense for the drafting of Joint Military Plans. The Chief of the Joint Staff acts as President of the **Chiefs of Staff Committee (COMIJEM)**, advising the Minister of Defense on military **strategies** and on the joint use of the Services, without prejudice to the actions each Chief of Staff may take in specific issues within their own **force**.

The **Armed Forces**, in their capacity for defense and as fundamental members of the National Defense System, act under the direction, **order** and coordination of the Minister of Defense, who thus exercises the authority delegated onto his area by the President of **the Nation**, Commander in Chief of the **Armed Forces** under the **provisions** of the National Constitution.

By means of Joint Military Planning, the **Ministry** of Defense defines the composition, dimension and deployment of the **Armed Forces**. The **government** and administration of each Force is under the **responsibility** of its Chief of Staff. these **positions** are filled by the **President's** designation, based on **proposals** submitted by the **Minister** of Defense.



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Regarding resources, the Ministry of Defense **is** in charge of the Armed Forces budget and of the coordination and distribution of the pertinent allocation **s**.

Concerning Security Forces, the National Border Guard Service (**Gendarmeria Nacional**) and the Coast Guard Service (**Prefectura Naval Argentina**), both report to the **Ministry** of Interior, through the Security Secretary. Although these forces exercise police functions guarding the country **boundaries**, they can be involved in the Defense **System when** required.



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CONCLUSIONS

1. The Argentine Republic is a country that, from its origins, has adopted democracy as a way of life and as government system. Democratic institutions are in full **force** and, among them, the Armed **Forces** and Security and Police Forces have **a** definite mission and **jurisdiction**, clearly defined by law and the **Constitution**.
2. The Armed Forces have accompanied internal, regional and international **social** change processes by **updating** military strategic planning and the necessary reorganization of its means and territorial deployment.
3. The **Armed** Forces comply **with** their **specific** mission **and** other assignments according to directions from the President of the Nation @rough the Minister of Defense, **within** the in **force** legal **framework**.



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**THE FIGHT AGAINST CORRUPTION WITHIN ARGENTINE
NATIONAL SECURITY AGENCIES**

Three different spheres of action should be considered:

1. Individual training **and** education
2. Control of administrative and **financial** operations
3. Punishment of faults and crimes

Training and Education

In our concept, the **military** career is based on a vocation **implying** a high degree of ethics.

The military induce a high degree of public confidence, which obliges them to respond to such trust by basing their behavior on a very strict ethical code.

We **are** also **convinced** that corruption breeds in **the heart of man, which is the source** of uncontrolled desire for material wealth, falsity, frivolity, deceit and the weakness to resist **the** temptations of corruption.

But the **possibility** of **restoring** honesty to human relations



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and establishing individual **and** social equilibrium is **also** within our heart.

This is the reason why **we value** and place **priority** upon the training and education of our soldiers as the means to develop good operating habits which, exercised once and again in daily **life**, especially during the stage of their military training, will develop a sword and a shield of human virtues which are of crucial importance:

Strength, which renews the soul's energy when faced with internal or **external obstacles and** which **allows to practice** virtue in one's own environment and actions: **sincerity, as love of truth**; loyalty, which consists in **a truthful behavior** and in upholding one's word, commitments and covenants; **sobriety and modesty** that lead to cherish austerity, avoid ostentation, and endure **unsatisfied** wants and needs; **temperance**, which subjects the body's demands to the order established by the spirit; honesty, **firmness, and an exemplary conduct** are **all** virtues present in the training of our military, included in all the **curricula** of our training institutes and developed in subjects such as philosophy, ethics, religious education, etc.

At the same time, the future military **are** educated in the strict **obedience** of civil laws **as** the basis **for** human **coexistence**. Public Constitutional Law, Public International Law and International Law on Armed **Conflicts** (International Humanitarian **Law**) **are also part** of the curricula developed in education **and** advanced training institutes.

In this sense, our experience has been very positive. The fact of



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investing in training and education has made corruption cases within the Armed Forces **exceptional**, isolated, individual and **easily detectable** and punishable.

Control of administrative **and financial** operations

Argentine laws establish strict and detailed control systems for the administration of financial resources by all Government **agencies and civil servants**.

This includes the Armed Forces, whose members undertake increasing administrative and financial responsibilities as they are **promoted** to higher ranks.

This seminar is not the right time or place to embark on a detailed technical explanation **of this** management control system which, on the other hand, is **probably** very similar to those applied in many other countries of the world.

Anecdote: Last year, an **officer** of the General Comptroller's Office (the Ministry of **Economy's** administrative-financial management oversight **office**) who took her supervision duties very seriously visited a military unit for the purpose of following up the purchasing **process** applied by such unit from the time when the requirement for the items was determined through the whole bidding, reception and quality control process and the verification of **the use given to the** Items purchased, to supplier

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payments.

The controlled **item** was randomly selected and turned out to be the purchase of sewer **pipes**. The **officer** performed the pertinent documentation controls, verifying that everything was in **order**, after which she said: "Now I want to see where the pipe was Installed." **It** was explained to her that the pipe was installed in a **cesspool pipeline**, which obviously was laid several meters under ground in a place that was not very recommendable **for** a lady to visit. She said, "**Let's** go". She was taken to the place, the cover was removed, and she **went down to the place** where the pipe had been Installed and confirmed that the **pipe was** indeed new and that there was evidence that it had been **recently put in** place.

With **this** story I want to show that the **system** exists, that it is operating and **that** we **soldiers, who** have the clear priority of preparing our **organizations** for war, must dedicate time and effort to account of the resources entrusted to us by **the** State, when it would be more convenient to spend such time and **effort** on our **specific** mission.

But in **addition** to these controls exercised by the National State over the Armed **Forces**, there are **internal** administrative measures **which** provide transparency to the financial management performed by **military** commanders, whatever their rank. Some of them are:

- **Rotation:** Rotation is periodic; a person rarely occupies a position for more than **two** or three years. Rotation is also **mandatory** and



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systematic, both for Commanders and for technical officers performing **accounting** functions.

- **Internal Inspections of administrative and financial services:** Such inspections **are** performed on a yearly basis and are exercised especially with **regard to all administrative** and financial services at all command levels.
- **Sworn statement on financial condition:** This is mandatory for **all** commanders **having responsibility** for the administration of **financial** resources and must be submitted when taking over and leaving a position.
- **Senate's agreement to the promotion of Senior Officers:** Such **agreement** takes place **after an** examination of the candidates' personal and professional record, including the outcome of their previous functions.

Punishment of faults and offenses committed by **military** personnel

All military **personnel** are **governed** by the **Military Code of Justice**, which is a **national** law.

In **addition** to **defining** the faults and offenses pertaining to military activity **both** in wartime and in **peacetime**, the Code establishes severe **sanctions** and penalties for **military** personnel for offenses related to



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resource administration, such as the following:

Bribery (Section 834): The **military** who, in the exercise of administrative functions, makes **gifts** or **accepts promises** for an act to be executed or omitted **will** be punished with imprisonment **from two to five years**.

Military Fraud (Section 843): The military who, by reason of his employment, holds in his possession money, securities or any State **property** and misappropriates **it** in order to use it **for** his own or another person's benefit (this includes favoring suppliers against the reception of gifts, presents or promises; commits frauds; carries out personal financial operations with funds belonging to the military administration; has private interests in the outcome of bidding processes, etc.), will be punished **with** imprisonment for up to ten **years**.

These cases and **others** such as "embezzlement", "fraudulent administration", etc., are examples of the penalties applied to **military** personnel for administrative and financial **offenses**. **It** must be pointed out that such **penalties** are **much more** severe than those provided for in national laws **for** similar **offenses** in the **civil** and commercial spheres.

In addition, the **Armed** Forces consider that certain types of **offenses** or **faults** in the administration of financial resources affect the **military** **honor** of the Individuals involved, whereby they are brought to **trial** before Courts of **Honor**. Such courts are permanently **constituted**; their members are Senior **Officers** with recognized professional records and indisputable moral authority. They are empowered **to** judge the acts of

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their comrades **when** the honor of their behavior is in question and to punish faults against military honor **with** penalties that remain in the individual's record as a stigma.



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services in the fight against drug traffic and international terrorism.

Also, in line with the conclusions reached by several international forums dedicated to the integral security of the States - such as the Meetings of Defense Ministers of the Americas - Argentine **authorities** recognize that **inter-agency cooperation and coordination** is an essential instrument to win the battle against this scourge. For this reason, the analysis and follow-up of this type of threats are included in the national **strategic agenda, where the Ministry of Defense participates with the advice of the pertinent military instances within their respective spheres of competence.**

With respect to the eventual "contamination" of the Armed Forces if they **are required to participate in the fight against IDT**, we trust that **the** preventive, **control** and punitive **measures** established (see response to the previous question) would be efficient tools to ensure **that all operations remain within legal bounds.**



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**IN YOUR OPINION, WHAT MEASURES SHOULD BE ADOPTED
TO COMBAT CORRUPTION IN CONTAMINATED NATIONAL
SECURITY SERVICES?**

The **Armed Forces** of a nation **are** the basic pillar of its National Defense. As such, they induce a high degree of public trust.

Contaminated Armed Forces would betray this trust and would pave the way **for corruption** to threaten the existence of the State itself.

Therefore, if corruption has become generalized or institutionalized **within** the Armed Forces of a -country, measures should be **taken by the highest political** level of the country involved and **would** require a **depth** which, in my understanding, is not the objective of this conference.

If the contamination is partial, focused within **certain** specific and **well-identified areas** of the Armed Forces, and is detectable by the senior authorities of such **institutions**, preventive, management **control and** punitive measures such as those described above could be **applied with** different degrees of intensity.

In this sense, I consider **that** the effectiveness of the measures to be adopted should be in inverse order with respect to the **above** enumeration: **punitive** measures **act as** an example and control the phenomenon immediately; management control actions have a medium-term effect, **especially** if **control** mechanisms have not been

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developed, and training and education **are** a long-term investment which shows its **effects** in a more or less distant future.