



Nicaragua

The Legal Framework and the Defence System

National Legislation

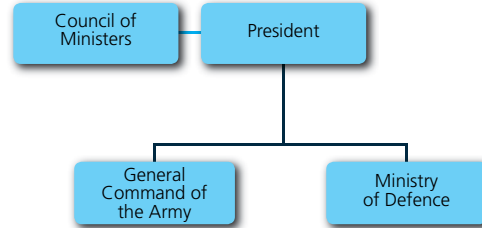
Systems and Concepts

- Act on the Organization, Competence and Procedures of the Executive Power (N° 290 - 1998/06/03. Last amendment: Act N° 612 - 2007/01/29)

Military Organization

- Code of Organization, Jurisdiction and Military Social Benefits (Act N° 181 - 1994/08/23)
 - Organic Act of Military Tribunals (N° 523 - 2005/04/05. Last amendment: Law N° 567 - 2005/11/25)
 - Military Penal Code (Act N° 566 - 2006/01/05)
 - Code of Military Penal Procedures (Act N° 617 - 2007/08/29)

— Advisory and assistance functional relationship
 — Command reporting line



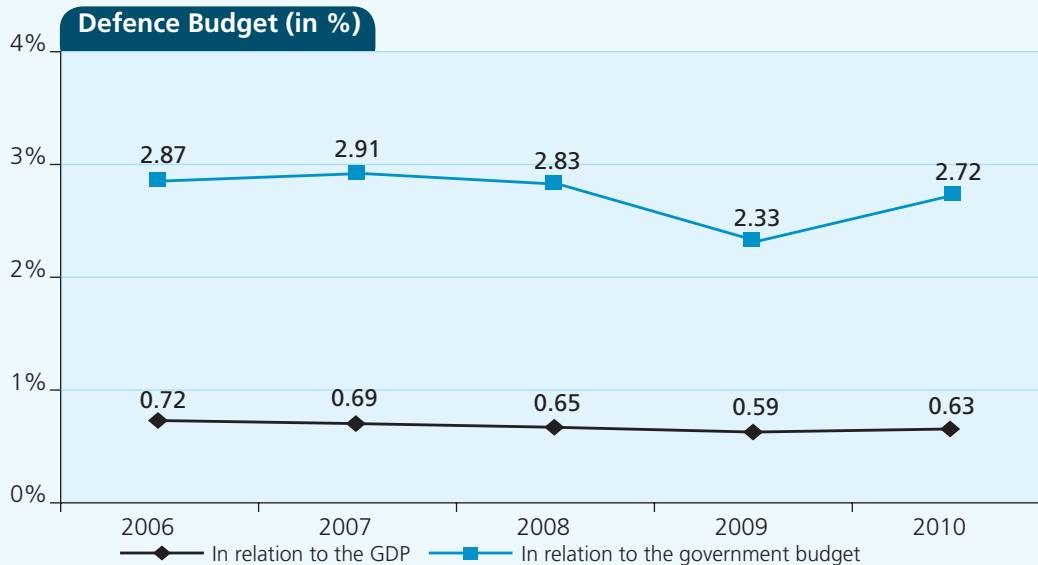
The President is the High Commander of the Army. The Minister of Defence directs the elaboration of policies and plans related to the defence of sovereignty, independence and territorial integrity. The Council of Ministers is composed of the President, the Vice President and the Ministers of State, with the functions granted by the Constitution. The Commander-in-Chief of the Army holds the General Command of the Army and is directly subordinate to the President. The High Command is composed of the Commander-in-Chief of the Army, the Chief of Staff and the Inspector General, and has the Military Council as consultative body. The General Staff is the technical, operational, administrative and service body and it assists the High Command. The Assembly holds the powers granted by the Constitution and permanently monitors defence related issues through the Peace, Defence, Government and Human Rights Committee.

Source: Compilation based on *Ley de organización, competencia y procedimientos del Poder Ejecutivo* (N° 290 - 1998/06/03. Last amendment: Act N° 612 - 2007/01/29).

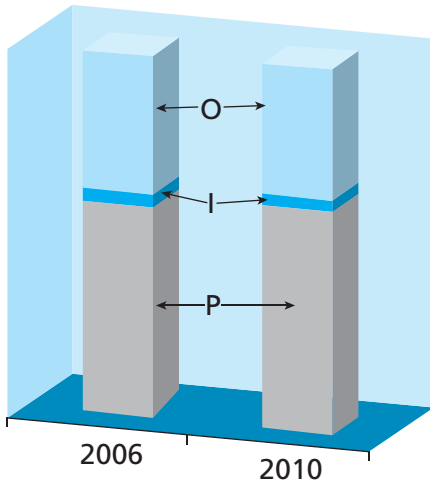
Source: Compilation based on the legislation above mentioned. For constitutional provisions see Chapter 1.

The Budget

Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2006	36,293,492	1,265,219,457	5,022,000,000
2007	39,336,274	1,351,284,846	5,675,000,000
2008	42,191,833	1,492,080,617	6,523,000,000
2009	37,293,776	1,598,952,131	6,298,000,000
2010	39,644,293	1,455,689,864	6,246,000,000

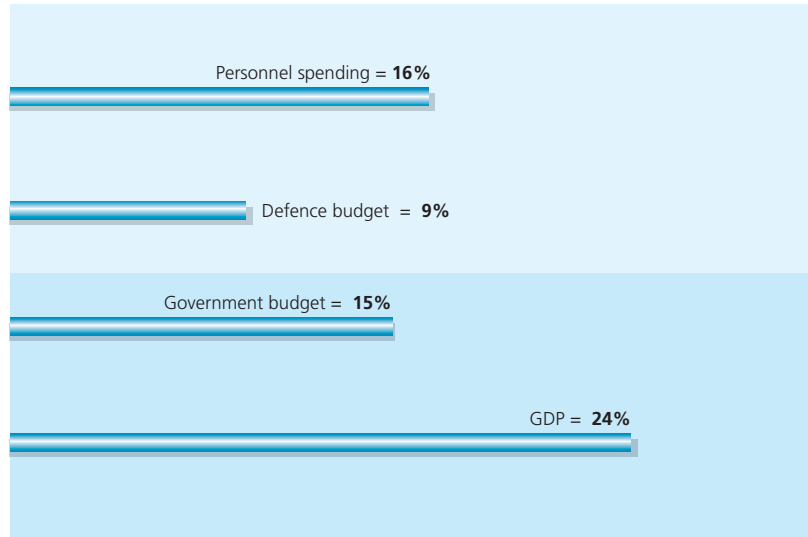


Defence Budget Breakdown



P: Salaries and other benefits
R: Retirement and pension funds / **I:** Investment
O: Other expenses

Comparative Increase (% variation 2006-2010)



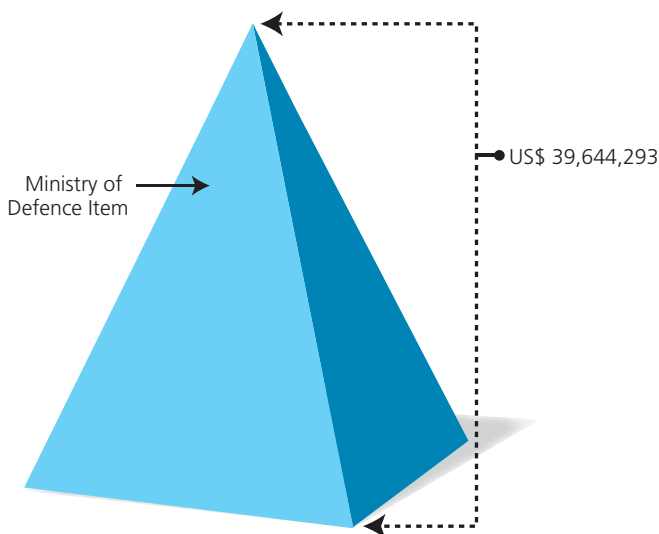
Defence Budget 2010 (in Local Currency)

Item	Personnel Services	Non-personnel services	Materials, Supplies and Consumer Goods	Current Transfers	TOTAL
Ministry of Defence					
Central Activities*	8,690,977	3,560,000	1,945,069	25,000	14,221,046
National Defence**	521,277,524	98,101,889	209,766,224	3,435,411	832,581,048
Total	529,968,501	101,661,889	211,711,293	3,460,411	846,802,094

* This program is run by the Ministry of Defence, empowered by the President to head the creation of policies and plans regarding territorial sovereignty, independence and integrity defence of the Nation and, within these powers, coordinates and approves the plans and actions of the Army of Nicaragua.

** This program is run by the Army of Nicaragua, institution in charge of preparing, organizing and directing the armed defence of the Nation, by defending territorial integrity, independence and national sovereignty.

Composition of Defence Budget 2010



From 2007 to 2009, the contracts entered into with the United States for military acquisitions total US\$ 3,489,784, which represents 3% of the budget allocated to defence for those years. In addition, in 2009 the Army received military equipment donations from that country, in the framework of the *Amistad Duradera* programme.

Source: Compilation based on *Ley anual de presupuesto general de la República* 2006, 2007, 2008, 2009 and 2010. The State Budget passed by the Congress by means of the above mentioned Act is considered herein. The concept of investment is that expressed in "Capital expenses/Machinery and equipment". Acquisitions: *Memoria Anual* 2009, Army of Nicaragua and Just the Facts (Center for International Policy, Latin American Working Group Education Fund and Washington Office on Latin America).

GDP: Projection of the World Economic Outlook Database, IMF, of each year under review. This source has been taken for comparative purposes. Each country prepares the budget based on its own GDP estimation.

The dollar value considered corresponds to the exchange rate determined by the World Economic Outlook Database, IMF, for each year under consideration. As of July, the 2010 exchange rate average is 21.14 Córdobas, based on the data provided by the Central Bank of Nicaragua. For further calculations, figures are provided in local currency.

Expressions in Bold Type (Table) make reference to the various defence budget items, which can be found in a sector-based or institutional classification of the Budget Act.



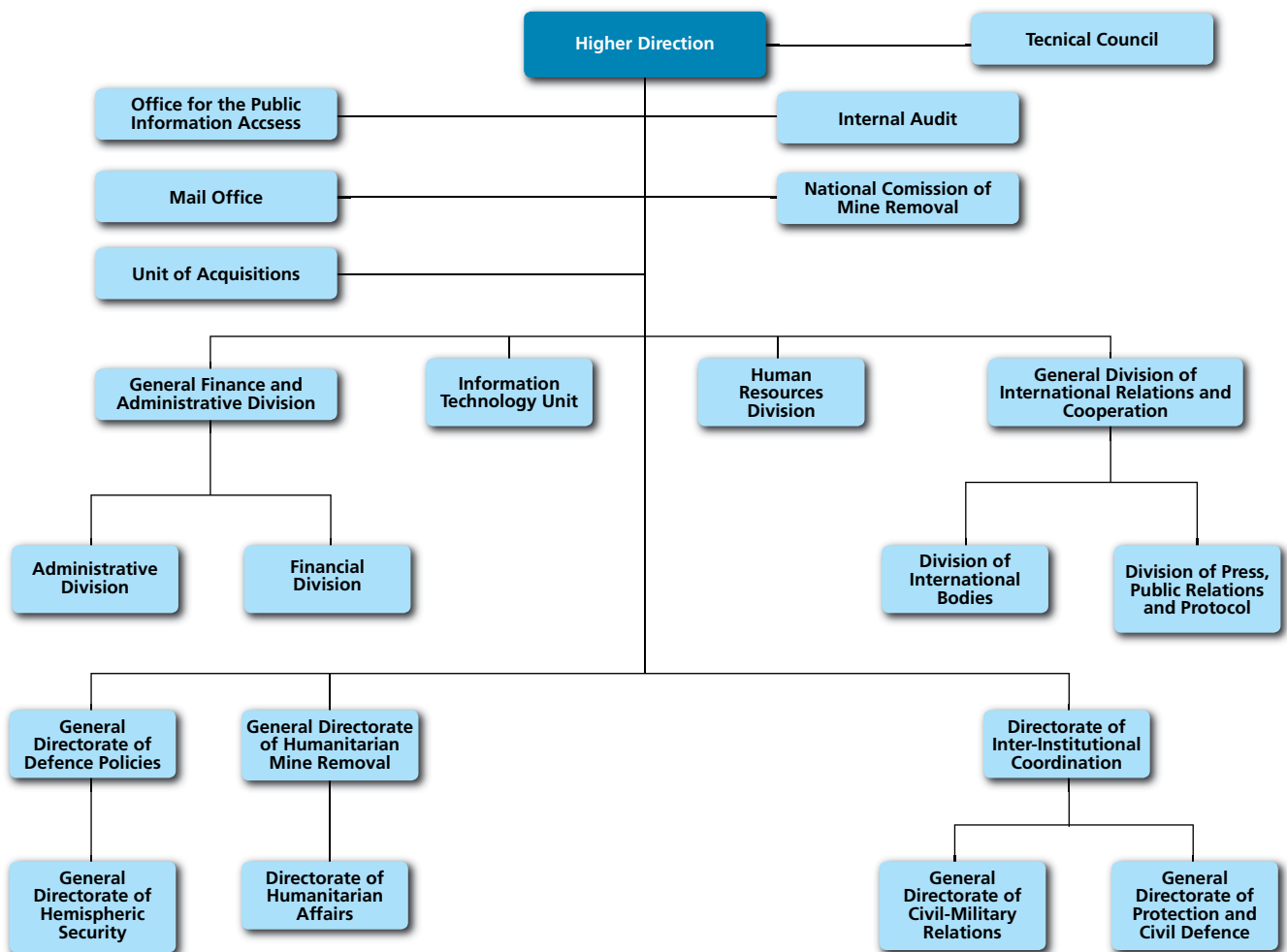
The Ministry of Defence

Responsibility:

By delegation of the President of the Republic, the Ministry of Defence conducts the elaboration of policies and strategies for the defence of the sovereignty, independence and territorial integrity of the country.

(Ley de organización, competencia y procedimientos del Poder Ejecutivo, N° 612 – 2007/01/29, Sec. 3)

Organization Chart



Date of Foundation: 1979
Current Minister (September 2010): Vacant position (General Secretary in charge: Ruth Esperanza Tapia Roa)
Can military members be Ministers of Defence?: Yes (if they have retired)
Number of military members who were Ministers of Defence: 2
Number of civilians who were Ministers of Defence: 7
Have there been any women in charge of the Ministry of Defence?: Yes ¹
Average permanence in the Minister of Defence position: 3 years and 1 month

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

1 Mrs. Violeta Barrios de Chamorro held the position while serving as President of the Republic.

Source: Website of the Ministry of Defence and *Memoria del Ejército de Nicaragua: 30 años de vida institucional, 1979 – 2009.*

Political Definitions

Policy Guidelines

General Guidelines

The National Defence Policy is defined under the principle of an active, permanent defence, and the nurturing of confidence-building with regional and hemispheric neighbours. Furthermore, it seeks to adopt and guarantee a management model that unequivocally reflects the quick and effective response provided by the State of Nicaragua to any threat posed to the fundamental interests of the Nation.

Defensive, peaceful and collective in nature, this policy is fundamentally based on national capabilities and a coherent and organized action from the State for its own development. It is characterized for seeking friendship and cooperation ties among peoples and governments. Its priority is to prevent conflicts through diplomatic efforts and peaceful means for the resolution of disputes, as established by international humanitarian law, expressing, nonetheless, its firm will to deploy a military defence, if necessary, to protect its legitimate interests.

Fundamental Principles

- Integral Defence
- Active and permanent defence
- Flexible response
- Collective and supportive defence

Basic Modalities for the Use of Defence Assets

- Deterrence: discourage any intention from an actual or potential adversary to act against the country's vital interests.
- Cooperation: essential component of the regional security structure, under the principle of sovereign equality and collective and supportive defence in case of an armed aggression against the territorial integrity, sovereignty and independence of an Central American State from a State outside the region. It also involves combined engagement in the event of cross-border threats.
- Use of force: situations of legitimate use of military force, as per the UN Charter, the Constitution and national laws, conventions, treaties and international agreements signed and ratified.

Objectives

- Ensure the defence of national sovereignty and independence, as well as territorial integrity.
- Ensure constitutional order, protect people's life and property, and protect the environment.
- Strengthen peaceful relations among nations, particularly with neighbouring nations.
- Contribute to regional and international peace promotion and maintenance.
- Enhance efficiency and effectiveness of Nicaragua's Army modernization process.

Institutional Policy

Direct, control, and organize all actions focused on the defence and sovereignty of the national territory, in close coordination with the Armed Forces, as the organization responsible to execute general guidelines and policies.

Coordinate civil defence actions and conduct prevention, mitigation and emergency assistance actions in case of natural disaster or catastrophe, in coordination with the Civil Defence Staff. Support actions aimed at protecting and defending the environment and natural resources.

Source: *Ley anual de presupuesto general de la República 2010* and *Libro de la Defensa Nacional, 2005*.

Nicaragua published the *Libro de la Defensa Nacional de Nicaragua* (Book of the National Defence of Nicaragua) in 2005

Reports Submitted to the United Nations and the OAS

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
								✘	✘			
						◆			◆	◆		
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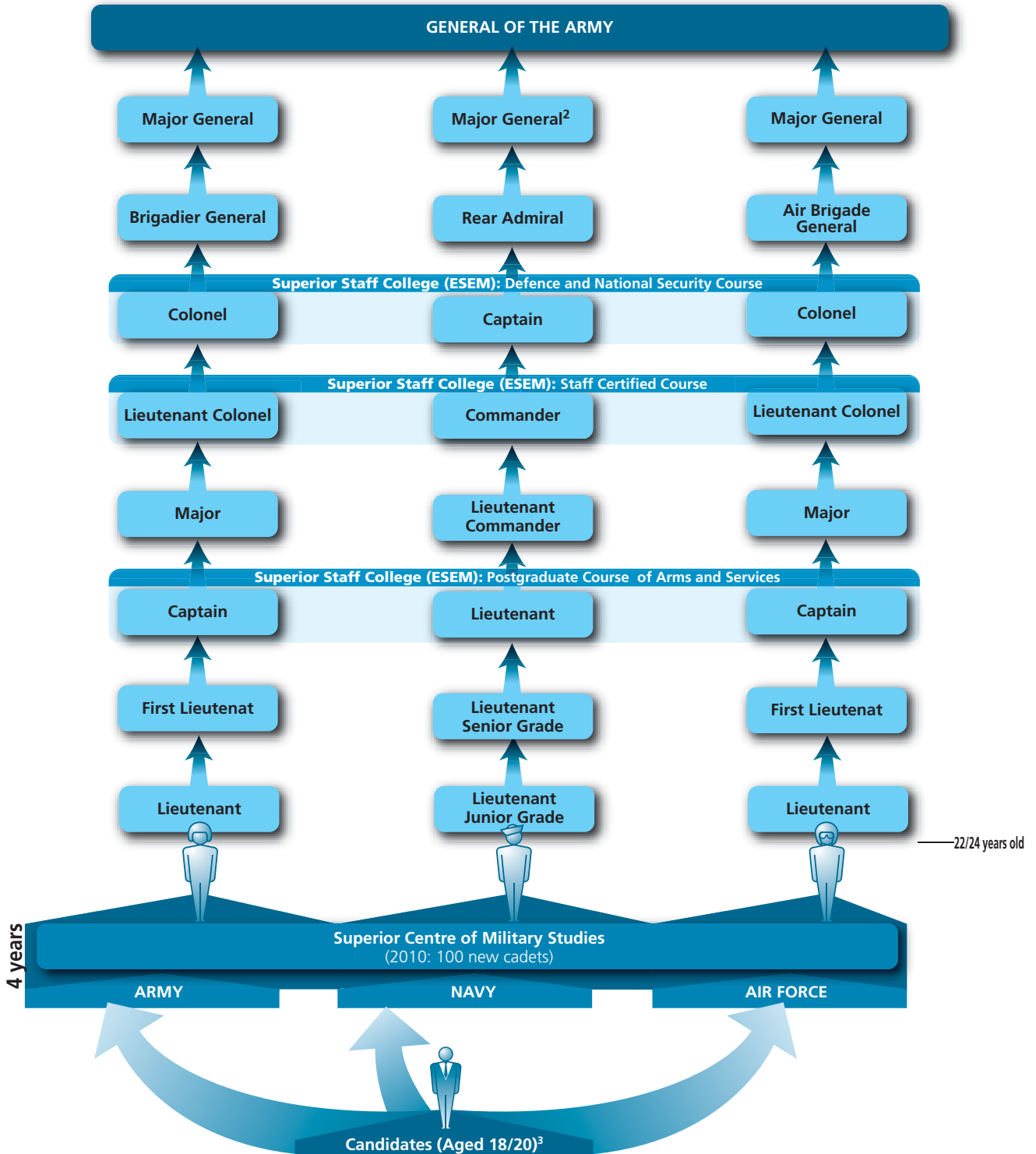
Register of Conventional Arms: ✘ Register of Military Expenditures: ◆ Implementation of Confidence and Security Building Measures: ●

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



Military Career

Commissioned Officers' Career Path ¹



1 Command corps includes officers who have been educated at military academies from the beginning of their professional careers. The graph makes a theoretical reconstruction of officers' promotion through the completion of mandatory courses. Further requirements for promotion have not been considered.

2 Senior Officers of the Naval Force who hold a position in the General Command of the Nicaraguan Army shall receive the rank corresponding to the military hierarchy of the Army.

3 Ages 18-20 have been considered for comparative purposes. The minimum age for promotion shall depend on the age of graduation from the military institution.

Source: Compilation based on *Libro de la Defensa Nacional de Nicaragua*, 2005, and websites of the Military Schools. New cadets: *Centro Superior de Estudios Militares*.

The Armed Forces

General Mission

The Army of Nicaragua is the armed institution responsible for defending the country's sovereignty, independence and territorial integrity. Only in exceptional cases, the President, in a Council of Ministers, shall be entitled to order the intervention of the Army of Nicaragua in support of the National Police, if the stability of the Republic were threatened by severe internal disorders, calamity or natural disasters. (Constitution, Sec. 92)
 Its mission is to prepare, organize and lead the armed defence of the Motherland, and to defend the territorial integrity, independence and sovereignty of the Nation. At the same time, it contributes in case of extreme need, as determined by the President of the Republic, within the responsibilities set by law, in maintaining peace and public order of the Nation. In case of disasters, catastrophes and other similar situations, it conducts civil defence actions to protect and aid the population and its assets, and contribute to maintaining order and carrying out reconstruction work under civilian authorities leadership, and in coordination with them assisting in the construction of works that may contribute to the country's development, preservation and renewal of natural resources, improvement of the environment and ecologic balance as well as other strategic plans. (Código de organización, jurisdicción y previsión social militar, Act N° 181 - 1994/08/23, Sec. 2)

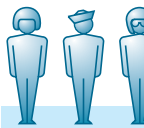
Specific Missions

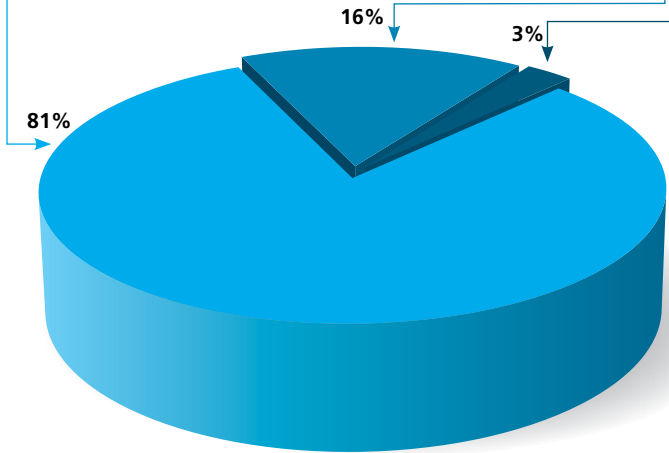
Army
 The Ground Force is the Army's main instrument to perform missions in defence of the country's sovereignty and territorial integrity, acting in coordination with the Armed Forces, the Navy and common bodies.

Navy
 The Navy carries out missions to support the Army, and independent missions directed by the High Command of the Army

Air Force
 The Air Force carries out missions to support the Army and Navy as well as independent missions directed by the High Command of the Army. The Land Force units which carry out missions of air defence, security and maintenance of the units and facilities fall under the Air Force.

Total Strength: 9,412

	Officers: 1,500
	Non-commissioned Officers: 302
	Troops: 7,610
	Total 9,412

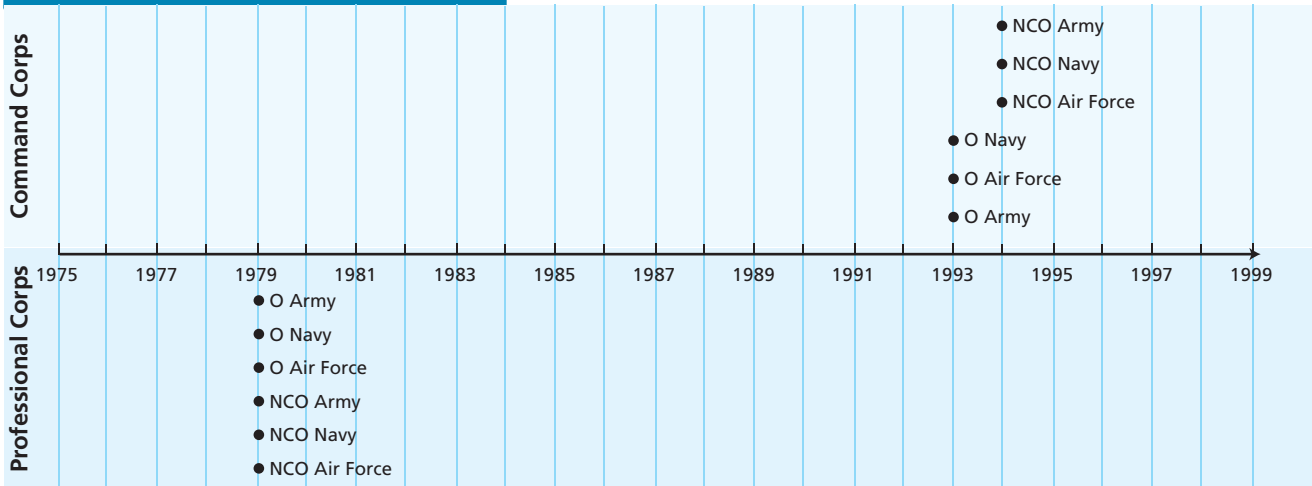


Source: Código de organización, jurisdicción y previsión social militar (N° 181 – 1994/08/23) (missions) and Ley anual de presupuesto general de la República 2010 (Regular Force).



Women in the Armed Forces

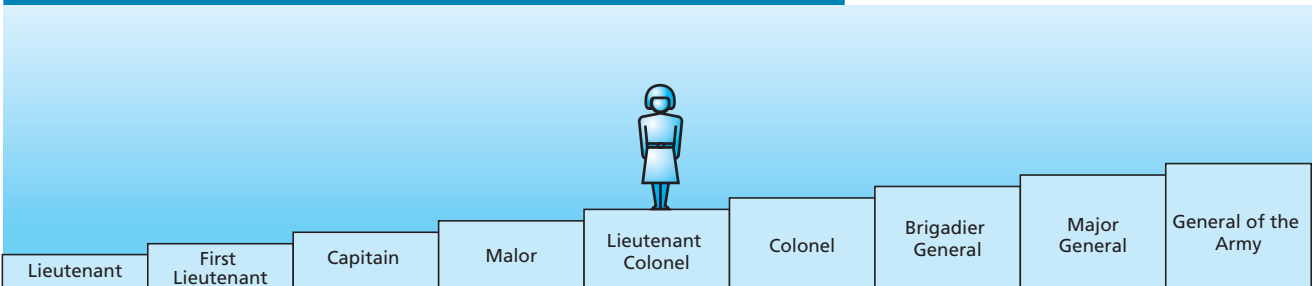
Women's Admission to the Armed Forces (year)



O: Officers - NCO: Non-commissioned Officers

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

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



Note: These ranks correspond to the Army, as an example. It is considered the highest rank since the National Army was created as the only armed force of the Republic, in 1979.

The Nicaraguan Army has 882 women appointed to different positions in the different personnel categories.

Source: Memoria del Ejército de Nicaragua: 30 años de vida institucional, 1979 – 2009. And Project 07-184 Global Peace and Security Fund-RESDAL.

Military Service

The Political Constitution forbids any type of compulsory recruitment and thus the military service is optional. Men and women are equally allowed to enter the military service, which has a one-year duration and the possibility of contract renewal.

The Nicaraguan Army is made up of 6,410 soldiers. The rank of soldier is granted to those who are graduated from Troop Training Centres or who have carried out basic courses at the Units.

Soldiers are temporary military persons and can be retained for a 3 to 5 year period. After that period they have the option of continuing on duty for an additional term.

In 1998, the National School of Basic Infantry Training "Soldado Ramón Montoya" was created (ENABI). There, the new soldiers of the Nicaraguan Army receive military training and instruction. The course has a three-month duration. From 1998 to 2009, 12,511 soldiers were graduated.

- Some of the course's objectives are:**
1. Provide basic knowledge.
 2. Educate new soldiers with moral values, ethical principles and the Army military tradition and make them develop adequate physical and psychological conditions for combat missions and disaster situations caused by natural or anthropogenic events.
 3. Teach soldiers to respect and observe the Constitution and the laws of the Nicaraguan Republic.

Source: Ley anual de presupuesto general de la República 2010 Normativa Interna Militar, 1998 and Memoria del Ejército de Nicaragua: 30 años de vida institucional, 1979 - 2009.

Defence and National and International Community

Support Actions

Permanent Countryside Security Plan and Air-Sea Operational Deployment

Its aim is to neutralize criminal actions of groups and gangs, allow the free circulation of citizens and transport vehicles and facilitate the realization of agricultural, commercial, cattle breeding and coffee-growing activities. It also aims at reducing the insecurity among the population through military and police actions in high risk areas.

From 2000 to 2009, the Nicaraguan Army carried out the following actions:

- 117,000 military patrols (infantry, motorized and naval patrols as well as combined with the National Police).
- 60,200 operation services (highway posts, ambushes, surveillance and forestall positions).
- 33,317 targets were protected and 12,893 producers received protection.
- 44 gangs made up by 2,107 criminals were broken up.
- 1,061 arms of different caliber were seized as well as 34,526 ammunitions of all sorts.
- 52 anti-smuggling operations were conducted and 1,407 head of livestock were recovered and returned back to their owners.

During 2009, the Nicaraguan Army's integral Plan to fight delinquency in countryside areas was implemented with 43,023 joint and coordinated operations by using 143,594 men of the combined forces, for the purpose of fighting and neutralizing organized crime, drug trafficking and common delinquency.

Army's data in the fight against drug trafficking from 2000 to 2009

- 10,722 persons connected to drug trafficking were captured.
- 180,000 marihuana plants were destroyed.

Seizures:

- 35,248 kilos of cocaine
- 8 light aircraft
- 45 kilos of crack stones
- 263 vehicles
- 45 kilos of heroine
- 913 war weapons
- 144 kilos of marihuana
- 1,279 small arms
- 402 crafts
- 2 rafts
- US\$ 15,071,136

Humanitarian Demining

Among the objectives and/or areas cleared up there are 6 relay stations, 33 human settlements and cooperatives, 7 sub-stations, 1 hydroelectric plant, 514 border and littoral mine fields, 70 bridges, 378 high voltage towers and 2 air runways.

When the armed conflict finished in the 1980s, the Nicaraguan Army registered a total of 991 mined objects using 135,643 antipersonnel pressure, fragmentation, antitank mines, and 133,435 stored mines. By 1990 the magnitude of the problem demanded more resources, international support and awareness and education campaigns to prevent accidents involving mines, as well as projects to rehabilitate and reinsert the victims.

On November 27th, 1998 (Decree N° 84-98) the National Commission of Demining (CND) was created and is chaired by the Minister of Defence.

In June 2010, after cleaning Nicaragua territory, this commission fulfilled the National Programme of Humanitarian Demining, making Central America the first mine-free zone in the world.

National Environment Commission

Defence is involved with this commission in the decision making process regarding technical and operational aspects with the aim of determining institutional policies to promote and protect the country's natural resources (fight forestall fires, control illegal species trafficking and illegal wood cutting and transport).

National Forestry Commission

It is created to serve as the main advisory resource for the forestry sector. The Defence area cooperates with said commission in the elaboration, follow up, control and approval of policies, strategies and rules involving the forestry sector.

The Armed Forces cooperate with the Ministry of Environment and Natural Resources (MARENA) and with the National Forestry Institute (INAFOR) to ensure compliance with the laws for the protection and preservation of natural resources and the environment in protected areas, such as the biologic reservations of Bosawás, Indio-Maíz and the wild life refuge of Chacocente and La Flor. They carry out activities to patrol and protect the objectives and the natural resources as well as forestation campaigns in Managua Lake basin and in all Regional Military Commands.

From 2002 to 2009, the Nicaraguan Army took part in:

- 200 health events
- 57 abatization events
- 114 cleaning campaigns
- 20 vaccination campaigns
- 13 blood donation campaigns
- 15 fumigation campaigns
- 5,711 military troops took part and 418 vehicles were used (285 heavy vehicles and 135 light vehicles).

Infrastructure

Between 2006 and 2009, 77 km of roads were repaired and other 151 km were constructed. Besides, works of drainage and bridges were carried out.

The communication system was strengthened and 81 radio stations were added, thus enlarging early warning system coverage.

Staff of the Civil Defence of the Army

Created in 1982, the Staff of the Civil Defence of the Army (EMDC) is the Nicaraguan Army's specialized body that provides continuous aid to the population in case of disaster.

Participation in the following main emergencies:

- 1988 - Hurricane Joan: evacuation of 321,372 people.
- 1992 - Tsunami
- 1998 - Hurricane Mitch
- 2000 - Masaya Earthquake
- 2004 - Musún Hill landslide
- 2005 - Beta Hurricane: evacuation of 11,904 people. Deployment of 4,824 military troops and civil defence officers, and 112 means of transport of all kinds.
- 2007 - Felix Hurricane: evacuation of 19,726 people. Use of 166 ground, water and air means of transport.

Source: Website of the Humanitarian Demining Programme in Central America - OAS and the Ministry of Defense, *Libro de la Defensa Nacional de Nicaragua, 2005* and *Memoria 2009 del Ejército de Nicaragua* and *Memoria del Ejército de Nicaragua: 30 años de vida institucional. 1979 - 2009*.



Analisis:

From Guerrilla to Institutional Consolidation: the Special Evolution of the Nicaraguan Army

Carlos Arroyo Borgen

Professor of the American University and expert on security and defence matters.

On September 2, 2009, the Army of Nicaragua, in other times known as the People's Sandinista Army, celebrated its 30th anniversary. After three decades, it is time to reflect on some of the main achievements, errors and challenges of the military institution.

The origins of the Nicaraguan Army, first as a guerilla movement in the insurrectional fight against Anastasio Somoza Debayle's administration and then as the armed wing of the Sandinista National Liberation Front (FSLN, Spanish acronym), is not unknown. Precisely, on July 19, 1979, following the success of the Nicaraguan revolution and the establishment of the National Reconstruction Government Board (JGRN) the Fundamental Statute of the Republic of Nicaragua was passed as the supreme provisional regulation, which revoked old formal power structures and laid the bases for the new institutional order. On August 22, 1979 the JGRN ordered the creation of the People's Sandinista Army (EPS) through Decree N° 54 dated September 18, naming its main commanders and starting the conformation of military structures and units around the country, made up based on the guerilla forces.¹

Between 1980 and 1982, laws were enacted to govern the newly born armed forces: the Organization of the

Military Audit Office and Provisional Criminal Military Procedure, of Military Offenses, the Disciplinary Regulations, combat regulations and additional provisions. The following years would be the most difficult for the military organization in terms of constructing their identity, independent from that of the party in the government, and becoming a truly professional institution of a national character, since its officers have been educated in a war context under a model that considering the military as an integrated part of the revolutionary process within a formula "State-Party-Army."

The creation of new armed forces with a partisan character such as the People's Sandinista Army showed that Nicaragua still had to wait to have a military institution really representative of the society and the nation as a whole. From an armed corps serving the interests serving the interests of a family as the National Guard had been, the institution became an army serving the interests of a party. Immediately after the 1990 elections, the then called People's Sandinista Army with over 130,000 soldiers and consuming almost 60% of the national budget, had to face deep transformations. The democratic transition was accompanied by a much needed and severe reduction of military strength and defence spending. Under this logic, three licensing plans and several retirement schemes were implemented since 1990 until the configuration of an army with approximately 12,000

¹ Ministry of Defence and Army of Nicaragua., *Libro de la Defensa Nacional de Nicaragua*, (Managua: Impresión Comercial La Prensa, 2005), Chapter V.

men. From 1990 to 1996 the Army's budget shrank from US\$177 million to about US\$30 million, which at a time represented 1.6% of the GDP. The reduction implemented in a period shorter than five years represented over 80% and its main goal was adjusting the military body structure to a viable size in both the institutional and the political senses.

At the same time, actions were taken inside the armed forces to speed up the separation of servicemen from party positions, the prohibition to participate in partisan politics and the removal of political and partisan positions from the military structure.

Once the political transition was open context characteristics placed the Army at a privileged place to give shape and define the depth and speed of the changes that would be introduced in the defence sector, adjusting them to their fledgling corporate interests. The '90s was also a stage of fast, permanent and significant movements in the political context in Nicaragua, which demanded dire efforts from the new civilian leadership to establish priorities and competing with other issues on the national agenda.

The task of the military institution then, was its own consolidation, vis-à-vis a set of fragmented actors that were still struggled to reshape the political system, which had been unable to articulate a hegemonic power to lead the transition and had failed to attain a sound institutionality for the new regime.² With the 1995 constitutional reforms, the bases were set for the national, professional, non-partisan, obedient and non-deliberating character of the military institution from that moment onwards, as well as their subordination to President of the Republic or the relevant ministry. Finally, the Military Internal Regulation was passed in 1998, which defines the military career. These actions were thought in terms of giving the military organization a legal framework ensuring their legitimacy and legality and safeguarding institutional stability vis-à-vis the unsolved conflicts of the actors within the political system and the State itself.

Consequently, the conversion of the defence sector was not due, either in its concept or in its execution, to a strategic design devised by a civilian leadership. As a result, asymmetrical and imperfect transformations were attained, inarticulate and managed for the convenience of a military structure with proven experience and enhanced negotiation skills.

This repositioning is thus a consequence of specific negotiations with the civilian leaders in power, in which, in exchange for political support, time was bought to implement reforms. Hence, from the mid-90's to the present time, the Army has succeeded in taking advantage of its relative autonomy before complacent civil authorities to gradually extend their sphere of influence, particularly in two specific areas which could divert their nature and the primary role they have been reserved: 1) the concerning and disproportionate expansion of their non-conventional missions (support to the combat to drug-trafficking and terrorism, response to natural disasters, vaccination operations and forest fire prevention, among others); and 2) the recurring suspicion over the expansion and transparency of their business activities.

All this said, it is fair to acknowledge that the Army of Nicaragua has devoted the first decade of the new century to ever more reducing its political transcendence and focus mainly on its own modernization and professionalization processes. In an opposite direction to the course taken by the military, the permanent fragility of key civilian institutions and discredited Nicaraguan political leaders coupled with the ever more frequent actions of a humanitarian character undertaken by the Army as part of its new missions, have made of the military institution --together with the media and the Catholic church-- one of the most trusted and credible organizations for the population. Recent polls reveal that 8 out of 10 Nicaraguans express they have high or some trust in the Army, with the best evaluated activities being the protection of the people in natural disasters (85.5%), the fight against international drug trafficking (81.3%) and the security of borders (78.4%).³

This 30th anniversary finds an Army in the process of consolidation with deep implications to the country's democracy and governance, as they directly relate to the model of military institution that is being generated --national and professional-- and the type of relationship with the Nicaraguan State and society. Remaining aside from political interests and projects dominating the complex Nicaraguan context represents the immediate challenge of the Army of Nicaragua and, to a large extent, this will depend on whether the institutional achievements attained until now are not reversed and that the trust the citizenry has deposited on its service men is not betrayed.

² Elvira Cuadra, *Las relaciones entre civiles y militares en Nicaragua: Reanudando el debate*, (Managua: Presentation at the updating workshop sponsored by the Univesidad para la Paz. UPOLI, 2003).

³ M&R Consultores, "Nicaragua, Sistema de Monitoreo de la Opinión Pública (SISMO) Edición XXV Junio 2010", <http://www.myrcconsultores.com/page/estudios.html>