
TOWARDS A NEW RELATIONSHIP:

THE ROLE OF THE MILITARY IN A DEMOCRATIC GOVERNMENT

**NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS**

Copyright 1990 by:

National Democratic Institute for International Affairs
1717 Massachusetts Ave., NW, Suite 605, Washington, DC 20036
(202) 328-3136 FAX: (202) 328-3144 TELEX: 5106015068 NDIIA

Copies available for \$6.00.



NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Suite 605, 1717 Massachusetts Avenue, N.W. Washington, D.C. 20036 (202) 328-3136 • FAX (202) 328-3144 • Telex 5106015068 NDI1A

Chairman

Walter F. Mondale

Vice Chair

Madeleine K. Albright

Secretary

Rachelle Horowitz

Treasurer

Peter G. Kelly

President

J. Brian Atwood

Board of Directors

David L. Aaron

Harriet C. Babbitt

Elizabeth F. Bagley

James B. Booe

John C. Culver

John P. Duntley

Thomas F. Eagleton

Geraldine A. Ferraro

Maurice Ferré

Marité Hernández

Gerri M. Joseph

John T. Joyce

Jan Kalicki

Penn Kemble

Paul G. Kirk, Jr.

Elliott F. Kulick

John Lewis

Leon Lynch

Lewis Manilow

Kenneth F. Melley

Julius Michaelson

Stuart G. Moldaw

Mark A. Siegel

Michael Steed

Maurice Tempelsman

William G. Thomas

Esteban E. Torres

Mark S. Weiner

Marvin F. Weissberg

Senior Advisory Committee

Michael D. Barnes

John Brademas

Bill Bradley

Richard F. Celeste

Mario M. Cuomo

Patricia M. Derian

Michael S. Dukakis

March Fong Eu

Richard N. Gardner

Madeleine M. Kunin

Mike J. Mansfield

Daniel Patrick Moynihan

Edmund S. Muskie

Thomas P. O'Neill, Jr.

Charles S. Robb

Stephen J. Solarz

Cyrus Vance

Anne Wexler

Andrew J. Young

Chairman Emeritus

Charles T. Mannatt

Executive Vice President

Kenneth D. Wollack

Senior Consultant

Patricia J. Keeter

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) conducts nonpartisan political development programs overseas. By working with political parties and other institutions, NDI seeks to promote, maintain and strengthen democratic institutions and pluralistic values in new and emerging democracies. NDI has conducted a series of democratic development programs in nearly 30 countries, including Argentina, Chile, Haiti, Hungary, Liberia, Nicaragua, Northern Ireland, Pakistan, Panama, the Philippines, Poland, Taiwan and Uruguay.

conducting nonpartisan international programs to help maintain and strengthen democratic institutions

TABLE OF CONTENTS

Foreword by NDI Chairman Walter F. Mondale	i
Introduction	iii
Conference Report	1
A. Summary	1
B. Overview	2
C. The Issues Confronting Argentine Policymakers	4
1. The Role of the Parliament	4
2. Command and Control of the Armed Forces in a Democracy	8
3. The Integration of Civilian and Military Institutions in a Democratic Society	8
4. Democracy, Intelligence and Internal Security	11
D. The Case of Uruguay	14
E. Conclusion	15
Appendices:	
I. Declaration of Montevideo	17
II. Conference-Related Legislation in Argentina	20
III. Conference Agenda	31
IV. Conference Participants	35

FOREWORD

In a democratic society, legitimate power must derive from the consent of the governed. Therefore, the elected, civilian government is regarded as the ultimate authority over military affairs; subordination of the military is essential for the exercise of democratic government.

Agreement on issues concerning the national defense, and the mission and structure of the armed forces, must be the result of a broad social and political consensus. If they are not, armed institutions face the prospect of hard questioning -- from without and from within -- about their own relevance. A military without broad civilian support risks being seen as an occupying force in its own nation.

Although it is true that military issues are too important to leave exclusively to the military, it is equally true that civil society must understand and appreciate the legitimate role of professional, non-partisan armed forces. Civilians who have a role in the debate over defense and military issues must develop the experience and expertise necessary to carry out informed, well-planned defense policies.

In countries that have recently returned to democratic rule, it is often difficult to find civilians who have developed their own expertise in military issues. In fact, the very nature of authoritarian regimes conspires against the sustained formation of such civilian experts. The lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between civilians and the military that sustains good will in times of crisis.

In this context, this report -- Towards a New Relationship: The Role of the Military in a Democratic Government -- has a special value. Based on a conference on civil-military relations sponsored by the National Democratic Institute for International Affairs (NDI), the work focuses on the experience of Argentina during its recent six-year democratic experiment -- a sometimes turbulent period marked by three military uprisings and a terrorist attack against an army base.

The conference brought together some of Argentina's best civilian and military minds. Their insights were shared and evaluated by experts from Israel, Spain and the United States -- countries where civil-military relations have been successfully managed in a stable, democratic environment -- and from Uruguay, Paraguay and Brazil -- nations still struggling with the legacy of their own authoritarian past.

This report seeks to provide the reader with a critical outline for improving civil-military relations in emerging democracies. It offers insights into efforts already underway in Argentina to develop healthy civil-military relations, as well as to recommend what still needs to be done -- in parliament, in the defense ministry, and at military headquarters.

Argentines from all walks of life can be justly proud of the democracy they have created. They can justifiably demand continued international support for their efforts to consolidate the country's democratic institutions.

For centuries, political thinkers have pondered the question: Quis custodiet ipsos custodes? -- Who will guard the guardians? The response found in the following pages underscores Argentina's determination to press ahead with the integration of the military into democratic society. In the final analysis, a proper civil-military relationship must be built upon laws and institutions, and upon the elected officials who administer them. But the true determinant are those values that are necessary to promote and sustain democratic government.

WALTER F. MONDALE

INTRODUCTION

In July 1989, less than two weeks after the inauguration of President Carlos Menem, the National Democratic Institute for International Affairs (NDI) convened more than 90 military and civilian experts on defense issues for a conference in Montevideo, Uruguay (See Appendix IV for participants). By focusing on the recent experience of Argentina, the group agreed on a series of practical suggestions for improving civil-military relations in emerging democracies.

The conference recommendations, incorporated into "The Declaration of Montevideo" (See Appendix I), included the suggestion that existing laws, including constitutions, be amended to stipulate the armed force's subordination to civilian rule. "The formulation of military strategy should reflect the priorities of a country's civilian leadership," the communique said.

The conference participants also called for open channels of communication between the legislature and the military, as well as a greater role for parliamentary defense committees in the development and oversight of military budgets. The declaration recommended that the armed forces refrain from domestic intelligence activities and, in the case of Argentina, that the police -- not the armed forces -- lead the war against drug trafficking.

The Montevideo conference, entitled "Towards a New Relationship: The Role of the Military in a Democratic Government," brought together legislators, political leaders, military officers, and civil-military experts from Argentina, Uruguay, Brazil, Israel, Spain, Paraguay and the U.S. In a series of workshops, the conferees focused on the experience of Argentina, which has recently undergone transitions from military to civilian rule. Six of the Argentine parliamentarians who participated in the conference returned to Buenos Aires and introduced legislation designed to implement the recommendations of the Montevideo declaration (See Appendix II).

The Montevideo event was the third in a series of NDI programs to help promote healthier civil-military relations in Argentina and other nascent democracies in Latin America. The conference was cosponsored by the Arturo Illia Foundation (FAI) and the Center for the Study of the National Project (CEPNA) of Argentina, and the Center for the Study of Uruguayan Democracy (CELADU) and the Political, Economic and Social Study Society (SEPES) of Uruguay.

In December 1988, just days after Argentina was shaken by a third military uprising in less than two years, NDI sponsored its first civil-military seminar in the Dominican Republic.

Participants in that seminar had recommended exchange programs between new and traditional democracies as a means to enhance the knowledge of civilians in defense issues.

In April 1989, NDI invited six Argentine political and military leaders to Washington, D.C., to exchange ideas and experiences with leading U.S. experts on defense policy. The Argentine visitors examined the design of defense budgets, intelligence oversight, and the training of civilians and military personnel in defense and security issues.

The conference in Montevideo built upon these two previous experiences. First, it sought to broaden an understanding between military and political professionals in Argentina. Second, it introduced new ideas to civilians interested in defense issues. And third, it highlighted specific steps that could be taken in four crucial areas to promote better civil-military relations.

The following is a report of the conference deliberations. It was written by Martin Edwin Andersen, NDI director for Latin American and Caribbean programs, and is based in part on the notes of conference rapporteur, Dr. Gary Wynia. Ken Wollack, NDI executive vice president, and Sue Grabowski, NDI public information director, edited the report. NDI Program Assistant Peter A. Silverman was responsible for overseeing its production.

TOWARDS A NEW RELATIONSHIP:
THE ROLE OF THE MILITARY IN A DEMOCRATIC GOVERNMENT

SUMMARY

In July 1989, the National Democratic Institute for International Affairs (NDI) sponsored the third in a series of international conferences and workshops on civil-military relations in emerging democracies. The seminar-workshop, held in Montevideo, Uruguay, focused on Argentina, whose nascent democracy had just marked another milestone with the inauguration of its second consecutive elected civilian president, Carlos S. Menem. The purpose of the Montevideo meeting was to facilitate the integration of civilian and military societies, and to address defense issues within a constitutional framework.

At the conference, Argentine civilian political leaders and active-duty and retired military officers reflected on their sometimes conflictive experiences. Their insights were shared and evaluated by experts from Israel, Spain and the United States -- democracies that have successfully managed their civil-military relationships; and others -- such as Uruguay, Paraguay and Brazil, which are still struggling with the legacy of their own authoritarian past.

The Montevideo conference built upon previous NDI efforts in the area of civil-military relations, focusing on the Argentine experience. The event had three primary goals: 1) to broaden the understanding between military and political professionals in Argentina; 2) to explore ways to promote interest in and expectations about defense issues among Argentine civilians, and 3) to suggest specific steps that might be taken to promote better civil-military relations. The conference was sub-divided into four general themes: "The Role of the Parliament in Defense and National Security Issues," "Command and Control of the Armed Forces in a Democracy," "The Integration of Civilian and Military Institutions in a Democracy," and "Democracy, Intelligence and Internal Security."

After selected participants presented their ideas at plenary sessions, the conferees dispersed among six mini-groups where a given topic was examined more closely. The mini-groups were charged with elaborating three or four specific ideas for each topic relating to the promotion of healthier civil-military relations.

Although the conference brought together Argentines of many different political ideologies and professions, the Montevideo meeting concluded with a broad consensus on several civil-military issues. Author Jorge Luis Borges' sad dictum,

that Argentines were "patriots without compatriots," was challenged at the Uruguay conference. A final document, the "Declaration of Montevideo," prepared by a special drafting committee and based on the recommendations of the mini-groups, was approved unanimously at the end of the conference. It was presented a week later by a member of the NDI staff to Argentine Defense Minister Italo A. Luder.

OVERVIEW

Questions concerning the relationship between a nation's armed forces and civil society have intrigued and bedeviled democratic thinkers since the time of ancient Athens. Clearly an answer to the question, "Who will guard the guardians?" must be resolved before other fundamental political, economic and social issues can be fully addressed. Moreover, in an emerging democracy, the security question can only be addressed if the nation's political actors focus on consensus-building and the construction of durable institutions administered by well-informed civilians.

As former U.S. Vice President Walter Mondale has noted, in any successful democracy the national defense, and issues such as the mission and structure of the armed forces, must derive from a broad social and political consensus. If they do not, armed institutions face the often destabilizing prospect of hard questioning -- from without and from within -- about their own relevance. In times of crisis, a military without broad civilian support risks being seen as an occupying force in its own nation. At the same time, as retired Argentine army officer Nestor Cruces noted at the Montevideo conference, a weak military is not necessarily good for democracy. "The military, even when weakened, will always be strong enough to overthrow a civilian government," Cruces said, "because the latter is unarmed." A better solution, he said, is for civilian authorities to effectively lead the armed forces.

In the newly-emerging democracies of Latin America, relations between civilian leaders and the military have too often been marred by misunderstanding and communication failures, which have resulted in tragedy. Military officers believed that civilian political leaders were incapable of understanding defense and security issues. By training, by patterns of social interaction, and by choice, the military community often considered itself distintos y mejores (different and better) than its civilian counterparts. [Paradoxically today, "military officers doubt that civilians recognize their importance to society," said retired Argentine general Jose Goyret.] At the same time, civilians have often shied away from interaction with the armed forces, out of fear,

disinterest, or a concern about being "contaminated" by such interaction. In many societies, two separate subcultures appear to have emerged.

Today, a consensus is emerging among civilian political leaders and their uniformed counterparts that new forms of interaction must be tried. "Civilians and the military belong to the same society," said Radical party parliamentary deputy Victorio Bisciotti, "even though some on both sides still do not want to admit it." It is understood that the military has a right to expect that its concerns will be treated with respect by expert civilian authorities. However, it is also true that the very nature of authoritarian regimes has conspired against the emergence of a cadre of civilian experts. As former Vice President Mondale has noted, the lack of continuity of political institutions has meant a loss of historical memory, gaps in technical training, and an absence of the personal ties that sustain goodwill in times of crisis.

In the case of Argentina, civil-military relations have languished since early in this century, when the ruling political elite turned its back on its role of overseeing military issues. Since that time, civilian political leaders have paid dearly for such neglect. In the half century prior to Argentina's return to democratic rule in 1983, only two elected governments (one of which came to office through vote fraud) completed their terms -- the rest were cut short by coups. Although invariably led by the military, the responsibility for these interruptions of constitutional rule must also be shared by Argentine civilian elites. As Spanish army Col. Prudencio Garcia observed, in Argentina the problem of military intervention in politics had historically been exacerbated by the political opposition's support of subversive military behavior.

As was pointed out in the Montevideo conference, the military question continues to be a central issue in Argentina's new democratic system. It was noted that within a period of less than 20 months, from Easter Week 1987 to December 1988, military officers rebelled three times against the government of President Raul Alfonsin. The military men had risen in support of fellow officers under prosecution for human rights abuses committed during the so-called "dirty war" against leftist guerrillas and others in the mid-1970s to early 1980s. In a related incident in early 1989, an ultra-leftist group attacked an infantry regiment on the outskirts of Buenos Aires. Unlike reactions in the past, in each of the four attacks, Argentina's political community gave almost unanimous support to the nation's constitutional authorities in quelling the rebellions.

The failure to find the proper means by which to treat military issues in a constitutional setting, however, continues to generate conflicts. "There is a resistance [on the part of the military] to be subordinate when civilians do not know military issues," said Argentine admiral Emilio Nigoul at the conference. "And to express an opinion, even today, which is not in agreement with the government's line -- even on a purely technical question -- can cost an officer his career."

According to one military officer from neighboring Uruguay, members of the armed forces are often distrustful of civilians who seek more knowledge about military affairs. At the same time, he complained about an "almost ancestral" lack of knowledge by civilians about the armed forces, and about the former's unwillingness to accept the military as a social group. "Eighty percent of the unjust image suffered by the armed forces is the fault of the politicians," he said. The political parties, he added, have, as a group, an entree to all sectors of society; therefore they have a responsibility for educating civilians as to the role of the military in a democracy.

The political community has had difficulty in providing positive guidance to military officers eager to reaffirm their role in democratic society. Several participants underscored their belief that while the military was ready to be "reintegrated" into Argentine society as early as 1983, civilian society itself was neither willing nor ready for that to occur. As military sociologist Gustavo Druetta noted, in 1983 the platforms of Argentina's two major parties -- the Peronists and the Radical Civic Union -- focused almost entirely on the "errors" of the previous military regime and how to deal with them. They did not develop a broad concept of defense within which the military could function. The failure to do so was obvious in a comment made by Pablo Melfi, a civilian intelligence specialist in the Alfonsin government: "Before becoming an 'expert' on defense, I want to debate whether or not we want armed forces and, if we do, what kind do we want."

THE ISSUES CONFRONTING ARGENTINE POLICYMAKERS

I. The Role of Parliament

Despite concern over the continuing instability of civil-military relations, Argentine participants in the Montevideo conference were able to point to several important steps recently taken toward developing healthier civil-military relations. The parliamentary debate during the mid-1980s over a newly-approved Defense Law was unique, Radical Party defense advisor Jose Manuel Ugarte said, because it included a sophisticated discussion about what type of defense was needed by Argentina. Members of parliament transcended partisan considerations, and treated the issue with "depth and detail."

The absence of any tradition of congressional involvement in defense policy, several participants agreed, helped account for the fact that only eight initiatives begun by parliament were approved by the respective defense committees during the Alfonsin government. Since 1983, however, the prospect for more informed and aggressive legislative initiatives appears to have improved, as several staff and consultants have been hired by the defense committees. A number of deputies have also arranged to have advisors provided by private research organizations.

Conference participants agreed that the Argentine parliament should play a fundamental role in issues of defense and national security. Several questions concerning the role of the legislature were singled out for examination. For example, what exactly was the role of parliament? What means of communication existed between the parliament and the armed forces, and how could they be improved? And what specific measures might be taken to fortify the parliament's constitutional role in defense and national security?

According to Jose Manuel Ugarte, the role of parliament must be empowered in order to further civilian oversight of the armed forces. To achieve this, the formulation of policy with the Executive Branch, and more exchange of information with the Executive Branch and the military services, are needed. He said that military claims of "secrecy" have limited the parliament's ability to gather information, and reports requested from the armed forces by parliamentary committees are often delayed and incomplete. Ugarte also complained that, while military officers have been assigned by the armed forces to work with parliament, the arrangements "are not, to date, very effective." In general, noted Adm. Nigoul, "there is no coordination with and response from parliament about the professional concerns of the armed forces, even though parliament can, through the Defense Ministry, summon the heads of the services to appear before it as many times as needed." Nigoul said that several times members of the parliamentary defense commissions were invited to attend military functions, "but they didn't even send staff."

Speaking more generally, Julio Busquets, vice chairman of the defense commission of the Spanish Cortes (parliament), said that there "was no single answer" to the question about the proper role of parliament in military oversight. Busquets noted that parliaments normally carry out three functions: budgetary formulation; legislation, and audit or control. In strong democracies, he said, all committees are alike; in a weak one, care must be taken in defining their role to avoid destabilizing the

constitutional regime. During Spain's transition to democracy, Busquets noted, parliament had little to say on defense policy, leaving the major role to the Executive Branch until democracy was consolidated.

Busquets warned about the dangers of mechanically applying a parliamentary model from another country to Argentina, saying it was necessary to create one "appropriate" to local conditions. He said that in most democracies, the role of Congress is limited, given that most legislation is generated by the Executive Branch. In the case of the countries in the Southern Cone of South America, he said that the lack of an important security threat and the region's generally weak economies suggested specific budgetary initiatives. Materiel, rather than personnel, appeared to be a more promising target for budget-cutting, he said. One related question that should be examined, he added, was whether the costs of raising a volunteer army are more than one made up of conscripts. Concerning the audit and control functions carried out by parliaments, Busquets said that congressmen were not always the best candidates for inspecting bases, and that problems frequently arose concerning their conduct on trips.

Several participants spoke about the need for better, more specific parliamentary control over the military. Retired navy Capt. Carlos Raimondi said that Argentina's Defense Law needed more specificity concerning the military's role in internal security. Dante Giadone, president of the Arturo Illia Foundation, noted that there were few former military men serving in parliament, and that retired officers are prohibited by service regulations from discussing politics in public. "Information about parliament's work does not reach society at large," complained Radical Party Deputy Carlos Mosca, "and thus does not reach the armed forces either." What was needed, he said, was a network that provided both information and awareness about each other's work to parliament and the armed forces.

Parliament, said Spanish military sociologist Col. Carlos Gil Muñoz, should not interfere in operational aspects of military policy, but should be involved in broader defense issues. Operational issues are eminently technical and tactical, not strategic, he said. Defense, Gil Muñoz added, is the task of everyone, and the military is starting to understand what its subordination to civilian control means. Quite simply, he said, effective civilian oversight of the nation's armed forces implies "civilianizing" the military, and "militarizing" civilians.

Possible Solutions:

The mini-groups were given the task of recommending a list of concrete proposals for enhancing civilian-military

relations. A synthesis of these ideas were contained in the "Declaration of Montevideo."

Concerning the role of parliament, the following ideas were advanced:

- * Parliament should find ways to work with the armed forces in long-range budget planning. It should also take part in the formulation of the budget itself. Because of the size of Argentina's defense bureaucracy and the need to study and supervise it, a congressional capacity akin to the U.S. Congressional Budget Office might be established to assess the Executive Branch's proposals.

- * The function of the parliamentary defense commissions should be reexamined to ascertain to what degree they should be involved in determining military and defense policy.

- * A high-level Defense Ministry office, composed of ranking military officials and their civilian counterparts, should be established to advise and interact [en función de enlace] with parliament.

- * Periodic visits by parliamentarians and their staffs to military bases, and similar visits by military officers to parliament, should be established. Members of defense commissions should initiate greater contact with the armed forces, such as acquainting themselves with officer candidates before they are promoted. Seminars for committee members, to which officers are invited to discuss military issues, should also be established.

- * A permanent "technical staff," appointed by committee members, should be created and invested with the resources and manpower to effectively and efficiently advise the parliamentary defense committee. This staff should be allocated its own office space, rather than having to operate out of cramped congressional offices.

- * Military and defense information should be computerized, and more should be collected from the appropriate ministries.

- * New rules should be enacted so that weekly meetings of defense committee staff on legislative drafts and technical issues are held. Similarly, there should be formal ties and regular meetings with any public or private organization that has a role in designing security policy.

- * Members of congress from abroad should be regularly invited to Argentina to consult on questions of military and defense policy.

- * Books published by military officers should be

presented in ceremonies in parliament, with parliamentarians offered the opportunity to comment on their contents.

II. Command and Control of the Armed Forces in a Democracy

A general consensus was reached in Montevideo concerning issues of command and control of the armed forces. Several specific questions were addressed: What current mechanisms are used to define the role of the armed forces in Argentina's democratic society? How can they be improved? What is the relationship between the Defense Ministry and the military joint command? How do the branches of the armed forces relate among themselves and to the society at large? What additional steps can be taken to ensure a closer collaboration among the Executive Branch, parliament, and the armed forces on issues of national defense?

Several participants suggested that the role of the Defense Ministry and its relationship with the military's joint command ought to be strengthened. Some participants complained that the relationship between the Defense Ministry and the military high command (Estado Mayor) needed to be better defined. In particular, it was agreed that a precise national strategic directive needed to be issued by civilian authorities, so that the armed forces could use it as a framework for their own planning. It was also suggested that communication among the different services' high commands be encouraged, and that the civilian authorities clearly establish and define the role of each service.

Retired army Col. Néstor Cruces suggested that there should be a division of leadership between the "political" role of the Defense Minister and the "organizational-technical" attributes of the head of the high command. Participants in the Montevideo conference also said that in the promotion of officers, special consideration should be given to those who have served in joint command positions. This would help ensure that such posts are not seen as a dead-end, and thus facilitate greater coordination among the services.

III. The Integration of Civilian and Military Institutions in a Democratic Society

The Montevideo conference also addressed the question: What steps can be taken by government, the political parties, and other institutions, to integrate the armed forces into the social and political life of society? The participants were asked to identify civic education tools

that should be developed in order to reflect a new consensus about the role of the armed forces in a democratic society. In particular, what experiences from other countries might be adapted to fit the Argentine case? What specific steps could be taken -- by government, the political parties, and other institutions -- to enhance civilian understanding of national defense issues?

The armed forces, said Argentine Adm. Emilio Nigoul, should be used to support Argentine foreign policy. "The military should be consulted, not to decide what policy is correct, but rather in a technical way, because a decision in foreign policy affects the armed forces operationally for years." Uruguayan social scientist Juan Rial noted that, unlike the case of Europe, throughout Latin America there was generally little integration between the foreign and defense ministries. An exception, he said, was Brazil, which characteristically issues five-year "plans" for defense based on consultations between civilian and military institutions.

The conference recognized that even in the best cases, the very nature of the two sub-cultures -- one uniformed, one civilian -- makes for occasional misunderstandings and conflicts. There is no law in Argentina that integrates the public into defense, said retired navy Capt. Carlos Raimondi, who admiringly cited Switzerland's example of training civilians in military operations to support the army in times of war.

A marked tendency towards "ghettoization" of civilian and military elites in Argentina has greatly exacerbated those clashes. In joining the debate, Peronist Party defense advisor Hernan Patiño Mayer commented that the educational differences between civilians and the military, on technical issues, for example, must be recognized with an eye towards making them compliment one another.

Uruguayan social scientist Juan Rial noted that relations between political parties and the armed forces in Argentina and Uruguay were different from those in Southern Europe and in neighboring Brazil. In Southern Europe, he said, outside influences such as the North Atlantic Treaty Organization (NATO) forced an accommodation between civilian and military elites, while in Brazil the armed forces have traditionally been closer to the political establishment. Such an accommodation has taken more time in Uruguay and Argentina, Rial said, because it has been resisted by both the military and civilian communities.

One of the primary problems in establishing a healthier interplay between civilian and military institutions in Argentina, said Spanish army Col. Prudencio Garcia, was the armed forces' academic teachings that reinforced the role of officers as political actors. Doctrines, he asserted,

that claim the armed forces are responsible for guaranteeing the State's internal survival are, in a democracy, a "mistake." The military's role in society, Garcia said, "is not to judge governmental policy, but to be led by elected authorities."

In Israel, democracy thrives alongside a high degree of military preparedness. As a recent NDI report noted: "One of the most remarkable features of Israeli democracy is the extraordinary degree of civilian control over the military in a nation that is so dependent on its armed forces for day-to-day survival. Israel has turned the need to maintain a large military, which so often proves the undoing of democracy, into one of its greatest democratic bulwarks; at the same time, it has built one of the most effective military forces in the world."

The Israeli armed forces have established an education program that is both "essential and ambitious," said air force Brig. Gen. Nehemia Dagan, a former chief of education for the Israeli Defense Force. Dagan pointed out such training is essential because Israelis enter adult society as members of the military, serving as conscripts between the ages of 18 and 21.

Israeli military recruits receive instruction in democracy and culture, Dagan said, and the idea that the army is an instrument of the political regime is reinforced. All officers are selected -- at age 18 -- from the same corps of draftees, and are sent to study at civilian universities for three years between the ages of 20 and 30. "This allows bright people to attend the university first, then join the military," he said. A special effort is made to bring a soldier's family for visits at the military bases, thus integrating them into the military environment. Israeli soldiers can also retire at 40 and draw maximum benefits, thus enabling them to start second careers at a relatively young age.

Possible Solutions:

Participants in the mini-groups suggested a number of steps that could promote a better integration between military and civilian institutions:

- * More seminars and conferences should be organized by political parties and academic institutions in order to deepen civilian understanding of military issues, and to promote contacts between the armed forces and civil society.

- * Universities should establish, and offer as part of their curriculum, courses on national defense and strategy.

- * Military personnel should be encouraged to advance

their service careers by receiving permission to study one year or more in civilian universities. In this regard, the navy was encouraged to expand its program of offering to its members the possibility of studying at the University of La Plata and other civilian academic institutions.

* The Defense Ministry should offer awards to university students who have excelled in the course of studying defense and military strategy. Similarly, parliament, the Education Ministry or civilian authorities should recognize military students who distinguish themselves in university studies. High school students should be encouraged to learn more about Argentina's armed forces through programmed visits to military installations.

* The armed forces should consider allowing civilians to participate in some of the courses offered to officers by the war colleges.

* Laws and administrative rulings that impede retired military officers from fully exercising their political rights as a citizen should be abolished.

* Military academies should not be the only sources of recruitment for the armed forces.

* The United States Defense Department can assist the integration of civilian and military institutions in Argentina by including representative civilians in training and military assistance programs.

IV. Democracy, Intelligence and Internal Security

The most polemical debate raised at the Montevideo conference concerned the role of the military in internal intelligence and security. There were differing definitions of security, and of the proper relationship between the police and the military. Discussion revolved around the following questions: What should be the role of the security forces in the provision of internal security? How does this differ from their role in providing defense from external threats? What are the advantages and disadvantages of giving the armed forces a role in the interdiction and repression of drug trafficking? How can bilateral, regional and international cooperation be improved in order to enhance political stability?

Finally, conference participants addressed the issue of how to implement adequate coordination between the political community and the security forces when crises related to internal security arise. In particular, they were asked to address what lessons might be learned from recent developments in Argentina, such as the January 1989 attack by political extremists on the army base at La

Tablada, and the May 1989 food riots in several of the country's largest cities.

Several participants suggested that the anti-communist slant in armed forces' doctrine concerning "internal subversion" left them unprepared for dealing with most forms of domestic violence. The key for providing real security, said Peronist parliamentary advisor Luis Tibiletti, is the formation of internal security forces. These, he said, "can use violence, but must be professionals who understand the nature of domestic strife, protest, crime, etc., and how to work within the population." Radical Party intelligence specialist Eduardo Estevez noted that, "the education and the mentality of the military makes it difficult for it to interpret social conditions and their significance." Estevez said that the recent extremist attack on the La Tablada army barracks underscored the need to improve coordination between the provinces and the federal police and gendarmery.

According to Peronist sociologist Jose Miguens, the trend toward democratization in Latin America has made the dichotomy "violence vs. tolerance" -- rather than ideology -- the fundamental litmus test against which security threats must be judged. There are many definitions of "internal security," Miguens noted, but one of the most confusing is the one that characterizes it as "social order." The armed forces are neither trained for assessing ideologies, nor for undertaking police-like intervention into private homes. Unlike the military, the police are required to work with the courts, thus ensuring some oversight of their activities, Miguens added. Peronist Party defense advisor Hernan Patiño Mayer suggested the need for additional clarification of the term "subversion" and what to do about it.

Juan Rial, the Uruguayan social scientist, said that political leaders sometimes mistakenly used the size of an irregular force to determine a threat, and whether the military should intervene. Because exceptions could not be covered in legislation, he said, authorities were allowed little leeway in responding to security threats. Meanwhile, he said, the armed forces' perception of "subversion" is subject to interpretation in the context of rapid political changes throughout the world. First, it is not as easy to determine what constitutes a security "menace," he said. Second, the armed forces are being forced to rethink their identity as a result of changes in the communist world, and in U.S. policy. For example, Rial pointed out, "containment" no longer means the same thing as it did in the depths of the Cold War.

Why, in Uruguay, is internal intelligence left in the hands of the military? Rial asked. The answer, he said, is simple: There are no civilian professionals able to

effectively carry out such functions. The Uruguayan judicial system is slow and unable to supervise swift security operations. And, "let's face it, our police are not very good," he added, citing low pay, poor training and minimal maintenance.

Like most of the other conference participants, Rial also took issue with calls for an enhanced military role in anti-narcotics efforts. He argued that such a role was contrary to the purpose of the armed forces. "An army is meant to kill or be killed, not to look for drug traffickers," he said. "If the armed forces cannot be a police force in the United States, why should that role be assigned to them in Latin America?"

The military's role in internal security is an important issue for the preservation of democracy, said David McGiffert, former U.S. Deputy Assistant Secretary of State for International Security Affairs. Contrary to popular belief, in the United States the military does have a role in maintaining internal security, albeit a very limited one. McGiffert explained that historically there has been a marked distrust of a large standing army in peacetime. Only since the end of World War II has that attitude somewhat changed. Local law enforcement, he added, was always the principal security agency, and most crimes were considered local or state offenses. The only two exceptions were cases of insurrection and the enforcement of U.S. federal law.

Only recently, with the growing number of crimes involving financial dealings, narcotics and interstate trade has the federal government assumed a greater role in law enforcement, McGiffert said. To deal with these crimes the Federal Bureau of Investigation was established after World War I, and was staffed with well-paid lawyers. There have been only a handful of events in recent American history that have required the use of the military in providing, or restoring, internal security. During the urban riots of the 1960s, President Lyndon Johnson required that, in instances where federal troops were called up, a state's governor had to confirm that the state could not control the situation. Even then, a representative of the Justice Department accompanied the troops, and maintained direct contact with the president.

Retired Adm. Argimiro Fernandez, the former head of Argentine naval intelligence, suggested that a practical approach be used when discussing the future role of the intelligence services. One way to analyze the issue is to break down their specific missions into a discussion of their specific needs. In discussing intelligence issues, he said, one must take care to separate those people who act to gather information from those who execute counter-insurgency. "One must remember that subversion is

not so simply or easily defined by space, size or time," Fernandez said. "It is complex, and therefore requires a similar response."

THE CASE OF URUGUAY

Given the conference venue in Montevideo, and Uruguayan participation, several conferees expressed an interest in comparing and contrasting Uruguay's recent transition to democracy, begun in 1985, with that of Argentina. It was pointed out that just a few months before the NDI conference, Uruguayans had voted overwhelmingly in a referendum to refrain from prosecuting military officers implicated in human rights abuses during the previous military regime. Some experts noted that the security threat from leftist guerrillas in Uruguay was, at one time, significantly greater than that faced in Argentina. Others asserted that, despite its harsh rule, the Uruguayan military regime did not "disappear" a large number of political opponents. Still others pointed out that, before the referendum, not a single military or police officer had been forced to testify before civilian courts.

In part, Uruguay has escaped the traumas surrounding Argentine civil-military relations because a significant part of the political community has refused to take part in an investigation of past events, and the prosecution of those responsible. Unlike the Argentine transition, Uruguay's move to democracy was the result of an explicit "pact" between several major political parties and the military. These negotiations, according to Uruguayan researcher Maria del Huerto Amarillo, left the military issue untouched. Gradually, she said, civil society has "accommodated itself" to the military by relying on negotiations.

Several Argentine participants said the Uruguayans did not have a "military problem" because they refused to admit that one existed. Some Uruguayans responded that their gradual approach was key to reducing tensions and areas of conflict. "It is essential to proceed incrementally, developing acquaintances and trust, and not looking towards where we will be in the distant future," said Luis Hierro Lopez, president of the Uruguayan Chamber of Deputies. "A frank discussion between the military and civilians is now common -- trust exists on both sides."

Despite the establishment of good personal relations, Hierro Lopez admitted, Uruguayan political parties "do not yet have clear ideas about defense and the future role of the military." Uruguay still does not have a military/defense policy, said Blanco Party parliamentary Deputy Luis Ituño, although it needs one. The Uruguayan parliament, he said, has very little involvement in defense policy. "It is treated more as an academic issue than a policy one."

Uruguayans, said Rial, do not discuss these issues in public like the Argentines because they know that they do not have any easy answers. "Why waste time and energy on rhetoric?" asked another conference participant.

CONCLUSION

The conference participants agreed to a series of practical recommendations for improving civil-military relations in emerging democracies. These suggestions were included in the "Declaration of Montevideo" issued at the end of the conference.

The declaration recommended that existing laws, including the constitution, be amended to stipulate the armed forces' subordination to civilian rule. "The formulation of military strategy should reflect the priorities of a country's civilian leadership," the communique said.

The conference participants also called for open channels of communication between the legislature and the military, as well as a greater role for parliamentary defense committees in the development and oversight of military budgets. The declaration recommended that the armed forces refrain from domestic intelligence activities and, in the case of Argentina, that the police -- not the armed forces -- lead the war against drug trafficking.

APPENDIX I

DECLARATION OF MONTEVIDEO

Prologue

During the last decade, many countries in South America have re-established a democratic system of government. This return has been particularly noteworthy in the countries of the Southern Cone.

These transitions to civilian rule and the strengthening of democratic institutions have been complicated by the existence of old civil and military structures.

Consequently, we hold that any person or group committed to democracy is obliged to help promote it wherever it is found. With this in mind, the National Democratic Institute for International Affairs (NDI) has held two previous meetings to help promote improved civil-military relations in Latin America, focusing on the Argentine experience.

In December 1988, in the Dominican Republic -- a few days after a third military crisis in Argentina -- NDI gathered civilian and military experts from Argentina and other countries, who were committed to democracy and better relations between the military and civilian society. The conference in Santo Domingo concluded that it was necessary to create a body of civilians with extensive knowledge of defense and security issues so that healthy civil-military relations could be achieved. The necessity of reaching a political consensus on defense and military policies was also stressed.

Four months later, in a meeting in Washington, D.C., these arguments were developed further. Participants noted that it is important for those countries with long-standing democracies to share their experiences in civil-military relations with emerging democracies by means of exchanges; especially those that might strengthen civilian knowledge of defense issues. The participants also agreed that reforming civil-military structures in countries making a transition toward democracy would depend greatly on the resolution of the foreign debt problem. A third issue raised in this meeting was the role of the legislature in joining the Executive Branch in defense policy-making.

Having analyzed the difficulties of strengthening democratic systems, we believe the following practical steps should be carried out. When presenting these suggestions, we would like to stress that we have taken care that they might be practical and constructive. We

encourage anyone in a position to carry out these recommendations, to do so with the same good faith and clarity of purpose with which we have worked during this month of July, 1989.

The Role of the Parliament in Defense And National Security Issues

Laws regulating the military should reflect the views of society, although it is also necessary that they take into account specific situations. A country's defense is the responsibility of the whole society, but the Executive Branch should wield effective control over defense matters.

To help achieve this, defense commissions should have human and material resources to enable them to function with maximum effectiveness. Members of defense commissions should also visit military bases and plan other events, such as meetings and seminars, that encourage contact and reciprocal knowledge and understanding between legislators and members of the armed forces.

Channels of communication between the legislature and the military should be open on a continuous basis, and mechanisms for consultation and exchange of information should be established.

The legislature should participate in the development and oversight of the military budget.

Direction and Control of the Military in a Democracy

Existing laws, including the Constitution, should be perfected in order to define the role of the military in a democratic society, particularly the armed forces' subordination to civilian rule.

The Joint Chiefs of Staff should have greater attributes and responsibilities than the chiefs of the individual branches of the armed forces.

The formulation of military strategy should reflect the priorities of a country's civilian political leadership.

The Integration of Military and Civilian Institutions In a Democratic Society

The military should not be isolated within society. Incentives should exist to create: institutes dedicated to developing military strategy, with the joint participation of civilians and members of the military; courses on

national defense in the universities; programs on the military at the elementary and high-school levels, and defense commissions in political parties. The national constitution should be studied in depth in military schools. There should be greater coordination between the needs of the military and the research and development carried out by the nation's industry.

It is important to diversify sources of military recruitment and strengthen the relationship between training schools and universities by means of mutual agreements, in order for civil society to become more involved in military matters.

The New Challenges for the Military In Democratic Societies

The military, including its intelligence agencies, should be dedicated to the defense of the sovereignty and territorial integrity of a country against foreign attacks.

Security and police forces should be responsible for internal security under strict judicial control.

In extraordinary situations of internal security in which police and security forces are overwhelmed, civilian elected authorities could make use of the armed forces to resolve the crisis.

A law on internal security should be agreed upon.

Drug trafficking in Argentina is a police problem that should be confronted by police and security forces; there are no apparent circumstances under which the armed forces would be deployed in this area.

TRAMITE PARLAMENTARIO N° 71

VIERNES 4 DE AGOSTO DE 1989

- 17 —Silva (C.O.) y otros: de Declaración. Expresar adhesión a las recomendaciones formuladas en la conferencia que, sobre el rol de las fuerzas armadas en la sociedad democrática, tuvo lugar en la ciudad de Montevideo, Uruguay, durante el mes de julio de 1989, organizada por el National Democratic Institute for International Affairs (1.187-D-89). (Defensa Nacional.) (Pág. 1424.)

c) Incentivar la creación de institutos dedicados a la temática estratégica con participación civil y militar; de cátedras de defensa nacional en las universidades; de programas de información sobre defensas a nivel primario y secundario; así como también la profundización del estudio de la Constitución Nacional en los centros de enseñanza militar, y la visita a unidades militares;

d) Promover una mayor integración entre las necesidades logísticas de las fuerzas armadas y las capacidades de investigación y desarrollo e industriales del país;

e) Incrementar las relaciones de las fuerzas armadas con centros de estudios terciarios y universitarios mediante convenios recíprocos, a través de los cuales la sociedad civil pueda relacionarse con el ámbito militar;

f) En materia de seguridad interna, establecer que la misma debe constituir responsabilidad de los cuerpos policiales y fuerzas de seguridad, sin perjuicio del empleo de las fuerzas armadas, en el caso en que las reales capacidades de aquéllas fueran superadas.

Carlos O. Silva. — Víctor O. Bisciotti. —
Ricardo E. Feiguera. — Carlos M. A. Mosca. —
Oswaldo Alcázar Guerrero. —
Conrado H. Storani.

FUNDAMENTOS

Señor presidente:

En los días 21, 22 y 23 de julio del corriente año, tuvo lugar en Montevideo, República Oriental del Uruguay, una conferencia-taller organizada para analizar el rol de las fuerzas armadas en las nuevas sociedades democráticas y para promover mejores y más fructíferas relaciones entre civiles y militares, como contribución al fortalecimiento de la democracia en el mundo.

La misma contó con participantes de los Estados Unidos de América, Israel, España, Brasil, Uruguay, Paraguay y Argentina.

La labor de estudio y análisis se centró en el caso argentino como modelo de democracia en transición en la que, partiendo de comienzos difíciles, se va afianzando progresivamente el sistema democrático y paralelamente logrando, en términos generales, una mejor relación cívico-militar.

A lo largo de tres días intensos de estudio y debate, se fue creando en los participantes la convicción de encontrarse frente a una valiosa experiencia de diálogo del que participaron politólogos, asesores políticos, legisladores, militares y funcionarios gubernamentales. Las discusiones, en las que una absoluta franqueza no impidió el respeto recíproco, trajeron consigo conclusiones útiles para cimentar una mejor integración de las fuerzas armadas en la sociedad democrática.

Muchas de ellas fueron relativas a la labor legislativa. Respecto a las mismas, habremos de presentar en breve un proyecto de resolución procurando implementarla. Otras, en cambio se refirieron a otros aspectos propios de la relación cívico-militar en la sociedad democrática, respecto de las cuales parece oportuno que el Parlamento brinde públicamente su aval y apoyo para su implementación a través del Poder Ejecutivo.

Es con ese objetivo que sometemos este proyecto de — 1424 — declaración a consideración de nuestros pares.

Carlos O. Silva. — Víctor O. Bisciotti. —
Ricardo E. Feiguera. — Carlos M. A. Mosca. —
Oswaldo Alcázar Guerrero. —
Conrado H. Storani.

—A la Comisión de Defensa Nacional.

Proyecto de declaración

La Cámara de Diputados de la Nación

DECLARA:

Que hace suyas las recomendaciones formuladas en la conferencia que sobre el rol de las fuerzas armadas en la sociedad democrática, organizada por el National Democratic Institute for International Affairs, tuvo lugar en Montevideo, Uruguay, los días 21, 22 y 23 de julio del corriente año, en orden a:

a) Establecer canales de comunicación entre el Parlamento y las fuerzas armadas constantes, normales y habituales, propiciándose mecanismos de consulta e intercambio de información recíprocos;

b) Otorgar especial énfasis al rol del Estado Mayor Conjunto en relación con los estados mayores generales de las fuerzas armadas;

APPENDIX II

Impact in the Argentine Parliament: No. 1

CHAMBER OF DEPUTIES OF THE NATION

PARLIAMENTARY PROCEDURE, No. 71

Friday, August 4, 1989

13. -- Silva (C.O.) and others, a declaration. To express adhesion to the recommendations made at the conference on the role of the armed forces in a democratic society, which took place in the city of Montevideo, Uruguay, during the month of July, 1989, and which was organized by the National Democratic Institute for International Affairs (1.187-D-.89). (National Defense.) (Page. 1424.)

13

Declaration Proposal

The Chamber of Deputies of the Nation

DECLARES:

That it adheres to the recommendations formulated in the conference concerning the role of the armed forces in a democratic society, which was organized by the National Democratic Institute for International Affairs and took place in the city of Montevideo, Uruguay the 21, 22 and 23 of July of this year, in order that:

a) channels of communication between parliament and the armed forces be established in a constant, normal and habitual form, offering mechanisms for consultation and the reciprocal exchange of information;

b) special emphasis is given to the role of the high command (Estado Mayor Conjunto) in relationship to the commands of the various armed services;

c) impetus is given to the creation of institutes dedicated to strategic studies with military and civilian participation; to areas of the study of national defense in the universities; to informational programs geared to primary and secondary education, as well as to the in-depth study of the National Constitution in military schools and academies, and to visits to military units;

d) greater integration is promoted between the logistical necessities of the armed forces and the industrial research and development capabilities of the country;

e) the relationship between the armed forces and the

universities are increased by means of reciprocal agreements, by which civil society can establish ties to the military;

f) in the area of internal security, it is established that the same is the responsibility of the police and the security forces, without forgoing the employment of the armed forces in the case that the real capacities of the former are overwhelmed.

Carlos O. Silva. -- Victorio O. Bisciotti. --
Ricardo E. Felgueras. -- Carlos M.A.
Mosca. -- Osvaldo Alvarez Guerrero. --
Conrado H. Storani

FUNDAMENTS

Mr. President:

On July 21, 22, and 23 of this year, there took place in Montevideo, the Oriental Republic of Uruguay, a workshop-conference organized to analyze the role of the armed forces in emerging democratic societies, and to promote better and more fruitful relations between civilians and the military as a contribution to democracy in the world.

The conference counted on the participation of the United States of America, Israel, Spain, Brazil, Uruguay, Paraguay and Argentina.

The work of study and analysis concentrated on the case of Argentina as a model of a democracy in transition which, from difficult beginnings, is progressively fortifying its democratic system and, at the same time, achieving, in general terms, a better civil-military relationship.

Throughout three days of intensive study and debate, there grew among the participants the conviction that they were taking part in a valuable dialogue in which political scientists and practitioners, legislators, military officers and government officials participated. The discussions -- whose absolute frankness did not impede a reciprocal respect -- brought with them useful conclusions for cementing a better integration of the armed forces in a democratic society.

Many of these recommendations had to do with the work of Parliament. With regard to these, we will present within a short period of time, a proposed resolution in which we will seek their adoption. Other recommendations referred to other aspects of the civil-military relationship in a democratic society, about which we feel

the Parliament ought to offer its public support for their implementation by the Executive Branch.

With this in mind, we offer this declaration proposal for consideration by our peers.

Carlos O. Silva. -- Victorio O. Bisciotti. --
Ricardo E. Felgueras. -- Carlos M. A.
Mosca. -- Osvaldo Alvarez Guerrero. --
Conrado H. Storani

-- To the National Defense Commission

la vía judicial más urgente y de máxima celeridad (cont. Recomendaciones de II Jornadas Civiles, Comerciales y Procesales de la Provincia de Buenos Aires, Junin, provincia de Buenos Aires).

A partir de los fundamentos expuestos, de los que se vertirán en ocasión de su tratamiento en las comisiones de esta Honorable Cámara, de la doctrina nacional y extranjera, de la legislación comparada, y de la jurisprudencia nacional receptiva del derecho (casos Campullay y Neustadt), es que nos permitimos solicitar a nuestros pares acompañen con su voto afirmativo la presente iniciativa, mentuando la importancia fundamental que el derecho de réplica tiene para la consolidación del sistema democrático, en tanto ha de propender a una mejor calidad de la información pública.

Carlos O. Silca. — Ricardo E. Felgueras.

—A las comisiones de Legislación General, de Asuntos Constitucionales y de Justicia.

33

Proyecto de resolución

a) Cámara de Diputados de la Nación

RESUELVE:

1º — Modificar el artículo 72 del capítulo IX del reglamento de la Honorable Cámara de Diputados de la Nación (texto ordenado 15 de octubre de 1988), el que quedara redactado de la siguiente forma:

Artículo 72: Compete a la Comisión de Defensa Nacional dictaminar sobre todo asunto o proyecto relativo a la defensa nacional con los alcances que a dicho término asigna la Ley de Defensa Nacional, incluyendo la organización, armamento y disciplina de las fuerzas armadas de tierra, mar y aire, y sus servicios auxiliares y afines; así como las cuestiones atinentes a las misiones que a estas fuerzas corresponden y las que se refieran a recompensas, honores y demás asuntos comprendidos en la legislación respectiva; así como también política de frontera, defensa civil, movilización y servicio de defensa.

2º — Créase en el ámbito de la Comisión de Defensa de esta Honorable Cámara de Diputados de la Nación un cuerpo consultivo ad honorem, constituido por quienes hayan desempeñado en gobiernos constitucionales los cargos de ministro de Defensa, presidente vicepresidente de comisiones de Defensa parlamentarias y jefe del Estado Mayor Conjunto.

El presidente de la Comisión de Defensa de esta Honorable Cámara tendrá a su cargo formular las indicaciones para que las personas aludidas en el presente artículo procedan a integrar el mencionado cuerpo consultivo, cuya misión será la de aportar, a requerimiento de la comisión, su opinión sobre los temas de tratamiento.

3º — Encomiéndase al señor presidente de esta Honorable Cámara:

- a) La iniciación de gestiones ante el Poder Ejecutivo nacional para que a través de su Ministerio de Defensa se arbitren los medios para designar en calidad de representante de la Honorable Cámara de Diputados de la Nación ante cada estado mayor general de fuerza armada, o plana mayor de fuerza de seguridad, de un diputado nacional integrante de la Comisión de Defensa;
- b) La concreción de acuerdos permanentes entre la Honorable Cámara de Diputados de la Nación y el Poder Ejecutivo nacional, a través de su Ministerio de Defensa, relativos al flujo de información, los requerimientos mutuos que se clasifiquen como urgentes y la integración de los sistemas informáticos con las correspondientes medidas de seguridad; como así también el establecimiento de una agenda periódica de reuniones de la comisión con el ministro de Defensa y cada uno de los secretarios de dicho ministerio.

4º — Solicitar al Poder Ejecutivo nacional se implementen los mecanismos tendientes a la participación directa de la Comisión de Defensa de esta Honorable Cámara en la elaboración del presupuesto de defensa, estableciéndose reuniones periódicas y un adecuado flujo de información entre la comisión, la Secretaría de Coordinación y Programación Presupuestaria del Ministerio de Defensa, la Secretaría de Hacienda de la Nación y los estados mayores generales de las fuerzas armadas.

Carlos O. Silca. — Victorio O. Bisciotti. —
Ricardo Felgueras. — Juan C. Petell.

FUNDAMENTOS

Señor presidente:

Entre el 20 y el 23 de julio del corriente año tuvo lugar en la ciudad de Montevideo, República Oriental del Uruguay, un congreso organizado por el National Democratic Institute (NDI), con participación de señores diputados nacionales y asesores de esta Honorable Cámara, funcionarios y ex funcionarios del Poder Ejecutivo nacional, destacados militares en actividad y retirados y estudiosos en temas de defensa y seguridad, para tratar temas adecuadamente caracterizados por la expresión que sirvió de denominación al evento: "Hacia una nueva relación. El rol de los militares en un gobierno democrático".

Debe destacarse la importancia y trascendencia de las deliberaciones, en las que fueron discutidas con infrecuentes amplitud y franqueza todos los desafíos que plantea en las nuevas democracias del Cono Sur del continente americano la relación con las fuerzas armadas.

Uno de los temas tratados tuvo relación directa con la labor de esta Honorable Cámara: "El rol del Parlamento en la defensa nacional", que contó como expositores a dos asesores de la Comisión de Defensa, el

doctor Ugarte y el licenciado Tibiletti. Tras un rico y profundo debate, el Congreso arribó a las siguientes recomendaciones que resumieron las conclusiones producidas del debate:

"Las recomendaciones vertidas por los minigrupos de discusión con relación al tema 1, destacaron la fundamental importancia de legislar, rescatando el pensamiento de la sociedad en dicha materia, aunque destacando también la necesidad de que dicho rol debe tener en cuenta las situaciones específicas considerando como premisa que la defensa debe ser responsabilidad de toda la sociedad y de implementar un efectivo control de la labor del Poder Ejecutivo en la materia.

Se propusieron diversas medidas para posibilitar el cumplimiento efectivo de dicho rol, tales como dotar a las comisiones de defensa de los medios humanos (cuerpo de funcionarios permanentes que garanticen continuidad y efectividad) y materiales que les posibiliten funcionar con el máximo nivel de eficiencia e idoneidad, realizar seminarios y encuentros; así como también visitar unidades militares y planificar otros eventos que favorezcan el contacto y recíproco conocimiento y comprensión entre legisladores y los integrantes de las fuerzas armadas.

"Con relación a los canales de comunicación entre el Parlamento y las fuerzas armadas se estimó que los mismos debían ser constantes, normales y habituales, estableciéndose mecanismos de consulta e intercambio de información recíprocos.

"También se propuso asegurar la participación del Congreso de la Nación, a través de sus comisiones de defensa, en el proceso de elaboración previa del presupuesto, así como la realización de un pleno control de gestión".

La presente iniciativa pretende, pues, implementar en el marco de las facultades propias de esta Honorable Cámara y el respeto a las atribuciones del Poder Ejecutivo nacional, las útiles recomendaciones del citado congreso internacional, considerando que la próxima iniciación de un nuevo ciclo parlamentario resulta una oportunidad propicia para ello.

Cabe señalar al respecto que las razones que fundamentan este proyecto reiteran y enfatizan las expuestas en nuestro proyecto de declaración por el que solicitamos a la Cámara exprese su adhesión a las recomendaciones formuladas en la conferencia que, sobre el rol de las fuerzas armadas en la sociedad democrática, tuvo lugar en la ciudad de Montevideo, Uruguay, durante el mes de julio de 1989, organizada por el National Democratic Institute for International Affairs (expediente 1.187-D-89, Trámite Parlamentario N° 71 del 4-8-89, Orden del Día N° 1.330/89, aprobado en la sesión ordinaria del 13 de septiembre de 1989), así como comparten los fundamentos del proyecto de nuestra autoría por el que solicitamos a la Honorable Cámara resuelva convocar a reuniones especiales de la Comisión de Defensa con el fin de invitar a los comandantes del último año de los institutos militares a presenciar las mismas. (expediente 2.056-D-89, Trámite Parlamentario N° 110 del 28 de septiembre de 1989).

Por los fundamentos expuestos es que solicito a los señores legisladores apoyen con su voto afirmativo la presente iniciativa.

Carlos O. Silos. — Ricardo E. Felgueras. —
Victorio O. Bisciotti. — Juan C. Petell.

—A la Comisión de Peticiones, Poderes y
Reglamento

34

PROYECTO DE LEY

El Senado y Cámara de Diputados, etc.

LEY NACIONAL DE PESCA

Capítulo 1

Disposiciones generales

Objetivos

Artículo 1º — Declárase de interés general, la investigación, protección, conservación, promoción, desarrollo, explotación, industrialización y cultivo de los recursos biológicos del medio acuático comprendidos en la presente ley.

Art. 2º — La Nación Argentina promoverá la actividad pesquera en procura de máximo desarrollo compatible con el aprovechamiento racional de los recursos bioacuáticos; la participación del capital nacional en inversiones que aumenten la capacidad productiva del sector, generando a su vez nuevos puntos de trabajo; la efectiva protección del interés nacional permitiendo la participación del capital extranjero mediante inversión genuina de capital de riesgo en buques y fábricas en tierra con empleo de mano de obra argentina; el incremento de la capacidad industrial existente incorporando nuevas tecnologías que impulsen la reconversión industrial del sector; el aliento a la tarea de investigación, en procura de una efectiva protección y conservación de los recursos teniendo en cuenta que los mismos son renovables, pero pasibles de agotamiento desarrollando el INIDEP una tarea fundamental en el área descrita.

Demarcación y jurisdicción

Art. 3º — Denominase Mar Territorial Argentino, sujeto a la soberanía de la Nación Argentina, al mar adyacente a las costas hasta una distancia de 200 millas marinas, medidas desde la línea de las más bajas mareas, salvo en los golfos San Matías, Nuevo y San Jorge, en que se medirá desde las líneas que unen los cabos que forman su boca, estando comprendidos el lecho del mar y el subsuelo de las zonas submarinas adyacentes al territorio argentino hasta una profundidad de 200 metros o más allá de ese límite, hasta donde la profundidad de las aguas suprayacentes permita la explotación de los recursos naturales de dichas zonas.

Art. 4º — El Estado nacional ejercerá jurisdicción exclusiva más allá del límite fijado en el artículo 3º de la presente ley, sobre los recursos vivos que poblaran la plataforma continental argentina, y respecto de las especies de carácter migratorio o sobre aquellas que intervengan en las cadenas alimentarias de las especies del mar territorial argentino.

Proposed Resolution

The Chamber of Deputies of the Nation

BE IT RESOLVED:

1. -- Modify article 72 of chapter IX of the Rules of the Honorable Chamber of Deputies of the Nation (text promulgated October 15, 1986), so that it reads as follows:

Article 72: It is the competency of the National Defense Commission to legislate on all matters or projects concerning national defense, using the scope of the term as set down in the National Defense Law, including the organization, armament, and discipline of the armed forces of the land, sea and air, and their auxiliary and similar services; as well as those questions concerning the missions that belong to these services and those compensations, honors and other matters included in the respective legislation, as well as border policies, civil defense, mobilization, and defense service.

2. -- Create in the sphere of the Defense Commission of this Honorable Chamber of Deputies of the Nation an ad honorem consultative body, made up of those who have performed in constitutional governments in the posts of Defense Minister; president and vice president of the parliamentary Defense Commissions, and the head of the Joint Chiefs of Staff.

The president of the Defense Commission of this Honorable Chamber will have in his power the right to make invitations so that the aforementioned people begin to make up such a consultative body, whose mission will be to offer, at the request of the commission, its opinion about matters under consideration.

3. -- Recommend to the President of this Honorable Chamber:

- a) To begin contacts with the Executive Branch so that, through its Defense Ministry, the means are created for the designation of a representative of the Honorable Chamber of Deputies of the Nation who is a deputy belonging to the Defense Commission to each of the armed forces' high commands, or the general staff of the security forces;
- b) The realization of permanent accords between the

Honorable Chamber of Deputies of the Nation and the Executive Branch, through its Defense Ministry, concerning the flow of information, the mutual needs which are considered urgent, and the integration of information systems which form part of the security network; as well as the establishment of a periodic schedule of meetings of the commission with the Minister of Defense and each of the secretaries of said ministry.

4. -- To solicit the Executive Branch to implement the mechanisms needed to assure a direct participation in the Defense Commission of this Honorable Chamber in the formulation of the defense budget, establishing regular meetings and an adequate flow of information between the Commission, the Coordination Secretariat, the Finance Secretariat and the general staffs of the armed forces.

Carlos O. Silva -- Victorio O. Bisciotti --
Ricardo Felgueras -- Juan C. Petell

FUNDAMENTS

Mr. President:

On July 20-23 of this year in the city of Montevideo, the Oriental Republic of Uruguay, there took place a congress organized by the National Democratic Institute (NDI), with the participation of national deputies and staff advisors of this Honorable Chamber, functionaries and former functionaries of the Executive Branch, outstanding active-duty and retired military officers, and experts in the areas of defense and security, in order to address an agenda which was adequately described by the conference title: "Towards a New Relationship: The Role of the Armed Forces in a Democratic Government."

The transcendental importance of the deliberations ought to be underlined, as all those challenges faced by the new democracies in the Southern Cone of the American continent concerning the armed forces were discussed with uncommon detail and frankness.

One of the subjects treated had a direct relation to the work of this Honorable Chamber: "The Role of the Parliament in National Defense," which counted among the panelists two advisors of the Defense Commission, Dr. Ugarte and Mr. Tibiletti. After an enriching and profound debate, the conference arrived at the following conclusions:

"The recommendations offered by the discussion mini-groups with relations to topic No. 1, highlighted the fundamental importance of legislating in accordance with the wishes of society. It also highlighted the need for said role to be taken into account in specific situations,

considering as a premise that defense ought to be the responsibility of the entire society and that an effective check on the Executive Branch should be implemented.

"Various proposals were made toward the end of effectively carrying out such a role, such as endowing the defense commissions with the human resources (a permanent body of staff which guarantees continuity and effectiveness) and materials that allow them to operate with a maximum level of efficiency and aptitude, to hold seminars and meetings, and to plan other events which favor the contact and reciprocal knowledge and comprehension between legislators and the members of the armed forces.

"With relation to the channels of communication between the Parliament and the armed forces, it was concluded that the same ought to be constant, normal and habitual, establishing the mechanisms for consultation and reciprocal exchange of information.

"Similarly, it was proposed that the participation of the National Congress [in defense and security issues] should be assured, through its defense commissions, as well as the realization of a full control of its administration and management."

This initiative tries, then, to implement in the context of the faculties attributed to this Honorable Chamber and the respect for the attributions of the Executive Branch, the useful recommendations of the aforementioned international congress, considering that the beginning of the new legislative cycle will be the right moment for this to be taken up.

It is worth mentioning that the motives that serve as underpinnings for this project reiterate and emphasize those which accompanied our Declaration Proposal, in which we asked the Chamber to express its adherence to the recommendations formulated in the conference on the role of the armed forces in a democratic society which took place in the city of Montevideo, Uruguay, during the month of July 1989, which was organized by the National Democratic Institute for International Affairs (document 1.187-D.-89, Parliamentary Procedure No. 71 of 8-4-89, Order of the Day No. 1,330/89, approved in ordinary session on September 13, 1989), as well as share the fundamentals of the project we have authored, for which we ask that the Honorable Chamber resolve to convene special meetings of the Defense Commission with the purpose of inviting those students completing their last year in the military institutes to observe the same (document 2.056-D.-89, Parliamentary Procedure No. 110 of the 28th of September, 1989).

For the reasons outlined we ask that distinguished legislators support, with an affirmative vote, the present initiative.

Carlos O. Silva. -- Ricardo E. Felgueras. --
Victorio O. Bisciotti. -- Juan C. Petell

-- To the Commission on Petitions, Powers
and Rules

APPENDIX III

-- AGENDA --

TOWARDS A NEW RELATIONSHIP: THE ROLE OF THE ARMED FORCES IN A DEMOCRATIC GOVERNMENT

Friday, July 21

- 10:00 Inauguration of seminar.
Introduction by Mr. Curtis Cutter, NDI
delegation leader
- 11:30 Explanation of the objectives of the seminar
and the role of the participants, by Curtis
Cutter and civil-military Project Director
Martin Edwin Andersen
- 12:30 Lunch
- 14:00 Topic #1: The Role of the Parliament in
Defense and National Security Issues
- o What is the role of the parliament in a
democratic society with respect to
defense issues?
 - o What is the communications structure
that channels information between the
armed forces and the parliament? What
might be done to improve such
communications?
 - o What specific measures might be taken to
support the Parliament's constitutional
role in defense and national security
issues?
- 16:15 Mini-group sessions (6); each with discussion
group leader and rapporteur
- 19:00 Session ends

Saturday, July 22

- 9:00 Topic #2: Command and Control of the Armed
Forces in a Democracy
- o What are the current mechanisms by which
the role of the armed forces in a
democratic society is defined? How can
they be improved?
 - o What is the relationship between the
defense ministry and the joint command?

How do the branches of the armed forces relate among themselves and to the society at large?

- o What additional steps can be taken to ensure a closer collaboration between the armed forces on issues of national defense?

11:30 Mini-group sessions (6); each with discussion group leader and rapporteur

13:00 Lunch

14:30 Topic #3: The Integration of Civilian and Military Institutions in a Democratic Society

- o What steps can be taken, by government, the political parties, and other institutions, to integrate the armed forces into the social and political life of society?
- o What kinds of civic education tools should be developed to reflect a new consensus over the role of the armed forces in a democratic society? What are the experiences of other countries that might apply to Argentina? To Uruguay?
- o What specific steps might be taken by government, the political parties, and other institutions to enhance civilian understanding of national defense issues?

16:45 Mini-group sessions (6); each with discussion group leader and rapporteur

19:00 Session ends

Sunday, July 23

Topic #4: Democracy, Intelligence and Internal Security

- o What should be the role of the security forces in providing for internal security? How does this differ from their role in providing defense from external threats?
- o What are the advantages and disadvantages of giving the armed forces a role in the

interdiction and repression of drug trafficking?

- o How can bilateral, regional and international cooperation be improved to enhance political stability?
- o Is there an adequate coordination at a political and operative level concerning crises related to internal security? In Argentina, what lessons might be learned from recent developments there?

11:15 Mini-group sessions (6); each with discussion
 group leader and rapporteur

12:45 Session ends/Meeting of mini-group leaders and
 rapporteurs

13:30 Lunch

14:30 Plenary session. (Open to press.)
 Presentation of conference document.
 Closing remarks by conference participants.

APPENDIX IV

**TOWARD A NEW RELATIONSHIP: THE ROLE OF THE MILITARY
IN A DEMOCRATIC GOVERNMENT
LIST OF PARTICIPANTS
JULY 21-23, 1989
MONTEVIDEO, URUGUAY**

ARGENTINA

Osvaldo Alvarez Guerrero
Member, Chamber of Deputies
Radical Party

Victorio Bisciotti
Member, Chamber of Deputies
Radical Party

Marisa Conde
Member
Arturo Illia Foundation

Juan Carlos Corbetta
Personal Representative
Defense Minister Italo Luder

Nestor Cruces
Lieutenant Colonel (R)
Argentine Army

Alfredo Diaz
Undersecretary for Technical
Planning
Ministry of Defense

Marcela Donadio
Researcher
Center for the Study
of National Projects

Federico Dorin
Member
Center for the Study
of National Projects

Gustavo Druetta
Chief of Military Sociology
Center for the Study
of National Projects

Eduardo Estevez
Researcher
Arturo Illia Foundation

Ricardo Felgueras
Member, Chamber of Deputies
Radical Party

Argimiro Fernandez
Vice Admiral (R)
Argentine Navy

Jose Roberto Fernandez
Captain, Chief of Politics and
Strategy
Argentine Navy

Mirta Fernandez
Member, Chamber of Deputies
Justicialista Party

Dante Giadone
President
Arturo Illia Foundation

Jose Goyret
General (R)
Argentine Army

Diego Guelar
Ambassador to the European
Community
Ex-member, Chamber of Deputies
Justicialista Party

Maria Cristina Guzman
Member, Chamber of Deputies
Independent Federalist
Confederation

Pablo Melfi
Former Undersecretary of
State Intelligence
Radical Party

Flavia Melzi
Member
Arturo Illia Foundation

Jose Enrique Miguens
Sociologist, Former Instructor
National War College

Dr. Carlos A.M. Mosca
Member, Chamber of Deputies
Radical Party

Hector Muzzopappa
Director
Center for the Study
of National Projects

Ricardo Natale
Former Vice President
National Intelligence Center

Gabriel Negretto
Member
Center for the Study
of National Projects

Emilio Nigoul
Vice Admiral
Argentine Navy

Miguel Angel Ortiz Pelligrini
Member, Chamber of Deputies
Radical Party

Hernan Patino Mayer
Secretary, Defense Commission
Justicialista Party

Gregorio Pomar
Defense Advisor
Radical Party

Carlos Raimondi
Captain (R)
Argentine Navy

Jose Ramos
Member, Chamber of Deputies
Justicialista Party

Esteban Righi
Former Interior Minister

Mario Rossi
Advisor
Defense Ministry

Carlos Silva
Member, Chamber of Deputies
Radical Party

Conrado Storani
Member, Chamber of Deputies and
Secretary, Defense Commission
Radical Party

Luis Tibiletti
Member
Center for the Study
of National Projects

Jose Ugarte
Member, Chamber of Deputies
Defense Commission
Radical Party

Eduardo Vaca
Member, Chamber of Deputies
Justicialista Party

Eduardo Varela Cid
Member, Chamber of Deputies
Justicialista Party

Jose Luis Vila
Former Advisor
Ministry of Defense

BRAZIL

Alexandre R.E. Barros
Political Risk Analyst and
Scholar

ISRAEL

Nehemia Dagan
Brigadier General
Israeli Air Force

PARAGUAY

Euclides Acevedo
President
Revolutionary Febrerista Party

Luis Andrade Nogues
Member of the Board
Democratic Studies Center (CED)

Esteban Caballero
Executive Director
Center for Democratic Studies

Miguel Angel Gonzalez
Casabianca
Special Advisor to the President

Adalberto Mongelos
Member, Chamber of Deputies
Authentic Liberal Radical Party

Regis Anibal Romero
Brigadier General
Chief of Military Cabinet

Eduardo Celso San Martin
First Vice President
of the Senate
Colorado Party

SPAIN

Julio Busquets
Vice President of the
Defense Commission
Chamber of Deputies

Prudencio Garcia
Colonel
Spanish Army

Carlos Gil Munoz
Colonel, Chief of the Department
of Social Studies
Ministry of Defense

URUGUAY

Julio Aguiar
Member, Chamber of Deputies
Colorado Party

Maria del Huerto Amarillo
Military Researcher

Roberto Asiain
Member, Chamber of Deputies
Colorado Party

Einer Barford
President
Society of Economic, Political
and Social Studies

Ernesto Berro
Consultant
CELADU

Mariano Berro
Director
Center of Studies for Uruguayan
Democracy

Alberto Cha
Director of Parliamentary
and Union Affairs
Society of Economic, Political
and Social Studies

Nery Egaña
Colonel (R)
Air Force

Rivera Elgue
Colonel (R)
Army

Hector Goni
Member, Chamber of Deputies
Blanco Party

Hugo Goycodchea
Captain (R)
Navy

Luis Hierro Lopez
President, Chamber of Deputies
Colorado Party

Luis Ituno
Member, Chamber of Deputies
Blanco Party

Carlos Luppi
Member
Board of Directors
CELADU

Horacio Martorelli
Member
Society of Economic, Political
and Social Studies

Rafael Michelini
City Councilman
Peoples Government Party

Jorge Montero
Colonel
Air Force

Carina Perelli
Researcher
Society PEITHO-Political
Analysis

Hector Perez del Castillo
Consultant
Deputy Bloc
Blanco Party

Elias Porras Larralde
Member
Chamber of Deputies
Blanco Party

Juan Rial
Director
Society PEITHO-Political
Analysis

Washington Scala
Colonel(R)
Army

Alberto Scavarelli
Researcher
SEPES

Dr. Jose Claudio Williman
Member
Board of Directors
CELADU

UNITED STATES

Martin Edwin Andersen
Director for Latin
American Programs
National Democratic Institute
for International Affairs

Curtis Cutter
Senior Consultant
National Democratic Institute
for International Affairs

Curtis Morris
Colonel, U.S. Air Force
Chief Advisor for Military
and Policy Planning
Department of Inter-American
Affairs
U.S. Department of State

David E. McGiffert
Former Assistant Secretary
for Defense for
International Security
Affairs

Neil Singer
Assistant Director
National Security Division
Congressional Budget Office

Gary Wynia
Professor
Carleton College

CONFERENCE STAFF

Santiago Canton
Program Assistant, National
Democratic Institute
for International Affairs

Maura Donlan
Program Assistant, National
Democratic Institute
for International Affairs

Beatriz Etchechury
CELADU Staff

Mark Feierstein
Program Officer
National Democratic Institute
for International Affairs

Mercedes Gatica
Assistant, National Democratic
Institute for International
Affairs

Luis Ledesma
CELADU staff

Leticia Martinez
Logistics Coordinator
National Democratic Institute
for International Affairs

Graciela Queiruga
CELADU Staff

