

The Legal Framework and the Defence System

National Legislation

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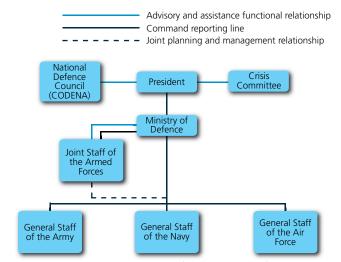
Systems and Concepts

- National Defence Act (N° 23.554 1988/05/05)
- Internal Security Act (N° 24.059 1992/01/17)
- Ministerial Law (N° 22.520 1992/03/20)
- Act on the Restructuring of the Armed Forces (N° 24.948 1998/04/08)
- National Intelligence Act (N° 25.520 2001/12/06)

Military Organization

- Military Service Act (Nº 17.531 1967/11/16)
- Military Personnel Act (Nº 19.101 1971/07/19)
- Financial Aid Institute Act for Pension and Retirement Payments (N° 22.919 1983/09/26. Last amendment: Decree N° 860-2009/07/07)
- Voluntary Military Service Act (N° 24.429 1995/01/10)
- Act on the Entry of Foreign Troops and the Deployment of National Troops outside the Country (N° 25.880 2004/04/23)
- Act which derogates the Code of Military Justice, approves reforms to the Criminal Code and to the Criminal Code of Procedures of the Nation; it also approves Instructions to Civilians in War Times and in other Armed Conflicts, as well as the Armed Forces Code of Discipline and the Organization of the Joint Justice Service of the Armed Forces (N° 26.394 – 2008/08/26)

Source: Compilation based on the legislation above mentioned. For constitutional provisions see Chapter 1.

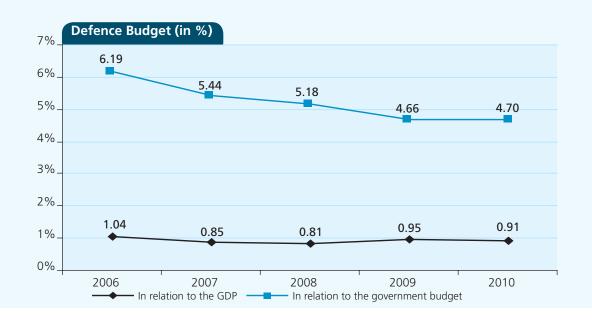


The President may receive assistance and advice from the National Defence Council, an organ that also includes the Vice President, the Ministers, the Secretary of Intelligence and the Chairmen of the parliamentary Defence Committees. The Minister of Defence is in charge of the direction, organization and coordination of national defence activities. The Minister receives the advice of the Joint Staff, responsible for the joint military doctrine, planning and training. Congress enjoys the powers granted by the Constitution and is permanently monitoring the issues related to defence through the Defence Committees in both Houses.

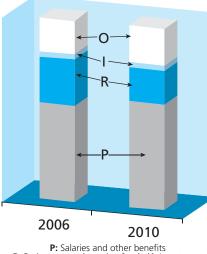
Source: Compilation based on *Ley de Defensa Nacional* (N° 23.554 – 1998/05/05) and Reglamentación de la Ley de Defensa Nacional (Decree N° 727/2006 - 2006/06/13)

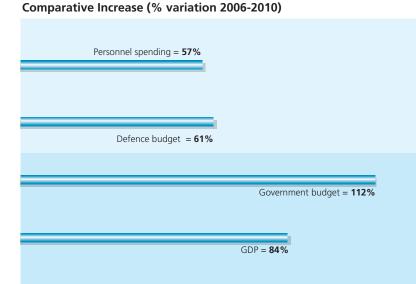
The Budget

Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2006	1,952,165,821	31,549,633,439	187,035,000,000
2007	2,120,829,805	39,004,202,398	248,332,000,000
2008	2,628,157,098	50,781,906,344	323,800,000,000
2009	2,849,654,256	61,143,165,088	301,331,000,000
2010	3,138,200,705	66,779,810,249	344,143,000,000



Defence Budget Breakdown



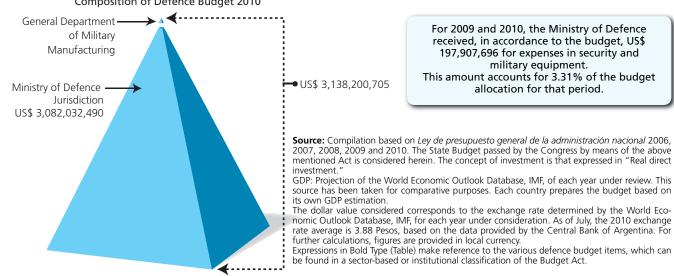


P: Salaries and other benefits R: Retirement and pension funds / I: Investment O: Other expenses

Defence Budget 2010 (in Local Currency)

Jurisdictions and Entities	Personnel Expenses	Consumer Goods and Non-personal Services	Fixed Assets	Others *	TOTAL	
Ministry of Defence						
Ministry of Defence	117,246,827	300,877,225	343,990,181	8,754,611	770,868,844	
General Staff of the Army	3,476,517,997	655,920,418	43,372,190	758,000	4,176,568,605	
General Staff of the Navy	1,927,845,492	542,605,484	113,719,000	834,000	2,585,003,976	
General Staff of the Air Force	1,603,541,724	536,742,554	120,193,464	548,000	2,261,025,742	
Joint Staff of the Armed Forces	20,178,000	222,233,609	82,095,099	84,000	324,590,708	
Military Geographic Institute **	20,362,000	25,742,000	4,065,000	165,000	50,334,000	
National Weather Service **	44,484,008	25,828,000	2,246,000	2,134,000	74,692,008	
Institute for the Financial Support to the Payment of Military Retirements and Pensions (IAFPRPM)***	17,225,000	2,958,000	420,000	2,341,826,000	2,362,429,000	
General Department of Military Manufacturing	109,023,000	90,064,000	30,641,000	0	229,728,000	
TOTAL	7,336,424,048	2,402,971,290	740,741,934	2,355,103,611	12,835,240,883	

* Includes transfers, financial assets, figurative expenses, debt service, and decrease of other liabilities. ** Decentralized organization. *** Social security organization.



Composition of Defence Budget 2010

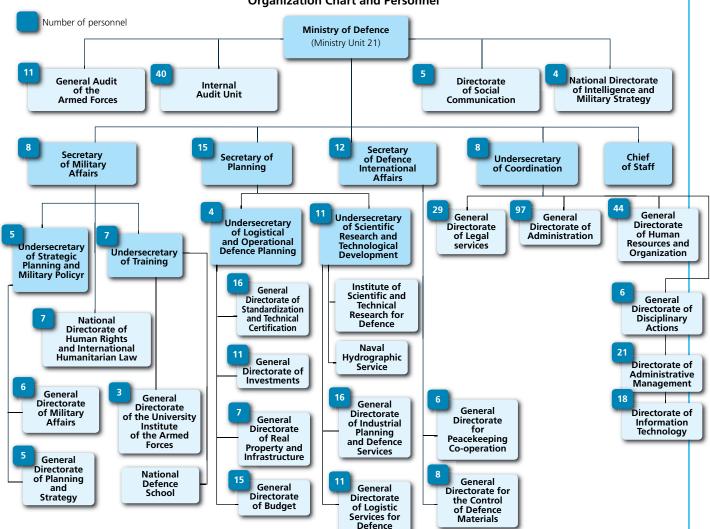


The Ministry of Defence

Responsibility:

The Ministry of Defence exercises the direction, organization and coordination of the activities that are proper to national defence and are not exclusively or directly conducted by the President or assigned to other officials, bodies or organizations. (*Ley de Defensa Nacional*, N° 23.554 – 1988/05/05, Sec. 11)

Organization Chart and Personnel



Note: The number of personnel refers to the permanent staff, with a total amount of 477 employees. The General Directorate of Legal Services has the Offices of Judicial Matters and Legal Matters, and the Department of Juridical Information under its charge; the General Directorate of Administration has the Directorate of Accounting Budget Management, the General Services and Contracts Directorate and the Treasury Department under its responsibility; and the General Directorate of Human Resources and Organization is responsible for the Offices of Human Resources Policy and Personnel Administration.

Number of military members who were Ministers of Defence: 4						
Number of civilians who were Ministers of Defence:33						
Have there been any women in charge of the Ministry of Defence?: Yes (The current Minister of Defence performed functions as Minister in the former administration)						
Average p						
Average p						

Source: Compilation based on information provided by the Ministry of Defence.

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Political Definitions

Policy Guidelines

The notions, positioning and strategic posture embedded in the Nation's Defence Policy are based on the concept of "legitimate defence" as the essential principle around which the entire Argentine defence system is organized. The defence system must converge to repel any military external aggression through the use of the Armed Forces, the military instrument of national defence, in order to guarantee and safeguard the sovereignty, independence and self-determination of the Nation, its territorial integrity and the life and freedom of its people.

The Argentine posture also recognizes the importance of inter-agency cooperation as well as the multilateral dimension of defence and security, as genuine supplementary instruments of the defence policy. It conceives defence in its two-fold dimension: the "individual" dimension and the "cooperative" one.

Directives

Continue and enhance the process of strengthening and consolidating total and effective political governance of national defence (including the consolidation of the institutional architecture designed to that end).

Advance in the process of building and implementing an integrated logistic system. Strengthen the budget planning capability.

Further enhance the process of strengthening the defence production industry.

Develop a fully coordinated and functional defence scientific and technological system.

Continue the process of defining education policies, as well as the education, training and advanced course structures for the Armed Forces, including curriculum development.

Develop and strengthen, through the National Defence College, the education and training of the necessary personnel.

Continue to promote the policy that can, in an integrated and horizontal manner, ensure a human rights perspective. Particularly:

a) Collaboration and coordination with the process of memory, truth and justice with respect to the State terrorism process.

b) Promotion of an institutional culture of respect of human rights, especially considering the gender factor.

c) Deepen the review of statutes, regulations and/or institutional practices.

d) Continue the process of overall reform and modernization of the military justice system.

e) Develop and optimize the implementation of mechanisms for claim filing and response to cases of abuse of authority, discrimination and other forms of violation of rights in the Armed Forces.

Give continuity to the gender policies and promote equity conditions and equal opportunities for men and women.

The organization and operation of the defence system must be mainly organized around its main mission. Subsidiary missions shall not result in changes to the organization and operation. As priority, the focus shall be placed on the country's involvement in peacekeeping operations under the UN or other international organizations. Likewise, priority shall be given to the creation and further enhancement of the Argentina-Chilean Binational Peace Force "Cruz del Sur".

Provide for and consider the Antarctica as a "scenario" in the framework of which the military instrument is responsible for the provision of logistic support.

Military Strategic Planning and the force design resulting from it shall be elaborated in accordance with the "capability-based" criterion.

The organizational and functional design, makeup and characteristics of armed forces' territorial deployment, considered as specific organizations, must strictly serve:

I) The missions and competences assigned to them by the legal and regulatory framework in effect.

II) The military strategic planning guidelines.

III) The reduction of administrative and bureaucratic structures and elimination of organizational entities with no practical purpose.

IV) The criterion of "concentration-dispersion" aimed at optimizing resources and logistic support.

V) The efficient and rational use of facilities.

Reports Submitted to the United Nations and the OAS

VI) The joint nature of the military defence system.

Enhance and strengthen jointness and, particularly, the structure and operation of the Operational Command and specific operational levels and/or entities provided for in the military planning.

Source: Directiva de Política de Defensa Nacional, 2009.

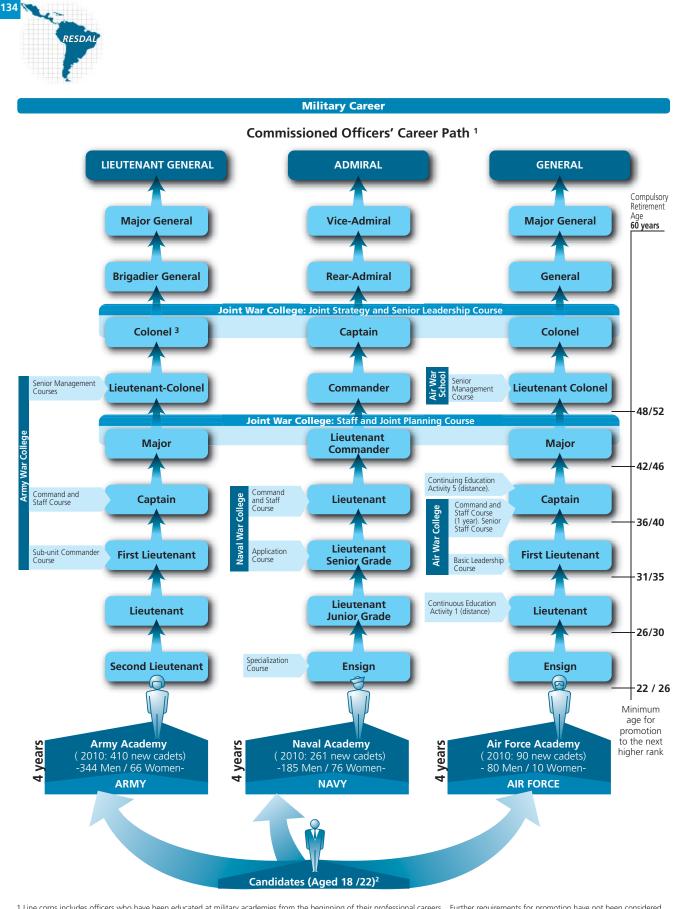
Argentina published the *Libro Blanco de la Defensa Nacional* (White Paper on National Defence) in 1999 and the Revisión de la Defensa (Defence Review) in 2001.*

*At the time of writing, Argentina was in the process of elaborating its *Libro Blanco de la Defensa 2010* (2010 Defence White Paper).

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
×	×	×	×	×	×	×	×	×		×	×	×
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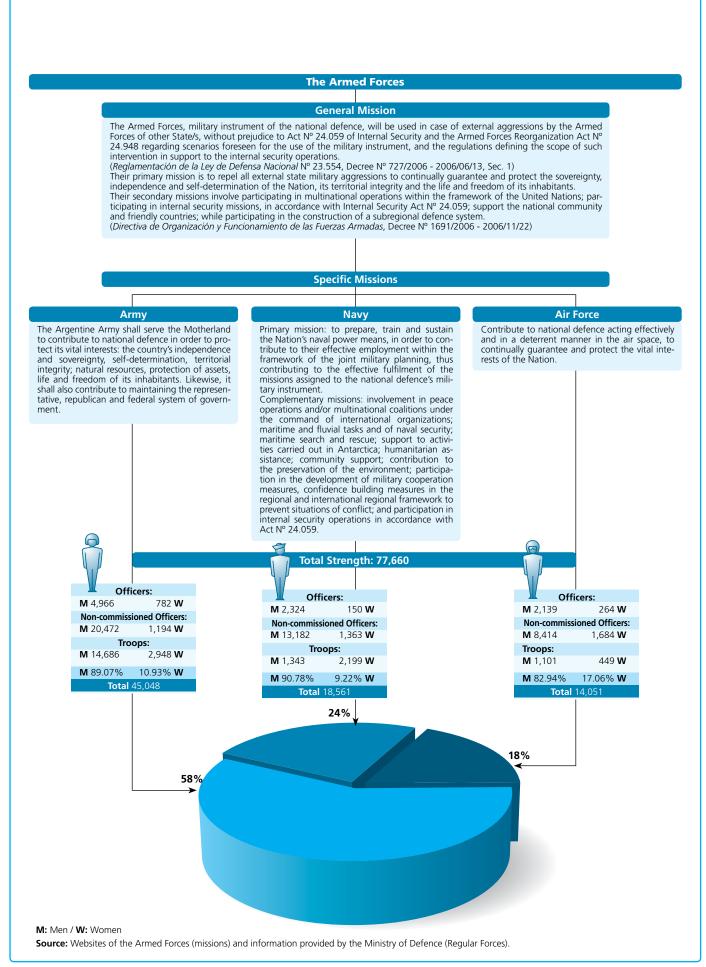
Source: Compilation based on reports submitted to the United Nations Register of Conventional Arms and the United Nations Instrument for Reporting Military Expenditures and reports submitted to the OAS on the Implementation of Confidence and Security-Building Measures.



1 Line corps includes officers who have been educated at military academies from the beginning of their professional careers. Further requirements for promotion have not been considered. 2 The age of 18-22 has been considered for comparative purposes. Entry age varies depending on the Service: in the Army, 18-25, in the Navy it is 18-22 and in the Air Force, 16-22. The minimum age for promotion shall depend on age of graduation from the military institution. 3 The rank of Colonel Major bears and honorific character.

Source: Compilation based on Ley de reestructuración de las Fuerzas Armadas (Nº 24.948 – 1998/04/08). New cadets: Information provided by the Ministry of Defence.





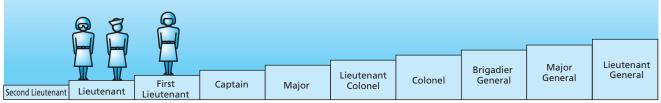


Women in the Armed Forces Women's Admission to the Armed Forces (year) **Command Corps** NCO Air Force O Air Force NCO Army O Navy • O Army NCO Navy Professional Corps 1980 1986 1989 1992 1995 1998 2001 2004 2010 1983 2007 • O Army NCO Air Force NCO Army O Navy NCO Navy • O Air Force

O: Officers - NCO: Non-commisioned Officers

Nore: The Command corps includes officers who have been educated at military academies from the beginning of their professional careers. The Professional corps refers to those who develop a career in the civilian sphere and are then incorporated to the armed forces.

Women Officers who have reached the highest rank in the Command Corps (2010)



Note: These ranks correpond to the Army, as an example. The equivalent ranks for lieutenant are Lieutenant Junior Grade (Navy) and Lieutenant (Air Force). In the naval force, there is one Lieutenant Senior Grade woman serving under a specific time duty regime IDP.

11.63% (9,033) of the total Armed Forces are women.

Source: Information provided by the Ministry of Defence, and Project 07-184 Global Peace and Security Fund-RESDAL

Military Service

The Military Service is voluntary and is open to all the citizens (men and women) that meet the requirements. The Voluntary Military Service has a two-year duration.

Army – Applicants and Enlisted per Region (2009)

Region	Applicants		Enli	sted	% of Applicants enlisted
	Men	Women	Men	Women	
Buenos Aires	830	152	377	64	44.91%
Metropolitan Area	749	426	924	187	94.55%
Entre Ríos	517	175	438	46	69.94%
Salta – Jujuy – La Rioja – Tucumán	907	176	327	27	32.69%
Neuquén – Rio Negro	585	259	363	79	52.37%
Mendoza – San Luis – San Juan	1,053	317	375	70	32.48%
Chubut	140	80	231	40	123.18%
La Pampa	453	147	338	19	59.50%
Santa Cruz	106	40	673	47	493.15%
Formosa – Chaco – Corrientes – Misiones – Santa Fe	3,447	834	627	55	15.93%
Córdoba – Santiago del Estero	251	105	603	114	201.40%
TOTAL	9,038	2,711	5,276	748	51.27%

Navy – Enlistment (2009 - 2010)						
Enlisted						
Men	Women					
345 soldiers	99 soldiers					
TOTAL: 44	4 soldiers					
Air Force Applicants and Enlisted						
2009						
Applicants	Enlisted					
1,494	10					
2010						
Applicants Enlisted						
1,913 207						

Note: In September 2010 a bill for the creation of a voluntary civic service was being discussed in Congress; through this the State would offer the possibility of completing formal education and receiving training in various skills for a minimum period of one year.

Source: Compilation based on information privided by the Ministry of Defence.

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Defence and National and International Community

Participation in Peace Operations

	Military Component						
Current Missions		M	М	MC			
	Me	en	Women	Men	Women		
MINURSO (Western Sahara)	3		-	-	-		
MINUSTAH (Haiti)	-		-	673	36		
UNFICYP (Cyprus)	-		-	257	9		
UNTSO (Israel and Palestine)	5		-	-	-		

MEM: Military experts on mission, including military observers, judge advocates and military liaison officers, among others - MC: Military Contingent.

Source: Compilation based on documents from the Department of Peacekeeping Operations of the United Nations. Data as of 31 August 2010.

Argentina contributes 983 military troops to the United Nations peacekeeping missions, which represents 12.85% of the total contribution of Latin America. The CAECOPAZ, Argentine Joint Training Center for Peacekeeping Operations, was created on June 27, 1995. In 2009 it trained 2,289 militaries and civilians.



In the area of defence, the gender perspective has gained a relevant significance, and it is considered a necessary part of every comprehensive policy for the promotion of human rights. In recent years, the actions have focused on three main aspects:

1) The Argentine participation in peacekeeping operations under the United Nations.

2) The development of a national plan for day care centers and responsible parenthood.

3) The joint work of the health and personnel areas of the Armed Forces on issues of domestic violence.

•Gender Offices in the Services: created under Resolution 719/08, to deal with problems and claims from the military personnel without neglecting the hierarchies, and through procedures that facilitate the prevention of personal and institutional damages responding in time and manner.

•Observatory of the insertion of women in the military career: responsible for defining policies that promote equality and ensuring that they lead to the professionalization of the Armed Forces in accordance with the core objectives assigned by the National Government.



· Argentine Army National Plan for Community

Support (PLANACEA), under an agreement with the Ministry of Social Development. Solidarity campaign (2009) in the province of

Chaco, where an average of 160 tons of food were distributed to 3,800 families on a bi-

Support to the district of Tartagal, province of Salta, in the area affected by the floods, with 25 vehicles and 115 troops. Treatment of 353,100

 1,101 troops and 553 material units were engaged in humanitarian assistance tasks from

• Plan water + jobs: drilling of 33 wells in the district of La Matanza under an agreement with

December 2008 to November 2009

monthly basis.

litres of water.

the company AySA.

Diagnosis: production and processing of regulatory, statistical and qualitative information on the insertion of women in the military profession.

Intervention: formulation of guidelines for the design of policies leading to the institutionalization of guarantees for the protection of equal opportunities for women throughout their professional careers.

➤ Instance of articulation: between women in the Armed Forces and the Ministry of Defence.

Army

Support Actions

Navy

- Support in the search of missing people.
- Logistic support, food and boarding in community assistance efforts.
- Sponsoring of 258 schools.
- Job insertion program (since 2005) and "Let's Sail Together" Program (from 2003), both for individuals with disabilities.
- March 2009: dengue prevention awareness campaign.
- April 2009: contribution to the cleaning of the Bridges Isles.
- June 2009: assistance in the flu immunization campaign.
- Support to festivities, anniversaries and ceremonies in the provinces of Río Negro, La Pampa and Buenos Aires.

Air Force

 Flights to provide assistance to the Ministry of Health during the sanitary emergency for the dengue epidemics in the NE and NW of the country (2009, domestic and foreign assignments: Catamarca, Chaco, Asunción del Paraguay).

• Fire control.

- Disaster relief.
- Relocatable hospital that can be transported and set up to provide medical assistance in combat zones, or emergency or disaster areas.

Institute of Scientific and Technical Research for Defence - CITEDEF

Institute under the Ministry of Defence, devoted to research and development activities in the area, as the only joint institution for the Armed Forces. Executive Order 1451/08 assigns to CITEDEF the primary responsibility for the execution of the research and development plans, programmes and projects under the scientific and technological policies for defence that may be assigned by the Ministry.

Source: MOD Annual Report, 2008; Informe para la Modernización del Sistema Logístico de la Defensa, Ministry of Defence, 2009: information provided by the Ministry of Defence and websites of the Armed Forces.



Analisys:

Argentina: An Active Player in the Regional Cooperation Process

Jaime Garreta Advisor to Argentina's National Senate.

The consequences of the dictatorial processes that ravaged our region were diverse. Those which occurred in our country after the fall of the dictatorship in 1983 appeared from the very beginning of our recovery of democratic institutions and make up the framework that is needed to understand the process that developed since then to this day.

The burdensome past that the young democracy had to face can be summarized in a deep political, institutional, economic and social crisis that needed to be overcome, with 30,000 disappeared who demanded urgent trial and punishment to the military; strong foreign indebtedness; the defeat suffered by our Armed Forces in the Malvinas war, for which we are still paying a high price; and the need to peremptorily solve the conflicting situation with our sister Republic of Chile (derived from old border disputes escalated due to the Messianic attitudes of General Videla, which left us on the verge of war in 1979.)

In sum, the overall result was a weakened, impoverished, isolated and internationally punished Argentina, with a clear confrontation of the society and its political leaders against the armed forces, which in turn made it urgent for civilians to first of all regain political control over the military and security forces.

In order to guarantee this critical aspect of conduct for the democracy, political leaders devoted themselves to the task of producing a new legal framework by enacting two key laws: the Defence Act and Internal Security Act. The former established the purpose of the defence system, as well as its civil control, its new chain of command, its structure, the Forces' organization, the national defence service, the territorial organization of defence and their mobilization in case of war. As for the role of the armed forces, this law explicitly excludes them from participating in internal security tasks. The latter regulated the missions and functions of the security forces of the Nation.

Almost a decade later, the National Congress was able to enact the regulatory framework through a law governing the national intelligence system, clearly establishing its functions and missions, and dividing it into two well-defined and ample fields, defence intelligence and internal intelligence, with iron-handed control by the Congress over these activities.

Only once all this was achieved, was the Argentine State able to concentrate in advancing in two areas: development, and the country's reinsertion into the international context. Many conceptual changes were to be introduced in these areas. As for international politics, a new approach had to be defined for the way in which the democratic State was to interact with our nation's closest neighbours, as well as with the rest of the international community.

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These conceptual changes, in turn, made it necessary to redefine security and defence policies as well, that needed to go hand in hand with the modifications that neighbouring countries were introducing in their government structures and policies. This allowed the signing by Alfonsín and Sarney, on November 30, 1985, of the Foz Iguazu Declaration, the founding stone of MERCOSUR. This was the genesis of the confluence concept and process between Brazil and Argentina, joined later on by Paraguay and Uruguay. This integration idea not only disrupts our countries' economic and commercial relations, but also has impacts on security and defence, with the result that, in these particular fields, we went from the strategic concept of balance of forces for confrontation, to cooperation for sub regional integration. This allowed eliminating from the leadership's mind, simultaneously, the scenario of crossed war between neighbouring countries, as the main support of the security and defence concept in our countries, and at the same time, in terms of interstate alliances, replacing the "domino" strategy, which instituted the enemies of our enemies as main strategic allies, and vice versa.

This new cooperation and integration environment had an impact outside the MERCOSUR as well, an example of which is the relationship with Chile. Following the signing of the Treaty of Peace and Friendship between both countries, under which this relation has been nurtured for more than twenty five years, among other things, a final solution has been found to all border disputes dating back to the Independence period. Another example is the sustained mutual defence cooperation policy, covering from confidence building measures to the advancement in the joint comparative study of defence spending, and finally to the development of a binational interoperable force for future peacekeeping operations.

This regional integration process has enabled Argentina not only to place greater emphasis on the resolution of critical issues, such as achieving growth coupled with a more equitable distribution of wealth, but also to gradually emerge from its state of international isolation and become a central actor in the construction of the Southern Cone as a peace and cooperation area.

This MERCOSUR integration process, combined with other processes already underway in the region, and the political will of all twelve South American countries, enabled the signing on May 23, 2008, of a treaty that resulted in the creation of the South American Defence Council (UNASUR), the main objective of which is summarized in the following paragraph of its constitutive treaty: "Their determination to build a South American identity and citizenry, and develop a regional space integrated in political, economic, social, cultural, environmental, and infrastructure terms, so as to contribute to the strengthening of the union of South America and the Caribbean."¹ The unanimous appointment of former Argentine President Néstor Kirchner as Secretary-General of UNASUR marked the growing commitment and importance that our country had gained in this South American integration process.

In this context, the South American Defence Council of UNASUR was created in Santiago de Chile, on December 11th, 2008, as a consultation, cooperation and coordination body focused on defence matters. Within this framework, the "Center for Strategic Defence Studies of the South American Defence Council (CEED-CDS)" was set up for the generation of knowledge and dissemination of a South American strategic defence and security vision, to be seated in the city of Buenos Aires. As for this Center, Argentina will have an extensive role to fulfill, comprising not only the proposal of candidates to the Director's office, but also being responsible for the financing of its operating structure, maintenance and recruitment of technical, administrative, and professional staff, as well as ensuring an equitable participation of experts from the different member countries, until the entry into force of UNASUR's Constitutive Treaty.

In sum, the process that commenced with MER-COSUR, and is now strengthened with the creation of UNASUR, has been steadily transforming South American geography in an area where not only the concept of peace and cooperation is being enforced, but also where progress is being made in developing a new community identity, respectful of diversity amongst our peoples. In this process, Argentina has been playing an active role also in relation to the institutions that represent our citizenries, such as parliaments. In the case of MERCOSUR, it was strengthened through the creation of PARLASUR, a parliament operating since 2007 with its own Defence Committee dedicated to the promotion of community regulations. Furthermore, efforts are being made towards the completion of the UNASUR's Parliament, in accordance with the provisions of its constitutive treaty. Strategic debate must be incorporated into this process of building the new regional parliament, so that from its very inception, the concept is loud and clear, of the kind of security we all wish to establish in our regional community space.

¹ Unión de Naciones Suramericanas, *Tratado Constitutivo de la Unión de Naciones Suramericanas*, (Brasilia: UNASUR, may 23 2008), Preamble.