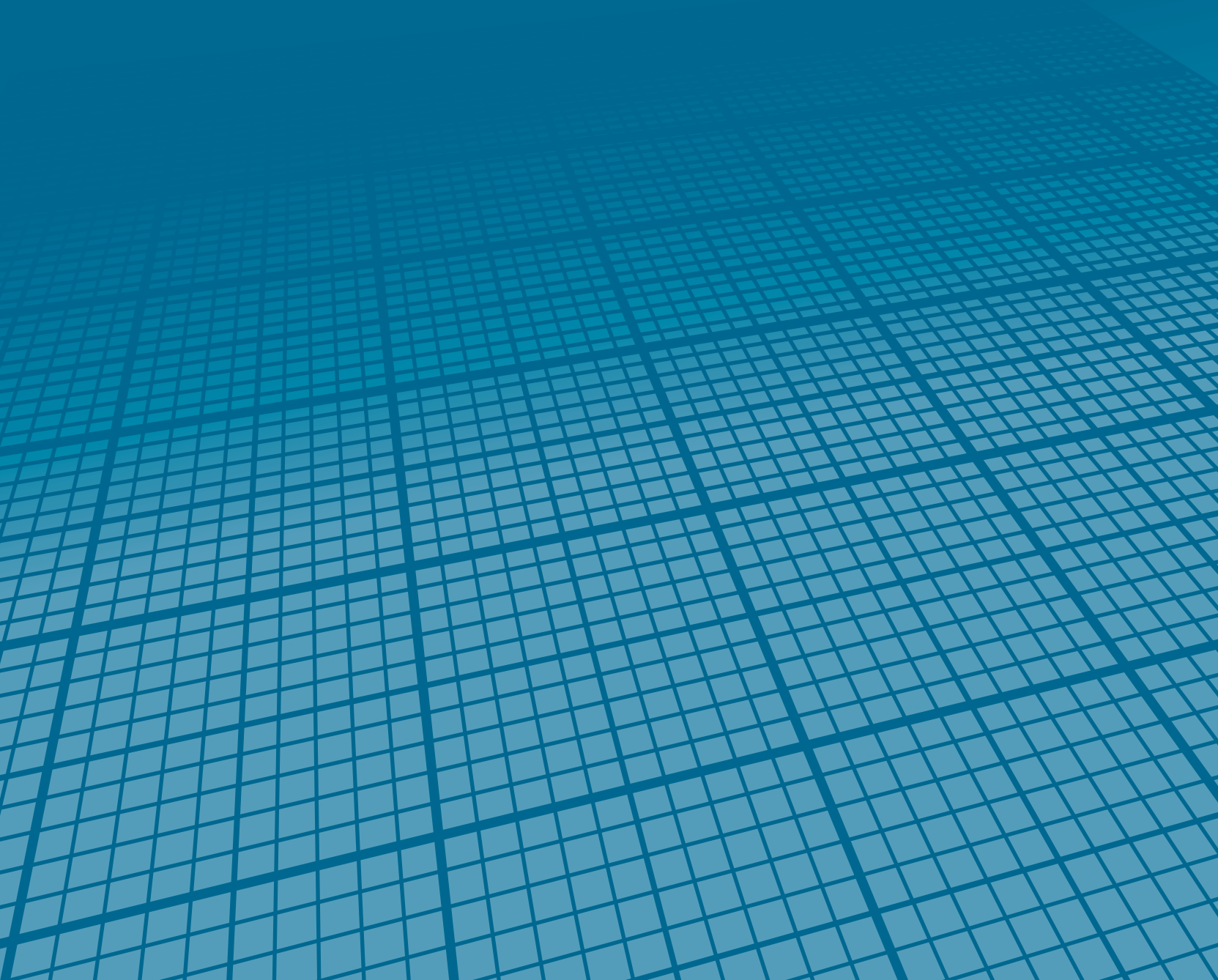


Chapter 2:

The Institutions





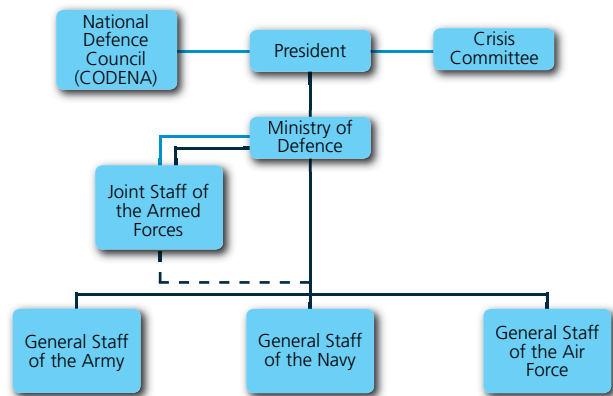
Defence System Structure

Defence system organization

Chain of command design, political leadership-military relations, security and defence councils, and role of the Joint Chiefs of Staff in the various institutional organizations.

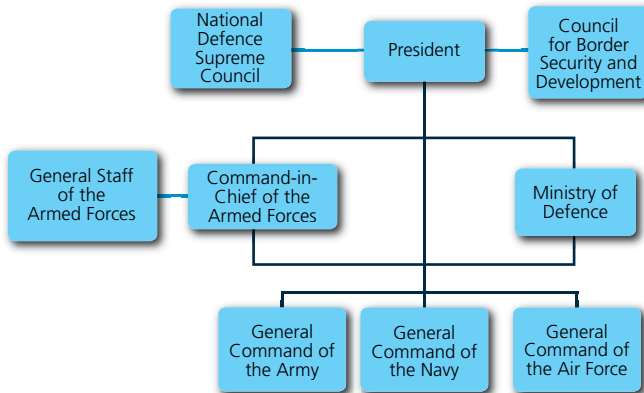
- Advisory and assistance functional relationship
- Command reporting line
- Joint planning and management relationship

ARGENTINA



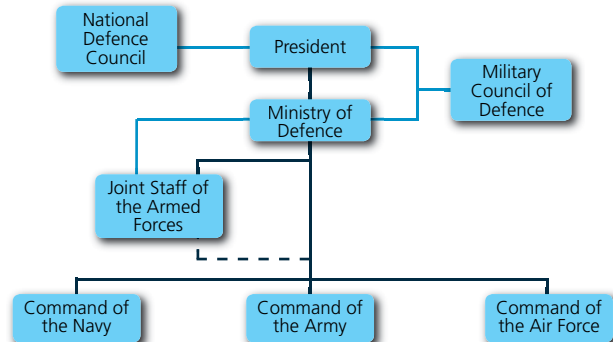
Source: Compilation based on *Ley de defensa nacional* (N° 23.554 - 05/05/1988) and *Reglamentación de la Ley de defensa nacional* (Decree N° 727/2006 - 2006/06/13).

BOLIVIA



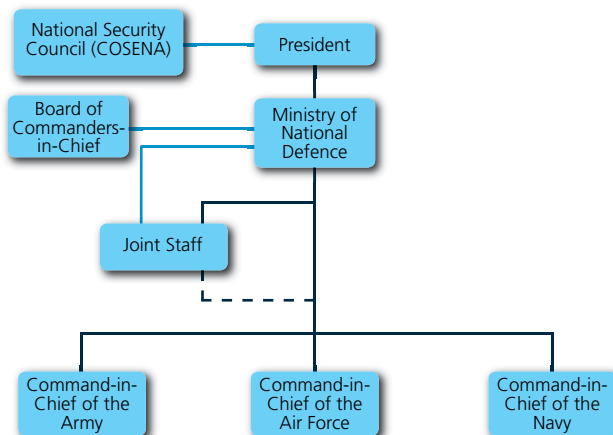
Source: Compilation based on *Ley orgánica de las Fuerzas Armadas* (N° 1.405 - 1992/12/30).

BRAZIL



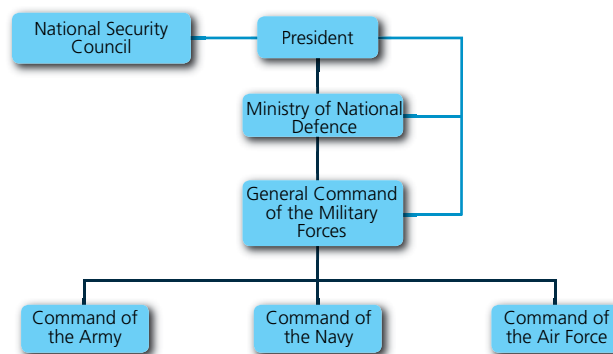
Source: Compilation based on the Political Constitution; *Lei que dispõe sobre a organização e o funcionamento do Conselho de Defesa Nacional e dá outras providências* (N° 8.183 - 1991/04/11. Last amendment: 2001/08/31); *Lei sobre as Normas Gerais para a Organização, o Preparo e o Emprego das Forças Armadas, para Estabelecer Novas Atribuições Subsidiárias* (Complementary Act N° 117 - 2004/09/02; modifies Complementary Act N° 97 - 1999/06/09); and *Lei Complementar da Defesa* (Complementary Act N° 136 - 2010/08/25; modifies Complementary Act N° 97 - 1999/06/09).

CHILE



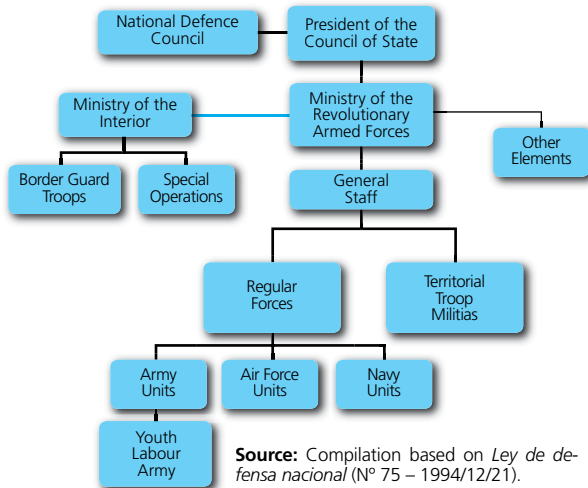
Source: Compilation based on the Political Constitution, *Ley del Estatuto Orgánico del Ministerio de Defensa Nacional* (N° 20.424 - 2010/02/04) and *Libro de la Defensa Nacional*, 2010.

COLOMBIA



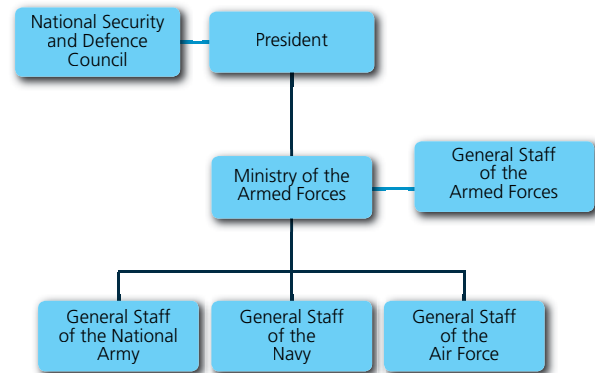
Source: Compilation based on the Decree modifying the organizational structure of the Ministry of National Defence including other rules issued (N° 1.512 -08/11/2000. Last amendment: Decree N° 4.890 - 2011/12/2011) and Decree that merged the National Security Council, the Higher National Defence Council (*Consejo Superior de la Defensa Nacional*) and the Commission created by Decree 813 in 1983 (N° 2.134 - 1992/12/31. Last amendment: Decree N° 4.748 - 2010/12/23).

CUBA



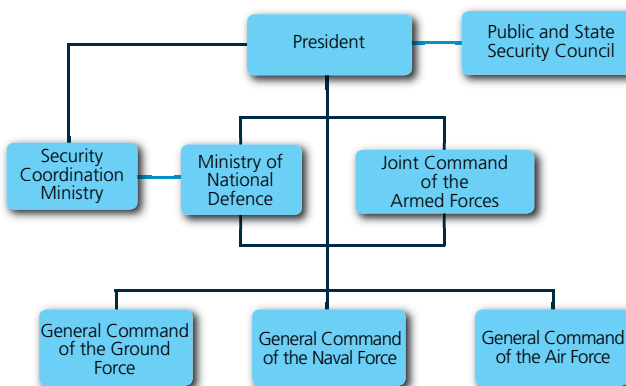
Source: Compilation based on *Ley de defensa nacional* (N° 75 - 1994/12/21).

DOMINICAN REPUBLIC



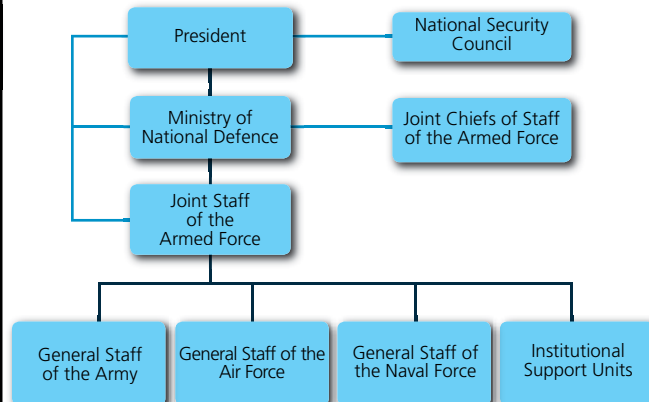
Source: Compilation based on the Political Constitution and the *Ley orgánica de las Fuerzas Armadas* (N° 873 - 1978/05/08).

ECUADOR



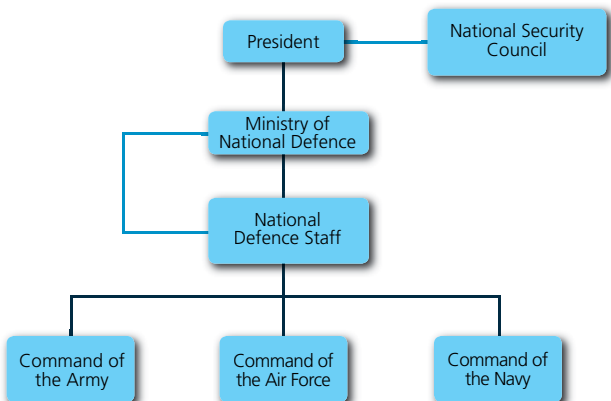
Source: Compilation based on *Ley orgánica de la defensa nacional* (N° 74-2007/01/19. Last amendment: Act N° 35 - 2009/09/28), and *Ley de seguridad pública y del Estado* (N° 35 - 2009/09/28).

EL SALVADOR



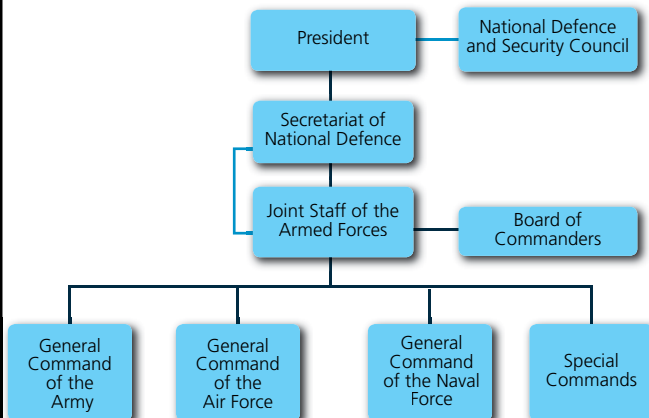
Source: Compilation based on the Political Constitution, *Ley orgánica de la Fuerza Armada de El Salvador* (DL N° 353 - 1998/07/30), and *Ley de la defensa nacional* (DL N° 948 - 2002/10/03).

GUATEMALA



Source: Compilation based on *Ley marco del sistema nacional de seguridad* (DL N° 18-2008 - 2008/04/15) and *Ley constitutiva del Ejército de Guatemala* (DL N° 72-90 - 1990/12/13).

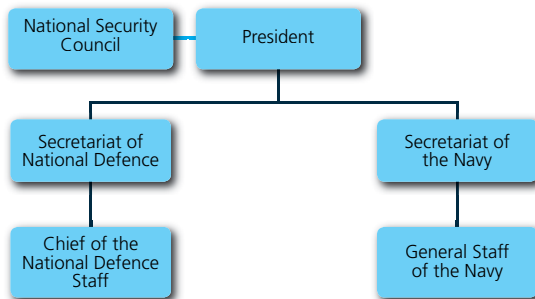
HONDURAS



Source: Compilation based on the Political Constitution, *Ley constitutiva de las Fuerzas Armadas* (Decree N° 39-2001 - 2001/10/29) and *Libro Blanco de la Defensa Nacional* (2005).

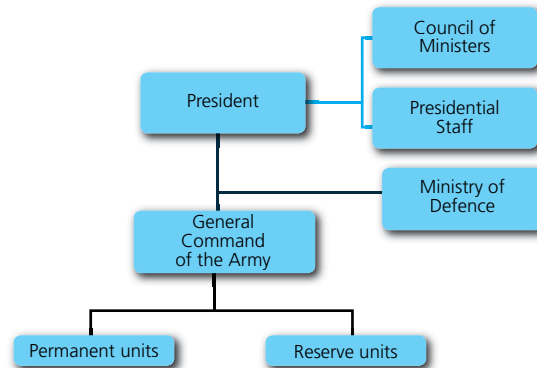


MEXICO



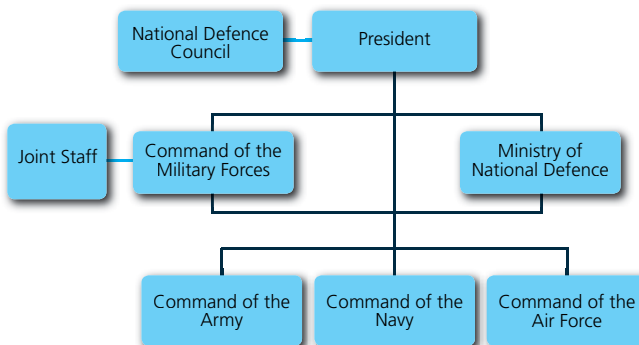
Source: Compilation based on the Political Constitution, *Ley orgánica de la administración pública federal* (DOF 1976/12/29. Last amendment: DOF 2012/06/14), *Ley orgánica de la Armada de México* (DOF 2002/12/30. Last amendment: DOF 2012/04/03), *Ley orgánica del Ejército y la Fuerza Aérea* (DOF 1986/12/26. Last amendment: DOF 2012/04/03), and *Ley de seguridad nacional* (DOF 2005/01/31. Last amendment: DOF 2005/12/26).

NICARAGUA



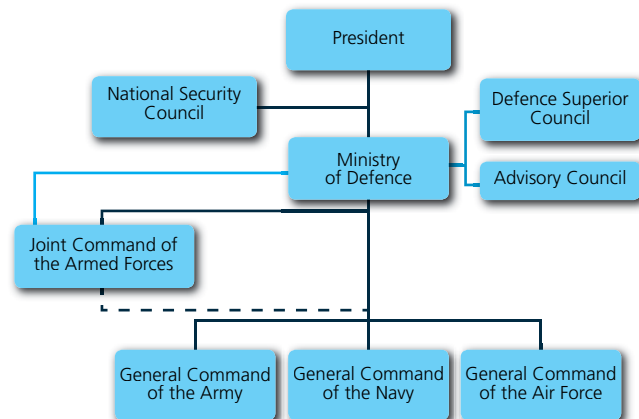
Source: Compilation based on the *Ley de organización, competencia y procedimientos del Poder Ejecutivo* (Nº 290 - 03/06/1998. Last amendment: Act Nº 612 - 29/01/2007) and *Ley de la defensa nacional* (National Defence Act) (Nº 748 - 12/22/2010).

PARAGUAY



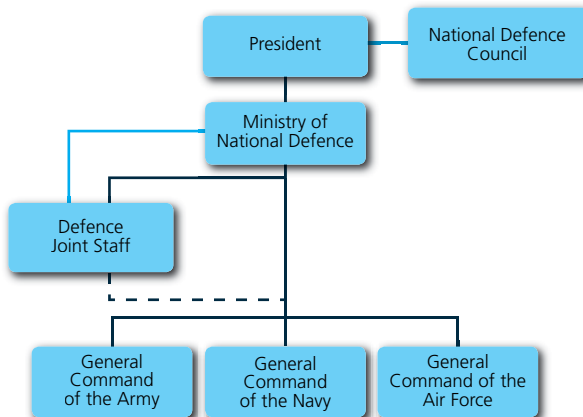
Source: Compilation based on the Political Constitution, *Ley de defensa nacional y de seguridad interna* (Nº 1.337 - 1999/04/14), and *Ley de organización general de las Fuerzas Armadas de la Nación* (Act Nº 216 - 1993/06/16. Last Amendment: Act Nº 4.067 - 2010/11/08).

PERU



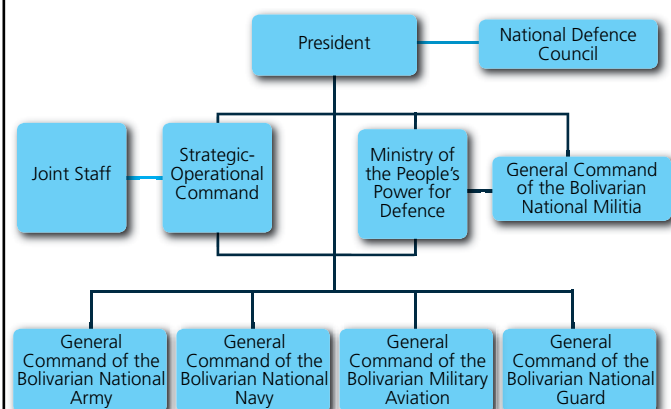
Source: Compilation based on *Ley de organización y funcionamiento del Ministerio de Defensa* (Nº 29.605 - 2010/10/22) and *Ley del sistema de seguridad y defensa nacional* (Nº 28.478 - 2005/03/23).

URUGUAY



Source: Compilation based on the *Ley marco de defensa nacional* (Nº 18.650 - 08/03/2010. Last amendment: Act Nº 18.896 - 2012/05/10).

VENEZUELA



Source: Compilation based on the Political Constitution, *Ley orgánica de seguridad de la Nación* (GO Nº 37.594 - 2002/12/18) and *Ley orgánica de la Fuerza Armada Nacional Bolivariana* (Extraordinary GO Nº 6.020 - 2011/03/21).

Responsibilities of the Ministries of Defence

Country	Responsibility
Argentina Ministry of Defence	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. (<i>Ley de defensa nacional</i> , N° 23.554 – 1988/05/05, Sec. 11).
Bolivia Ministry of Defence	The Ministry of Defence is the political and administrative body of the Armed Forces. The Minister of Defence is the legal representative of the armed institution before the public powers. (<i>Ley orgánica de las Fuerzas Armadas</i> , N° 1.405 – 1992/12/30, Sec. 22).
Brazil Ministry of Defence	The Minister of Defence exercises the senior leadership of the Armed Forces, on the advice of the Military Council of Defence as the permanent consultation body, the Joint Staff of the Armed Forces, the secretariats and other bodies, in accordance with the law. (Law on the general rules for the organization, preparation and employment of the Armed Forces, to establish new subsidiary duties – Complementary Act N° 117 – 2004/09/02. Last amendment: Complementary Act N° 136 – 2010/25/08, Sec.9).
Chile Ministry of National Defence	The Ministry of National Defence is the highest body for assisting the President in the government and administration of national defence. (<i>Ley del Estatuto Orgánico del Ministerio de Defensa Nacional</i> , N° 20.424 – 2010/02/04, Sec. 3. Last amendment: DFL N°1 – 2011/11/03, Sec.3).
Colombia Ministry of National Defence	Responsible for the conduct of the Military Forces and National Police as instructed by the President of the Republic, formulating and adopting the sector policies, general plans, programmes and projects for the defence of national sovereignty, independence and territorial integrity, as well as maintaining constitutional law and order and ensuring a democratic society. (<i>Decreto por el cual se modifica la estructura del Ministerio de Defensa Nacional y se dictan otras disposiciones</i> , N° 1.512 – 2000/08/11. Last amendment: Decree N° 4.890 – 12/26/2011, Art. 2, 3, 4).
Cuba Ministry of the Revolutionary Armed Forces	It is the body responsible for directing, executing and controlling the implementation of the State and Government policy with respect to the country's preparation for defence, the defence of national sovereignty in the entire national territory, the preparation and execution of armed combat, and the contracting, acquisition, production and use of war material to meet the Ministry of Defence requirements. (<i>Ley de la defensa nacional</i> , N° 75 – 1994/12/21, Sec. 37).
Dominican Republic Ministry of the Armed Forces	The Ministry of the Armed Forces, which closely assists the President of the Republic, is the highest military authority in all matters related to the command, organization, training and administration of the armed corps. (<i>Ley orgánica de las Fuerzas Armadas</i> , N° 873 – 1978/08/08, Sec. 50).
Ecuador Ministry of National Defence	It is the political, strategic and administrative body responsible for national defence. (<i>Ley orgánica de la defensa nacional</i> , N° 74 – 2007/01/19, Sec. 8).
El Salvador Ministry of National Defence	It is the main advisory body of the President of the Republic and General Commander of the Armed Forces in relation to national defence. It conducts the military field of action. (<i>Ley de la defensa nacional</i> , DL N° 948 – 2002/10/03, Sec. 19).
Guatemala Ministry of National Defence	The Minister of National Defence, under the orders of the General Commander in Chief of the Army (the President of the Nation), shall conduct and manage the Army of Guatemala. It is the communication agency between the Army of Guatemala and the other government bodies. (<i>Ley constitutiva del Ejército de Guatemala</i> , DL N° 72-90 – 1990/12/13, Sec. 15 and 17).
Honduras Secretariat of National Defence	It ensures that the national defence policy will be duly executed by the Armed Forces; it represents Honduras at international defence organizations; and authorizes, regulates and controls all matters related to weapons, ammunitions and explosives. In relation to military matters, it is the administrative organization of the Armed Forces; it countersigns decrees, agreements, orders and decisions; it secures the preparation and implementation of plans and programmes, and orders their elaboration or updating; it recommends officer promotions to the President; and supervises, inspects and exerts control over the organization and performance of the Armed Forces. (<i>Ley constitutiva de las Fuerzas Armadas</i> , Decree N° 39-2001 – 2001/10/29, Sec. 5).
Mexico Secretariat of National Defence	The Secretary of National Defence exercises the High Command of the Army and the Air Force, is responsible for organizing, equipping, educating, training, instructing and managing the Ground and Air Forces, in accordance with the instructions issued by the President of the Republic. (<i>Ley orgánica del Ejército y la Fuerza Aérea</i> , DOF 1986/12/26. Last amendment: DOF 2012/03/04, Sec. 16 and 17).
Secretariat of the Navy	The Secretary of the Navy exercises the High Command of the Mexican Navy. (<i>Ley orgánica de la Armada de México</i> , DOF 2002/12/30. Last amendment: DOF 2012/04/03 Sec.7).
Nicaragua Ministry of Defence	It is the advisory body of the President of the Republic in relation to the formulation and implementation of National Defence plans and policies. (<i>Ley de la defensa nacional</i> , N° 748 – 2010/22/12, Sec. 13).
Paraguay Ministry of National Defence	The administrative responsibilities of the Nation's Armed Forces fall under the National Ministry of Defence. (<i>Ley de organización general de las Fuerzas Armadas de la Nación</i> , N° 74 – 1991/11/20. Last amendment: Act N° 4.067 – 2010/08/11, Sec. 48).
Peru Ministry of Defence	It is the main executor body of the national security and defence system, responsible for formulating, coordinating, implementing, executing and supervising the national defence policy in the military sphere, as well as for designing, planning and coordinating this policy in the non-military arena, in accordance with current laws in effect. (<i>Ley del sistema de seguridad y defensa nacional</i> , N° 28.478 – 2005/03/23, Sec. 18).
Uruguay Ministry of National Defence	It has the power and competence over the political conduct of national defence areas determined by the laws and the Executive Branch within the framework of their powers, in particular, of all matters related to the Armed Forces. It exercises the command and supervision of all activities carried out by the Armed Forces. (<i>Ley marco de defensa nacional</i> , N° 18.650 – 2010/03/08. Last amendment: Act N° 18.896 – 2012/10/05, Sec. 14 and 15).
Venezuela Ministry of the People's Power for Defence	It is the highest administrative body as regards the military defence of the Nation, responsible for the formulation, adoption, monitoring and assessment of the policies, strategies, plans, programs and projects of the defence sector. The President and Commander-in-Chief is entitled to issue operational orders through the Ministry of the People's Power for Defence. (<i>Ley orgánica de la Fuerza Armada Nacional Bolivariana</i> , GO N° 6.239 – 2009/08/13. Last amendment: Special Official Gazette GO N° 6.020 – 2011/03/21, Sec. 11 and 20).

Source: Compilation based on the above mentioned legislation.



Institutional Guidance

Country	Can the military members become Ministers of Defence?	Number of military members who became Ministers of Defence	Number of civilians who were Ministers of Defence	Date of creation of the Ministry
Argentina	Yes (if they have retired)	4	35	1958
Bolivia	Yes (if they have retired)	39	40	1933
Brazil	Yes (if they have retired)	-	7	1999
Chile	Yes (if they have retired)	18	33	1932
Colombia	Yes (if they have retired)	12	15	1965
Cuba	Yes	3	1	1959
Dominican Republic	Yes	38	3	1930
Ecuador	Yes (if they have retired)	33	22	1935
El Salvador	Yes	28	-	1939
Guatemala	Yes ¹	14 ²	-	1945
Honduras	Yes (if they have retired)	-	5 ³	1954
Mexico				
Sec.of National Defence	Yes	15	-	1937
Secretariat of the Navy	Yes	16	3	1940
Nicaragua	Yes (if they have retired)	2	9 ⁴	1979
Paraguay	Yes (if they have retired)	20	6	1943
Peru	Yes	12	10	1987
Uruguay	Yes (if they have retired)	15	24	1935
Venezuela	Yes	41	1	1946

1 According to the Constitution of the Republic, civilians cannot become Ministers of Defence.

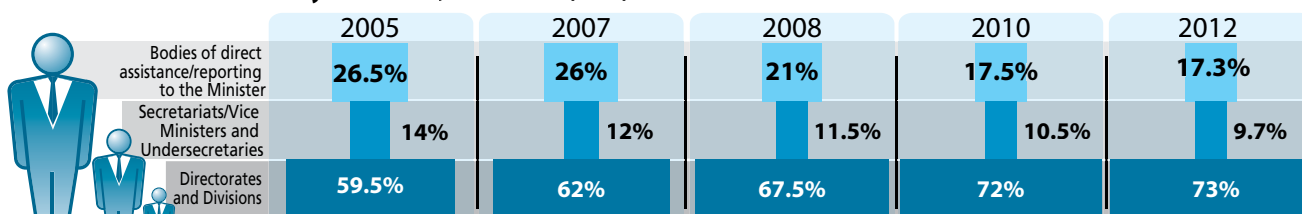
2 Since 1996, year of the Lasting and Consistent Peace Agreements.

3 Since 1998, year of the constitutional reform.

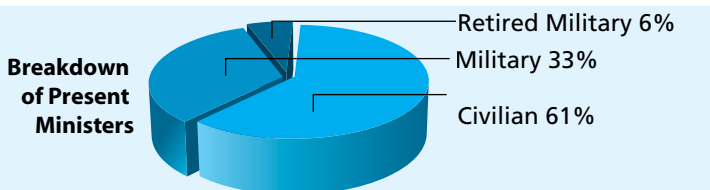
4 Since 2007, the Minister's position has been vacant and the highest authority in charge of Defence is the Secretary General.

Source: Compilation based on information provided by the Ministries and Departments of Defence of each country. The creation date is related to the time in which the term "Defence" becomes part of the Institution's name (except of the Ministry of the Revolutionary Armed Forces from Cuba, the Ministry of the Armed Forces from Dominican Republic, and the Secretariat of the Navy from Mexico).

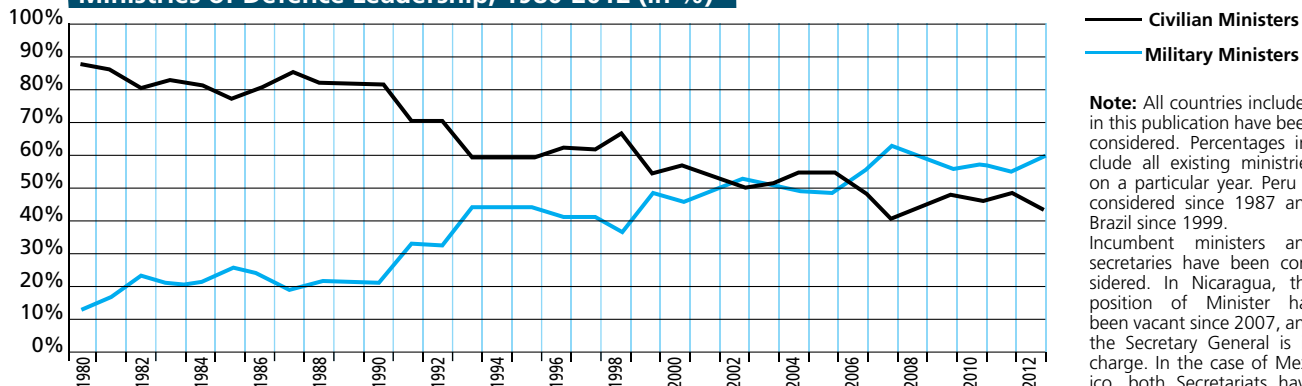
Evolution of Defence Ministry Structures, 2005-2012 (in %)



Note: The comparison includes the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, Peru, Uruguay and Venezuela. In the case of "Directorates", other equivalent offices, departments and divisions are included according to each country's denominations, in order to complete this category. Bodies of the Armed Forces, the Defence Councils, sports committees or federations, the military bishopric, companies and industries, schools and other institutes or study centres have been excluded for the purposes of comparison.



Ministries of Defence Leadership, 1980-2012 (in %)



Source: Compilation based on the organization charts provided by the Ministries and Departments of Defence of each country.

Note: All countries included in this publication have been considered. Percentages include all existing ministries on a particular year. Peru is considered since 1987 and Brazil since 1999. Incumbent ministers and secretaries have been considered. In Nicaragua, the position of Minister has been vacant since 2007, and the Secretary General is in charge. In the case of Mexico, both Secretariats have been considered.

Analysis:

The Institutionalization of Democratic Defence Systems

Rut Diamint

Professor at the Torcuato Di Tella University and researcher at the National Council of Science and Technology (CONICET) of Argentina.

Democratic policy

In the process of thinking about the institutionalization of democratic defence systems, we depart from a controversy, since throughout Latin America the notion of democracy refers to various senses. Therefore, it is worth noting in advance that in this paper democracy is understood as a republican architecture that respects the separation of powers and encourages each institution to fulfil their purpose, granting political stability to the system and strength to the political regime.

A democratic policy is all about governing effectively, providing society with the ease of social and economic wellbeing, establishing alliances among the various internal actors in a transparent and participatory manner, and promoting strong political parties that converge in the State decisions.

In this context, the exercise of a public policy of defence starts with the full democratic control of the armed forces, which is the guarantee for democracy and each country's insertion in the global and regional cooperation and political integration processes; and it is built on the routine nature of the purely civilian conduction of the system's components. This is applicable to each Nation and particularly to strengthen the regional mechanisms of dialogue and policy complementation.

Thomas Bruneau and Florina Mattei say in an article that the focus on the civilian control of the armed forces jeopardizes decision making in security.¹ I consider this is arguable. However, I think that both authors are right when they state that civilian control is an essential part of the democratic establishment, but it is a partial and

insufficient element to democratize the defence sector. The subordination to legitimate authorities without an effective leadership policy leaves autonomy spaces unsolved or generates spaces of political action by the military officers that condition the game of democracy.

Something more than civilian control

All Latin American governments have implemented measures for the civilian control of the armed forces, dealing with situations with a prevailing tension between governance and democracy, between the nature of the armed forces and the legitimacy of the civilian power. After the return of democracy, the administrations had to face the problem of civil supremacy, fortunately, while the urgency to establish a defence policy fell dramatically. This was partly associated to a growing reduction of neighbouring rivalries, and was also partly a consequence of the political leaders waiving the conduction of the defence system. The civil-military relationship always revolved around a permanent conflict about the legitimacy of the political authority to impose a direction upon the armed forces.

When we reread Alfred Stepan, who designed a tool to evaluate the degree of military autonomy, we may think back on the failures of the institutionality of defence. Although Stepan's objective was not to conceptualize on defence policies, the guidelines he offers are a guide to translate them into the actions the Executive Branch should carry out to conduct the defence system. Stepan uses two variables: the military challenge to certain topics that affect the situation of the armed forces and military prerogatives, which refer to legal and institutional mandates that protect the armed forces. The first variable has four dimensions: the legacies in the treatment

¹ Thomas C. Bruneau and Florina Cristiana Matei, "Towards a New Conceptualization of Democratization and Civil-Military Relations", *Democratization*, Vol. 15, No. 5, (December 2008), p.3, www.resdal.org/producciones-miembros/art-bruneau-matei-2010.pdf.



of human rights; budget management; the acquisitions of weapons, the definition of the organization, missions, structure; and the control of the forces. Whereas the second variable is made up of eleven dimensions: the constitutional rules self-sanctioned by the military; military relationship to chief executive; coordination of defence sector; active-duty military participation in Cabinet; role of Congress in defence matters; role of senior career civil servants or civilian political appointees; role in intelligence; role in police; role in military promotions; role in business and legal system.²

This ideal type that most Latin American governments took into account during the transitions and in general, is a model that is accepted both in academia and in politics to evaluate the military power. If we take into account all these dimensions, we might consider that most governments in the region cover what the professor from Columbia proposed. Having generated directives in all these fields establishes a certain degree of control of the armed forces, strengthens the awareness of the authorities in the topics related to defence, but does not guarantee its actual conduction. This looks like a paradox. But it is not, because what has been identified as a problem is the lack of institutionalization of these decisions.

Institutionalizing defence

The problem is precisely not only the subordination of the armed forces to the civilian power, or the fact that civilians assume functions related to the defence system, but the creation of a routine that reaffirms these principles both as an obligation of the civilian leadership and as something inherent to the military. What turns these guidelines into a defence policy is the permanent, verifiable and transparent exercise of the elimination of prerogatives and of the military challenge, guided by a plan that is legitimated by the community.

The recipe is not new: strengthening the ministries of defence through a series of legal, institutional and budgetary measures. Second, it requires the institutional participation of Congress, allowing legislators an important space to formulate the perspectives of their respective parties.

The concept of defence as a State policy is enduring since it implies a general orientation towards national interests and the conditions established by the international situation. The modifications incorporated by the successive administrations, very often with different political identities, can not alter that constitutional model

that combines the national instruments of power: political, diplomatic, economic, social, informational and, of course, military. The strategy and the doctrine provide political decision makers with a logical and methodological framework for the employment of their military instrument and to determine the human and financial resources and define the actual limits of the defence system. That implies a defence architecture that can only be managed by the community as a whole. Therefore, the whole public sector must be included, together with political parties, economic groups, representatives from the unions, civil society organizations, the media, academia, who are the ones that demand accountability.

Latin America is notorious for the absence of a debate that includes all those actors. A particular mention should be made about the incompetence of Universities as articulators of a rational analysis and production of ideas that feed the perspectives of the other sectors. Something similar might be said of the media that do not include the critical issues of defence in the public debate – and in knowledge.

Institutionalizing the procedures implies the production of large policy lines from the legitimately instituted power, such as the governments' decisions on the size, form, organization, armament and procedures of the military apparatus, in accordance with the democratic values and the basic beliefs of society. This leads to the consolidation of a bureaucratic routine rooted in a trained personnel, with legitimacy to debate and implement their resolutions with the military leadership. That consolidation is dependent on the legitimacy granted due to the inclusion of the different parts of society, forcing political decision makers at the Executive and Legislative Branches to enforce the State policies.

Frank Horton sustains that military officers are always an actor in the political process. But when the armed forces choose to control the political process, the result is the instability of the civilian regime. Or when the presidents turn them into a shock force for their political projects, the consequence is the absence of civil supremacy. To stop those attempts, it is necessary to disseminate a professional and cultural socialization of bureaucracy, that strengthens subordination and seriously sets daily leadership routines. Those daily decisions are generally undertaken by the middle staff and not by the top level officials. Thus, the training of a civil ministerial team that reproduces the high level decisions is crucial. And it is also essential for politicians to responsibly and efficiently assume their obligation to provide clear and constant directives to those officials.

² Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone*, (New Jersey: Princeton University Press, 1988), 68-92.