



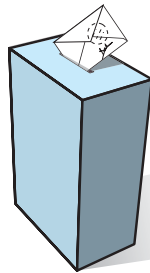
Uruguay

The Legal Framework

National Legislation

Systems and Concepts	Military Organization
- Decree Organic Law for the Armed Forces (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07)	- Military Codes (Decree-Law N° 10.326 - 1943/01/28) - Organic Act of the Navy (N° 10.808 - 1946/11/08) - Security of the State and Internal Order Act (N° 14.068 - 1972/07/12) - Organic Act of the Air Force (N° 14.747 - 1977/12/30) - Organic Act of the National Army (N° 15.688 - 1985/01/17)

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



Political Participation of Military Members

	Retired	On Duty
Are they entitled to vote?	Yes	Yes
Are they entitled to become candidates for elections	Yes ⁽¹⁾	No ⁽²⁾

(1) Section 77 subsection 4 of the National Constitution establishes that only the members of the military on active duty cannot perform political activities.

(2) Section 9 subsection 2 of the National Constitution establishes that "Members of the military who resign to their position and remuneration to enter legislative bodies, shall conserve their rank, but as long as their legislative responsibilities last they shall not be promoted. They shall be except of all military subordination. The time they remain performing legislative activities will not be counted for seniority for a promotion". The Organic Decree-Law for the Armed Forces N° 14.157, in Section 98, says that the military status shall be suspended in the case of a "member of the military elected for a political position".

Source: Constitution and *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07).

International Treaties

On Hemispheric Security	On Disarmament	On Human Rights and Justice	On the Hemispheric System
<ul style="list-style-type: none"> - Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1948/09/28 - American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1955/09/01 	<ul style="list-style-type: none"> - Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1968/08/20 - Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1970/08/31 - Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/15 Deposit: 1994/10/06 - Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 2001/06/07 - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Accession: 1981/04/06 - Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Accession: 1993/09/16 - Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 1994/10/06 - Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2001/07/20 - Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2001/08/31 - Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2001/09/21 	<ul style="list-style-type: none"> - Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1985/04/19 - Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/30 Deposit: 1996/04/02 - Inter-American Convention to Prevent and Punish Torture: Signature: 1985/12/09 Deposit: 1992/11/10 - International Criminal Court: Signature: 2000/12/19 Deposit: 2002/06/28 - Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1921/01/28 	<ul style="list-style-type: none"> - Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1955/09/01 - Antarctic Treaty: Accession: 1980/01/11

Source: Compilation based on the information supplied by the web pages of the Secretariat for Legal Affairs of the Organization of American States, and the UN Office for Disarmament Affairs.

The Budget

State Budget 2008

Local currency	98,505,352,000
US\$	4,331,809,675
2008 GDP (in US\$)	26,607,000,000

Defence Budget 2008

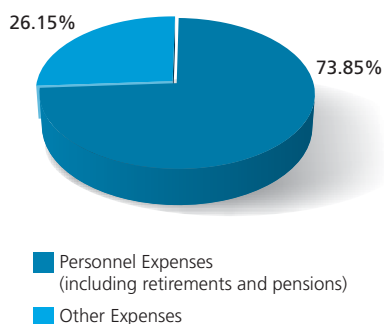
Local currency	7,205,035,000
US\$	316,844,107
GDP's %	1.19
% of the State Budget	7.31

Defence Budget 2008 (in Local Currency)

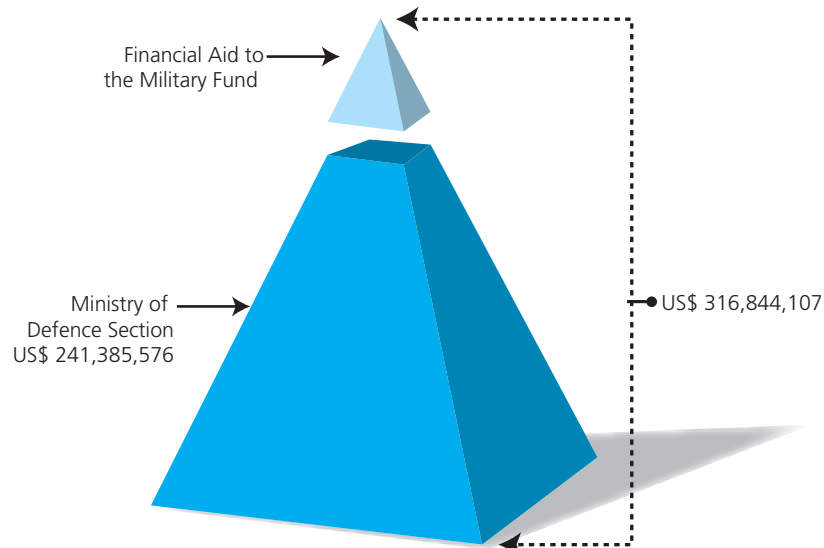
Sections	Operations	Investment	TOTAL
National Ministry of Defence			
Central Administration*	464,807,000	6,062,000	470,869,000
National Army	2,134,499,000	40,282,000	2,174,781,000
National Navy	978,096,000	110,987,000	1,089,083,000
Uruguayan Air Force	589,306,000	97,887,000	687,193,000
Administration and Control of Aviation and Airports	306,298,000	100,060,000	406,358,000
Military Health	578,727,000	26,152,000	604,879,000
Military Social Security	5,727,000	4,150,000	9,877,000
Meteorological research and Studies	45,264,000	442,000	45,706,000
Reduction of Non Priority Tasks	177,000	0	177,000
Reduction of Non Priority Tasks	185,000	0	185,000
Financial Transferences of the Social Security Sector			
Financial Aid to the Military Fund	1,715,927,000	0	1,715,927,000
TOTAL	6,819,013,000	386,022,000	7,205,035,000

* Act N° 18.172 for budgetary changes, establishes an incremental cost of \$21,737,000 for operational expenses of the Ministry of Defence. This amount is considered on the chart, within the Central Administration Program.

Defence Budget 2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the National Budget Act, Government Period 2005-2009 and Act on Budgetary Modifications, Government Period 2008-2009. The State budget passed by the Congress by means of the above mentioned Act is considered herein.

2008 GDP: World Economic Outlook Database Projection, IMF. This source has been taken for comparative purposes. Each country makes the budget based on its own GDP estimation.

The dollar value is the exchange rate considered by the World Economic Outlook Database, IMF. The seller's exchange rate average is 23.47 Pesos, based on the information provided by the Central Bank of Uruguay. For further calculations, figures are provided in local currency.

Expressions in Bold Type (Table) make reference to the different items regarding defence, which can be found in a sectorial or institutional classification of the budgetary Act.



Political Definitions

Concepts

What is Defence?	What is Security?
<p>National defence is one of the means by which national security is achieved. It consists of the set of bodies, laws and rules exercised to that end by the Executive Power through the military commands to repeal, neutralize or reject agents who may infringe such security.</p> <p><i>(Decreto Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Act 15.808 - 1986/04/07, Sec. 5)</i></p>	<p>National security is the condition when the national assets of all kinds and the development process towards the national objectives are safeguarded against internal and external interference or aggression.</p> <p><i>(Decreto Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Law 15.808 - 1986/04/07, Sec. 4)</i></p>

Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURSO (Western Sahara)	6	—
MINUSTAH (Haiti)	—	1,171
MONUC (Dem. Rep. of Congo)	46	1,323
UNAMA (Afghanistan)	1	—
UNMEE (Ethiopia and Eritrea)	2	36
UNMIN (Nepal)	3	—
UNMOGIP (India and Pakistan)	2	—
UNOCI (Ivory Coast)	2	—
UNOMIG (Georgia)	3	—

The Uruguayan Army Peacekeeping Operations School "Mayor Juan Sosa Machado" (EOPE) was founded on December 22, 1998.

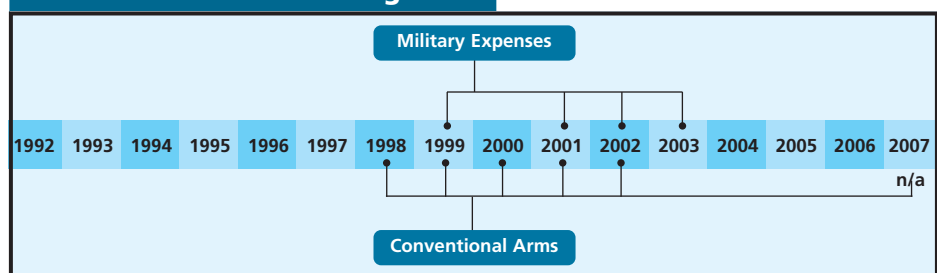


MO: Military Observers - CT: Contingent Troop.

Source: Compilation based on the information supplied by the UN Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/contributors/>). Information as of June 30, 2008.

Uruguay provides 2,595 military members to UN peace operations, which represents a 40.89% of the total amount of the Latin American contribution and a 3.37% of the world total

Submissions to the UN Registers



Source: Compilation based on reports submitted to the UN Register of Conventional Arms and the UN Instrument for Reporting Military Expenditures from 1992 to 2008. The publication of information from the Register of Conventional Arms corresponding to the year 2007 is expected by August 2008.

Constitutional Powers of the Congress

Related to War and Peace

- Can it declare war?: Yes
- Is a congressional authorization required to declare war?: Yes
- Can it make peace?: No
- Is a congressional authorization necessary to make peace?: Yes
- Is a congressional authorization necessary for the entry of foreign troops to the national territory?: Yes
- Is a congressional authorization necessary for the deployment of national troops outside the country?: Yes

Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: Yes ⁽¹⁾
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes ⁽²⁾
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

(1) Corresponds to the Senate.
 (2) Corresponds to the Chamber of Representatives.

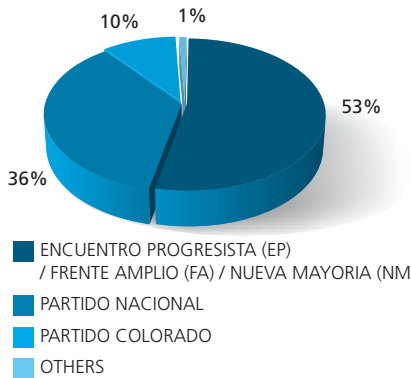
States of Exception

Name: Quick security measure
 Cause: Foreign attack
 Internal commotion
 Participation of the Legislative Power: Requires a resolution from the General Assembly.

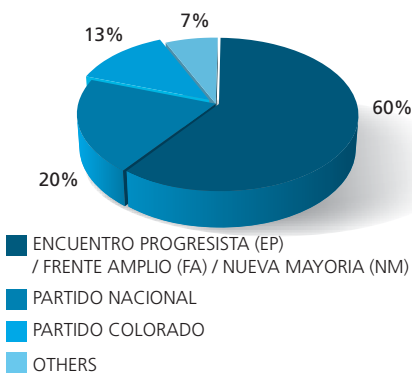
Source: Compilation based on the Constitution.

Breakdown of Parties

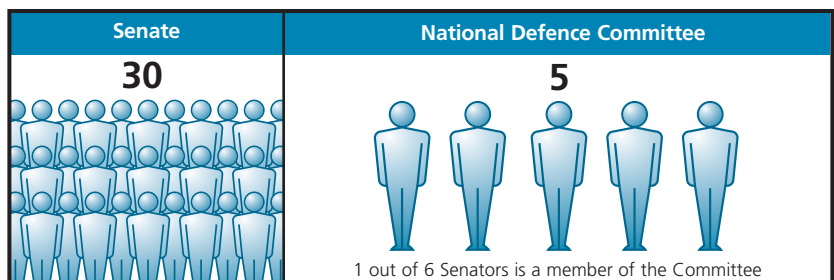
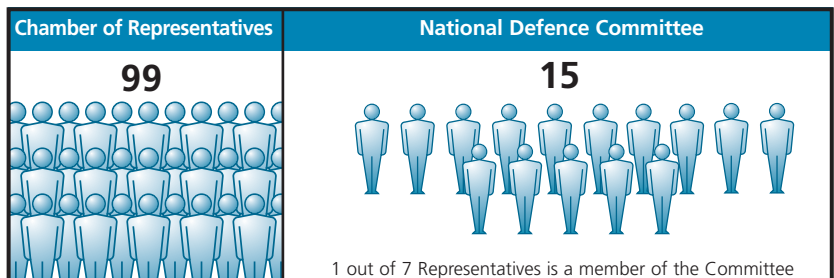
Chamber of Representatives



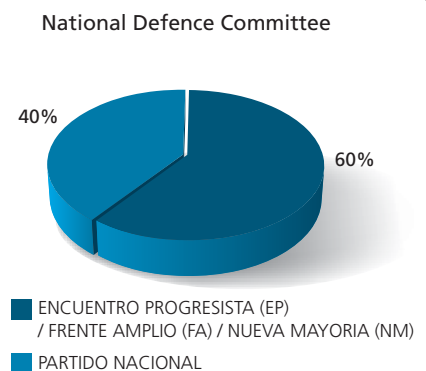
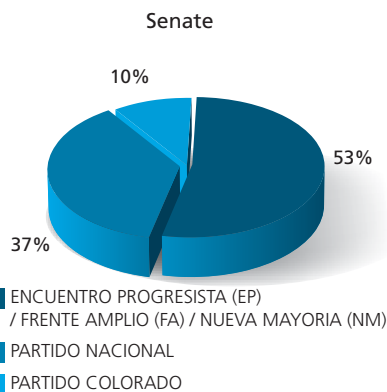
National Defence Committee



Source: Compilation based on information provided by the Legislative Power.



Breakdown of Parties





System Organization

Functions

State Powers Sphere

It is a competence of the President of the Republic to hold the Superior Command of the Armed Forces -along with the Minister of National Defence or the Council of Ministers.

Ministerial Sphere

The National Ministry of Defence is the political-administrative body integrating the superior command of the Armed Forces, and is in charge of implementing decisions through its administrative organization structure. It is composed of the following bodies: Government and Administration (Secretary of State); Joint Advisory, Planning and Execution (Board of Commanders in Chief, in charge of the Command of the Armed Forces); Execution (the Forces), and others under the direct responsibility of the Ministry such as the military criminal justice. The Secretary of the State comprises the Minister, the Undersecretary, the ministerial Cabinet, and the General Directorate. It takes part in all activities concerning national defence policy, external security, those related to the national defence on issues handed over to other Ministries and the organization, direction and management of the Armed Forces.

The Joint Command of the Armed Forces is the advisory body of the Superior Command for the joint use of the Armed Forces. It is composed of the Commanders-in-Chief of the Army, the Navy and the Air Force.

Military Sphere

The Commanders-in-Chief exercise the government and management of their respective Forces. Besides, they recommend and advise the Superior Command the measures tending to improve the structure and use of the military institutions.

Source: Compilation based on the Constitution, the *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07) ; *Ley Orgánica de la Marina* (N° 10.808 - 1946/11/08); *Ley Orgánica de la Fuerza Aérea* (N° 14.747 - 1977/12/30); and *Ley Orgánica del Ejército Nacional* (N° 15.688 - 1985/01/17).

Date of Foundation

1935

Current Minister (August 2008)

José Bayardi

Can the military members be Ministers of Defence?

Yes (if they have retired)

Number of military members who were Ministers of Defence

15

Number of civilians who were Ministers of Defence

20

Have there been any women in charge of the Ministry of Defence?

Yes (Azucena Berruti, 2005-2008)

[The Minister currently in charge is not considered. The creation date is related to the moment in which the term "Defence" becomes part of the Institution's name.]

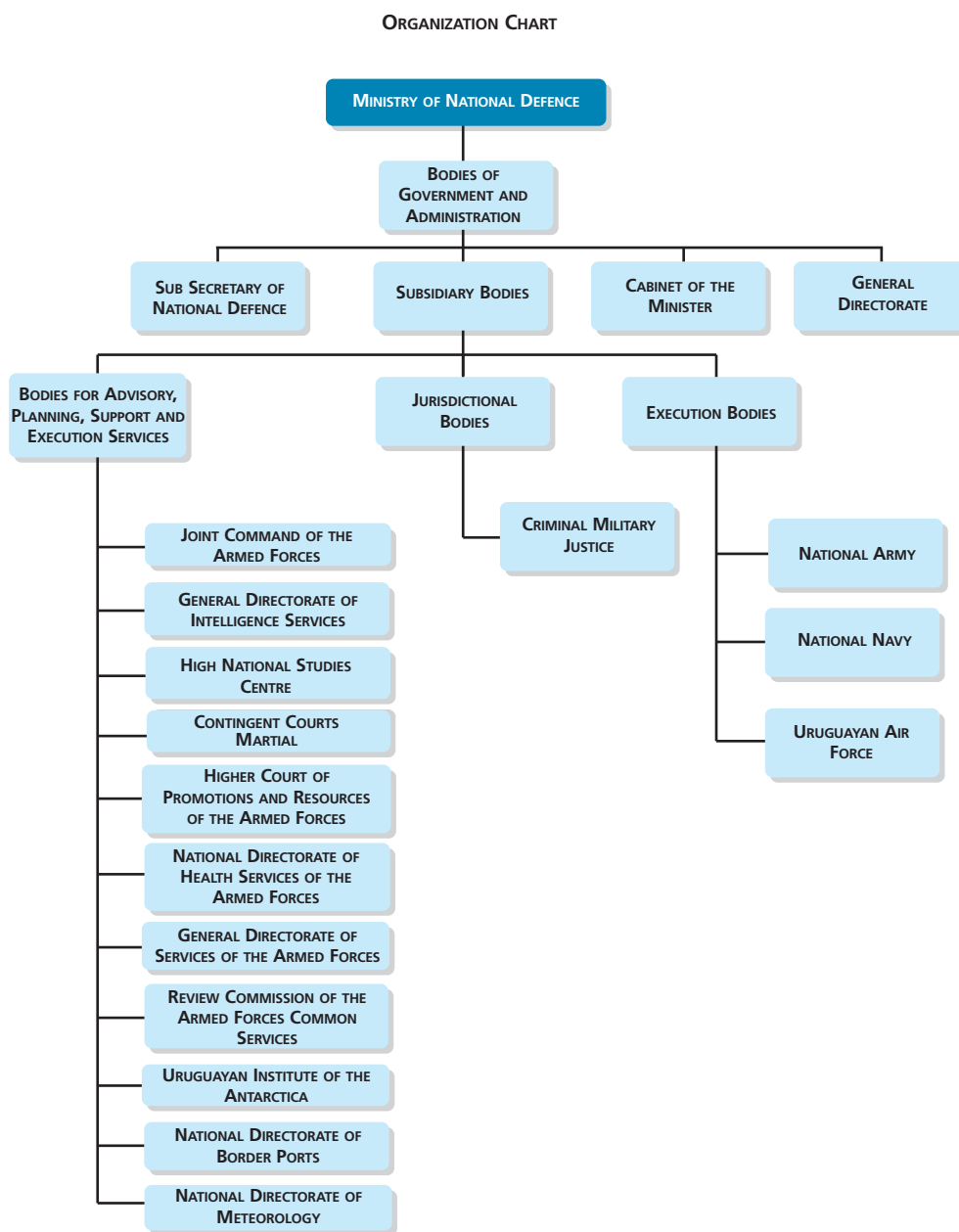
The Ministry of Defence

Mission:

Establish national defence policy, external security and co-operation at the maintenance and restoration of internal order, security and peace along with the organization, management and administration of the Armed Forces.

■ Average permanence in the Minister of Defence position
2 years and 1 month

Source: Compilation based on information provided by the Ministry of Defence and *Decreto que establece la Redistribución de las Atribuciones y Competencias de los Ministerios* (N° 574/974 - 1974/07/12).



Source: Compilation based on the information supplied by the *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05) and the document *La Defensa Nacional: Aportes para un Debate* (2005).

Defence Education

Main Training Courses of Specialization in the Area

Course	Institution
<ul style="list-style-type: none"> - Masters on National Strategy - Course on High National Studies - Course on Strategic Exercises - Course on Scientific Investigation applied to National Strategy 	High National Studies Centre (CALEN)

Source: Compilation based on the information supplied by the above mentioned institution.



Military Career

ARMY

Military School

Duration: 4 years
 Graduation Title: Graduate in Military Sciences
 Graduation Rank: Officer Cadet

Academies of Intermediate Education

First Lieutenant
 Second Lieutenant
 Captain

Staff College

Military Institute of Superior Studies

Major
 Lieutenant-Colonel
 Colonel
 General
 Army General

Entry to the Military School - 2008 -

Candidates: 160
 Admitted Candidates: 85

1 out of 2 candidates was admitted

NAVY

Naval School

Duration: 4 years
 Graduation Title: Graduate in Naval Systems
 Graduation Rank: Midshipman

Academies of Intermediate Education

Second Lieutenant
 Lieutenant
 Navy Lieutenant

Staff College

Naval War School

Corvette Captain
 Frigate Captain
 Navy-Captain
 Rear-Admiral
 Vice-Admiral
 Admiral

Entry to the Naval Military School - 2008 -

Candidates: 76
 Admitted Candidates: 44

3 out of 5 candidates were admitted

AIR FORCE

Military Aviation School

Duration: 4 years
 Graduation Title: Graduate in Air and Aerospace Systems
 Graduation rank: Officer Cadet

Academies of Intermediate Education

Second Lieutenant
 First Lieutenant
 Captain

Staff College

Command and Air General Staff School

Major
 Lieutenant-Colonel
 Colonel
 Brigadier
 Brigadier-General

Entry to the Military Aviation School - 2008 -

Candidates: 65
 Admitted Candidates: 36

5 out of 9 candidates were admitted

Source: Compilation based on *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07). Entry to Academies: the National Army, the National Navy, and the Uruguayan Air Force. The table strictly follows the order and hierarchy of the ranks shown on each country.

The Armed Forces

General Mission

The Armed Forces have the fundamental mission to defend the honour, independence and peace of the Republic, the integrity of the territory, its constitution and laws, always acting under the supreme command of the President, in agreement with the corresponding Minister and section 168, subsection 2°, of the Constitution.

Without detriment of its primary mission, the Armed Forces shall support and undertake the development programs assigned, carrying out works of public benefits, particularly developing the military factor, depending on the requirements or planning for the fulfilment of their fundamental mission.

(Decreto-Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07, Sec. 2 and 3)

Specific Missions

Army

Their mission is to contribute to the internal and external National Security, in the framework of the mission of the Armed Forces, developing their capacity in accordance with the specific needs.

Without detriment to their primary mission, the National Army shall support and undertake development plans assigned to them carrying out public works.

Navy

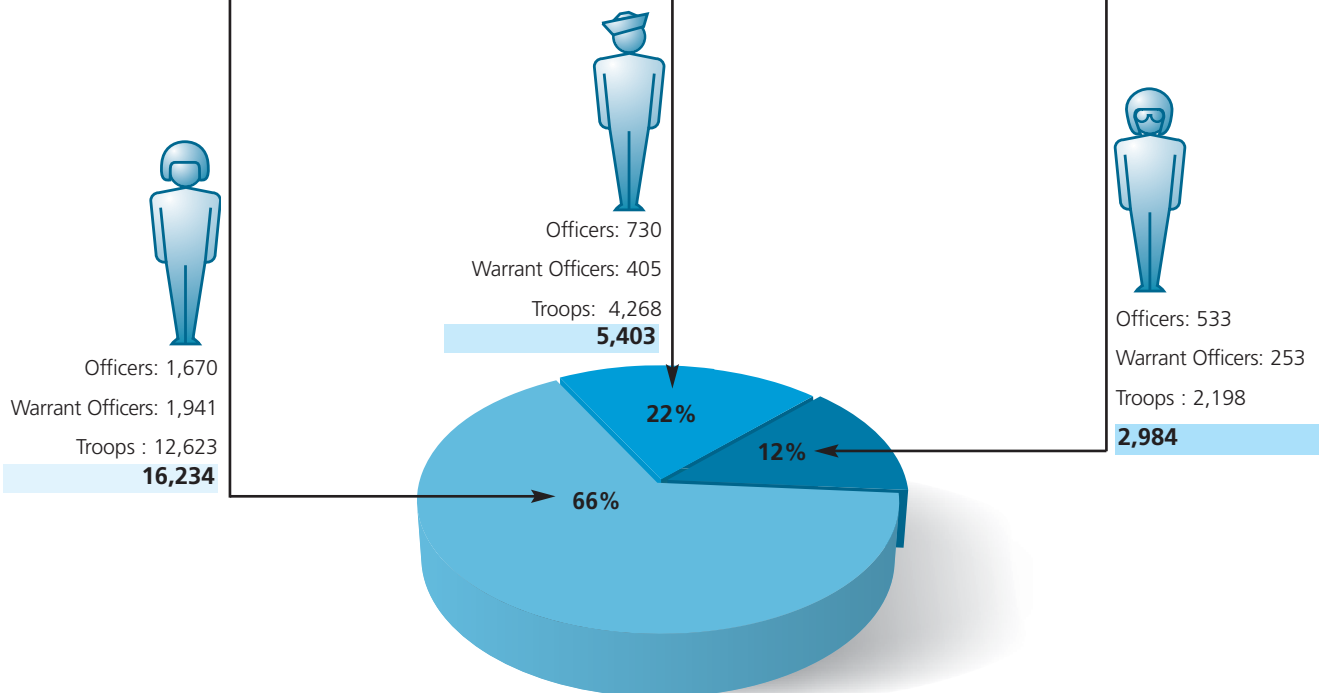
Their essential mission is to defend the territorial integrity of the State, its honour and independence, peace, the Constitution and its laws.

Air Force

Their primary mission of the Air Force is to provide internal and external security, in coordination with the other branches of the Armed Forces.

Without detriment to its fundamental mission, the Air Force shall support and undertake the development plans assigned to them, carrying out public works; develop its potential in accordance with the specific demands or needs for the compliance of its fundamental mission and other missions assigned to them; constitute the essential consulting body of the Executive Power in regarding aerospace policies of the Republic; and constitute the executive body of the Executive Power regarding measures of leadership, integration and development of the national aerospace potential.

Total Armed Forces: 24,621



Source: Ley Orgánica del Ejército Nacional (N° 15.688 - 1985/01/17), Ley Orgánica de la Marina (N° 10.808 - 1946/11/08) and Ley Orgánica de la Fuerza Aérea (N° 14.747 - 1977/12/30) (missions). National Army, National Navy, and Uruguayan Air Force (Regular Force).



Women in the Armed Forces

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1996	1998	1994
	Line Corps	1998	2000	1997
Rank reached		All ranks	All ranks	All ranks

"Line Corps" means those military members trained to perform in combat missions, and who also have command capacity.
 "Staff Corps" means those military members who are part of the Forces or who join them, in order to provide technical and/or professional support services.

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

Defence and/or Military Attaché Office in:



Source: Information supplied by the National Army, the National Navy, and the Uruguayan Air Force. The country to which the Attaché is posted is considered here as the Office, beyond other cross accreditations to one or many countries.

Analysis:

The National Debate on Defence

Félix Besio*

In Uruguay, the political leadership/management of national defence has traditionally been subject to “underestimation”, both by society and – consequently – by political elites. Once democracy had returned, and the national security doctrine had been wiped out from the legal framework, basic structural definitions have not been made from political institutions, so as to establish clearly the institutional character of the defence and of the Armed Forces. Therefore, through action in some cases, but especially through omission in some other, the national defence has not had an effective political developmental scenario.

Clearly, the political space always has to be occupied, and, due to the lack of political leadership as to national defence matters, military bureaucracies have been gradually filling up the emptiness.

On March 1, 2005, the country faced a change of government. A political party that had never come to power before, assumed the government. The leftist coalition – which had been born in 1971 – took power with parliamentary majority, which would give a bit of a chance to the materialization of those policies considered fundamental since the birth of the country.

Considering the government’s coalition plan, - where it was stated that the national defence issue was not exclusively military, and that it should be legitimated by the whole of the society -, Uruguay began to design what would be a national debate on defence, amidst a favourable institutional scenario.

■ Considering the government’s coalition plan, Uruguay began to design what would become a national debate on defence.

* Professor and researcher for the National Centre for High Studies.



Explaining the debate

The national debate on defence will neither engender a draft bill nor any regulations at all, but it will start a process seeking to elaborate documents that lead to accords and disagreements on the different issues related to the National Defence, which in turn will develop into raw material when it comes about elaborating topic-related draft bills.

Such a process has been thought of as having three different stages. A first part, related to the generation of material for the elaboration of a National Defence Act (an already completed stage), a second part that relates to the elaboration of an Organic Law of the Armed Forces (in progress these days), and a last part, related to the elaboration of an Intelligence Act.

In turn, all these parts are conformed by thematic tables that debate about those guidelines and drafts related to the different issues under discussion, in order to secure the accords and record the dissents. In this context, participation of national and local government institutions, the Armed Forces and civil society is plural, wide-ranging and variable.

The outcome of the arising ideas from the debate might be summarized as follows¹:

- *National Defence*: it has been understood as a State duty, as well as a right and an obligation of the whole citizenry, being the armed forces its military instrument. It should tend to “address eventual threats, manage risks and/or reduce the vulnerabilities of the country that affect the values, principles and institutions guaranteed by the Constitution of the Republic.” In the same way, it recommended the creation of a National Defence Council, in order to articulate the existing related policies. Besides, it was suggested to implement a Secretariat for Strategic Issues, an advisory body to the Executive Branch in matters of strategic analysis.
- *National Defence and Foreign Affairs*: both policies should be articulated under a multilateral view, based on the principles of respect to the self-determination of peoples, the non-interventionism on State internal issues and the peaceful settlement of international conflicts. Thus, it is proposed to strengthen the coordination between the Ministry of the National Defence and the Ministry of Foreign Affairs, and to define the defensive character of the military defence strategy of the country. All participation in peacekeeping contingents should be deeply analyzed, as well as the encouragement of parliamentary control over the Armed Forces abroad. Neighbouring countries and the MERCOSUR would represent the most significant strategic framework of alliances and cooperation.
- *Ministry of National Defence*: is responsible for the political management of the defence. In that sense, a structure with organizational areas such as Political and Administration Issues, and a Defence General Staff was conceived.
- *The Armed Forces*: their fundamental duty is the performance of military actions aimed at defending the sovereignty, independence and territorial integrity, as well as the country’s strategic resources, and at supporting the

■ The neighbouring countries and the MERCOSUR will be the most significant strategic framework of alliances and co-operation.

¹ National Debate on Defence in <http://www.mdn.gub.uy/pages/debnac.asp>.

perpetuation of peace in the Republic, according to the Constitution and the law. It has been clearly stated that the internal order and the “new threats” are matters of competence of the Ministry of the Interior, though, if necessary and at the Ministry of the Interior’s request, the operational capacities of the Armed Forces can be supplementary to the police’s. It’s important in these cases to count on an adequate legal framework regarding these actions. Likewise, and in accordance with Section 168, Subsection 17 of the Constitution, action of the Forces may be authorized – with prior approval of the Parliament - in case of serious unexpected interior commotion, and when the relevant State bodies are overcome. Thus, there would be three kinds of missions for the Armed Forces to fulfill. Those accomplished through doing their fundamental duty; those that require the use of their capacities to address situations of emergency and catastrophe – via the administrative statement of the High Command –; and those where their full capacities are eventually at stake – including the use of force – and which shall be defined by force of law. The performance of the National Naval Prefecture – subordinated to the National Navy – and National Air Police –subordinated to the Air Force- as to internal order matters, would be strictly focused on “prevention and repression of regulation infringements which, due to their typification, can only occur in this sphere of competence and attributions, and affect port and airport security, people, cargo, infrastructure, ships and aeroplanes.”

- *Military Jurisdiction*: it was settled that civilians are not considered as subjects in the commission of military crimes. Regarding the inclusion of the military jurisdiction in the judicial system, two different viewpoints cropped up. On the one hand, it was considered that it should be organized as a specialist matter of the judiciary system, with civil judges being advised by military lawyers. Another stance fostered the idea of keeping it as a competence of the Ministry, with military lawyer judges - preferably retired.

■ In the oncoming parliamentary debate on the draft bill itself, stumbling-blocks will be there when discussion gets started.

Projection of the debate

The results of the first stage of the national debate on defence, are currently being processed by the Ministry, in order to elaborate the draft bill of National Defence.

In the oncoming parliamentary debate on the draft bill itself, stumbling-blocks will be there when discussion gets started. Low participation in the debate tables of the opposing parties, does not forecast an easy realization of the projects. To the latter, we should add the fact that the internals of the governing party – among its various sectors – the national defence issues have already generated differences in the past.

But, beyond the difficulties of the process of the mentioned drafts - which material is being excerpted from the national debate on defence – this kind of discussion process, carried out in such a transparent and socially legitimate way as never seen before in our country -, is in itself a profound progress in the political management of national defence in Uruguay.