



Dominican Republic

The Legal Framework and the Defence System

National Legislation

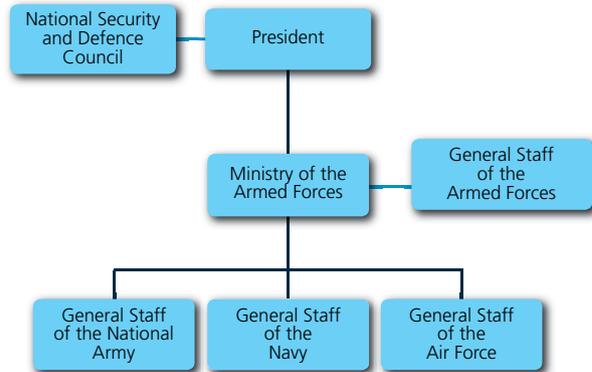
Systems and Concepts

- Organic Act of the Armed Forces (N° 873 - 1978/08/08)

Military Organization

- Code of Justice of the Armed Forces (Act N° 3.483 - 1953/02/13)

——— Advisory and assistance functional relationship
 ——— Command reporting line



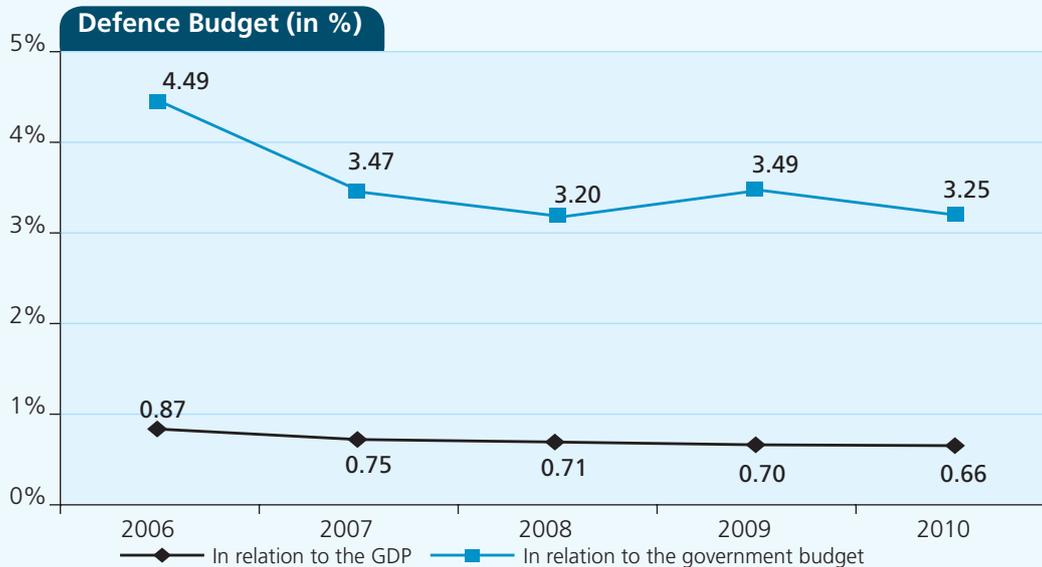
The President may receive the advice of the National Defence and Security Council. A General Officer is the Minister of the Armed Forces, the highest military authority and directly subordinate to the President. The General Staff is the consultative body and is composed of the Chief of the General Staff, the Undersecretaries of State of the Army, the Navy and the Air Force, the Chiefs of Staff of the Armed Forces, the Inspector General and the Legal Advisor of the Ministry. The Congress holds the powers granted by the Constitution and permanently monitors defence related issues through the specific committees in both Houses.

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

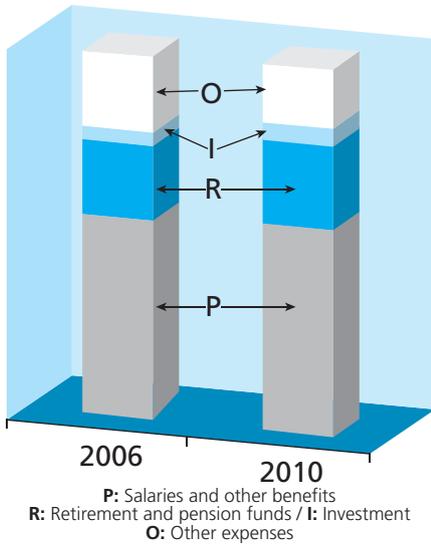
Source: Compilation based on the Political Constitution and the *Ley orgánica de las Fuerzas Armadas* (N° 873 – 1978/05/08).

The Budget

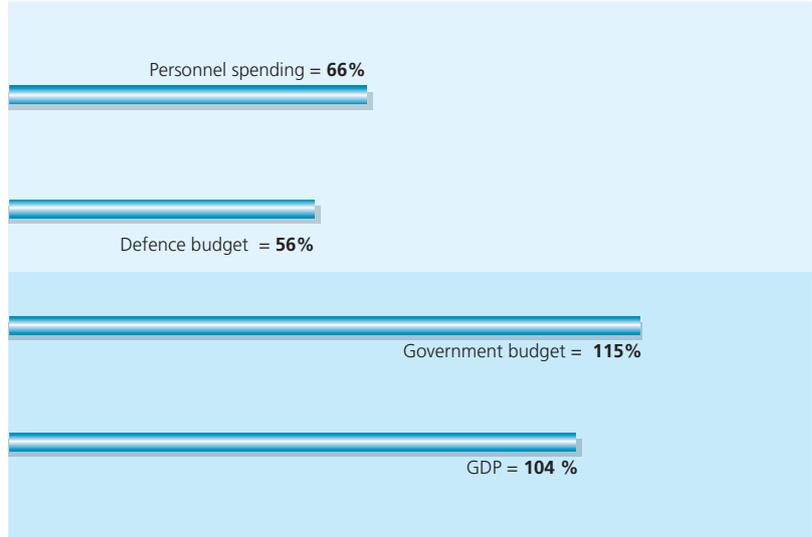
Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2006	213,117,635	4,744,851,319	24,575,000,000
2007	265,058,384	7,631,518,941	35,494,000,000
2008	269,120,373	8,416,481,414	37,698,000,000
2009	311,355,315	8,928,070,214	44,716,000,000
2010	332,298,929	10,215,566,144	50,055,000,000



Defence Budget Breakdown



Comparative Increase (% variation 2006-2010)

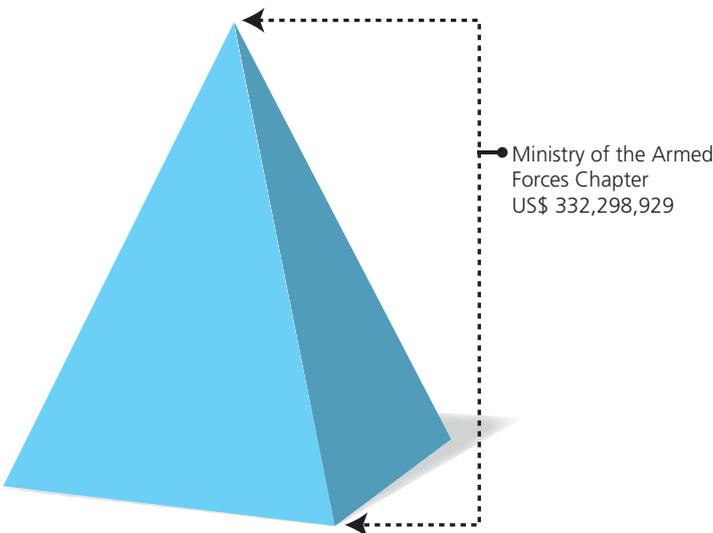


Defence Budget 2010 (in Local Currency)

Chapters	Personnel Services	Non-personnel Services	Materials and Supplies	Others*	TOTAL
Ministry of the Armed Forces					
Ministry of the Armed Forces	809,970,445	112,537,274	381,659,820	3,114,416,331	4,418,583,870
National Army	3,167,814,557	66,222,285	259,378,176	12,976,408	3,506,391,426
Navy of War	1,310,296,703	29,606,031	297,062,629	30,774,044	1,667,739,407
Dominican Air Force	1,732,281,376	57,114,113	352,796,660	593,383,432	2,735,575,581
TOTAL	7,020,363,081	265,479,703	1,290,897,285	3,751,550,215	12,328,290,284

* It includes cash transfers, capital transfers and non financial assets.

Composition of Defence Budget 2010



Since 2008, ships and aircraft were acquired through external loans for the War Navy and Air Force. As of 2010, US\$ 59,878,531 have been paid. Such number accounts for 6.56% of the defence budget in the last three years.

Source: Compilation based on Presupuesto de ingresos y Ley de gastos públicos 2006, 2007, 2008, 2009 and 2010. The State Budget passed by the Congress by means of the above mentioned Act is considered herein. The concept of investment is that expressed in "Non-financial assets".
 GDP: Projection of the World Economic Outlook Database, IMF, of each year under review. This source has been taken for comparative purposes. Each country prepares the budget based on its own GDP estimation. The dollar value considered corresponds to the exchange rate determined by the World Economic Outlook Database, IMF, for each year under consideration. As of July, the 2010 exchange rate average is 36.55 Pesos, based on the data provided by the Central Bank of Dominican Republic. For further calculations, figures are provided in local currency. Expressions in Bold Type (Table) make reference to the various defence budget items, which can be found in a sector-based or institutional classification of the Budget Act.

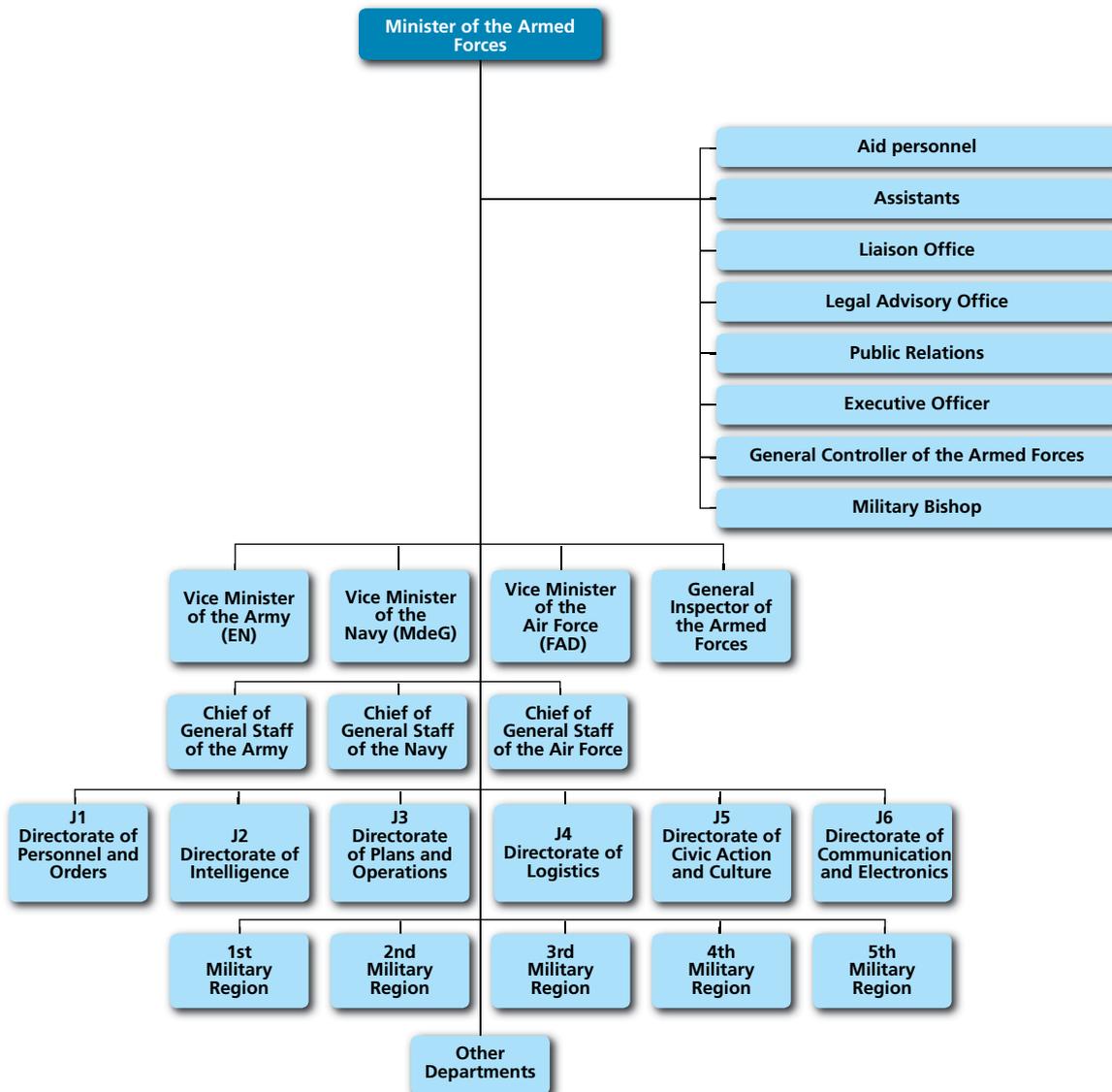


The Ministry of the Armed Forces

Responsibility:

The Ministry of the Armed Forces, closely assisting 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.
 (Ley orgánica de las Fuerzas Armadas, N° 873 – 1978/08/08, Sec. 50)

Organization Chart



Date of Foundation: 1930
Current Minister (September 2010): Joaquín Virgilio Pérez Feliz
Can military members be Ministers of Defence?: Yes
Number of military members who were Ministers of Defence: 36
Number of civilians who were Ministers of Defence: 3
Have there been any women in charge of the Ministry of Defence?: No
Average stay in the Minister of Defence position: 2 years and 1 month

[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]

Source: Compilation based on information provided by the website of the Ministry of the Armed Forces.

Political Definitions

Policy Guidelines

The Armed Forces of the Republic, when developing their mission, shall have an essentially defensive character. The Dominican Republic is placed within the international community as a sovereign and democratic country which acts in the defence of its national interests and consistently with international law principles, efficiently managing cooperation for development and promoting a peaceful coexistence, sustainable global development and a more equitable international order. The specific purpose of the 2010-2013 “National Security and Peace” strategic priority is to guarantee the defence of national security interests by strengthening the national security system. This is achieved by modernizing Armed Forces’ organization and performance in order to guarantee troop skills, professionalization, transparency, loyalty and respect for civil authorities and citizens.

High priority constitutional objectives

1. Fight transnational criminal activities which endanger the interests of the Republic and its inhabitants.
2. Organize and maintain efficient systems that prevent or mitigate damages caused by natural and technological disasters.

Guidance for Defence Policy Development

- a) National sphere:
 - Definition and identification of national objectives.
 - Enactment of a security and national defence law.
 - Amendment of the Organic Law of the Armed Forces, to redefine the mission, responsibilities and organization of their institutions and restructure the powers of the General Staff within the framework of joint operations.
 - Publication of the White Book of Defence and the Manual of the Joint Doctrine of the Armed Forces.
 - Creation of the National Intelligence System
 - Strengthening of the Standing Committee for Armed Forces Reform and Modernization.
 - Definition of the Armed Forces model and promotion of its transformation.
 - Development of a new institutionalization and professionalization model, based on quality and specialization, consistent with the new technological and organic needs of the modern armed forces, that promotes a mentality change in order to adapt to and understand new roles and missions.
 - Military career reform
 - Equipment upgrading based on budget possibilities to increase the operational efficiency of the Armed Forces, in accordance with the reform and modernization programmes under way.
 - Promotion of research, development and innovation to keep an adequate technological level.
- b) International sphere:
 - To promote and support security and defence policies issued by regional and world organizations adhered to.
 - To strengthen close friendship relations and cooperation with neighbouring nations, particularly with the Republic of Haiti and Caribbean and Central American nations.
 - To contribute to the improvement of security and control in the Caribbean.
 - To reinforce the traditional cooperation links with the United States.
 - To strengthen security and defence relations as well as military cooperation with South American countries and the rest of North America.
 - To increase defence diplomacy.

General Guidelines for Action

- Consolidation of the role of the Armed Forces and public security bodies as the essential elements to preserve and maintain peace and stability in the Dominican State.
- Ongoing reform and modernization of the Armed Forces and public security bodies.
- Firm and determined support of an efficient multilateral system as a means to solve conflicts while fully complying with OAS and other related organization resolutions.
- Active involvement of the civil society in major security and defence policy issues, as well as Armed Forces participation in national development plans.

Sector-Based Objectives

- To implement joint, inter-agency, development support and civil-military operations which are part of permanent surveillance, security and control mechanisms along the frontier and in formal points of entrance, whether at the land, coastal, sea border and national airspace:
 - o To increase the number of operations of the forces operating at or assigned to such areas or points, including coasts, territorial sea and the airspace.
 - o Total coverage of geographic points and areas in relation to the information gathered by different means (mostly technological), applied by the military intelligence subsystem.
- To increase the number of actions supporting the fight against drug trafficking, organized crime and other emerging threats which are declared to be a high priority.
 - o Increasing the number of ground, sea and air interceptions as well as other operations at the national level.
- To promote the design and development of civil protection operations.
 - o Expansion of preventive, and search and rescue operations.

Source: Political Constitution, *Plan Nacional Plurianual del Sector Público 2010-2013* and *Directiva de Seguridad y Defensa Nacional* (Decree N° 189-07 – 2007/04/03).

The Dominican Republic published the *Directiva de Seguridad y Defensa Nacional* in 2007.

Reports Submitted to the United Nations and the OAS

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
	✘	✘										
			◊		◊							

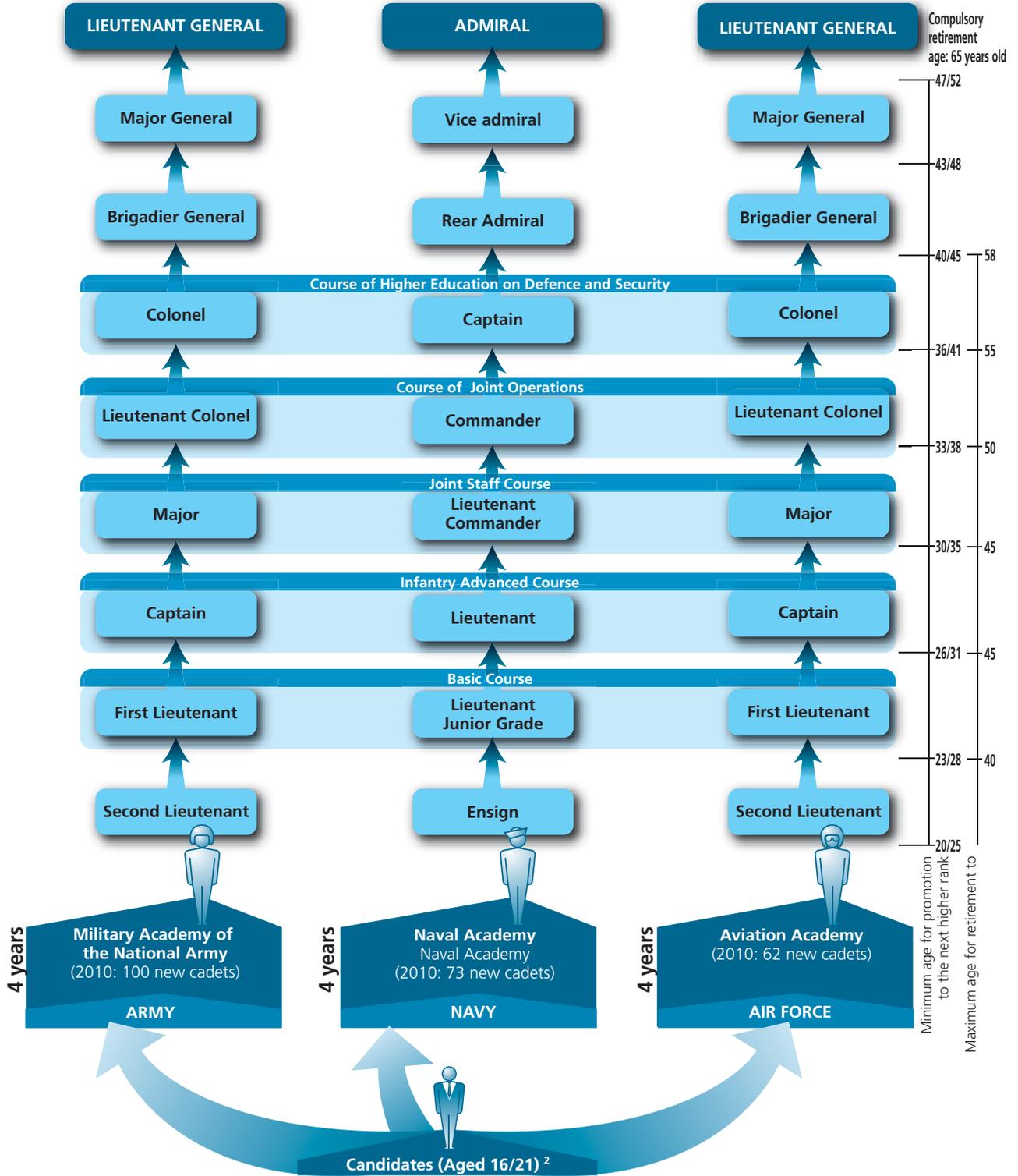
Register of Conventional Arms: ✘ Register of Military Expenditures: ◊ Implementation of Confidence and Security Building Measures: ●

Source: Compilation based on reports submitted to the United Nations Register of Conventional Arms and the United Nations Instrument for Reporting Military Expenditures and reports submitted to the OAS on the Implementation of Confidence and Security-Building Measures.



Military Career

Commissioned Officers' Career Path ¹



¹ Command corps includes officers who have been educated at military academies from the beginning of their professional careers. The graph makes a theoretical reconstruction of officers' promotion through the completion of mandatory courses. Further requirements for promotion have not been considered.
² The ages of 16-21 have been considered for comparative purposes. Entry age varies depending on the service. The minimum age for promotion shall depend on the age of graduation from the military institution.

Source: Compilation based on *Ley orgánica de las Fuerzas Armadas* (Nº 873 – 1978/08/08). New cadets : Information provided by Education Directorate of the Armed Forces.

The Armed Forces

General Mission

The mission of the Armed Forces is to defend the independence and sovereignty of the Republic, the integrity of its geographic spaces, the Constitution and institutions of the Republic. The Armed Forces shall intervene, whenever the Executive orders, in programs devoted to promoting social and economic development of the country, mitigating disaster and public calamity situations, aiding the National Police in maintaining or restoring public order in exceptional cases. (Constitution, Sec. 252)

Specific Missions

Army

- Defend the integrity, independence and sovereignty of the Nation.
- Ensure compliance with the national constitution and laws in force.
- Maintain public order.
- Protect traffic, industries and legal trade.
- Support legally constituted authorities and officials, in accordance with the laws and military regulations in effect.
- Protect the people and their assets.
- Perform military service roles assigned by the President of the Republic.

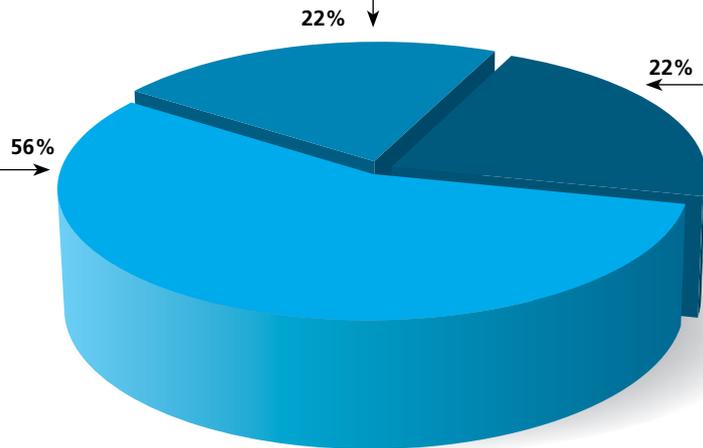
Navy

- Defend the integrity, independence and sovereignty of the Nation.
- Ensure compliance with the national constitution and laws in force.
- Support legally constituted authorities and officials, in accordance with the laws and military regulations in effect.
- Maintain public order in the coasts and territorial waters of the Republic.
- Protect shipping and legal maritime industries, enforcing their interests and institutions.
- Combat acts of piracy, violation of laws, regulations on shipping, trade, fishing and international treaties.
- Protect the people and their assets.
- Perform military service roles assigned by the President of the Republic.

Air Force

- Defend the integrity, independence and sovereignty of the Nation.
- Ensure compliance with the national constitution and laws in force.
- Support legally constituted authorities and officials, in accordance with the laws and military regulations in effect.
- Maintain public order in the air space of the Republic.
- Protect legal air traffic and trade, enforcing its interests and institutions.
- Combat acts of piracy, violation of laws, regulations on shipping, trade, fishing and international treaties.
- Protect the people and their assets.
- Perform military service roles assigned by the President of the Republic.

Total Strength: 46,172

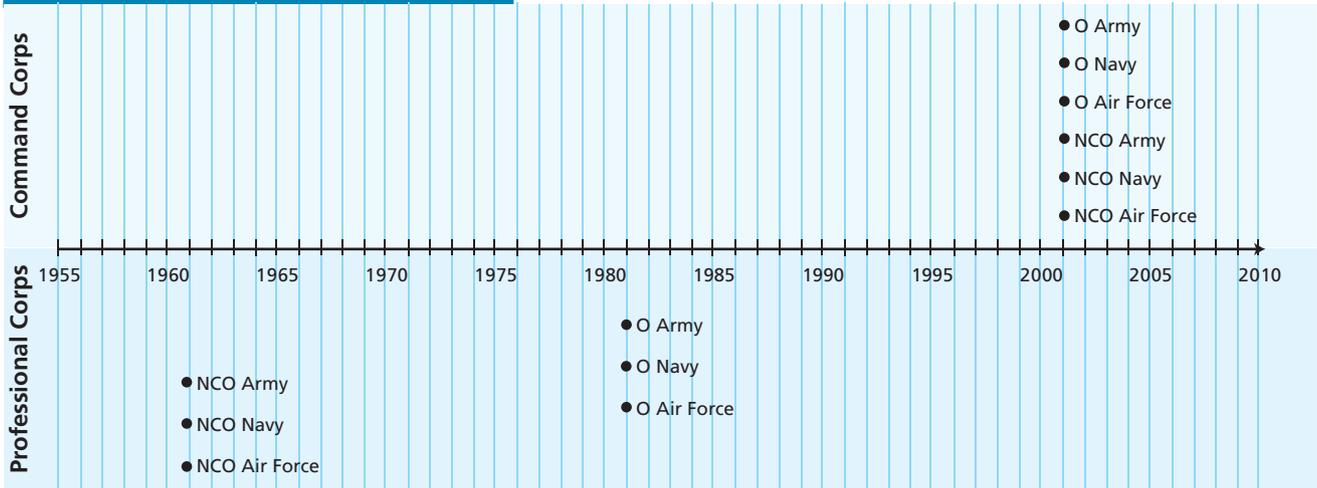


Source: Ley orgánica de las Fuerzas Armadas (Nº 873 – 1978/08/08) (missions) and information provided by the Ministry of the Armed Forces (regular force).



Women in the Armed Forces

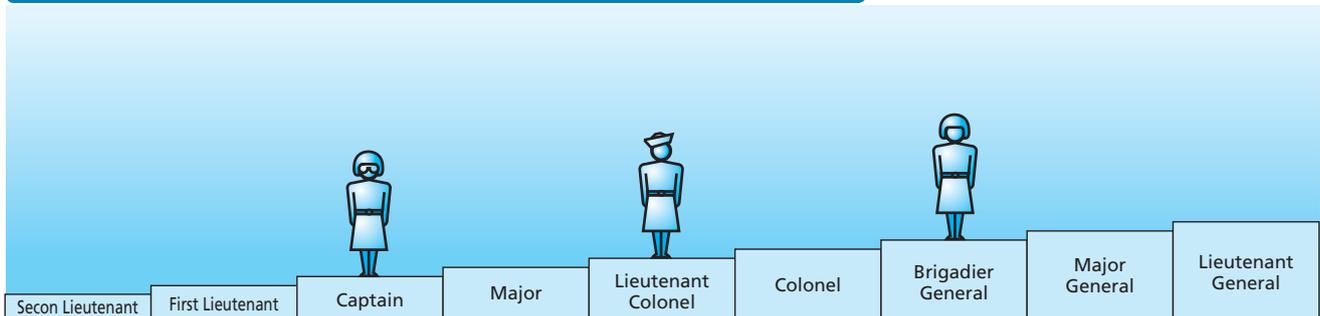
Women's Admission to the Armed Forces (year)



O: Officers - NCO: Non-commissioned Officers

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

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



Note: These ranks correspond to the Army, as an example. The equivalent ranks for lieutenant Colonel are Commander (Navy) and Captain (Air Force).

Source: Project 07-184 Global Peace and Security Fund-Resdal.

Military Service

Military service is voluntary for all Dominican people and provides for a 4-year duration.

A special training programme is available for high-school young citizens on Saturdays with a three-month duration.

		Special training programme		
		Men	Women	TOTAL
2009	6th class	816	846	1,662
	7th class	886	917	1,803
2010	8th class	791	834	1,625

Total number of young students who joined the programme since its creation: 16,677.

Source: Information provided by the Ministry of the Armed Forces and *Ley orgánica de las Fuerzas Armadas* (Nº873 – 1978/08/08).

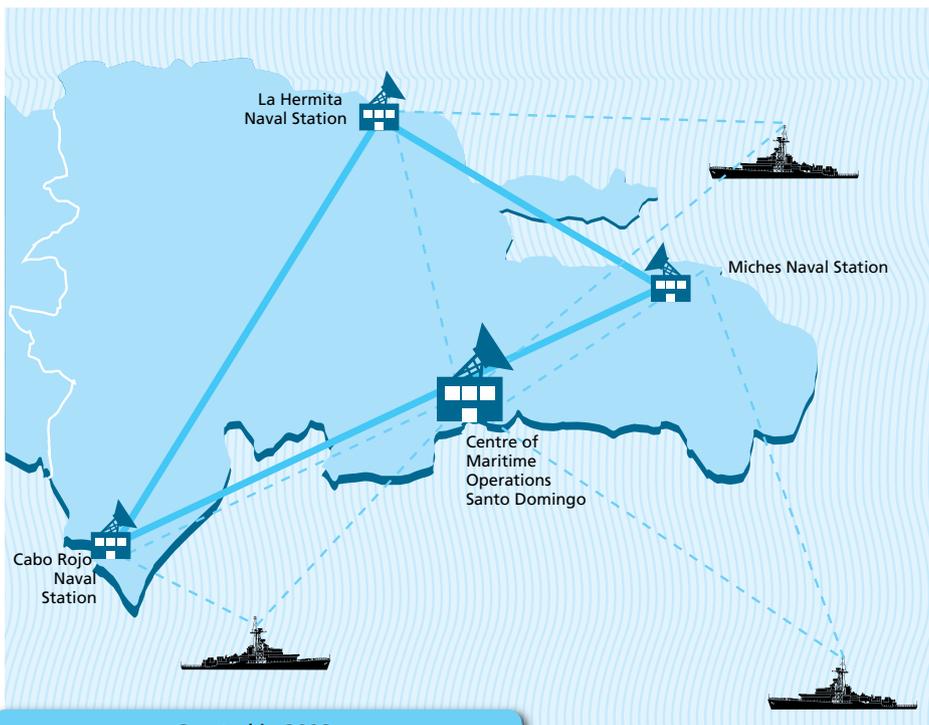
Defence and National and International Community

Support Actions

The Armed Forces regularly conduct community support activities, thus contributing to national development and environmental protection. Examples of activities:

April 2009	The Army and the Ministry of Environment and Natural Resources started Operation Reforestation in the littoral region between Santo Domingo and the province of Santiago.
August 2009	The Ministry of the Armed Forces, in coordination with the Ministry of the Environment and Natural Resources, conducted a reforestation campaign in Juan Bosch hill.
September 2009	The National Army distributed over 500 backpacks filled with a complete set of school supplies and an equal number of food rations.
April 2010	The Ministry of the Armed Forces held the Conference on National Development Strategies on April 14, presided by the Minister of Economy and Development.
June 2010	The Ministry of the Armed Forces and Ministry of Youth signed a cooperation inter-agency agreement to encourage young people to join the volunteer military service.
October 2010	The Ministry of the Armed Forces and Ministry of the Environment and Natural Resources signed an agreement, the so-called Forest Plan, in which they reaffirmed their commitment to work towards the preservation and rational use of natural resources with a focus on forests and protected areas.

Centre of Maritime Operations



The Dominican Republic is part of the CNIES (Cooperating Nations Intelligence Exchange System) which receives real time air-space satellite information supplied to the Centre.

All fast boats are in contact with the Centre of Maritime Operations (Centro de Operaciones Marítimas, COM), one of the achievements that has raised the effectiveness in the monitoring and enhanced exchange of information to protect national security among other key objectives.

Created in 2008. It operates a national and international cooperation network which shares naval intelligence information. US Coast Guard Service, San Juan Sector, Puerto Rico and the Navy of the Republic of Colombia.

Missions (March 2009 – February 2010)	TOTAL
Boardings	37
Search and Rescue	73
Counter-narcotics in support to the National Drug Control Directorate	164
Maritime security (escort)	91
Environmental protection and support to the national shipping sector	233
Scientific research (oceanographic)	18
Combat of illegal shipping	154
Support to "DEPROSER" Joint Task Force	38

Source: Compilation based on information provided by the websites of the Armed Forces and *La Marina de Guerra del Nuevo Milenio, Memoria 2009*.



Analisis:

The Impact of Constitutional Changes

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The year 2010 will be a landmark in defence and security matters for the armed and police forces in Dominican Republic, as the civilian power exercised by lawmakers has clearly addressed the subject, thus allowing the consolidation of these institutions looking forward.

Since the inception of the Dominican State in 1844 (with the first Constitution proclaimed on November 6 of the same year) until this date, the Magna Carta has undergone twenty-five reforms, twelve revisions and an additional statute, i.e. thirty-eight transformations in the aggregate.

For the first time in this process, the Constitution has now a special section and title on security and defence matters that clearly states the mission and roles of the armed forces and security institutions, opening the doors to a new story line where the system will end up strengthened.

It was thus how the creation and consolidation of a new system capable of interrelating State elements is initiated, for the purposes of guaranteeing national defence and security through the planning, conduct, implementation and oversight of public policies related to the matter. In this system civilian power is represented by the President, as the maximum authority in his capacity as Chief of State and General Com-

mander of the Armed Force, who is in charge of the conduct of all aspects related to the nation's defence, translated into the policy and conduct of the forces.

Titles XII and XIII of the Constitution are comprised of three chapters and fifteen articles outlining the armed forces' mission and characteristics, the military and police careers, the competencies and disciplinary systems, the creation of new bodies, including the National Defence and Security Council, high-priority objectives, the states of exception and their regulations.

A point worth of note, very clearly stated in this Constitution, is the definition of the armed forces roles (the defence of the nation) and of the National Police (safeguarding citizens' security).

It also prohibits the reincorporation of its members, allowing it only in the event that, after the appropriate investigation, it is proved that there has been a violation of the organic law in the act providing for their retirement. This is an important element as many governments have arbitrarily used their then existing reinstatement powers, making of Dominican Republic one of the countries with the largest number of active generals.

The provisions on the military and police career are equally worth of note: a new organic act for each one

of those institutions is to be passed, where the terms of promotion are to be established as well as the termination of the professional career, which shall not exceed 35 years of service or 65 years of age.

Although public and citizen security continues to be under charge of the Ministry of the Interior and the Police, the National Police now reports directly to the President of the Republic as mandated under article 255 of the National Constitution.

A new *National Defence and Security Council* has been created as a consulting body to advise the President, similar to those existing in other countries including the United States, Brazil or Peru, to name just a few. The Council's composition and operation must be regulated in the near future. Taking other legislations as reference, the Council is proposed to be the main integration and coordination body; to be oriented to preserving national security and defence; to be knowledgeable of the guidelines allowing the establishment of general policies; to define the national risk agenda and regularly assess their results. In addition, it shall be involved in the acquisition of strategic military equipment for defence, seeking to standardize, within the specifics for each service, the equipment of the whole military institution.

The foregoing leads to the encompassing changes that need to be implemented in the short term for the defence and security instances, including:

- Making up a new *defence and security system* that could bring about its transformation as a Ministry of Defence, with a new structure, with capacity to have the difference between the political function and the military functions clearly defined and which shall be supplemented with the passing of a Defence and Security Act and the nomination of a civilian Minister. The system would be comprised of all the State elements oriented to guaranteeing national security and defence; their function would be to provide guidelines for the purpose of articulating the operations of competent agencies, prioritizing their functional relations. Also, the development of strategic planning capable of identifying potential threats in various scenarios.

- Restructuring the current national intelligence system which -- of course-- needs to be regulated by an intelligence act. The intelligence agency shall focus on generating intelligence and counter-intelligence, enabling it to identify threats and prevent internal and external conflict.

- Cooperating with the national civil defence system, where the armed forces, police and other institutions are, by their own nature, capable of contributing to security and wellbeing in the event of emergency situations. They are in fact the organizations with the necessary training and equipment, as was demonstrated after January 12, 2010 with the Haitian Republic's tragedy.

- The National Defence and Security Council Monitoring Directorate, to name just one that is clearly mentioned in Decree 189/07, should assume the function of promoting an effective coordination and operation of the Council. It should be a permanent agency headed by a professional Director specialized in the matter for administrative and technical support. The mentioned Decree which, in 2007, established the National Security and Defence Directive, highlights the need of developing policies and establishes certain functions including the publication of a White Paper on Defence. Said book would be geared to defining, within a designated time, the specific objectives of the state's defence policy.

The Constitution also establishes that the President may request from the Congress the establishment of *Public Security Corps* or *Defence Corps*, made up of Armed Forces or National Police members and subordinated to the respective competent ministry.

States of Exception are dealt with under Title XIII. They are defined as extremely grave events that call for the vesting of extraordinary powers for a certain specified period. Three situations are provided for: the state of defence, the state of internal commotion and the state of emergency; also set forth are the rights to be safeguarded during those states of exception.

Security and defence are at present related to sustainable development and hence, this notion must underlay every public policy where coordination, execution and vigilance mechanisms between State and society must be ensured.

New changes are to be expected in institutions, in a process seeking closer civilian-military relations where non-state actors will be consolidated for national defence and security. In this context, actions towards transparency and confidence building will need to be taken so that defence and security institutions can gain a new and enhanced position in public opinion.