

The Legislative Role

Argentina's
lower house.



AP/Wide World Photo

in Argentine Defense Reform

By PABLO CARLOS MARTINEZ

Before democracy was reestablished in Argentina in 1983, its defense issues were always the province of the armed forces. The loss of the Malvinas (Falkland) Islands in a brief but violent conflict with Britain, the negative experience of an autocratic regime, and above all the rift caused by human rights abuses, led to a crisis that called for a new defense policy. The military began to abandon its self-perception as an autonomous corporation with the power

to impose its will on the rest of society. At the same time, economic elites abandoned their propensity to use their wealth to retain power through the military.

Systemic Change

The task of the post-1983 political leaders was affirming democracy by managing defense affairs in the same way as foreign, economic, educational, and legal issues. The usual alternative in Argentina—finding a strong man or democratic general—was exhausted. To establish a new order it became necessary to forge a broad-based consensus and eliminate political partisanship, thus initiating a national policy.

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President Menem opening congress.

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these countries formed the *Mercado Común del Cono Sur* (MERCOSUR)—or Common Market of the Southern Cone. Thus Argentina was free of open conflict with its most important neighbors.

Defense policy was defined by foreign policy and emphasized cooperation and integration, such as regional economic coordination and its instrument, MERCOSUR; entry on the world stage of peacekeeping and security treaties; acceptance of a market economy; and active participation in U.N.

peace operations. Respect for democracy as a system of values was also affirmed, although some minority sectors risked crossing the line by forging agreements with military factions which were involved in uprisings against President Alfonsín.

Two acts stood out in the course of affirming civilian leadership. First, President Alfonsín decided to bring junta members responsible for repression and human rights abuses to justice. For the first time, active and retired military members were indicted, tried, and condemned by a federal court and the supreme court. While the number indicted was reduced because of the sanc-

tioning of the laws of proper obedience and *punto final* (military personnel who committed illegal acts under orders of superiors would not be charged and there would be a statute of limitations for all charges), observance of the law remained regardless of the civilian or military status of the accused.

Second, there was a new insurrection shortly before the presidential pardon of imprisoned military and guerrilla leaders under Menem. This time the military obeyed its orders and put down the revolt. There had never been such a response by the armed forces. Commanders reacted with discipline and heroism. The military culture had begun changing under a policy developed over the last decade by

isolating those in uniform who resisted civilian supremacy.

New Legislative Order

Like the United States, the Argentine constitution gives congress broad authority in defense matters. The legislative branch authorizes the executive to declare war or make peace and regulates the military in peacetime. The senate approves promotions of senior officers. In addition, the legislature has considerable budgetary authority over the defense establishment.

Although congress was given these prerogatives when the country was founded, it almost never played an important role in defense affairs. In the post-1983 governments, however, it has invoked its constitutional powers with vigor. Fiscal restrictions imposed severe limits on military spending. The number of enlisted personnel and units was also reduced. Changes begun in 1983 required a new definition of roles for the armed forces. To form it, congress passed two laws on national defense and internal security, providing an institutional architecture that defined the degree to which force may be used against threats. Attributes, missions, and functions were delineated, as were corresponding relationships between the powers of the state.

These laws sought to affirm the supremacy of civilian policy, effectively ending attempts at military autonomy. This does not diminish professionalism of the military; instead, it subordinates the armed forces to political decisions and the checks and balances and legitimizing mechanisms of democracy. A clear distinction was made between defense and security considerations, weakening a domestic national security view that identified a significant portion of the citizenry as the enemy.

Restructuring the ministry of defense and empowering the joint staff were consequences of these reforms. Under the law of internal security, the minister of the interior was made the head of the national police by presidential delegation, thereby restricting intervention in internal security by the

By 1983 the international situation anticipated the end of the Cold War and need for change in Buenos Aires. A new vision of national security was emerging, one not based on preparing to combat internal threats aided by external enemies and fight for disputed territories. A credible democratic government opened up possibilities for coordinating defense policy with a regional and global strategic framework. Argentina began recovering its international credibility, leaving behind the

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effects of the Malvinas defeat and the disrepute of the military dictatorship.

Introducing change was not simple. To build trust both in a state and a region, democracy requires transparency; therefore it was necessary for Argentina to make strategic decisions explicit after 1983. Difficult choices had to be made, including negotiating the Beagle Treaty in 1984, the first step toward resolving the border dispute with Chile. The process begun during the presidency of Raúl Alfonsín (1983–89) and concluded under Carlos Menem (1989–99) ended conflict with that country. Problems with Brazil, originating over construction of dams on the Parana River, were resolved. Finally,



First defense ministerial of the Americas, 1995.

DDO (Helene C. Sikkell)

armed forces. Cases specifically authorized by law were logistical support of the police force, defense of military establishments, and auxiliary use under terms contained in the constitution and with congressional authorization in cases of internal unrest. Furthermore, when it is decided that the armed forces should intervene, in no circumstances may doctrines or forms of organization and training be developed or equipment procured by the military for internal security. This categorical separation was necessary in order to distance the armed forces from social conflicts.

A process of reconciliation between the political parties was needed to achieve a consensus to pass both laws. In addition, the temptation to reorganize the defense system by resorting solely to the fiscal tourniquet had to be resisted. Simply beggaring the military through reduced spending would not bring the desired result. Politicians also joined the national debate. Almost every party created special commissions to study defense issues and propose policies. The armed forces Permanent Seminar 2000 was a successful venture in idea sharing. It was organized by Senator Eduardo Vaca, chairman of the senate national defense committee, who sought every opportunity to acquire defense knowledge.

In addition to political activism, the Argentine experience revealed a need to balance action and counsel from academics and military professionals. Political scientists together with judicial specialists, economists, and administrators worked closely with active and retired officers to advise legislators. Stimulating this dialogue required open debate, primarily for diverse actors who lacked an appreciation of defense affairs because the nation was just emerging from cruel confrontations that had splintered civil-military relations. Nongovernment organizations such as foundations and research institutes became protagonists for generating ideas, gathering information, and interacting with foreign institutions.

Seminars and exchanges multiplied, but generally outside universities, which were reluctant to accept defense as a legitimate area of research. In fact, it was only several years after democracy was restored that a pilot program began at National University at La Plata for naval students to take courses at a university. Moreover, the joint staff established a center for strategic studies.

Building Trust

In addition to reform, the wall of suspicion had to be torn down. The military and civilians had to put prejudices aside. Legislators met with the chiefs of staff to discuss concerns and take advantage of the ability of the majority party to influence the defense agenda and find solutions on the executive and legislative levels. It was not enough to listen only to the military hierarchy. Mid-level, junior, and noncommissioned officers joined the debate. Retired military personnel also aided legislators by providing technical support on defense initiatives as did legal, economic, and administrative professionals.

A pilot program to assemble the defense committee chairmen of the MERCOSUR countries was started at the initiative of Senator Vaca. The objective was to improve the knowledge of ruling elites and generate trust to make timely decisions without interference from the media, which often complicated relations among countries. On another plane, legislators began taking an active role in meetings of defense ministers from throughout the hemisphere which were held in Williamsburg, Virginia; Bariloche, Argentina; Cartagena de Indias, Colombia; and Manaus, Brazil.



Mothers of Plaza de Mayo protesting in Buenos Aires.

AP/Wide World Photo

To expedite reform, the senate defense committee resolved in 1995 to convene a series of public hearings to

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inform legislators on the status of civil-military relations not only in Argentina, but also from an international perspective. The executive branch favored these hearings, and even the armed forces showed interest. Each benefitted from broaching the subject on neutral territory, which promised dispassionate analysis on reform issues, from strategic to budgetary matters.

At the first hearing, which was attended by the vice president and minister of defense along with military and security force leaders, the opening speaker was the Brazilian secretary of

strategic affairs. Hearing from a major strategic ally and a key member of MERCOSUR was an invaluable experience for the legislators. The Brazilian view of international and regional issues was decisive in establishing a framework in which defense transformation could

be undertaken. The presence of a Brazilian official in the Argentine congress was one of many signs of the mutual trust between the countries over the last decade.

The hearings respected plurality to the extent that retired senior officers, some of whom had played critical roles in the military government, offered their opinions. Even so-called *carapintadas* (painted faces)—military personnel who took part in at least four insurrections against democratic power—were allowed to state their views.

Specialists from France, Germany, Spain, and the United States, addressed the necessity to develop new strategic views as the old concepts

crumbled with the Berlin Wall. They also argued that it was necessary to transform the armed forces on all levels. Moreover, change should not be regarded as punishment for the military but an inevitable consequence of global transformation.

One unique aspect of these hearings was the participation of the ministries of foreign affairs and economics. They offered fiscal guidelines within which the new strategic framework had to be formulated. Gone were the days when defense issues could be discussed without international and economic consideration. One participant stated that the regional situation “foreshadowed a gradual synchronization in strategic thought based on cooperation, and not on competition or conflict.”

Bold Move

The senate sought to clarify shifts in foreign policy since the Malvinas (Falklands) War and strategic change

Malvinas War

Argentine claims of sovereignty over the Malvinas (Falkland) Islands date to the early 19th century, although Britain administered the territory after 1833. A junta led by Lieutenant General Leopoldo Galtieri seized the islands in 1982. Criticized for fiscal mismanagement and human rights abuses, the junta thought that liberating the Malvinas would unite their countrymen behind the government. Argentine forces invaded on April 2, overcoming the defending British garrison at Port Stanley. The next day South Georgia and South Sandwich fell. By the end of the month, Argentina had deployed more than 10,000 troops. Public approval ran high and most governments in the region were sympathetic except Chile, which clashed with Argentina over islands in the Beagle Channel. A perceived threat from Chile prompted Argentina to keep most of its elite troops at home.

Britain assembled a task force to respond to the invasion. On April 25, South Georgia was retaken. In early May the Argentine cruiser *General Belgrano* was sunk by a submarine.

After the main British force arrived, land-based Argentine aircraft launched strikes and sunk *HMS Sheffield* and the container ship *Atlantic Conveyor*. Moreover, another destroyer and two frigates were sunk and several vessels also damaged. Argentine forces failed to prevent the British from landing near Port San Carlos and advancing to Darwin and Goose Green. Then the British turned toward Port Stanley where the Argentine garrison surrendered on June 14, effectively ending the conflict.

[For details, see Robert J. Scheina, "Argentine Jointness and the Malvinas," *Joint Force Quarterly*, no. 5 (Summer 94).] In the event, Britain captured 11,400 and killed some 750 Argentines.

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Architects of Malvinas campaign, Puerto Argentina.

Argentine Navy

structure, neither objective was achieved by the legislature.

The opportunity to terminate compulsory military service was presented with the cover-up of the murder of a soldier in Patagonia. The incident caused tremendous public outrage. Menem, seeing his chance, acted swiftly. The system was reformed virtually overnight.

The last task in the transformation process was reorganization. The initiative was launched by an opposition congressman and former minister of defense. He developed a mandated program to be executed over a five-year period. As program law, compliance had to be verified; and it had to be adaptable to changing circumstances.

Much of the work in drafting legislation was performed using an innovative methodology. Committees, formed to analyze the main themes, drew on the experience of retired senior officers. Both legal and financial specialists in budgetary techniques joined military advisors in formulating proposals on issues under study by the legislators. Such cooperation would have been impossible without the common approach and trust fostered during fifteen years of democracy and the experience gained by political elites in defense matters. Having legislators who once served in the executive branch and ministers who were legislators had an added value.

This cultural change created a new political climate. A paradoxical condition arose when the executive office remained neutral in the face of reorganization and congress took the initiative. The work fell upon a small group of legislators, all members of the defense committee of the house of representatives. The law was formed and voted on with discipline and consistency, first by the lower house and then by the senate.

Reorganization Law

The elements of reform were providing for a cadre of technical personnel trained to conduct joint and combined operations; a smaller number of

in the Menem regime, thus further distancing itself from the tendency in the region to regard armed forces as national guardians for dealing with internal conflicts. It explicitly favored the new thinking, "a strategic defense concept based on conventional dissuasion and cooperative balance." A resolution in March 1996 also demanded resources to guarantee the "proper level of readiness for the completion of the mission and, in turn, undertake [military] modernization."

Accordingly, the executive branch subsequently approved the directive for the realization of integrated planning that incorporated senate proposals and added greater precision to definitions of defense requirements. Collaboration between the powers was

achieved. Legislative and executive branch officials acted in concert and cooperation without infringing on their respective powers.

Ending compulsory military service was more problematic. Young Argentines had become increasingly reluctant to fulfill their obligations. But approval of a law to discontinue the draft and recruit a volunteer force was delayed as the senate awaited an agreement with the armed forces that never materialized. The Malvinas War demonstrated that the age of conscripts had passed. But in the effort to simultaneously convert to a professional force and organize a reserve



Argentine peacekeepers in Bosnia-Herzegovina.

55th Signal Company (Tracy Trotter)

This agreement represented the real test of consensus on reform law. An international financial crisis, which had a severe impact on Argentina, did not permit the expected increase in defense spending. The other source of funding for reorganization—selling nonessential military assets—was slowed by recession. Thus the military had to rely on credit to expedite modernization. Noncompliance with the law mobilized congress, especially the senate, where various proposals were introduced to establish a more credible defense budget. They were intended to counter estimates by the ministry of the economy that were being used to pass for compliance with the reorganization law.

Budget shortfalls produced adverse effects that had to be addressed. One was an exodus of qualified personnel. For example, the salaries of pilots in the private sector were as much as eight times larger than those of military aviators. In such cases the military lost its investment in training. Similarly, constant adjustments do not facilitate long-range planning because the decisions are modified continuously due to inadequate resources. Despite such difficulties, services have taken action to accomplish proposed reforms. The armed forces appear to be adjusting to fiscal realities. Abandoning weapon systems that can't be maintained, rationalizing infrastructure, and providing general support demonstrate that senior officers identify with transformation.

With passage of reorganization legislation, a new consensus and a strong compromise are needed; otherwise it will become a dead law. The defense ministry must play a more active role in orchestrating these measures, and congress will have to renew its initiative, taking full advantage of the best tool at its disposal—the bicameral committee on oversight. This will allow congress to play a continuing active role. **JFQ**

operational units with adequate logistic support and capacity for extended operations; commands and staffs with training in operations, planning, and supporting headquarters; mobilization plans to increase operational capabilities; the resources to achieve objectives; and hierarchization of military personnel with proper remuneration. The key concepts included jointness, rationalization of recruiting, prioritization of operational requirements, personnel systems, and improved readiness. Quality was valued over quantity

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in terms of people. Bold reforms were enacted in the retirement and pension systems and in the education and training of commissioned and non-commissioned officers.

Professional military education had to be adjusted to the national education system to create a “better entrance of members of the armed forces into the general educational culture.” Enlisted personnel who aspired to be

senior noncommissioned officers would need a high school diploma, a requirement that would take effect seven years after passage of the law. For field grade officers, the minimum educational requirement was a university degree. The criteria had a strong impact on military culture and produced a force that could handle organizational and managerial problems.

The legislature reserved oversight powers to itself in the form of a bicameral commission to monitor the reorganization process. In addition, the executive branch requested that congress enact a law approving the number of military and civilian personnel under review. Another aspect of the law was strengthening the role of the ministry of defense and the president as commander in chief. Thus the ministry was given extensive authority in defense production and acquisition.

Budgetary matters required the most attention. Defense resources for reorganization would grow by 15 percent over five years with increases in the first year of no less than 3 percent.