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Abstract	Argentina's Navy (ARA, Armada ArgentinaArgentina Navy) and its coast guard, the Naval Prefecture (Prefectura Naval Argentina [PNA]), have their origins in the Spanish colonial administration. Except for a short interlude in the 1950s, the Prefecture depended on the Navy until 1983. With the end of Argentina's military dictatorship (1976–1983), the PNA was transferred to different entities until it was placed under a newly created Ministry of Security.	
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CHAPTER 13

The Navy-Coast Guard Nexus in Argentina: Lost in Democratization?

Nicole Jenne and María Lourdes Puente Olivera

Argentina's Navy (ARA, Armada Argentina) and its coast guard, the Naval Prefecture (Prefectura Naval Argentina [PNA]), have their origins in the Spanish colonial administration. Except for a short interlude in the 1950s, the Prefecture depended on the Navy until 1983. With the end of Argentina's military dictatorship (1976–1983), the PNA was transferred to different entities until it was placed under a newly created Ministry of Security. The organizational dissociation was motivated by the desire to strictly separate defence and homeland security, limiting the role of the armed forces to defence matters except under exceptional circumstances. Therefore, by definition, "maritime security" has been placed under the legal orbit of the Prefecture.

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16 However, given the difficulty of clearly separating security and
17 defence, the laws and regulations that govern Argentina's maritime areas
18 leave room for interpretation about the responsibilities of the Prefecture
19 and the Navy in a number of areas. Since Argentina's return to democ-
20 cracy, in all areas of common competence policy-makers have emphasized
21 the concept of security over the concept of defence, thus giving prefer-
22 ence to the Prefecture (as a security force) rather than the armed forces.
23 The Argentine public and, although to different degrees, the civilian
24 leadership still distrust the Navy, the institution that thirty-five years
25 ago was engaged in what became known as the "Dirty War" against the
26 population it was supposed to protect. Thus, the tainted reputation of
27 the armed forces left the navy with no political lobby. In addition, there
28 has been a sense of growing public insecurity that has further aided the
29 empowerment of the Prefecture in that it provided a justification for
30 growing expenditures on security. Only recently, in 2018, the administra-
31 tion of Mauricio Macri (2015–) adopted several regulations that broaden
32 the role of the armed forces in internal security. To what extent the new
33 competences will actually be used and whether they will alter the relation
34 between the Prefecture and the Navy, however, remains to be seen.

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35 In practice, Argentina's maritime security does not present major defi-
36 ciencies because of any clash over competences. Neither is there a signif-
37 icant duplication of tasks or infrastructure to the extent that it could be
38 considered a serious lack of efficiency. In between these two extremes,
39 however, competition for responsibilities and resources exists in several
40 areas. Greater synergies could be achieved through cooperation in the
41 areas of common competence where there has been hardly any com-
42 munication and cooperation. As we shall argue in this chapter, the link
43 between the two services was lost in democratization due to the polit-
44 icization of resource allocation, which ended up determining the divi-
45 sion of labour between the Prefecture and the Navy. Having said so,
46 the question mark in the title indicates that democratization is not the
47 whole story. The relation between the Navy and the Naval Prefecture
48 has long been an uneasy one, which explains why today none of the
49 two services looks favourably at cooperating with each other. Unless the
50 political leadership decides to maximize the country's resources to safe-
51 guard Argentina's maritime interests, therefore, the status quo is likely to
52 remain.



53 The remainder of this chapter is divided into six parts. First, we
54 describe the historical development of the Navy–Prefecture nexus since
55 Argentina’s independence in 1810. Next, we explain how the separation
56 of the PNA from the Navy at a critical juncture in Argentina’s history,
57 the return to democracy in 1983, determined the assignation of compe-
58 tentences to each of the two services. The third part describes the growing
59 relevance of the Prefecture relative to the ARA’s role in maritime security.
60 The few, largely unsuccessful attempts undertaken to develop inter-agency
61 cooperation are dealt with in the fourth part. Fifth, we discuss the role of
62 each institution in seven areas of common competence and highlight how
63 the freedom of regulatory design has been interpreted in each of them.
64 The concluding part summarizes the problems of the current status quo,
65 looks at the reforms from 2018 and offers some reflections on possible
66 scenarios for the future.

67 HISTORICAL DEVELOPMENT

68 With 4989 kilometres of coastline in the South Atlantic, Argentina is
69 number 26 among the longest coastlines in the world.¹ In addition, it
70 claims territorial rights in the Antarctic and the corresponding maritime
71 zones, including an Exclusive Economic Zone (EEZ) of 200 nm. Due
72 to an immense plain of sediment off the Argentine coast, the extension
73 of economically profitable waters reaches well beyond its EEZ and con-
74 tinental shelf, which extends to 350 nm beyond the territorial sea, the
75 maximum possible envisaged under the United National Convention on
76 the Law of the Sea (UNCLOS) provisions.

77 During the Spanish empire, the port of today’s capital of Buenos Aires
78 had a special status in the colonial administration. From its very crea-
79 tion in 1756 on, the Port Captaincy (*Capitanía de Puertos*) fulfilled the
80 functions of its successor organization, the Naval Prefecture. According
81 to the General Regulations dictated by Spain’s King Carlos IV (Article
82 7, 1793), its responsibilities included the following tasks: pilot authori-
83 zation and certification; inspection of safety conditions on board; sum-
84 mary procedures for offences in navigation, crimes and contraventions;

¹World by Map, Coastline length. Online at <http://world.bymap.org/Coastlines.html>.



85 the dispatching of ships; control of navigators and passengers; ensuring
 86 compliance with the prohibition of discharging garbage and debris into
 87 waters; and oversight over the Board of Health.² The Port Captaincy
 88 survived the collapse of the Spanish empire until it was renamed the
 89 Naval Prefecture in 1896. In a major modernization process driven by
 90 the so-called Generation of '80, Argentina's elites looked to Europe as
 91 a successful example of development. While the model for the Army was
 92 Germany and for the Navy Spain and later Britain, it was France's *Préfet*
 93 *Maritime* that gave the Prefecture its name. The new law (Ley 3.445)
 94 codified the Prefecture's role as a police force with competence over the
 95 seas, rivers, waterways and ports under national jurisdiction, thus main-
 96 taining the same tasks previously carried out by the Port Captaincy.³

97 The Prefecture, like the merchant navy, was an integral part of
 98 Argentina's emerging geostrategic thinking towards developing the
 99 country's maritime interest.⁴ Therefore, the head of the Prefecture was
 100 a Navy officer. This changed briefly only under President Juan Domingo
 101 Perón who, following a rebellion by the armed forces in 1951, sought to
 102 increase control over the security forces by placing both the Prefecture
 103 (then under the Ministry of Maritime Affairs) and the Gendarmerie
 104 (then under the Ministry of the Army) under the responsibility of the
 105 Ministry of Interior. This period, when the Prefecture was led by a
 106 Prefect for the first time in its history, was of short duration. In 1955,
 107 Perón was ousted by a military coup and the Prefecture came under the
 108 Navy again.

109 The growing, global interest in maritime resources was reflected
 110 in increasing legal activity in Argentina. Among others, Law 3.445
 111 was replaced, in 1969, by Law 18.398, which remains the basic reg-
 112 ulatory framework for the Prefecture today. Shortly after, a new Law
 113 on Navigation (Ley 20.094) was passed integrating the previously

²Prefectura Naval Argentina, Notas sobre una tradición funcional [Notes on a Functional Tradition]. https://www.prefecturanaval.gob.ar/cs/Satellite?d=&c=Page&pagename=Institucional_Publico%2FPPage%2FPaginaInterna%2FVista&cid=1436818007188.

³All laws and executive decrees referred to in this chapter can be found online at <http://servicios.infoleg.gob.ar/infolegInternet/>, accessed January 22, 2019.

⁴The most influential promoter of Argentina's maritime awareness at the time was Admiral Storni. Storni's seminal lectures delivered in 1916 carried a strong Mahanian imprint. See Guillermo Montenegro, *An Argentina Naval Buildup in the Disarmament Era: The Naval Procurement Act of 1926* (Buenos Aires: Universidad del CEMA).



114 existing provisions into a comprehensive framework. Driving these reg-
115 ulatory activities was above all the Navy. The Argentine military had
116 involved itself in politics through successive coups d'état since 1930,
117 culminating in the last, infamous dictatorship that lasted from 1976
118 to 1983. The last dictatorial regime was the country's most radical in
119 terms of its ideological ambitions and the scope of violent repression.
120 One of the most vividly remembered symbols from this period is the
121 Navy Mechanics School known as ESMA, a notorious site of torture
122 and murder. Having left a deep scar on Argentina's national psyche,
123 the Navy's Dirty War is crucial to understanding the restricted role
124 it would come to play in the country's maritime security framework
125 under democracy.

126 In addition to democratization, in order to fully comprehend the
127 Prefecture's role vis-à-vis the Navy and the (missing) relationship
128 between the two, it is necessary to consider a second factor, namely the
129 differences that have historically shaped two distinct organizational cul-
130 tures and have given rise to an unequal relation between the Navy and
131 the Prefecture. The example that best illustrates this is that the two insti-
132 tutions have created different foundational narratives even though they
133 have been organizationally united more often than not. The Prefecture
134 traces its origins to the Port Captaincy and thus, like the Argentine
135 Army, with the creation of *la patria* in 1810 at the beginning of the
136 independence struggle. Given that it was part of the Navy until 1984,
137 however, it is the ARA Argentine history books refer to. The Navy takes
138 pride in its long-standing tradition, which it dates to the 1814 Battle
139 of Montevideo, a crucial milestone in the country's path to independ-
140 ence. Nevertheless, the Prefecture has historically been a force closer to
141 the people through its responsibility to save lives and because it was less
142 exclusive than the Navy, accepting the less educated, lower social strata
143 into its ranks.⁵

144 The class differences gave rise to an unequal relation in which the
145 Navy was seen as superior to the Prefecture. The existing hierarchy was
146 further reinforced by the separation of their respective tasks. While war,
147 the ambit of "high politics", belonged to the Navy, crime was seen as

⁵Interview with Eugenio Luis Facchin, retired ARA officer and PhD in political science, Buenos Aires, November 15, 2017.



148 a rather ordinary issue of domestic politics.⁶ Therefore, once the two
149 institutions were organizationally separated in 1984, there was no push
150 for cooperation on either side. The Prefecture has sought to assert itself
151 independently while the Navy, on the other hand, was too proud to
152 extend a request to coordinate efforts in the areas of common compe-
153 tence. Likewise, and as the next section will explain, the political leader-
154 ship failed to forge cooperation as the missing Navy–Prefecture link was
155 perceived not as problematic but indeed as necessary to check the power
156 of the armed forces.

157 DEMOCRATIZATION: THE CRITICAL JUNCTURE

158 The fact that Argentina is the only Latin American country with a coast
159 guard independent from the Navy is explained by the way it democ-
160 ratized. In contrast to its neighbours, which were also ruled by mil-
161 itary dictatorships, Argentina’s armed forces suffered a triple defeat on
162 the economic, humanitarian and the military front. Years of corrup-
163 tion and mismanagement, state terror and eventually the defeat in the
164 war against Great Britain over the Malvinas returned Argentina to free
165 and fair elections in 1983.⁷ Raúl Alfonsín, the head of the new demo-
166 cratic government, moved swiftly to implement civilian control over the
167 armed forces.⁸ Key among the institutional reforms was the creation of
168 functional bureaucratic rivalries by relocating the Naval Prefecture and
169 the Gendarmerie from the orbit of the armed forces to the Ministry of
170 Defence. From there, between 1992 and 1996, the Prefecture was grad-
171 ually moved to the Secretary of Internal Security under the Ministry of
172 Interior until in 2010 when the role of the Secretary was enlarged to
173 become the Ministry of Internal Security.

⁶Interview with Jorge Battaglini, Senior research fellow at Argentina’s National Science and Technology Research Council (CONICET) and Professor in the Department of Political Science and International Studies at the University Torcuato Di Tella, Buenos Aires, November 14, 2017.

⁷We use the official Argentine term of *Islas Malvinas*. The inhabitants of the islands refer to them as the Falkland Islands.

⁸See Raúl Alfonsín, *Memoria política: transición a la democracia y derechos humanos* [A Political Memory: Transition to Democracy and Human Rights] (Buenos Aires: Fondo de Cultura Económica de Argentina, 2004).

174 The organizational restructuring was followed by wide-ranging legal
175 reforms. For the division of labour between the Navy and the Prefecture,
176 three laws are of special relevance. The first is the National Defence Law of
177 1988 (No. 23.554), which is the main referent defining the responsibilities
178 of the armed forces as those of national defence. According to its Article 2,

179 national defence is the integration and coordinated action of all of the
180 country's forces for the resolution of those conflicts that require the use of
181 the Armed Forces, in a dissuasive or effective way, to confront aggressions
182 of external origin.⁹

183 Three years later, the Law of Internal Security (No. 24.059/1991)
184 delineated the role of the Prefecture as a security and police force. The
185 military was excluded from this competence unless the President consid-
186 ers the existing system of governance as insufficient to restore internal
187 security (Article 31).

188 The separation between security and defence has been taken
189 extremely seriously and is reflected also in the third law, the 2011 Law
190 on Intelligence (No. 25.520), which defines the roles and competences
191 of the Navy and the Prefecture, respectively. This law stipulates that strate-
192 gic intelligence is organizationally separated from criminal intelligence,
193 leaving the Navy with the responsibility to gather and process information
194 regarding external enemies only. In case it acquires information
195 about criminal offences such as drug trafficking, it is obliged to pass on
196 the data to the intelligence services' Criminal Directorate without ana-
197 lysing it. Criminal intelligence, like strategic intelligence, is directed by
198 civilians.

199 The Argentine position remained unchanged until 2018, even as
200 the 9/11 attacks on the USA further blurred the thin line separating
201 security and defence. The US' attempts to combat terrorism empha-
202 sized the dangers coming from so-called new threats, an umbrella
203 term used to describe transnational challenges putting citizens' secu-
204 rity at risk including organized crime, migration and environmental
205 degradation. From the USA's point of view, these challenges created
206 fertile conditions for radical ideologies to spread and facilitated the

⁹Argentina, *Ley de Defensa Nacional* [National Defense Law]. Ley 24/554/88. Available at <http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20988/texact.htm>.



207 global reach of terrorist networks. Countries around the world echoed
208 the “new security agenda”, and in Latin America, the USA stepped
209 up efforts to persuade governments to adopt a hard line against the
210 “new” threats. Mexico, Colombia and some Central American coun-
211 tries were among the first that expanded the internal role of the armed
212 forces, deploying the military on the streets mainly to combat drugs.
213 Argentina, then under the rule of the US-critical, Peronist *Partido*
214 *Justicialista*, took a different position. Based on the existing legal
215 framework, the government pointed out, internal security was beyond
216 the competence of the military.

217 Strictly speaking, Argentine laws only become applicable through
218 an executive decree that regulates a law’s individual provisions. In the
219 case of the National Defence Law, no such decree was issued for almost
220 three decades. Only in 2006 were the limitations on the military’s role
221 solidified as it was specified that the armed forces could be used inter-
222 nally to counter aggressions of external origin, where this meant “the use
223 of armed force by a *state* against the sovereignty, territorial integrity or
224 political independence of our country” (Decreto 727/2006, Article 1,
225 emphasis added). Narrowing the Navy’s role in maritime security, the
226 decree left no doubt that “new threats” did not justify the use of the mil-
227 itary internally.¹⁰ Instead, following the regulatory decrees of National
228 Defence (No. 727/2006, Article 24) and the Armed Forces (No.
229 1691/2006), it was “exclusively dedicated to enlist, train and sustain the
230 means put at their disposal, in order to guarantee their effective use in
231 the framework of military planning”. This included, based on the same
232 decree of the Armed Forces and National Defence plans (see Decreto
233 1729/2007), that the ARA undertook activities of surveillance and con-
234 trol so long as these activities were directed to strategic alert, but exclude
235 criminal offences such as contraband.

236 The organizational separation of the Prefecture was smooth. Although
237 the Navy resented the loss of organizational power and competence, the
238 sharp break with society at the end of the dictatorship left the military

¹⁰This was modified by Decree No. 683/2018, which no longer limits external threats to states. The new decree was issued by Mauricio Macri (2015–), who made the fight against drug trafficking a priority of his presidency, allowing him to use the armed forces for logistical support in the anti-narcotics campaign.



239 with no political clout. Moreover, the prosecution of human rights vio-
240 lations absorbed much of the military's attention, and it was thus in no
241 position to offer resistance.¹¹

242 For the Prefecture, its independence from the Navy was a triumph.
243 Apart from the uniform of its director and the insignia at the Prefecture's
244 office building, however, not much changed in the day-to-day of the
245 institution given that the relevant legal framework defining its tasks was
246 largely already in place. Yet, it was now able to prove itself as an inde-
247 pendent actor vis-à-vis the Navy, which had long looked at the Prefecture
248 as a necessary, though subordinate organization that required lower
249 entry standards and was paid less. The political conditions were favour-
250 able for the Prefecture's new, protagonist stance to bear tangible results.
251 As Argentina's political elites sought to subordinate the military to civil-
252 ian leadership and limit its role to national defence it turned to the secu-
253 rity forces and mainly the Prefecture and the Gendarmerie, providing
254 both with the necessary organizational and financial resources to estab-
255 lish themselves as independent actors.

256 In sum, the end of the military dictatorship and Argentina's democ-
257 ratization in the 1980s delineated the position of each, the Navy and
258 the Prefecture, within the country's maritime security framework.
259 Previously as part of the ARA, the Prefecture had been equally implic-
260 ated in the horrors of Argentina's Dirty War. Subsequently, however,
261 it is possible to say that it managed to create the image of an efficient
262 (read: less corrupt) institution at the service of society rather than
263 against it.¹²

¹¹Jorge Battaglino, "Fuerzas Intermedias y Lucha Contra El Tráfico de Drogas: El Caso de La Gendarmería En Argentina" [Intermediate Forces and the Fight Against Drug Trade: The Case of the Gendarmerie in Argentina]. *URVIO, Revista Latinoamericana de Estudios de Seguridad* 18 (2016): 76–89.

¹²This claim has been made also for the Gendarmerie, which is in a similar position as an intermediate force between the Army and the police (Battaglino, "Fuerzas Intermedias y Lucha Contra El Tráfico de Drogas: El Caso de La Gendarmería En Argentina").



THE ESTABLISHMENT OF A NEW EQUILIBRIUM

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The Prefecture has expanded organizationally and in terms of manpower. Comprising eleven directorates in 2004, it is now made up of 14 directorates plus an additional one for its activities in the northern, central and southern region. In 2007, the Prefecture's first institute for higher education, the University Institute of Maritime Security, was created. In terms of personnel, between 1980 and 1990, the number of active service members in the Prefecture increased from 11,000 to 13,000.¹³ During the same decade, the Navy was reduced from 35,000 to 20,000 personnel. Since Argentina abolished conscription in 1995, the size of both the ARA and the PNA has largely remained stable. In 2018, there were 18,500 active service members in the ARA and 13,250 in the Prefecture.

The growing importance of the security forces relative to the military is reflected in the development of salary and pension allocations as well as in the overall budget for security and defence. While historically payment rates in the security forces were lower than in the military, in 2017 salaries in the Armed Forces were on average only 43% of the salaries for the corresponding ranks in the security forces.¹⁴ Today, defence expenditures are about 20% less than those dedicated to security, creating a de facto situation in which the Prefecture is better positioned than the Navy to claim resources and take on tasks.¹⁵

The Prefecture is well inserted into the decision-making process, with a permanent representation in the Foreign Ministry and in Congress. The representation of the three armed forces in Congress (*enlace*, literally meaning "link") was temporarily substituted by a civilian representative from the Defence Ministry but returned under Macri's presidency. Nevertheless, according to the Prefecture's own account, its lobby was hardly necessary to ensure it was provided the necessary resources to grow.

¹³IISS, *The Military Balance 2018* (London: IISS, 2018).

¹⁴Sputnik, "Brecha salarial entre FFAA y de seguridad de Argentina se redujo a 43% [Wage Gap Between the Armed Forces and Security Forces of Argentina Down to 43%]," *Sputnik*, March 17, 2017, <https://mundo.sputniknews.com/defensa/201703171067657508-fuerzas-armadas-argentina/>.

¹⁵Ministerio de Hacienda, "Presidencia de la Nación, *Presupuesto 2018* [Budget 2018]," *Composición del gasto por Finalidad-Función y por Jurisdicción - N° 3 Anexa al Art.1°*.



293 A strong perception of deteriorating public security obliged the authorities
 294 to invest in combatting organized and petty crime. Although the rates of
 295 both crime and violent crime are lower in Argentina than in most other
 296 Latin American countries, the perception of insecurity is comparatively
 297 stronger and has largely increased over the past decades.¹⁶

298 From 1995 to 2001, the opinion survey *Latinobarómetro* reported
 299 that between 68 and 95% of all Argentines felt that crime “had
 300 increased a lot”, while another 5–27% said it had remained the same or
 301 increased slightly.¹⁷ Presented with the choice of how to react, the civil-
 302 ian leadership preferred the intermediate forces, the Prefecture and the
 303 Gendarmerie, over the military and the police.

304 The Prefecture’s political clout was illustrated in the controversial
 305 decision over who would exercise jurisdiction in Buenos Aires’ show-
 306 case district Puerto Madero. After the city of Buenos Aires became an
 307 independent jurisdiction in 1992, the corporation of Puerto Madero
 308 was established as a conglomerate of private, national and local inves-
 309 tors. Instead of the Federal Police, the Prefecture was given jurisdiction
 310 over policing duties in the port district including managing the police
 311 stations.

312 Building on the favourable conditions which allowed the Prefecture to
 313 establish itself as an independent, respected actor, the institution has taken
 314 a pro-active stance to expand the range of its tasks. Among others, this is
 315 reflected in its regulatory activity. The Prefecture has the authority to pub-
 316 lish ordinances (*Ordenanzas*) that regulate the specific provisions relevant
 317 to its competences as defined in the national legislation and international
 318 law. Since 1983, it passed 133 such ordinances.¹⁸ Since the Prefecture
 319 has no obligation to translate international agreements into Argentine

¹⁶Battaglino, “Fuerzas Intermedias y Lucha Contra El Tráfico de Drogas: El Caso de La Gendarmería En Argentina,” 80; Lucía Dammert. *Perspectivas y dilemas de la seguridad ciudadana en América Latina* [Perspectives and Dilemmas of Citizen Security in Latin America] (Quito: Flacso-Sede Ecuador, 2007), 284–298.

¹⁷“Time Series Analysis: Democracia, Confianza En Las Instituciones Nacionales [Democracy, Trust in National Institutions],” *Latinobarómetro*, <http://www.latinobarometro.org/latOnline.jsp>.

¹⁸“Ordenanzas,” *Prefectura Naval Argentina*, http://www.prefecturanaval.gov.ar/web/es/html/dpla_ordenanzaslistadover.php?&Pagina=10&Pagina=9&Pagina=1&Pagina=5&Pagina=7&Pagina=8&Pagina=9&Pagina=10&Pagina=9&Pagina=10&Pagina=1.



ordinances, their promulgation shows an eagerness to prove the institution's relevance. This is especially true given that the majority of ordinances are based on the legal instruments of the International Maritime Organization (IMO). The IMO is an important source of legitimation for the Naval Prefecture given that the national legislation based on the IMO's legal regime recognizes it as Argentina's maritime authority.

At the IMO, the Prefecture tends to have a stronger presence than the Navy. Both have a permanent technical advisor that assists the Argentine representative at the organization, usually a career diplomat who attends the biannual Assembly. The IMO's five main committees and the technical subcommittees are integrated by representatives of the member states' maritime institutions. While these may be either PNA or ARA officers, during the past decades it was mostly a Prefect representing Argentina. The Prefecture's comparatively stronger presence is justified by the expertise and educational record of its members, which reflects the growing professionalization of the Prefecture as a whole. Building on its long-term relations at the IMO, the PNA was thus able to exert greater influence in negotiations behind closed doors.

In 1988, the PNA established an International Affairs Secretariat to coordinate its international activities. Other than the IMO, the Prefecture participates in the International Mobile Satellite Organization (IMSO); IALA, a non-profit, technical association active in the area of maritime aids; and the Operative Network of regional Cooperation among Maritime Authorities of the Americas (ROCRAM). At the request of the Foreign Ministry, it also takes part in regional cooperation schemes such as the Common Market of the South (MERCOSUR), the Administration Commissions of the Río de la Plata (CARP) and Río Uruguay as well as the bilateral border committees with Paraguay and Chile. Since 2000, Prefects are present as delegates at Argentine embassies in the USA and in several Latin American countries. Lastly, international cooperation also takes place based on bilateral agreements, through which the Prefecture's training and education institutions receive foreign students.

ATTEMPTS TO FOSTER INTER-AGENCY COOPERATION

The establishment of a new equilibrium between the Navy and the Prefecture triggered some attempts to coordinate efforts between the two forces. The political leadership has shown little interest in getting the two sides to work together due to a mix of what has been



357 called an “attention-deficit” regarding defence matters and the view
358 that inter-agency competition was not necessarily a bad thing as it pro-
359 vided an additional check on the navy.¹⁹ Indeed, the latter could hardly
360 be expected to reach out to the newly empowered institution that
361 had escaped its tutelage and thus failed to push for cooperation. The
362 Prefecture, on the other hand, remains wary and guards its newfound
363 prerogatives against the ARA’s potential interference.

364 The first attempt to foster inter-agency cooperation dates from 1989.
365 The two institutions commitment to cooperate in 13 areas but none
366 of the 13 points was ever taken up. In 2011, another initiative was
367 launched at the ministerial level. The Agreement on Cooperation and
368 Complementation on Matters Related to the ARA and the Prefecture
369 aimed at increasing efficiency in two areas, ocean control and informa-
370 tion. With respect to the former, the agreement called for the coordi-
371 nation of patrols and the inclusion of members of one force on board
372 of the other. Until today, however, there has been no coordination of
373 patrols between the two organizations. The embarkation of personnel
374 with the respective other was practised with some frequency in the 1990s
375 but has become increasingly rare in the past decade or two. Only when
376 the Prefecture lacks its own equipment to carry out complex search and
377 rescue operations do Prefects embark on ARA vessels.

378 With regard to information sharing, the 2011 agreement calls for
379 coordination between the Navy and the Prefecture at the IMO and for
380 the purpose of national integrated information systems. The agreement
381 makes specific references to the integration of the international long-
382 range identification and tracking (LRIT) system, in particular for search
383 and rescue, and the automatic identification system (AIS) for activities
384 in the Antarctic. LRIT and AIS feed into the independently operating
385 information and tracking systems of the Navy and the Prefecture, with
386 the latter being given control as administrator. This has caused resent-
387 ment in the ARA, which is the legally designated authority for SAR (see
388 below) and looks at the Antarctic as a strategic issue of fundamental re-
389levance to national defence.

¹⁹David Pion-Berlin and Harold A. Trinkunas, “Attention Deficits: Why Politicians Ignore Defense Policy in Latin America,” *Latin American Research Review* 42, no. 3 (October 30, 2007): 76–100.



390 In order to improve cooperation in the two areas, the agreement
391 provides for the establishment of specific programmes under an execu-
392 tive committee integrated by both forces. According to information
393 from the ARA, the members of the committee were appointed but
394 never met.²⁰

395 In sum, it is fair to conclude that the political leadership failed to
396 come forth with a decisive initiative to foster inter-agency cooperation.
397 At the same time, neither the disempowered Navy nor the Prefecture
398 can be expected to take the initiative given the historically unequal rela-
399 tionship explained above, even if this would improve their performance
400 and legitimacy. The Navy tends to see the Prefecture as ever further
401 encroaching upon its turf. Complaints of a missing cooperative spirit like
402 the following are thus frequent:

403 The PNA asks marine pilots and captains to present a series of nautical
404 and signalization reports upon their arrival at the port. This informa-
405 tion, which should then be quickly transferred to the Naval Hydrography
406 Service [under the Navy] for its processing and dissemination, usu-
407 ally suffers excessive and unjustified delays, which affect the task of the
408 NAVAREA VI Coordinator –Armada Argentina– Naval Hydrography
409 Service.²¹

410 The Prefecture, on the other hand, tends to see the ARA as a past evil.
411 A senior Prefect summarized the general perception within the organ-
412 ization as follows: “We look at the Navy as the institution respon-
413 sible to defend us in the case of war. Having said that, the risk of war
414 for Argentina is really rather low”.²² Notwithstanding the fact that the
415 PNA is well established as the main actor in maritime security, mistrust
416 remains whether the Navy would accept working with the Prefecture on
417 equal terms.

²⁰Interview, Buenos Aires, November 13, 2017.

²¹Fernando Horacio Rial, *La Seguridad Náutica y Las Relaciones Institucionales Entre La Armada Argentina y La Prefectura Naval Argentina* [Safety of Navigation and Institutional Relations Between the Argentine Navy and the Naval Prefecture] (Buenos Aires: Instituto Universitario Naval, Escuela de Guerra Naval, 2003), 60.

²²Interview, Buenos Aires, November 14, 2017.



POLICY AREAS OF COMMON COMPETENCE AND COMPETITION

418
419

420 Room for interpretation regarding the roles of the ARA and the PNA,
421 respectively, arises from the fact that the applicable laws and regulations
422 define their competences in functional as well as in geographic terms.
423 With respect geographic criterion, moreover, there is a blind spot in **AQ6**
424 Argentine law regarding zones of jurisdiction that are not fully sovereign,
425 such as the EEZ and Antarctica.

426 Take the laws of the Prefecture (No. 18.398), security forces
427 (No. 18.711, 1970) and internal security (No. 24.059), which define the
428 extent of the Prefecture's competence as the seas, rivers, waterways and
429 ports under national jurisdiction. According to the UNCLOS provisions
430 that became part of Argentine law when UNCLOS entered into force
431 in 1995 (Ley No. 24.543), the waters of national jurisdiction that are
432 under the responsibility of the Prefecture extend 200 nm from the coun-
433 try's baselines, including Argentina's EEZ. As a policing force, the PNA
434 is also assigned the functional competence to control fishing in the EEZ,
435 but it may be the case the ARA, while on exercise in the EEZ, will detain
436 a fishing vessel operating illegally. This is consistent also with the ARA's
437 legally delineated ambit of action outside the realm of internal security,
438 since the limit of Argentine sovereignty is the territorial sea boundary at
439 12 nm. While in this case the Navy is required to hand over any seized
440 vessel to the PNA, both institutions can legitimately claim competence
441 for the act of detaining the fishing vessel based on the functional as well
442 as the geographic criterion.

443 The Prefecture can do so because it is the organization responsible
444 for fisheries control and generally for the security and safety in waters
445 under Argentine jurisdiction. The Navy, on the other, can rightly base
446 its claim on its responsibility to drill and exercise sovereignty beyond the
447 country's territorial sea. The same legal ambiguity occurs with respect to
448 acts of piracy, contraband and drug trafficking within the EEZ and the
449 contiguous zone. In consequence, in some policy areas the lack of a clear
450 regulatory framework leaves room for privileging either the functional or
451 the spatial criterion to allocate responsibilities to the Prefecture or the
452 Navy with no clear guiding principle other than political preferences.

453 It is worth noting that both the Navy and the Prefecture use the geo-
454 graphic and the functional arguments in an inconsistent manner depend-
455 ing on the circumstances that favour their own position, respectively.



456 This section discusses seven areas of common competences. The analysis
 457 shows that there is little overlap in practice and a limited amount of evi-
 458 dence for a harmful duplication of tasks. In almost all areas, the question
 459 of why overlap, duplication and collisions in carrying out certain tasks
 460 have been largely avoided can be answered by reference to budget alloca-
 461 tions reflecting the political preference for the Prefecture.

462 *Surveillance and Control*

463 The Law of the Prefecture (No. 18.398) stipulates that the PNA's com-
 464 petence in Argentine seas and rivers has exclusive character (*exclusivo y*
 465 *excluyente*). The geographic criterion has been weakened by the addi-
 466 tional use of a functional criterion to ascribe competences, such as sur-
 467 veillance and control. Since the publication of Argentina's 2010 Defence
 468 White Paper surveillance and control has been defined as the Navy's
 469 primary peacetime task, it was reemphasized again in the new National
 470 Defence Policy (Decree 683/2018). As such, it has been part of the
 471 Navy Command's Recruitment and Training Plan. From the ARA's per-
 472 spective, surveillance is indispensable for the collection of information
 473 necessary for strategic warning as well as the country's bilateral and mul-
 474 tilateral foreign policy.

475 Although the two institutions' tasks overlap in the EEZ, in practice,
 476 the PNA and the Navy have hardly gotten into the way of each other. In
 477 case an ARA patrol detects an infringement with Argentina's maritime
 478 regulatory framework, the laws described above provide for the handover
 479 of the case to the Prefecture (or another competent institution). In any
 480 case, such situations have rarely occurred. Given the PNA's institutional
 481 expansion, it is the institution that effectively carries out surveillance and
 482 control in Argentine jurisdictional waters. While the Prefecture lacks the
 483 means to adequately patrol the EEZ, so does the Navy, which has repeat-
 484 edly expressed the need "to improve its maritime patrol, surveillance,
 485 and control capabilities".²³ The lack of attention to this peacetime task

²³Admiral Marcelo Eduardo Hipólito Srur, "The Commanders Respond: Argentina," *Proceedings Magazine* 143/3/1,369 (March 2017): 24–37, 37. In November 2018, based on the new security and defence policy of President Macri, the government approved the purchase of four new patrol vessels to improve the Navy's surveillance and maritime control capabilities.



486 specifically, relative to peacekeeping and the safeguarding of Argentine
487 interests in the Antarctic, is reflected in the failure to establish a Maritime
488 Surveillance Command under the Joint Operations Command as envis-
489 aged in the Decree of National Defence Planning (1729/2006) over a
490 decade ago. According to Argentine law, the planning and carrying out
491 of strategic surveillance and control is the responsibility of the Maritime
492 Surveillance Command. While the equivalent Command for Aerial
493 Surveillance was established, however, the Navy's patrol activities are still
494 under the Naval Command for Recruitment and Training instead of the
495 planned, joint Maritime Surveillance Command.

496 *Organized Crime, Contraband, Terrorism and Piracy*

497 Criminal activities and terrorism within Argentina's maritime areas are
498 the primary responsibility of the Prefecture according to its territorially
499 defined responsibility over the country's jurisdictional waters. As stated
500 above, the arrangement in place until 2018 contrasted with the tendency
501 especially since 9/11 to deploy the armed forces against terrorism and
502 illicit activities alleged to facilitate terrorist activity. The 2010 Defence
503 White Paper stated unequivocally that

504 [p]henomena such as drug trafficking, organized crime, economic crimes
505 and money laundering or transnational terrorism do not correspond in the
506 Argentine legal and organizational framework to the responsibilities, com-
507 petences and instruments of the Defence System. Dealing with these crimi-
508 nal phenomena is the responsibility of the Internal Security System.²⁴

509 Accordingly, the Prefecture has been put in charge of the IMO's
510 International Ship and Port Facility Security Code (ISPS), a set of meas-
511 ures to enhance the security of ships and port facilities developed in
512 response to the 9/11 attacks on the USA.

513 The 2018 reforms increased the possibilities for greater involve-
514 ment of the armed forces to respond to criminal activities internally
515 as long as these constitute a threat emanating from outside the coun-
516 try and especially if these fall under the jurisdiction of international law
517 (Decree 683/2018). In addition, the new regulations emphasize the

²⁴Ministry of Defense of Argentina, *Libro Blanco de La Defensa* [Defense White Paper] (Buenos Aires: Ministry of Defense of Argentina, 2010), 92–93.



518 logistical support role of the military to complement the security forces
519 in what is sought to become a more integrated approach to security. The
520 reforms legitimize the potential involvement of the Navy alongside the
521 Prefecture in combatting organized criminal activities, terrorism and
522 piracy, although it is worth mentioning that Argentina does not actually
523 face problems of piracy and terrorism. Contraband is a significant prob-
524 lem but occurs almost exclusively in fluvial and riverine areas.

525 Search and Rescue

526 Law No. 22.445 of 1981 incorporated the International Convention on
527 Search and Rescue adopted in Hamburg in 1979 into Argentine national
528 law. Article 2 defines as its authority the Navy “through its competent
529 organisms”. The Prefecture was then an organism of the Navy, but since
530 it no longer depends on the ARA, it still remains the main agency to
531 carry out SAR operations. It is the ARA though, through its Training
532 and Recruitment Command, that issues the National SAR Plan imple-
533 menting Law 22.445. The National Plan of 2015 and its predecessor of
534 1989 list both the PNA and the Navy as responsible agencies. In prac-
535 tice, however, the distribution of capacities renders the Prefecture the
536 relatively more active agency in SAR.

537 Up to 90% of all registered cases occur either within Argentina’s fluvial
538 and riverine areas or within the 12 nm of territorial waters. These
539 areas are undisputedly under the competence of the Prefecture. Beyond
540 the 12 nm line, it is the PNA that also detects or is called to deal with
541 SAR cases. The Prefecture reports that is carried out a total of 454 SAR
542 operations in 2016, roughly about the same number as in the preceding
543 years.²⁵ More than half of these incidents occurred in Argentina’s mar-
544 itime areas, with the remaining 30–40% in rivers and lakes. It is worth
545 noting that there does not appear to have been an increase in incidents
546 taken care of by the prefecture: the number of SAR operations has been
547 largely comparable and even slightly higher in 1990 (564 cases), 1995
548 (629 cases) and 2000 (664 cases).

²⁵Information provided by the Servicio de Tráfico Marítimo [Service for Marine Traffic], PNA, November 27, 2017.



549 The Prefecture's predominant profile in SAR is justified also by budg-
550 etary considerations. It is more cost-efficient and in most cases suffi-
551 cient to use the smaller and technologically more advanced PNA ships.
552 Only in rare, complex and far-offshore cases is it necessary to revert to
553 the Navy. The ARA lacks suitable equipment, however, and its capaci-
554 ty shortage is compounded by the size of the so-called Search and
555 Rescue Region, the international ocean regime under the IMO assigns
556 to Argentina. Argentina is one of five countries responsible for maritime
557 SAR in the Southern Ocean and the only one together with Chile that
558 maintains dedicated assets in the Antarctic portion of its SAR region.²⁶
559 Although the regions largely correspond to states' maritime zones, they
560 are technically not connected. Nevertheless, the Navy (as well as the
561 Ministry of Foreign Affairs) has paid special attention to SAR activi-
562 ties surrounding the Falkland Islands and Antarctica linking those to its
563 role in national defence. In the Antarctic region, the Navy carries out
564 combined patrols together with Chile. The so-called Naval Antarctic
565 Patrol, which takes place between November and March every year,
566 was established in 1998 and covers the area between the 10-degree and
567 130-degree lines south of the 60th parallel.

568

Fisheries Control

569 A glance at Global Fishing Watch's digital map suffices to show the
570 importance of regulating fishing in Argentina's jurisdictional waters.²⁷
571 The lights indicating commercial fishing activity illuminate the country's
572 entire coast and outshine those in most other parts of Latin America.
573 Argentina's Fisheries Law (Ley 24.922) assigns authority in this area
574 to the Federal Fisheries Council, which is responsible for the develop-
575 ment of the National Plan to Prevent, Discourage and Eradicate Illegal,
576 Undeclared and Unregulated Fishing. The Law and the Plan state that
577 the Prefecture, being the country's maritime authority, is responsible
578 for controlling fishing activities and maritime traffic as well as to prevent

²⁶Natalie Klein, Joanna Mossop, and Donald R. Rothwell, *Maritime Security: International Law and Policy Perspectives from Australia and New Zealand* (Oxon: Routledge, 2009), 130.

²⁷"Global Fishing Watch Map," *Global Fishing Watch*, <http://globalfishingwatch.org/map/>.



579 illicit activities.²⁸ Further, the plan reads: “In its competence as auxiliary
580 fishing police, [the PNA] initiates the proceedings for infractions com-
581 mitted against the fishing regulations of the country, both by vessels sail-
582 ing under national and foreign flag”.

583 The Navy is not mentioned in the Fisheries Law but, together with
584 the Air Force, it is tasked to “assist [...] in the control of fishing through
585 the deployment of their respective equipment”.²⁹ Apart from con-
586 trol, the Navy also “participates in the conservation and protection of
587 the resources of the sea through the use of ships and aircraft deployed
588 in waters of national and international jurisdiction, obtaining an effective
589 deterrent effect on possible offenders to the rules of administration and
590 conservation of fishery resources”.³⁰

591 Based on the designated tasks, both the Prefecture and the Navy have
592 the responsibility to protect Argentina’s fishery resources in the ocean.
593 The role of the latter, although secondary, has been strengthened by
594 the fact that Argentina’s defence policy directives have assigned greater
595 importance to natural resources in recent years. The strategic relevance
596 of natural resources globally and those corresponding to Argentina’s
597 disputed areas in the South Atlantic is recognized in the Defense White
598 Papers and the first Political Directive of National Defense (Decreto
599 1714/2009), which is issued every four years. The second Directive
600 of 2014, however, was already more specific when it defined natural
601 resources as a “central aspect in the formulation of the strategic atti-
602 tude regarding its defensive character”. Given the careful use of the term
603 defence in Argentine policy circles, the mentioning of the “defensive
604 character” is significant as it suggests the armed forces play a role when
605 it comes to natural resources, including fish (see also the new Decree
606 703/2018). In practice, however, the ARA’s activity is limited due to
607 budgetary constraints.

608 For the Navy, the primary concern related to fishing activities and, in
609 consequence, trans-shipping are those carried out along or just outside
610 Argentina’s disputed EEZ. The problem of regulating fishing activity

²⁸ Consejo Federal Pesquero, *Plan de Acción Nacional Para Prevenir, Desalentar y Eliminar La Pesca Ilegal, No Declarada y No Reglamentada* [National Action Plan to Prevent, Discourage and End Non-declared and Non-regulated Illegal Fishing], 14.

²⁹ *Ibid.*, 9.

³⁰ *Ibid.*, 15.



611 at the 200 nm EEZ boundary is dealt with under the United Nations
612 Agreement on the Conservation and Management of Straddling Fish
613 Stocks and Highly Migratory Fish Stocks, which Argentina has ratified
614 but not legally deposited due to its disputed claims over the islands of
615 Malvinas, Georgia del Sur and Sandwich del Sur. The Agreement calls
616 upon the riparian state and the state under whose flag the fishing boats
617 sail to accord criteria for fishing along the EEZ boundary. However, the
618 fact that some of the areas are disputed makes the conclusion of formal
619 agreements for Argentina extremely difficult, thus compounding the
620 problem of lacking the capacity to control the 200 nm offshore.

621 To oversee fishing activities, the applicable legislation provides for
622 an integrated information system (SICAP) managed by the Ministry of
623 Agroindustry. Among other agencies, both the Prefecture and the Navy
624 are party to SICAP and are required to cooperate based on a specific
625 agreement within the framework of the 2011 inter-ministerial coopera-
626 tion agreement (see above). While both comply with their responsibil-
627 ities to supply SICAP with the relevant information, however, officials
628 acknowledge that “if we had a harmonious relation, this could further
629 benefit the system”.

630

Activities in the Antarctic

631 According to the Law of the Prefecture’s Article 4.b, the Prefecture
632 has exclusive competence in the Argentine-claimed territories of the
633 Antarctic. At the same time, the Navy claims responsibility there as
634 it is a disputed area that is not under national sovereign jurisdiction.
635 Consequently, several functions carried out on the Antarctic continent
636 overlap.

637 The competence to define Argentina’s policies in the area lies with
638 the Ministry of Foreign Affairs, acting mainly through the Argentine
639 Antarctic Institute and its National Antarctic Directorate, which operates
640 six permanent and seven temporal research bases in the territory. The
641 Navy, as part of the armed forces, supports the national scientific pro-
642 gramme in accordance with both the strategic value of the territory and
643 its special legal status as defined by the Antarctic Treaty. Article IV of
644 the treaty interdicts activities that “constitute a basis for asserting, sup-
645 porting or denying a claim to territorial sovereignty”. This means the
646 Prefecture can act as a national police force in the Antarctic as long as it



647 exercises competence over Argentine citizens and objects, but not over
648 territory. In addition, the Prefecture also carries out scientific research,
649 which is justified by its responsibility to control contamination.

650 While the Navy has maintained its presence with one permanent base (AQ7
651 (Orcadass, 1951) and five temporary bases during the summer months
652 (Ellesworth, Petrel, Melchior, Decepción, Corbeta Uruguay) largely
653 unchanged since the 1960s, like in other areas, the Prefecture has grad-
654 ually expanded its activities in the Antarctic. Previously, it participated in
655 the annual Summer Antarctic Campaigns on a voluntary basis until in
656 2012 when it began operating its own vessels in support of the mission
657 to resupply the National Antarctic Directorate's research bases. Since
658 the 1990s, Prefects are also present at the Directorate-operated base of
659 Carlini (formerly Jubany).

660 The missing coordination between the research programmes under-
661 taken by the Navy and the Prefecture may come to the detriment of sci-
662 ence, although from a state point of view, the duplication of scientific
663 efforts is not necessarily problematic. Notwithstanding the Antarctic
664 Treaty provisions, an enhanced range of activities by a larger number
665 of agencies may favour an Argentine future bargaining position over
666 Antarctic territory.

667

Scientific Studies

668 The National Council for Scientific and Technical Research (CONICET)
669 is responsible for Argentina's state scientific programme. Besides
670 CONICET, the Navy and since 2001 also the Prefecture carry out their
671 own marine scientific programmes. From the armed forces' view, science
672 and research is part of their responsibility to acquire strategic intelli-
673 gence. For the Prefecture, on the other hand, research activities are jus-
674 tified by its role as a marine police mainly in the area of environmental
675 protection as regulated under the IMO's International Convention for
676 the Prevention of Pollution from Ships (MARPOL). Joint competence
677 in this area has led to competition for resources and the duplication of
678 capacities on a minor scale. Overall, the Prefecture has been able to grad-
679 ually strengthen its profile and—counting with better equipment and
680 more resources than the ARA—establish itself as a permanent partner for
681 the responsible state agencies in carrying out scientific studies.



682 Based on an agreement with the Ministry of Defence, CONICET
683 has traditionally relied on equipment and personnel of the Navy's
684 Hydrographical Office, which operates two oceanographic vessels, the
685 *ARA Puerto Deseado* and the *ARA Austral* in high seas and the *ARA*
686 *Comodoro Rivadavia* within 50 nm offshore. CONICET's last acqui-
687 sition, the *Azara I*, is to be manned by the Prefecture. Similarly, the
688 National Institute for Fisheries Research and Development (INIDEP)
689 decided to have its new ship *Victor Angelescu* operated by the PNA. In
690 line with the 2015 Pampa Azul Project, a national plan aimed at sustain-
691 able maritime development, there have been proposals to unify marine
692 research under a single agency located within the Ministry for Science,
693 Technology and Innovation. Until such a proposal materializes, how-
694 ever, activities in the area will be carried out relying on the Navy and the
695 Prefecture according to political preferences and the development of rel-
696 evant capacities of each.

697

Defence

698 The military is the primary instrument of external defence, but also the
699 PNA is part of the national defence system. As such, according to Article
700 31 of the Defence Law, it develops the necessary capacities for the per-
701 manent control and surveillance of Argentina's borders and maritime
702 areas. In times of war, the relationship between the armed forces and the
703 security forces changes from coordination to the latter's subordination
704 under the Military Operations Command. In this case, the Prefecture is
705 required to follow the orders of the ARA and provide complete infor-
706 mation about any of its operations. The missing link between the two
707 organizations raises the question of whether they can effectively operate
708 together given both the absence of joint plans on recruitment and train-
709 ing during wartime, as well as the lack of practical experience through
710 joint exercises. Although this is a question worthwhile considering given
711 the current state of affairs, however, in practical terms the potential lack
712 of interoperability is less of a problem given that the current risk of war is
713 minimal for Argentina.

714 Since its return to democracy, the official Argentine position has been
715 that the prospect of an external armed conflict is negligible if not inex-
716 istent. The Defence White Papers published in 1998, 2010 and 2015 all



717 state that Argentina has no conflict plans with any neighbouring country.³¹
718 Nevertheless, the formally ascribed defence mission renders the question
719 of interoperability at least theoretically relevant especially considering the
720 conflicting territorial claims with Great Britain over the Malvinas/Falkland
721 Islands, South Georgia, the South Sandwich Islands, the South Orkney
722 Islands and large areas of the Antarctic, though the latter are frozen under
723 the Antarctic Treaty of 1959. The competing territorial claims gave rise
724 to overlapping claims over vast maritime areas in the South Atlantic and
725 Southern Oceans. From Argentina's perspective, any activity in these areas
726 amounts to a matter of national defence.

727 CONCLUSION

728 If strictly interpreted, Argentina's maritime security has been the sole
729 responsibility of its Naval Prefecture after it was separated from the Navy
730 in 1984. Since the country's return to democracy in 1983, there has
731 been a strong emphasis on the distinction between internal security, the
732 ambit of action of the security forces such as the police, the Gendarmerie
733 and the Prefecture, on the one hand, and external defence, under the
734 responsibility of the armed forces, on the other. The new regulations
735 from 2018 blur the formerly strict separation to some extent, but it
736 remains to be seen whether future government policies will make use
737 of the new possibilities to use the military internally in support of the
738 security forces. In any case, given the broad understanding of the term
739 maritime security, as outlined in the introduction to this volume, it is
740 apparent that the ARA plays a role in Argentina's maritime security.

741 In this chapter, we argued that the navy-coastguard nexus in Argentina
742 is one of a missing relationship. The end of the military dictatorship and
743 the path to democracy the country has taken explain why the Prefecture
744 has acquired greater importance relative to the Navy since 1983. Both,
745 politicians and the public still distrust the armed forces. In addition, the
746 Prefecture has acquired greater importance due to a growing demand for

³¹Argentina, *Libro Blanco de La República Argentina* [Defence White Paper of the Republic of Argentina], 1998, 2–19; Ministry of Defense of Argentina, *Libro Blanco de La Defensa*, 2010, 29, 192, 217; Ministry of Defense of Argentina, *Libro Blanco de La Defensa* (Buenos Aires: Ministry of Defense of Argentina, 2015), 32, 35, 116.



747 public security. While the Prefecture has successfully distanced itself from
748 the infamous image of the Navy still tied to its role in the dictatorship, the
749 roots of the missing link between the two institutions goes back further.
750 Although the Prefecture had for the longest time stood under the Navy's
751 command, both developed their own institutional cultures. Mainly due to
752 class differences, the Prefecture was not seen as an equal partner and has
753 therefore shown little enthusiasm to cooperate with the Navy.

754 Although the missing link raises questions about the successful man-
755 agement of Argentina's maritime security, this chapter has shown that
756 there are few areas where clashes of competence occur. We argued that
757 this is due to political preferences that tilted the small margin of regula-
758 tory freedom and potential legal ambiguity in favour of the Prefecture.
759 Nevertheless, the situation falls far short of ideal. The navy-coast guard
760 nexus is about more than inter-agency competition but raises bigger
761 questions about the role of the armed forces. The country's maritime
762 security will benefit from a more profound engagement with defence
763 matters and a clear definition of the Navy's role in those areas where
764 the spatial and functional criteria of competence allocation overlap with
765 those of the Prefecture. In addition to greater clarity, there is no doubt
766 on either side that coordination and cooperation between the two forces
767 can achieve synergies that have so far been lost.

768 The new security and defence policy of president Macri (2015–) may
769 be the beginning of a changing equilibrium between the ARA and the
770 Prefecture, given that it places greater emphasis on inter-agency coop-
771 eration for internal security, including the armed forces (see Decrees
772 174/2018 and 350/2018 and Resolution 47/2018 of the Cabinet
773 Central Office). The military has now an explicit role to play in providing
774 logistical support to counter any type of external threats inside Argentina
775 and unlike before, it can be used to guard strategic objects as defined
776 by the government (Decree 683/2018). Although the new competences
777 could alter the relationship between the Navy and the Prefecture, it
778 remains to be seen to what extent they will be used. At least in the short
779 term, the prevailing attitude in society is such that major changes in the
780 distribution of tasks between the two forces are unlikely.

781 **Acknowledgements** We thank the various Navy officers, Prefects and state
782 officials who shared their views and information with us while writing this
783 chapter.

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