

Chapter 1:

The Legal Framework



What do Constitutions define?

Argentina (1853, Last reform 1994)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Commander-in-Chief of the Armed Forces (Sec.99, sub. 12). Declare war with the approval of Congress (Sec. 99, sub. 15) and the state of siege in case of external attacks, for a limited period of time, with the approval of the Senate (Sec. 99, sub. 16). Appoint senior officers with the approval of the Senate (Sec. 99, sub. 13). Arrange, organize and deploy the Armed Forces (Sec. 99, sub. 14)</p> <p>Powers of Congress: Approve the declaration of war (Sec. 75, sub. 25) and the declaration of state of siege in case of external attacks (Sec. 61). Authorize the president to make peace (Sec. 75, sub. 25). Authorize the entry of foreign troops to the national territory and allow the deployment of national troops outside the country (Sec. 75, sub. 28). Establish the Armed Forces (Sec. 75, sub. 27). The Chamber of Deputies has the lawmaking initiative on raising revenues and the recruitment of troops (Sec. 52). Organize and govern the Armed Forces (Sec. 75, sub. 27). Levy direct taxes for a certain amount of time, in all the territory of the Nation, as long as the defence, common security and State general welfare policies so require (Sec. 75, sub. 2). Approve or dismiss treaties entered into with other nations and with international organizations, as well as the concordats with the Holy See (Sec. 75, sub. 22).</p>	<p>No reference.</p>
Bolivia (2008)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Provide the security and defence of the Nation (Sec. 172, sub. 16). Appoint and dismiss the Commander-in-Chief of the Armed Forces and the Chiefs of the Army, the Air Force and Navy. (Sec. 172, sub. 17). Recommend to the Plurinational Legislative Assembly the promotions to Army General, Air Force General, Major General and Brigadier General; Admiral, Vice-Admiral and Rear-Admiral (Sec. 172, sub. 19). Exercise the powers as Capitán General (Commander) of the Armed Forces and make use of them for the defence of the State, its independence and territorial integrity (Sec. 172, sub. 25). The Executive shall have direct access to information on budgeted and executed expenses of the Armed Forces through the appropriate Ministry (Sec. 321, sub. 5).</p> <p>Powers of the Plurinational Legislative Assembly¹: Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 158, sub. 1, 21 and 22). Approve in each legislature the military strength to be maintained in times of peace (Sec. 159, sub.10). Ratify promotions proposed by the Executive to Army General, Air Force General, Major General and Brigadier General; Admiral, Vice-Admiral, Rear-Admiral and Bolivian Police General (Sec. 160, sub. 8).</p> <p>Supreme Defence Council of the Plurinational State²: Makeup, organization and powers established by law, presided over by the Capitán General of the Armed Forces (Sec. 248).</p>	<p>The Armed Forces: They are composed of the Command-in-Chief, the Bolivian Army, Air Force and Navy (Sec. 243). Mission: defend and maintain national independence, security and stability of the State and the national honour and sovereignty; secure the rule of the Political Constitution, guarantee the stability of the legally-established Government and participate in the overall development of the country (Sec.244). Organization: Relying on hierarchy and discipline principles. The Armed Forces are to be obedient, non deliberating, and subject to the laws and military regulations. As an institutional body, the Armed Forces shall not carry out any political action; individually, the members of the Armed Forces are entitled to exercise their citizen rights under the terms established by Law (Sec. 245). Active members of the Armed Forces shall not be eligible for public office at elections, unless they have previously resigned at least three months before the election day (Sec. 238, sub. 4). The Armed Forces report to the President of the Nation and follow his/her orders on administrative matters, through the Minister of Defence and, on technical matters, through the Commander-in-chief of the Armed Forces (Sec. 246, sub. 1). In case of war, operations shall be headed by the Commander-in-chief of the Armed Forces. (Sec. 246, sub. 2). No foreign citizen shall be appointed to any command or administrative position in the Armed Forces without prior authorization by the Capitán General of the Armed Forces (Sec. 247, sub. 1). Promotions in the Armed Forces shall be determined by law (Sec. 250). In case of international war, the Bolivian Police Force shall report to the Command-in-chief of the Armed Forces for the duration of the conflict (Sec. 254). The Armed Forces' fundamental duty is to secure the defence, security and control of the border security areas. The Armed Forces shall participate in overall sustainable development policies for these areas and shall ensure their permanent physical presence there (Sec. 263).</p>
Brazil (1988. Last reform 2012)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Initiate laws, on its own, to establish or modify the number of regular military members, rule over members of the military, their justice system, promotions, stability, assignment of positions, remuneration, reform, and transfer to the reserve (Sec. 61, sub. 1). Order the state of defence and state of siege (Sec. 84, sub. 9). Supreme Commander of the Armed Forces (Sec 84, sub. 13). Appoint the Chiefs of the Armed Forces, and promote general officers (Sec. 84, sub. 13). Convene and preside over meetings of the Council of the Republic and the National Defence Council (Sec. 84, sub. 18). Declare war with the approval of the Congress, in the event of a foreign aggression (Sec. 84, sub. 19). Make peace, with the approval of the Congress (Sec. 84, sub. 20). Allow the entry of foreign troops (Sec. 84, sub. 22).</p>	<p>The Armed Forces: The Armed Forces are a national permanent, regular and non-political institution, organized on the bases of hierarchy and discipline They are composed of the Navy, the Army and the Air Force (Sec. 142). Mission: defend the Motherland and guarantee constitutional powers as well as, on the latter initiative, law and order (Sec.142). Service member incorporation, age limits, rights, obligations, remuneration, prerogatives and other special situations of military members, given the nature of their activities, including duties under international commitments and war shall all be determined by law (Sec.142). The members of the military on active duty are not entitled to join labour unions or go on strike; neither can they join a political party (Sec. 142, sub. 4); they shall not be candidates at elections (Sec. 14, sub. 8), habeas corpus does not apply to military disciplinary punishment (Sec. 142, sub. 2). Military service is compulsory in accordance with the law (Sec. 143).</p>

Brazil	<p>Powers of the Congress: Determine and modify the strength of the Armed Forces (Sec. 48, sub. 3). Authorize the President to declare war, make peace and approve the deployment of troops (Sec. 49, sub. 2). Approve the state of defence and federal intervention (Sec. 49, sub. 4).</p> <p>Council of the Republic³: It is the President's higher consultation body (Sec. 90). Expresses position on federal intervention, state of war and state of siege (Sec. 90, sub. 1).</p> <p>National Defence Council⁴: It is the President's consultation body on issues related to national sovereignty and the defence of the democratic State (Sec. 91). Expresses its position on war declaration and peace settlement (Sec. 91, sub. 1); declaration of the state of defence, state of siege and federal intervention (Sec. 91, sub. 2). Proposes the criteria and conditions for the use of areas which are key to the security of the national territory, and expresses opinion on its effective use, especially on border zones and those associated with the preservation and exploitation of natural resources of any kind (Sec. 91, sub. 3).</p>	<p>Military justice: it shall be incumbent upon the Military Courts to try and judge military crimes defined by law. Military justice organization, operation and competence shall be determined by law (Sec. 124).</p>
	Chile (1980. Last reform 2012)	
Leading Political Procedures		Military Instrument
<p>Powers of the President: Maintain external security (Sec. 24). Appoint and remove the Commanders-in-Chief of the Army, the Navy and the Air Force (Sec. 32, sub. 16; Sec. 105). Appoint, promote and remove officers (Sec. 32, sub. 16). Arrange, organize and deploy the Armed Forces depending on national security needs (Sec. 32, sub. 17). Supreme Chief of the Armed Forces in times of war (Sec. 32, sub. 18). Declare war once the pertinent law has been adopted, and after hearing the National Defence Council (Sec. 32, sub. 19). Order payments not authorized by law to meet the pressing needs derived from external aggressions, internal conflict and serious harm or danger to national security (Sec. 32, sub. 20). Declare the state of assembly in case of external war, with the approval of the National Congress (Sec. 40). The President has the law initiative to establish the air, land and sea forces, and the ones for the entry and deployment of troops (Sec. 65; Sec. 63, sub. 13).</p> <p>Powers of Congress: Indict (only Representatives) and judge (only Senators) Generals and Admirals (Sec. 52, sub. 2, d; Sec. 53, sub. 1). Approve or dismiss international treaties introduced by the President in order to be ratified (Sec. 54, sub. 1). The Chamber of Deputies (Lower House) has the lawmaking initiative regarding recruitment matters (Sec. 65).</p> <p>National Security Council⁵: Advise the President on national security (Sec. 106).</p>	<p>The Armed Forces: Composed of the Army, the Navy and the Air Force (Sec. 101). Mission: defend the Motherland (Sec. 101); safeguard the public order during elections (Sec. 18). The members of the military on active duty cannot be elected Deputies or Senators unless they resign and retire during the year preceding the election (Sec. 57, sub. 10). Depend on the National Ministry of Defence, they are essential to the national security, they are obedient, non deliberant, professional and disciplined, and follow a hierarchical order (Sec. 101). Incorporation to the Armed Forces is performed through their own schools, except in the case of professional scales and civilian personnel (Sec. 102). Obligatory military service (Sec. 22). Appointments, promotions, retirement of officers, ranks, incorporation, social security, seniority, command succession and budget are determined by constitutional organic law (Sec. 105). The right to a legal defence, in the administrative and disciplinary spheres, shall be governed by the relevant regulations of the respective bylaws (Sec. 19, sub 3).</p>	
Colombia (1991. Last reform 2012)		
Leading Political Procedures		Military Instrument
<p>Powers of the President: Supreme Commander of the Armed Forces (Sec. 189, sub. 3). Conducts operations when deemed necessary (Sec. 189, sub. 5). Provide to external security (Sec. 189, sub. 6). Declare war with the approval of the Senate, except in case of foreign aggression and accord peace, informing Congress (Sec. 189, sub. 6). Allow, when the Senate is in recess, with the approval of the State Council, the transit of foreign troops through the territory of the Republic (Sec. 189, sub. 7).</p> <p>Powers of Congress: Dictate general rules with objectives and criteria to establish wage levels and social benefits for the military (Sec. 150, sub. 19, e). Approve the appointment of senior officers (Sec. 173, sub. 2). Approve the entry of foreign troops (Sec. 173, sub. 4). Approve the declaration of war (Sec. 173, sub. 5).</p> <p>State Council⁶: Act as the supreme advisory body of the Government in administration matters. In case of foreign troops' transit through the national territory, and of stay or transit of foreign warships or combat aircraft in national waters or airspace, the government shall first take the advice of the State Council (Sec. 237, sub. 3).</p>	<p>The Armed Forces⁷: The Military Forces comprise the Army, the Navy and the Air Force (Sec. 217). Mission: defend the sovereignty, independence, integrity of the nation's territory and constitutional order (Sec. 217). The members of the military on active duty are not entitled to join labour unions (Sec. 39), vote, make petitions except on issues related to their service, or to participate in political activities and debates (Sec. 219). The Commanders of the Military Forces cannot be elected President before one year following their previous position (Sec. 197). In case of a manifest violation of a constitutional rule to the disadvantage of any person, the responsibility shall fall exclusively on the superior who has issued the order (Sec. 91). Professional, cultural and social promotion systems for members of the public force shall be determined by law. The fundamentals of democracy and human rights shall be taught during the professional training phase (Sec. 222). Military justice for military crimes (Sec. 221, Sec. 250), civilians may not be tried by the Martial Law (Sec. 213).</p>	
Cuba (1976. Last reform 1992)		
Leading Political Procedures		Military Instrument
<p>Powers of the National Assembly of People's Power⁸: Approve the general foreign and domestic policy guidelines (Sec. 75, sub. h). Declare the state of war in case of military aggression and approve peace treaties (Sec. 75, sub. i).</p>	<p>Revolutionary Armed Forces⁹: The members of the Revolutionary Armed Forces and other armed organizations have the right to vote and be elected as any Cuban citizen (Sec. 134).</p>	



Cuba

Powers of the State Council⁹:
Decree general mobilization when required for the defence of the country and assume the powers assigned to the National Assembly by the Constitution to declare war in case of aggression or make peace, when this Assembly is in recess or cannot be summoned with the necessary celerity and security conditions. (Sec. 90, sub. f).

Powers of the President of the State Council and Head of State:
Preside over the National Defence Council (Sec. 93, sub. h).

Powers of the Council of Ministers¹⁰:
Provide for national defence, maintenance of internal order and security, and the protection of human life and assets in case of natural disasters. (Sec. 98, sub. ch).

National Defence Council¹¹:
Convened and prepared in times of peace to lead the country under state-of-war conditions, during war, general mobilization or state of emergency. (Sec. 101).

Local Bodies of the People's Power¹²:
The Province and Municipal Assemblies of the People's Power are responsible for reinforcing the defensive capacity of the country (Sec. 105 and Sec. 106, sub. m).
The Defence Councils of the Provinces, Municipalities and Defence Zones are created and prepared in times of peace to lead their respective territories in a state of war, during the war, general mobilization or state of emergency, based on a general defence plan and the role and responsibilities of the army's military councils (Sec. 119).

Dominican Republic (2010)

Leading Political Procedures

Powers of the President:
Direct foreign and domestic policies and conduct civilian and military administration. Supreme authority of the Armed Forces (Sec. 128).
Appoint or dismiss members of the military jurisdiction (Sec. 128, sub. 1, c).
Enter into and sign international treaties or conventions and submit them for approval to the National Congress (Sec. 128, sub. 1, d).
Decide on all issues related to the Armed Forces; lead the Armed forces directly or through the relevant ministry, always maintaining the supreme command thereof. Establish their strength and make use of the Armed forces to perform public service duties (Sec. 128, sub. 1, e).
Take the necessary measures to provide and ensure the legitimate defence of the Nation, while informing the National Congress of any rules adopted (Sec. 128, sub. 1, f). Declare the states of exception if the National Congress were not in session (Sec. 128, sub. 1, g).
Decide on anything related to the military zones (Sec. 128, sub. 1, i).

Powers of the Congress:
Authorize (Senate) the presence of foreign troops to perform military exercises in the territory of the Republic, under the request of the President of the Republic, provided there is no previous agreement (Sec. 80, sub. 6), and approve and disapprove the deployment of national troops outside the country in peace missions authorized by international organizations (Sec. 80, sub. 7).
Declare the state of national defence (Sec. 93, sub. 1, f).
Determine, under the request of the President of the Republic, the creation of permanent public security or defence corps composed of members of the Armed Forces and the National Police, subordinated to the ministry or institution of the sphere of their respective competences in accordance with the law (Sec. 261).

National Security and Defence Council¹⁴:
Advise the President of the Republic on the design of national security and defence policies and strategies and on any other matter requested by the President. The Executive shall regulate its make-up and operation (Sec. 258).

Military Instrument

The Armed Forces:
The Armed Forces are responsible for the Nation's defence (Sec. 252).
Their mission is to defend the independence and sovereignty of the Nation, the integrity of its geographical spaces, the Constitution and the institutions of the Republic (Sec. 252, sub. 1).
Their nature shall be essentially defensive (Sec. 259).
They shall intervene, as ordered by the President of the Republic, in programs intended to promote the social and economic development of the country, mitigate disasters or public catastrophe situations, and provide assistance to the National Police to maintain or restore public order in exceptional cases (Sec. 252, sub. 2).
They are essentially obedient to the civil power, are not affiliated to any political party and are not entitled to deliberate under any circumstance (Sec. 252, sub. 3).
The members of the military on active duty cannot run for President or Vice-President unless they have retired at least three years before the election (Sec. 123, sub. 4).
The Armed Forces shall be responsible for the custody, supervision and control of all weapons, ammunitions and other military supplies, as well as war material and equipment, entering the country or produced by the national industry, subject to the restrictions established by law (Sec. 252).
No discrimination shall be exerted in the admission, appointment, promotion and retirement of Armed Forces members, in accordance with their organic law and other complementary laws (Sec. 253).
The military jurisdiction shall only have competence to try military infractions determined by the relevant laws. The Armed Forces shall have a military discipline regime applicable to those offences that do not constitute an infraction under the military criminal justice system (Sec. 254).

Ecuador (2008)

Leading Political Procedures

Powers of the President:
Exercise the highest authority of the Armed Forces and appoint the military senior staff (Sec. 147, sub. 16).
Assume the political direction of the national defence (Sec. 147, sub. 17).
Decree the state of exception in all or part of the national territory in case of aggression, international or internal armed conflict, grave internal unrest, public catastrophe or natural disaster (Sec. 164).
Once the state of exception is declared, the President shall be entitled to make use of the Armed Forces and the National Police and summon the whole or part of the reserved forces, as well as personnel of other institutions, for active service (Sec. 165, sub. 6).

Powers of the National Assembly¹⁵:
Approve or reject international treaties when appropriate (Sec. 120, sub. 8).

Military Instrument

Armed Forces:
Mission: defence of territorial sovereignty and integrity (Sec. 158).
The Armed Forces and the National Police are institutions designed to protect citizens' human rights, liberties and guarantees. The members of the Armed Forces shall be trained in accordance with the fundamental principles of democracy and human rights, and shall respect the dignity and rights of the people (Sec. 158).
They shall be obedient and non-deliberating and shall comply with their mission under strict observance of the civilian control and the Constitution. The Armed Forces senior leadership shall be responsible for their orders. Obedience to orders issued by senior officers of the Armed Forces shall not relieve subordinates from their responsibility (Sec.159).
Voting shall not be compulsory for members of the Armed Forces (Sec. 62, sub. 2).
Members of the force on active duty cannot be candidates for elections subject to popular vote nor ministers of State (Sec. 113, sub. 8 and Sec. 152, sub. 3).

Ecuador	<p>The ratification or rejection of international treaties shall require prior approval of the National Assembly if: 1. They are related to territorial or border matters. 2. They establish any political or military alliance (Sec. 419).</p>	<p>The recruitment of candidates to the armed forces shall not be based on discrimination. The members of the Armed Forces shall be subject to the specific laws regulating their rights and obligations, as well as their system of promotions based on merit and gender equality criteria. Their stability and professionalization shall be guaranteed (Sec. 160). Civil and military service is voluntary and shall be carried out under the respect of citizens' rights and diversity. All kinds of forced recruitment are forbidden (161). The Armed Forces shall only be allowed to participate in economic activities related to the national defence and shall provide their resources to support national development in accordance with the law. Their reserves shall be organized based on the needs for the compliance of their duties. The State shall allocate the necessary resources for their equipment, training and education (Sec. 162). Military barracks are not places authorized for the custody of civil population (Sec. 203, sub. 1). The members of the Armed Forces shall make a sworn statement of their assets prior to any promotion or retirement (Sec. 231). The Armed Forces shall have a special social security regime in accordance with the law; their social security entities shall form part of the integral public health network and the social security system (Sec. 370). Disciplinary arrests of military members shall be conducted in accordance with the law (Sec. 77). The members of the Armed Forces shall be tried by the Judiciary Branch bodies; in the case of crimes committed while at a specific mission, they shall be tried by courts specialized in military matters, which form part of the same Judiciary Branch. Disciplinary offences shall be tried by the competent bodies established by law (Sec. 160). Under the principle of jurisdictional unit, Armed Force members shall be tried by the ordinary justice system (Sec. 188).</p>
	El Salvador (1983, Last reform 2012)	
Leading Political Procedures		Military Instrument
<p>Powers of the President: General Commander of the Armed Force (Sec. 157). Maintain intact the sovereignty and integrity of the territory (Sec. 168, sub. 2). Sign treaties and international concordats, subjecting them to the Legislative Assembly (Sec. 168, sub. 4). Report on what the Assembly requires, except in the case of secret military plans (Sec. 168, sub. 7). Organize, maintain and arrange the Armed Forces, confer military ranks in accordance with the law (Sec. 168, sub. 11). Summon the Armed Force for the defence of national sovereignty and exceptionally, if no other means rest for the maintenance of internal peace, for the public security and tranquility of the State (Sec. 168, sub. 12). Direct war and accord peace treaties with the approval of the Assembly (Sec. 168, sub. 13). Determine the number of active troops of the Armed Forces on an annual basis (Sec. 168, sub.19).</p> <p>Powers of the Legislative Assembly¹⁶: In case of invasion, legally declared war or public calamity, the Assembly shall impose obligatory loans if ordinary public taxes are not enough to cover the costs (Sec. 131, sub. 6). Declare war and ratify peace (Sec. 135, sub. 25). Approve or dismiss the transit of foreign troops on the national territory, (Sec. 131, sub. 29).</p> <p>Executive Body on the Branch of Defence and Public Security¹⁷: Determine the number of troops annually according to the needs of the service (Sec. 213).</p>		<p>The Armed Force¹⁸: It is a permanent institution at the service of the Nation. It is obedient, professional, apolitical and non-deliberating (Sec. 211). Its mission is to defend the sovereignty of the State and the integrity of the territory. The main government branches, the Legislative, the Executive and the Judiciary, may use the Armed Forces to enforce any resolutions adopted within their respective jurisdictions, to ensure full compliance with the Constitution. The Armed Force shall cooperate with efforts of public benefit assigned by the Executive Power and shall help the people in case of a national disaster (Sec. 212). The Armed Force is obliged to cooperate with the special commissions of the Legislative Assembly (Sec. 132). It is part of the Executive branch and it is subordinated to the authority of the President as General Commander in chief. Its structure, legal system, doctrine, organization and operation are determined by law, rules and special regulations the President adopts (Sec. 213). The military professional career and promotions are strictly based on rank and in accordance with the law (Sec. 214). Military service is obligatory (Sec. 215). The members of the military on active duty cannot be part of any political party, or be candidates for elections. They can only be elected President three years after they retire (Sec. 82; Sec. 127; Sec. 152). They have no right to unionize. (Sec. 47). Military justice jurisdiction: purely military crimes and offences (Sec. 216).</p>
Guatemala (1985, Last reform 1993)		Military Instrument
Leading Political Procedures		Military Instrument
<p>Powers of the President: General Commander of the Army (Sec. 182, 183 and 246). Give orders via the general officer or colonel or his equivalent at the Navy, who serves as Minister of National Defence (Sec. 246). Provide for the defence and security of the Nation (Sec. 183, sub. b). Confer promotions, decorations, military honours and extraordinary pensions (Sec. 246, sub. b). Decree the mobilization and demobilization of troops (Sec. 246 sub. a).</p> <p>Powers of the Congress: Declare war and sign peace treaties (Sec. 171, sub. f). Approve the transit of foreign troops on the national territory and the sojourn of foreign military (Sec. 172, sub. a). Approve treaties which affect or may affect the security of the State or conclude a state of war (Sec. 172, sub. b). The Army depends on the Congress if the President continues in the position once the constitutional period has come to an end and is not recognised by the Congress (Sec. 165, sub. g). The ministers of State are not obliged to come forward to the Congress to answer questions related to diplomatic issues or pending military operations (Sec. 166).</p>		<p>The Army¹⁹: It is unique and indivisible, essentially professional, apolitical, obedient and non deliberant. It is composed of the land, air and maritime forces. Organization: hierarchy, based on the principles of discipline and obedience (Sec. 244). It is regulated by the Constitution, its Statutory Law and other military laws and regulations (Sec. 250). They are not obliged to carry out illegal orders or those which involve committing a crime (Sec. 156). Mission: maintain independence, sovereignty and the honour of Guatemala, the integrity of the territory and internal and external peace and security (Sec. 244); cooperate in emergency situations or public calamity (Sec. 249). To be an officer it is required to be a native Guatemalan citizen and not have adopted any foreign nationality at any time (Sec. 247). The members of the military on active duty cannot be elected Deputies (Sec. 164, sub. f) or President, only if they were discharged or retired five years before taking office (Sec. 186, sub. e), they are not entitled to vote or to make political or collective petitions (Sec. 248). The military courts shall acknowledge the crimes of faults committed by the members of the Guatemalan Army (Sec. 219).</p>



Honduras (1982, Last reform 2012)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: General Commander of the Armed Forces, exercises the Command-in-Chief (Sec. 245, sub. 16; Sec. 277). Maintain the peace and external security; repel external attacks or aggression (Sec. 245, sub. 4), adopt measures for the defence of the Republic (Sec. 245, sub. 16). Declare war and make peace if the Congress is in recess (Sec. 245, sub. 17). Sign international treaties and agreements of a military nature, regarding the territory and sovereignty with the consent of the Congress (Sec. 245, sub. 13). Allow the transit of foreign troops on the national territory and the deployment of national troops outside the country with the approval of the Congress (Sec. 245, sub. 43 and 44). Confer military ranks (second lieutenant to captain) suggested by the Secretary of National Defence (Sec. 245, sub. 36; Sec. 290). Ensure that the Armed Forces are apolitical, essentially professional, obedient and non deliberant (Sec. 245, sub. 37).</p> <p>Powers of the Congress: Declare war (Sec. 205, sub. 28). Make peace (Sec. 205, sub. 28). Confer military ranks (from major to general) suggested by the Executive Power (Sec. 205, sub. 24; Sec. 290). Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 205, sub. 26 and 27). Determine the number of permanent troops (Sec. 205, sub. 25). Authorize reception of foreign military missions of assistance or technical cooperation in Honduras (Sec. 205, sub. 29).</p> <p>Secretary of State in the National Defence Dispatch²⁰: The Secretary shall be appointed and removed freely by the President of the Republic (Sec. 280).</p> <p>National Defence and Security Council²¹: Creation (Sec. 287). Organization and operation determined by law (Sec. 287).</p> <p>Board of Commanders of the Armed Forces²²: It is the consulting body for all the matters related to the Armed Forces. It rules over issues of its competence and acts as a Superior tribunal of the Armed Forces on matters which shall be subject to its knowledge. The Statutory Law of the Armed Forces and its Regulations rule over its operation (Sec. 285). It is composed of the Chairman of the Joint Chief of Staff, the General Inspector and the Commanders of each Force (Sec. 286).</p> <p>Joint Chief of Staff of the Armed Forces²³: The Chairman of the Joint Chief of Staff is selected and removed freely by the President among the members of the Board of Commanders (Sec. 280). The Joint Chiefs of Staff is the superior technical body of consultation, planning, co-ordination and supervision, which depends on the Secretary of National Defence; its tasks are assigned by the Statutory Law of the Armed Forces (Sec. 283). It shall issue a statement previous to conferring the promotions to the officers (Sec. 290).</p>	<p>The Armed Forces: They are permanent, apolitical, essentially professional, obedient and non deliberant (Sec. 272). They are composed of the High Command, the Army, the Air Force, the Navy, the Public Security Force and other organizations determined by the Statutory Law (Sec. 273). Their operation is regulated by the Statutory Law, laws and regulations (Sec. 274). The members of the military are not obliged to carry out illegal orders or those which involve committing a crime (Sec. 323). They have been established to defend territorial integrity and the sovereignty of the Republic, keep the peace, public order and the respect of the Constitution, the principles of free vote, rotation of the Presidents of the Republic (Sec. 272), cooperate with the National Police in the keeping of the public order (Sec. 272); and with the Secretaries if required so in tasks of literacy, education, agriculture, protection of the environment, road systems, communication, health and agricultural reform. Participate in international peace missions; in the fight against drug trafficking; cooperate with means and personnel to face natural disaster and emergency situations; as well as protection and conservation programs for the ecosystem, for the academic and technical training of their members, and others of national interest. Cooperate with the public security institutions at the request of the Secretary of Security, to fight terrorism, arms trafficking and organized crime, as well as protection of the powers of the State and Elections Tribunal, operating at its request (Sec. 274). Promotions strictly determined by law (Sec. 290). Appointments and removal of the members of the military, related with the administrative order, shall be granted in accordance with the Law of Public Administration. In the operative area, appointments and removals shall be conferred by the Chairman of the Joint Chief of Staff, in accordance with the organic structure of the Armed Forces, the Statutory Law, and other legal regulations, including the personnel of troops and auxiliaries (Sec. 282). Voluntary military service (Sec. 276 and 288). The members of the military on active duty are not entitled to vote (Sec. 37), and they shall be eligible in the cases not prohibited by the law (Sec. 37). They cannot be elected Deputies prior to six months after they retire (Sec. 199, sub. 4 and 6) or twelve months in case they are running for President (Sec. 240, sub. 2, 3 and 4). National Defence College: it is the highest house of studies for the Armed Forces. It trains selected military and civilian personnel, so they take part in the national strategic planning (Sec. 289). Institute of Military Social Security: for the protection, welfare and social security of all the members of the military, presided by the Chairman of the Joint Chief of Staff, shall operate in accordance with the specific Law (Sec. 291). For defence and national security reasons, the territory shall be divided in military regions commanded by a Chief of Military Region. Their organization and operation shall be in accordance with the Statutory Law of the Armed Forces (Sec. 284). Military justice for military crimes and offences (Sec. 90 and Sec. 91). A special law shall regulate the operation of military courts (Sec. 275).</p>
Mexico (1917, Last reform 2012)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Appoint and dismiss Colonels and other senior officers with the Senate's approval (Sec. 89, sub. 4) and the rest of the officers according to the law (Sec. 89, sub. 5). Declare war with the approval of the Congress (Sec. 89, sub. 8). Preserve national security and make use of the permanent Armed Forces and the National Guard to safeguard the security and external defence (Sec. 89, sub. 6) and the National Guard (Sec. 89, sub. 7). Direct foreign policy and sign International agreements (Sec. 89, sub. 10).</p> <p>Powers of the Congress: The Chamber of Deputies has the law initiative on recruitment of troops (Sec. 72, sub. h). Declare war in view of the information submitted by the Executive Power (Sec. 73, sub. 12). Raise and maintain the Armed institutions and regulate their organization and service (Sec. 73, sub. 14). Enact laws on national security (Sec. 73, sub. 29, m). Approve (Senate) international treaties and conventions subscribed by the Executive Power, as well as conclude, denounce, suspend, modify, amend, withdraw reserves and formulate interpretations (Sec. 76, sub. 1). Approve the appointment of senior officers (Sec. 76, sub. 2; Sec. 89, sub. 4). Approve the transit of foreign troops on the national territory and the deployment of national troops outside the country, and the sojourn of squadrons of other powers in Mexican waters (Sec. 76, sub. 3).</p>	<p>The Armed Force²⁴: It is required to be a Mexican citizen by birth to join the Army in times of peace or the Navy and Air Force at all times, and to be appointed to any position or perform any assignment in these forces (Sec. 32). The armed forces are composed of the Army, the Navy and the Air Force (Sec. 73, sub. 14). Members of the military cannot be elected Deputies unless they retire ninety days before the election (Sec. 55, sub. 4) or six months in case of the President (Sec. 82, sub. 5). In times of peace, no military authority may perform any functions other than those that are directly connected with military discipline (Sec. 129). Crimes and offences against military discipline shall be tried by military courts; however, under no circumstances and for no reason shall military courts extend their jurisdiction over persons who are not members of the Army (Sec. 13).</p>

Nicaragua (1986, Last reform 2007)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Supreme Commander of the Army (Sec. 95 and 144). In exceptional cases can the President, in a Council of Ministers, order the intervention of the Nicaraguan Army to support the National Police, when the stability of the Republic is threatened by serious internal disorder, calamities or natural disasters (Sec. 92). Direct international relations of the Republic. Negotiate, celebrate and sign treaties, pacts, agreements or the like to be approved by the National Assembly (Sec. 150, sub. 8).</p> <p>Powers of the National Assembly²⁵: Approve the deployment of national troops outside the country (Sec. 138, sub. 26) and the entry of foreign troops only for humanitarian purposes (Sec. 92). Approve or dismiss international agreements celebrated with countries or organizations subject to International Law (Sec. 138, sub. 12).</p>	<p>The Army²⁶: Mission: defend sovereignty, independence and territorial integrity (Sec. 92). It is a national institution, professional, not affiliated to any political party, obedient and non deliberant. The members of the Army shall be trained in civic and human rights matters (Sec. 93). Organization, structures, activities, ranks, promotions, retirements and everything related to the operational development is specified in the law (Sec. 94). It is strictly subject to the Political Constitution, to which it respects and obeys, it is subject to civil authority exercised by the President or through the corresponding ministry. No other armed corps can exist in the national territory, or military ranks other than those specified by law (Sec. 95). They are not allowed to perform activities of political espionage (Sec. 96). They cannot perform political activities or hold a position in political organizations; they cannot be eligible for public office at elections, if they have not left their active military post at least a year before the elections (Sec. 94); they cannot be ministers, Vice Ministers, presidents or directors of government or autonomous entities, ambassadors (Sec. 152) and magistrates of tribunals of justice (Sec. 161, sub. 6) or of the Supreme Electoral Council (Sec. 171, sub. d). In the last two cases they shall leave their post twelve months before the elections. Military service is not obligatory, and all kinds of forcible recruitment to be a part of the Army or the Police are forbidden (Sec. 96). Military justice for military crimes committed by members of the Armed Forces, civilians cannot be tried by military courts (Sec. 93 and 159).</p>
Paraguay (1992)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Commander-in-Chief of the Armed Forces (Sec. 238, sub. 9). Adopt the necessary measures for the national defence (Sec. 238, sub. 9). Declare the state of national defence, in case of external aggression, with the approval of the Congress (Sec. 238, sub. 7). Make peace with the approval of the Congress (Sec. 238, sub. 7). Appoint senior officers of the public force (Sec. 238, sub. 9). Issue military regulations and arrange, organise and distribute the Armed Forces (Sec. 238, sub. 9).</p> <p>Powers of the Congress: Approve or dismiss international treaties (Sec. 141 and Sec. 202, sub. 9). Approve the appointment of senior officers (Senate) (Sec. 224, sub. 2). Authorize the entry of foreign troops to the territory of the Republic and allow the deployment of national armed forces outside the country, except in cases where this is required for courtesy reasons. (Sec. 183 sub.3). Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Senate) (Sec. 224, sub. 5).</p>	<p>The Armed Forces: They are a permanent, professional, non deliberant and obedient institution, subordinated to the powers of the State, to the provisions of the Constitution, and to the law (Sec. 173). Mission: safeguard the territorial integrity and defend the legitimately constituted authorities (Sec. 173). The members of the military on active duty will conform their actions to the laws and regulations. Military service is compulsory and must be based on full respect of human dignity. In times of peace, it will not exceed twelve months (Sec. 129). They cannot be affiliated to any political party or movement or engage in any type of political activity (Sec. 173); they cannot be elected President or Vice President, except for those who retire at least one year prior to the day of election (Sec. 235, sub. 7). Police or military personnel on active duty cannot be candidates for senators or deputies (Sec. 197). Military courts will hear only crimes and offences of a military nature, committed by military personnel on active duty. Their decisions can be overturned by courts of law (Sec. 174). Only in cases of an armed international conflict can military courts have jurisdiction over civilians and retired military personnel (Sec. 174).</p>
Peru (1993, Last reform 2009)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Ensure external security (Sec. 118, sub. 4). Preside the national defence system; organize, deploy and arrange the Armed Forces (Sec. 118, sub. 14). Adopt the necessary measures to ensure the defence of the Republic, the integrity of the territory and the sovereignty of the State (Sec. 118, sub. 15). Declare war and accord peace with the approval of the Congress (Sec. 118, sub. 16). Authorise Peruvians to serve in a foreign army (Sec. 118, sub. 23). Supreme Commander of the Armed Forces (Sec. 164 and Sec. 167). Grant promotions to Generals and Admirals (Sec. 172). Determine the number of troops (Sec. 172). Declare the state of siege in case of invasion, foreign or civil war, in accordance with the Council of Ministries (Sec. 137). Sign international treaties on national defence (Sec. 56, sub. 3).</p> <p>Powers of the Congress: Approve international treaties on national defence (Sec. 56, sub. 3). Have the troops available as requested by the President of the Congress (Sec. 98). Approve the entry of foreign troops to the national territory as long as it does not affect the national sovereignty in any way (Sec. 102, sub. 8). Approve the declaration of war and the signing of peace treaties (Sec. 118, sub. 16).</p>	<p>The Armed Forces: The Armed Forces are composed of the Army, the Navy and the Air Force (Sec. 165). Mission: guarantee the independence, sovereignty and territorial integrity, to take control of the internal order in state of emergency if so provided by the President (Sec. 165). The respective laws and regulations determine the organization, functions, specialization, training, use and discipline (Sec. 168). They are non deliberant and are subordinated to the constitutional power (Sec. 169). The ethical and civic training and the teaching of the Constitution and human rights are compulsory both in the civilian and military education process. (Sec. 14). The members of the military are not entitled to make collective petitions (Sec. 2, sub. 20). They cannot run for elections) or perform political activities while on active duty (Sec. 34); to set up unions or go on strike (Sec. 42). Members of the Armed Forces on active duty cannot be elected members of Parliament unless they have retired six (6) months prior to the election (Sec. 91, sub. 4). They may not enter the floor of Congress without authorization from its President (Sec. 98). They can be ministers of State (Sec. 124). The law allocates funds for the logistical requirements of the Armed Forces (Sec. 170). The Armed Forces and the National Police participate in the social and economic development of the country, and in civil defence according to the law (Sec. 171). Military justice is established for the Armed Forces and the National Police (Sec. 139, sub. 1). Military courts may have jurisdiction over civilians in the cases of treason and terrorism (Sec. 173).</p>



Uruguay (1967, Last reform 2004)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Maintain and defend external security (Sec. 168, sub. 1). Command the Armed Forces (Sec. 168, sub. 2). Provide military posts and confer promotions, Grant retirements and manage pensions for civil and military employees in accordance with the law (Sec. 168, sub. 3, 9 and 11). Order to break off relations and, based on a prior resolution by the General Assembly, declare war if arbitration or other peaceful means have not been effective to avert a war (Sec. 168, sub. 16). Take prompt security measures in serious unexpected events of external attack or internal unrest, upon informing the General Assembly (Sec. 168, sub. 17). Enter into and sign treaties, which shall later be ratified with the approval of the Legislative Branch (Sec. 168, sub. 20).</p> <p>Powers of the General Assembly²⁷: Declare war and approve peace treaties (Sec. 85, sub. 7). Approve the appointment of senior officers (Sec. 168, sub. 11). Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 85, sub. 11 y 12). Approve the number of Armed Forces personnel (Sec. 85, Sub. 8). Establish militia regulations and determine time and number of recruitment (Sec. 85, sub. 15).</p>	<p>The Armed Forces: The members of the military are regulated by special laws (Sec. 59, sub. A). Members of the military on active duty cannot have a position in the government, form part of commissions or political parties, subscribe to party manifests, authorize the use of their name and execute any other public or private political act, except voting (Sec. 77, sub. 4). They cannot run for the election of Representatives (Sec. 91, sub. 2; Sec. 92), Senators (Sec. 100) or for President (Sec. 171) unless they resign and retire at least three months before the election. Military justice for military crimes in state of war. Common crimes committed by members of the Armed Forces in times of peace, wherever they are committed, shall be subject to ordinary justice (Sec. 253).</p>
Venezuela (1999)	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Commander-in-Chief of the National Armed Force. Exercise the highest authority (Sec. 236, sub. 5) and the supreme command (Sub. 236, sub. 6). Establish the armed forces strength (Sec. 236, sub. 5). Promote officers starting at the rank of colonel or naval captain and appoint them to the positions exclusively reserved to them (Sec. 236, sub. 6). Convene and preside over meetings of the National Defence Council (Sec. 236, sub. 23). The President of the Republic, in a Council of Ministers, can declare the state of exception (Sec. 337). The President can declare the state of internal or external emergency in case of internal or external conflict seriously endangering the security of the Nation, its citizens or institutions (Sec. 338).</p> <p>Powers of the National Assembly²⁸: Authorize the operation of military missions abroad or foreign military missions within the country (Sec. 187, sub. 11). Approve any international treaties or agreements signed by the National Executive (Sec. 187, sub. 18).</p> <p>National Defence Council²⁹: It is the highest consultative body for planning and advising the Public Authority on matters related to the integral defence of the Nation, its sovereignty and the integrity of its geographical space and it establishes the strategic concept of the Nation. It is presided over by the President and includes the Vice President, the President of the National Assembly, the Chairman of the Supreme Tribunal of Justice, the Chairman of the Republican Moral Council, and the Ministers of Defence, Internal Security, Foreign Affairs and Planning, and other whose participation may be deemed appropriate (Sec. 323).</p>	<p>The National Armed Force²⁹: It is an essentially professional institution, with no political orientation, organized by the State, at the exclusive service of the Nation. It is founded on discipline, obedience and subordination. The National Armed Force is composed of the Army, the Navy, the Air Force and the National Guard Its mission is to guarantee the independence and sovereignty of the Nation and ensure the integrity of its geographical space, through military defence, cooperation in the maintenance of internal order, and active participation in national development (Sec. 328). Their essential responsibility is the planning, execution and control of military operations, as required to ensure the defence of the Nation. The National Guard shall cooperate in the development of these operations and shall have as basic responsibility that of conducting operations as required maintaining internal order within the country. The National Armed Force shall carry out activities of administrative policing and criminal investigation as provided by law (Sec.329). Members of the military on active duty can vote. They are not allowed to run for elections, or to participate in propaganda, militancy or proselytizing (Sec. 330). It shall regulate and control, in accordance with the pertinent legislation, the manufacture, importing, exporting, storage, transit, registration, control, inspection, trade, possession and use of weapons, ammunition and explosives (Sec. 324). Military promotions shall be effective in accordance with merit, hierarchy and vacancies. They are the exclusive prerogative of National Armed Forces in accordance with the corresponding law (Sec. 331). Military justice for military crimes, its judges shall be elected by competitive procedures (Sec. 261). The General Controller of the National Armed Forces: monitors, controls and audits revenues, expenses and property allocated to the National Armed Force and their dependencies; it shall be under the responsibility of the General Controller of the Armed Forces, appointed by means of a competitive process (Sec. 291).</p>

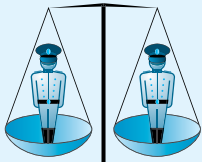
1 Asamblea Legislativa Plurinacional.
 2 Consejo Supremo de Defensa del Estado Plurinacional.
 3 Consejo da República.
 4 Consejo de Defensa Nacional.
 5 Consejo de Seguridad Nacional.
 6 Consejo de Estado.
 7 Denomination used in the constitutional text.
 8 Asamblea Nacional del Poder Popular.
 9 Consejo de Estado.
 10 Consejo de Ministros.
 11 Consejo de Defensa Nacional.
 12 Órganos locales del poder Popular.
 13 Fuerzas Armadas Revolucionarias.
 14 Consejo de Seguridad y Defensa Nacional.
 15 Asamblea Nacional.

16 Asamblea Legislativa.
 17 Órgano Ejecutivo en el Ramo de Defensa y Seguridad Pública.
 18 Denomination used in the constitutional text.
 19 Denomination used in the constitutional text.
 20 Secretario de Estado en el Despacho de Defensa Nacional.
 21 Consejo Nacional de Defensa y Seguridad.
 22 Consejo Superior de las Fuerzas Armadas.
 23 Jefe del Estado Mayor Conjunto de las Fuerzas Armadas.
 24 Denomination used in the constitutional text.
 25 Asamblea Nacional.
 26 Denomination used in the constitutional text.
 27 Asamblea General.
 28 Asamblea Nacional.
 29 Consejo de Defensa de la Nación.
 30 Fuerza Armada Nacional.

Source: Compilation based on the Constitution of each country.

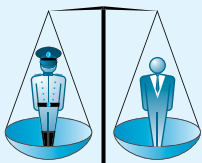
Military Criminal Justice Systems

Who is responsible for the trials?



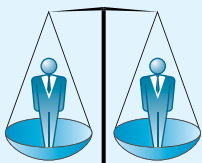
MILITARY MODEL (MM)

Courts are composed of members of the Armed Forces only



MIXED MODEL (XM)

Civilians participate in this system through Supreme Courts as the last resort of appeal



CIVILIAN MODEL (CM)

The courts in charge of trying military crimes are composed of civilians only. The military justice system is within the civil criminal system

Who is tried?



Members of the military (m)



Retired members of the military (mr)



Civilian personnel of the Armed Forces (caf)



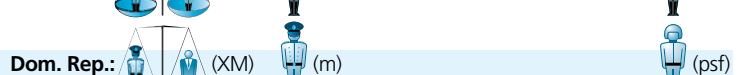
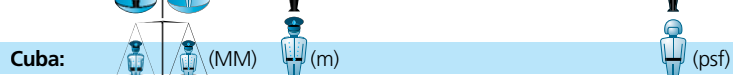
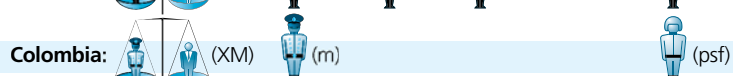
Civilians not related to defence (cv)



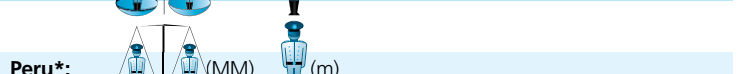
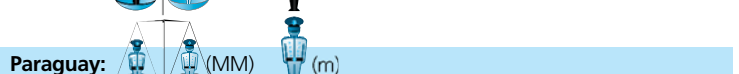
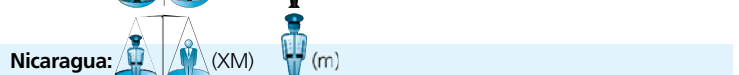
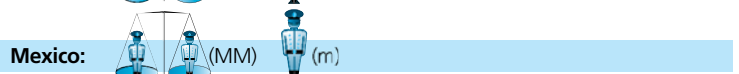
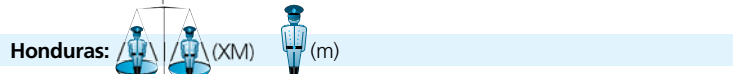
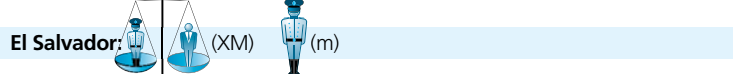
Police personnel and/or members of other security forces (psf)

Disciplinary sub system	Military Criminal Justice sub system
It punishes acts defined as a breach or infringement of military discipline.	It punishes acts defined as military crimes.
Infringement of Disciplinary Rules	Military Crime
Any willful or negligent act by military personnel affecting the disciplinary system.	An illegal act affecting any legally-institutionally protected interest, specific for and related to the military.

Argentina: Military jurisdiction was revoked by Law N°. 26.394, which establishes that all crimes committed by the military shall be tried by the ordinary justice



Ecuador: Military jurisdiction was modified by the Political Constitution of Ecuador Republic, which establishes that all crimes committed by the military shall be tried by the ordinary justice



* As of the closing of this edition, the lawsuit against the constitutionality of the Police Military Criminal Code (DL N° 1.094 – 2010/09/01) is still pending at the Constitutional Tribunal.

Source: Compilation based on the following statutes: *Ley que deroga el Código de Justicia Militar, aprueba modificaciones al Código Penal y al Código Procesal Penal de la Nación, aprueba instrucciones para la población civil en tiempo de guerra y otros conflictos armados, el Código de Disciplina de las Fuerzas Armadas y la organización del servicio de justicia conjunto de las Fuerzas Armadas* (N° 26.394 – 2008/08/26) (Argentina). *Decreto Ley de organización judicial militar y el Código Penal Militar* (Decree - Law N° 13.321 – 1976/04/02) (Bolivia). *Código Penal Militar* (Decree - Law N° 1.001 – 1969/10/21. Last amendment: Law N° 12.432 – 2011/06/30) and *Ley de organización judicial militar* (N° 8.457 – 1992/09/04. Last amendment: Law N° 10.445 – 2002/05/07) (Brazil). *Código de justicia militar* (Decree - Law N° 806 – 1925/12/23. Last amendment: Ley N° 20.477 – 2010/12/30) (Chile). *Código penal militar* (Law N° 1.407 – 2010/08/17) (Colombia). *Ley procesal penal militar* (N° 6 – 08/08/1977) and *Ley de los delitos militares* (N° 22 – 1979/02/15) (Cuba). *Código de justicia de las Fuerzas Armadas* (Law N° 3.483 – 1953/02/13. Last amendment: Law N° 278-04 - 2004/08/13) (Dominican Republic). *Political Constitution and Ley reformativa al Código Penal para la tipificación de los delitos cometidos en el servicio militar y policial* (2010/05/19) (Ecuador). *Código de justicia militar* (DL N° 562 – 1964/05/29. Last amendment: DL N° 368 – 1992/11/27) (El Salvador). *Código militar* (Decree N° 214 – 1978/09/15. Last amendment: Decree N°41-96 – 1996/07/10) (Guatemala). *Código penal militar* (Decree N° 76 – 1906/03/01. Last amendment: Decree N° 47– 1937/01/22) (Honduras). *Código de justicia militar* (DNL N° 005 – 1933/08/31. Last amendment: DOF 2012/04/09) (Mexico). *Código penal militar* (Law N° 566 – 2006/01/05) (Nicaragua). *Código penal militar* (Law N° 843 – 1980/12/19) (Paraguay). *Código Penal Militar Policial* (DL N° 1.094 – 2010/09/01) (Peru). *Códigos Militares* (Decree Law N° 10.326 – 1943/01/28) y *Ley marco de defensa nacional* (N° 18.650 – 2010/03/08. Last amendment: Law N° 18.896 - 2012/05/10) (Uruguay). *Código orgánico de justicia militar* (GO N° 5.263 – 1998/09/17) (Venezuela).



International Treaties

Signatory country	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)		Treaty on the Non-Proliferation of Nuclear Weapons		Convention on the Prohibition of the Development, Production Stockpiling and Use of Chemical Weapons and on their Destruction		Convention on the Prohibition of the use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruct	
	Signature	Ratification	Signature	Ratification	Signature	Ratification	Signature	Ratification
Argentina	1967/09/27	1994/01/18	-	1995/02/10(*)	1993/01/13	1995/10/02	04/12/1997	1999/09/14
Bolivia	1967/02/14	1969/02/18	1968/07/01	1970/05/26	1993/01/14	1998/08/14	03/12/1997	1998/06/09
Brazil	1967/05/09	1968/01/29	-	1998/09/18(*)	1993/01/13	1996/03/13	03/12/1997	1999/04/30
Chile	1967/02/14	1974/10/09	-	1995/05/25(*)	1993/01/14	1996/07/12	03/12/1997	2001/09/10
Colombia	1967/02/14	1972/08/04	1968/07/01	1986/04/08	1993/01/13	2000/04/05	03/12/1997	2000/09/06
Cuba	1995/03/25	2001/10/23	-	2002/11/04	1993/01/13	1997/04/29	-	-
Dominican Republic	1967/07/28	1968/06/14	-	1971/07/24(*)	1993/01/13	-	03/12/1997	2000/06/30
Ecuador	1967/02/14	1969/02/11	-	1969/03/07(*)	1993/01/14	1995/09/06	04/12/1997	1999/04/29
El Salvador	1967/02/14	1968/04/22	1968/07/01	1972/07/11	1993/01/14	1995/10/30	04/12/1997	1999/01/27
Guatemala	1967/02/14	1970/02/06	1968/07/26	1970/09/22	1993/01/14	2003/02/12	03/12/1997	1999/03/26
Honduras	1967/02/14	1968/09/23	1968/07/01	1973/05/16	1993/01/13	-	03/12/1997	1998/09/24
Mexico	1967/02/14	1967/09/20	1968/07/26	1969/01/21	1993/01/13	1994/08/29	03/12/1997	1998/06/09
Nicaragua	1967/02/15	1967/10/24	1968/07/01	1973/03/06	1993/03/09	1999/11/05	04/12/1997	1998/11/30
Paraguay	1967/04/26	1969/03/19	1968/07/01	1970/02/04	1993/01/14	1994/12/01	03/12/1997	1998/11/13
Peru	1967/02/14	1969/03/04	1968/07/01	1970/03/03	1993/01/14	1995/07/20	03/12/1997	1998/06/17
Uruguay	1967/02/14	1968/08/20	1968/07/01	1970/08/31	1993/01/15	1994/10/06	03/12/1997	2001/06/07
Venezuela	1967/02/14	1970/03/23	1968/07/01	1975/09/25	1993/01/14	1997/12/03	03/12/1997	1999/04/1

(*) Dates of accession.

Signatory country	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction		Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques		Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be deemed to be Excessively Injurious or to have Indiscriminate Effects		Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials		Inter-American Convention on Transparency in Conventional Weapons Acquisitions	
	Signature	Ratification	Signature	Ratification	Signature	Ratification	Signature	Ratification	Signature	Ratification
Argentina	1972/08/01	1979/11/27	-	1987/03/20(*)	1981/12/02	1995/10/02	1997/11/14	2001/09/10	1999/06/07	2004/04/28
Bolivia	1972/04/10	1975/10/30	1977/05/18	-	-	2001/09/21	1997/11/14	1999/04/29	1999/06/07	-
Brazil	1972/04/10	1973/02/27	1977/11/09	1984/10/12	-	1995/10/03	1997/11/14	1999/09/28	1999/06/07	2006/11/28
Chile	1972/04/10	1980/04/22	-	1994/04/26(*)	-	2003/10/15	1997/11/14	2003/10/23	1999/06/07	2005/12/22
Colombia	1972/04/10	1983/12/19	-	-	-	2000/03/06	1997/11/14	2003/02/05	1999/06/07	-
Cuba	1972/04/12	1976/04/21	1977/09/23	1978/04/10	1981/04/10	1987/03/02	-	-	-	-
Dominican Republic	1967/07/28	1968/06/14	-	1971/07/24(*)	1993/01/13	-	03/12/1997	2000/06/30	-	-
Ecuador	1972/06/14	1975/03/12	-	-	1981/09/09	1982/05/04	1997/11/14	1999/06/23	1999/06/07	2001/05/21
El Salvador	1972/04/10	1991/12/31	-	-	-	2000/01/26	1997/11/14	1999/03/18	1999/06/07	2002/03/08
Guatemala	1972/05/09	1973/09/19	-	1988/03/21(*)	-	1983/07/21	1997/11/14	05/02/2003	1999/06/07	2001/07/03
Honduras	1972/04/10	1979/03/14	-	2012/08/18	-	2003/10/30	1997/11/14	2004/11/23	2001/12/18	-
Mexico	1972/04/10	1974/04/08	-	-	1981/04/10	1982/02/11	1997/11/14	1998/06/01	1999/06/07	2010/11/16
Nicaragua	1972/04/10	1975/08/07	1977/08/11	2007/09/06	1981/05/20	2000/12/05	1997/11/14	1999/11/09	1999/06/07	2003/05/06
Paraguay		1976/06/09	-	-	-	2004/09/22	1997/11/14	2001/04/04	1999/06/07	2002/10/22
Peru	1972/04/10	1985/06/05	-	-	-	1997/07/03	1997/11/14	1999/06/08	1999/06/07	2002/11/25
Uruguay		1981/04/06	-	1993/09/16(*)	-	1994/10/06	1997/11/14	2001/07/20	1999/06/07	2001/08/31
Venezuela	1972/04/10	1978/10/18	-	-	-	2005/04/19	1997/11/14	2002/05/14	1999/06/07	2005/04/27

(*) Dates of accession

Source: Information provided in the website of the United Nations Organization (UN), the Department for Disarmament Affairs and the Organization of American States (OAS).

Signatory country	Inter-American Convention to Facilitate Disaster Assistance		Inter-American Convention on the Forced Disappearance of Persons		Inter-American Convention to Prevent and Punish Torture		Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife	
	Signature	Ratification	Signature	Ratification	Signature	Ratification	Signature	Ratification
Argentina	-	-	1994/06/10	28/02/1996	10/02/1986	1988/11/18	1957/08/08	1957/10/24
Bolivia	-	-	1994/09/14	05/05/1999	09/12/1985	2006/08/26	-	-
Brazil	-	-	1994/06/10	-	24/01/1986	1989/06/09	1957/05/01	-
Chile	-	-	1994/06/10	13/01/2010	24/09/1987	1988/09/15	-	-
Colombia	1992/10/08	-	1994/08/05	12/04/2005	09/12/1985	1998/12/02	-	-
Dominican Republic	-	2009/03/25	-	-	31/03/1986	1986/12/12	1957/09/17	1958/05/21
Ecuador	-	-	2000/02/08	07/07/2006	30/05/1986	1999/09/30	-	-
El Salvador	-	-	-	-	16/10/1987	1994/10/17	1958/03/27	1960/09/13
Guatemala	-	-	1994/06/24	25/02/2000	27/10/1986	1986/12/19	-	-
Honduras	-	-	1994/06/10	11/07/2005	11/03/1986	-	1957/12/18	1960/10/14
Mexico	-	-	2001/05/04	09/04/2002	10/02/1986	1987/02/11	-	-
Nicaragua	1992/04/21	2010/06/08	1994/06/10	-	29/09/1987	2009/09/23	-	-
Paraguay	-	-	1995/11/08	26/11/1996	25/10/1989	1990/02/12	-	-
Peru	1996/06/04	1996/09/16	2001/01/08	13/02/2002	10/01/1986	1990/02/27	1957/06/18	-
Uruguay	2000/01/14(*)	-	1994/06/30	02/04/1996	09/12/1985	1992/09/23	-	-
Venezuela	-	-	1994/06/10	19/01/1999	09/12/1985	1991/06/25	-	-

(*) Dates of accession.

Source: Information provided on the website of the Organization of American States (OAS).

Only 15% of Member States have endorsed the OAS convention to facilitate assistance in case of disasters.

Signatory country	International Criminal Court		Mandatory compliance with decision of the International Court of Justice	
	Signature	Ratification	Signature	Ratification
Argentina	1999/01/08	2001/02/08	-	-
Bolivia	1998/07/17	2002/06/27	-	-
Brazil	2000/02/07	2002/06/20	-	-
Chile	1998/09/11	2009/06/29	-	-
Colombia	1998/12/10	2002/08/05	-	-
Cuba	-	-	-	-
Dominican Republic	2000/09/08	2005/05/12	-	1924/09/30
Ecuador	1998/10/07	2002/02/05	-	-
El Salvador	-	-	-	-
Guatemala	-	2012/04/02	-	-
Honduras	1998/10/07	2002/07/01	-	1986/06/06
Mexico	2000/09/07	2005/10/28	-	1947/10/28
Nicaragua	-	-	-	1929/09/24
Paraguay	1998/10/07	2001/05/14	-	1996/09/25
Peru	2000/12/07	2001/11/10	-	2003/07/07
Uruguay	2000/12/19	2002/06/28	-	1921/01/28
Venezuela	1998/10/14	2000/06/07	-	-

The ratification of nuclear non-proliferation treaties by all the countries reveals the will of the region to remain free from this scourge.

82% of the countries have ratified the International Criminal Court (ICC), with jurisdiction to try genocide crimes, crimes against humanity, war and aggression.

Source: Information provided on the website of the United Nations Organization (UN) and the International Court of Justice.



States of Exception

Country	Name	Cause	Participation of the Legislative Power
Argentina	State of siege.	Internal commotion.	Declared by the Congress and by the President if the latter were not in session (with a subsequent report). Requires the approval of the Senate.
		Foreign attack.	
Bolivia	State of exception.	Danger for State security. External threat. Internal unrest. Natural disaster.	It requires the approval of the Plurinational Legislative Assembly.
Brazil	State of defence.	Grave or imminent institutional instability. Natural calamities of great proportions. Grave commotion of national impact.	Requires the approval of the Congress.
	State of siege.	Situations which prove the inefficiency of the state of defence. Declaration of the state of war. Response to an armed foreign attack.	
Chile	State of assembly.	External war.	Requires the approval of the Congress.
	State of siege.	Internal war. Grave internal commotion.	
	State of catastrophe.	Public calamity.	The President shall inform the Congress of the measures adopted. Requires the approval of the Congress in case they are extended for more than a year.
	State of emergency.	Grave disturbance of the public order. Grave damage to national security.	The President shall inform the Congress of the measures adopted. Requires the approval of the Congress in case they are extended for more than fifteen days.
Colombia	State of external war.	External war.	Requires the approval of the Senate except when it is necessary to repel aggression.
	State of internal commotion.	Grave disturbance of the public order.	The declaration of a third consecutive period requires the approval of the Senate.
	State of emergency.	Situations which disturb or seriously threat to imminently disturb the economic, social and ecological order or which constitute public calamity.	The Congress shall examine the causes and measures which determined it and those adopted, and shall expressly rule on the convenience and timeliness of such measures.
Cuba	State of emergency.	Imminent natural disasters or catastrophes. Circumstances affecting internal order, national security or stability.	The National Assembly of People's Power must be informed.
Dominican Republic	State of national defence.	Cases in which national sovereignty or territorial integrity are under grave or imminent danger due to armed foreign attacks.	Congress shall have the power to declare it and the Executive Branch shall have the power to request its declaration.
	State of internal commotion.	Grave disturbance of public order causing an immediate threat to institutional stability.	Requires Congress approval.
	State of emergency.	Events disturbing or seriously threatening to disturb the country's economic, social and environmental order or which constitute a public catastrophe.	
Ecuador	State of exception.	Case of aggression. International or internal armed conflict. Grave internal disturbance. Public disaster. Natural disaster.	The National Assembly, which has the authority to revoke the decree at any time, must be informed.
El Salvador	Exception regime.	War. Invasion of the territory. Rebellion. Sedition. Catastrophe. Epidemics or general calamity. Grave disturbances of the public order.	It is decreed by the Legislative or the Executive Power. In case of the suspension of certain guarantees, the approval of the Legislative Power is required.
Guatemala	State of prevention State of alarm State of public calamity State of siege State of war	Invasion of the territory. Grave disturbance of the peace. Activities against the security of the State. Public calamity.	The Congress can ratify, modify or dismiss it.
Honduras	State of siege.	Invasion of the national territory. Grave disturbance of the peace. Epidemics or any general calamity.	The Congress can ratify, modify or dismiss the decree sent by the President within thirty days.
Mexico	Suspension, in all the country or in a specific place, of the guarantees which could constitute an obstacle to cope with the situation in a quick and easy manner.	Invasion. Grave disturbance of the public peace. Any other issue which could put the society in grave danger. Conflict.	Requires the approval of the Congress.
Nicaragua	State of emergency.	When required by: National security. Economic conditions. National catastrophes.	The Assembly can approve, modify or dismiss it.
Paraguay	State of exception.	Armed conflict. Grave internal commotion which puts the Constitution or the bodies established in it in imminent danger.	It can be declared by the Executive Power or the Congress. If it is declared by the Executive Power it requires the approval of the Congress.
	State of defence.	External aggression.	Requires the approval of the Congress.
Peru	State of emergency.	Disturbance of the peace or internal order. Catastrophe or grave circumstances which affect the life of the Nation.	Decreed by the President with the consent of the Council of Ministers. The Congress must be informed about it.
	State of siege.	Invasion. External war. Civil war. Imminent danger of the above mentioned situations.	Decreed by the President with the consent of the Council of Ministers. The Congress must be informed about it. The extension beyond forty five days requires the consent of the Congress.
Uruguay	Quick security measure.	Foreign attack. Internal commotion.	Requires a resolution from the General Assembly.
Venezuela	State of alarm.	Catastrophes and public calamities which seriously endanger the security of the Nation, or its citizens.	The extension requires the approval of the National Assembly.
	State of economic emergency.	Extraordinary economic circumstances which seriously affect the economic situation of the Nation.	
	State of internal or external commotion.	Internal or external conflict which seriously endangers the security of the Nation, its citizens or institutions.	

Note: Copilation based on the Constitution of each country.