



Guatemala

The Legal Framework and the Defence System

— Advisory and assistance functional relationship
 — Command reporting line

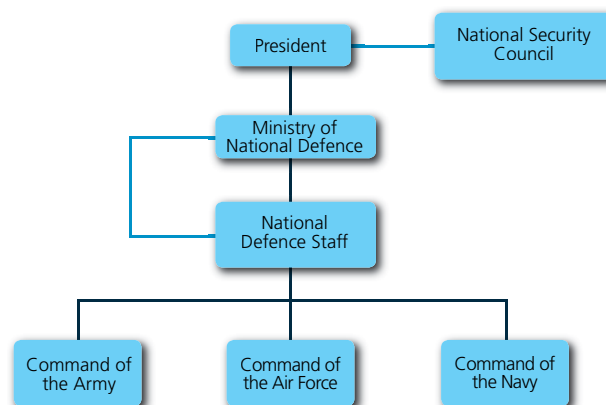
National Legislation

Systems and Concepts

- Constitutive Act of the Guatemalan Army (DL N° 72-90 - 1990/12/13).
- Executive Body Act (DL N° 114-97 - 1997/11/13).
- General Bureau of Civil Intelligence Act (DL N° 71-2005 - 2005/10/12).
- Framework Act on the National Security System (DL N° 18-2008 - 2008/04/15).

Military Organization

- Military Code (Decree N° 214 - 1878/09/15. Last amendment: Decree N° 41-96 - 1996/07/10).
- Military Social Security Institute Organization Act (Decree Law N° 75-1984 - 1984/07/20. Last amendment: Decree N° 21-2003 - 2003/06/11).
- Act on the Support to Civil Security Forces (Decree N° 40-2000 - 2000/06/16)
- Civil Service Act (Decree N° 20-2003 - 2003/05/12).
- Law on weapons and ammunition (Decree N° 15-2009 - 2009/04/21).



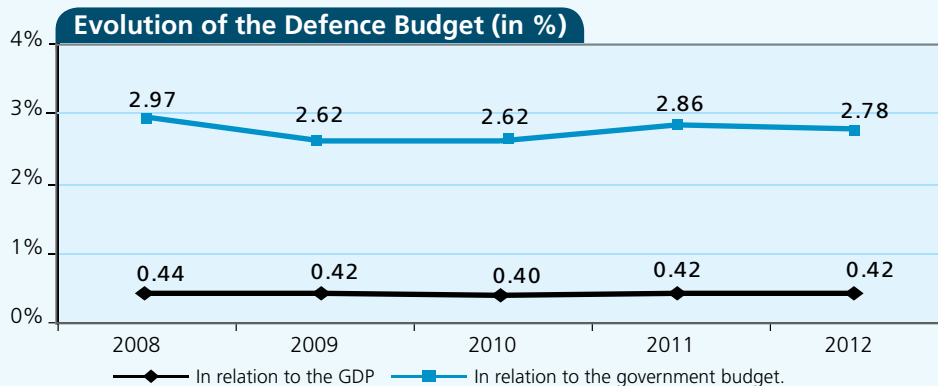
The President is advised by the National Security Council, composed of the Vice President, the Ministers of Foreign Affairs, Government and Defence, the Secretary of Strategic Intelligence of the State and the Attorney General. The President issues the orders through a General or Senior Officer who holds the position of Minister of Defence, and also has the General Staff of the National Defence as technical and consulting body, responsible for the command of the Army. The Congress holds the powers granted by the Constitution and permanently monitors defence related issues through the National Defence Committee.

Source: Compilation based on the legislation above mentioned.

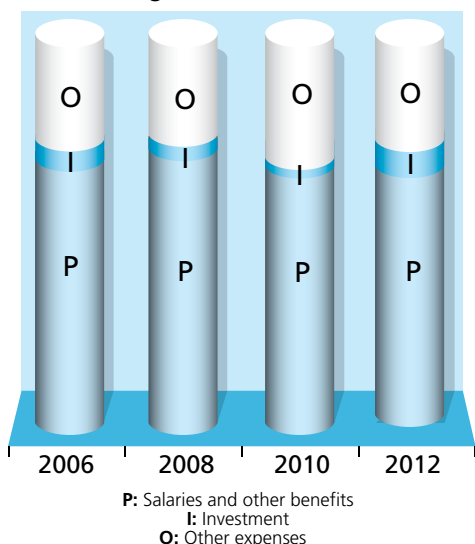
Source: Compilation based on *Ley marco del sistema nacional de seguridad* (DL N° 18-2008 - 2008/04/15) and *Ley constitutiva del Ejército de Guatemala* (DL N° 72-90 - 1990/12/13).

The Budget

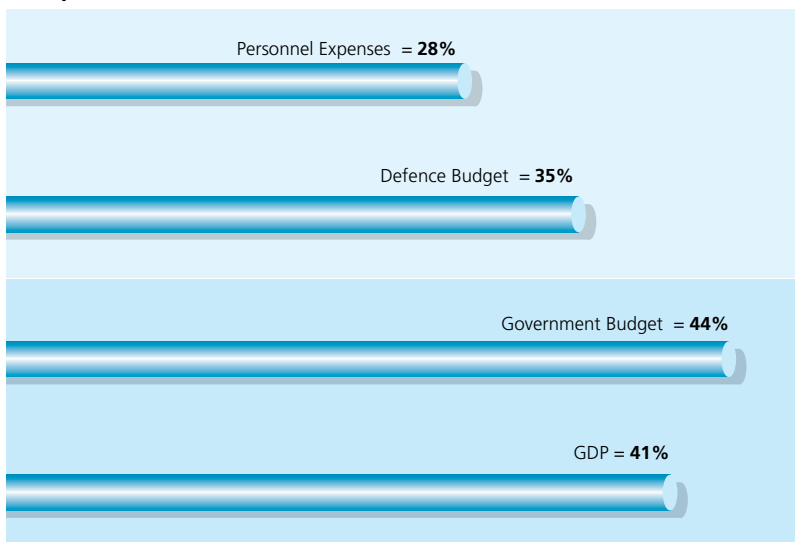
Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2008	156,210,263	5,251,290,771	35,729,000,000
2009	153,090,192	5,849,777,368	36,471,000,000
2010	159,860,766	6,108,489,881	39,760,000,000
2011	197,818,891	6,919,961,396	46,730,000,000
2012	210,816,824	7,585,654,065	50,303,000,000



Defence Budget Breakdown



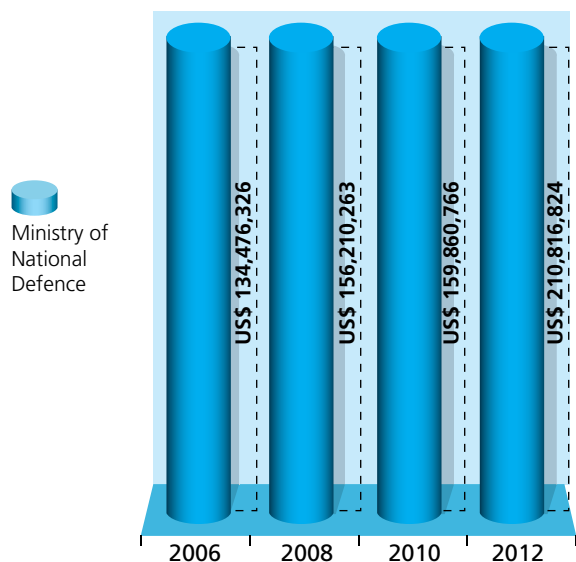
Comparative Increase (% variation 2008-2012)



Defence Budget 2012 (in Local Currency)

	Operations	Investment	TOTAL
Ministry of National Defence			
Institutional direction and coordination	420,706,038	0	420,706,038
Strengthening of defence of sovereignty (two special brigades)	100,000,000	0	100,000,000
Independence, Sovereignty and Integrity of the Territory	599,256,521	0	599,256,521
Regulation of National Water Spaces	8,005,656	0	8,005,656
Civil and humanitarian external security	166,253,433	0	166,253,433
Contribution to the Institute of Military Social Services (IPM)	68,663,239	40,000,000	108,663,239
Contribution to the Assistance Center for the Handicapped Members of the Army of Guatemala (CADEG)	9,500,000	0	9,500,000
Contributions to regional and international bodies	322,731,000	0	322,731,000
Military education and health services	238,615,454	0	238,615,454
Equipment	0	3,589,000	3,589,000
TOTAL	1,611,323,072	43,589,000	1,654,912,072

Composition of the Defence Budget



The investments planned for the next few years include the acquisition of information technology for border safety to be used by Special Forces and military police units, as well as the acquisition of radar systems.

Source: Compilation based on *Ley de presupuesto de ingresos y egresos del Estado para el ejercicio fiscal 2006, 2008, 2009, 2011 y 2012*. In 2007 and 2010, Congress did not approve the Budget Bill. Therefore, the previous year budget was in effect as provided for in the National Constitution. The difference in numbers in these years is due to changes in the dollar exchange rate. 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 "Properties, plants, equipment and intangible assets".
GDP: Projection of the World Economic Outlook Database, IMF, of each year under review. This source has been taken for comparative purposes. Each country prepares the budget based on its own GDP estimation. The dollar value considered corresponds to the exchange rate determined by the World Economic Outlook Database, IMF, for each year under consideration. As of June, the 2012 exchange rate average is 7.78 Quetzales, based on the data provided by the Central Bank of Guatemala. For further calculations, figures are provided in local currency. Expressions in Bold Type (Table) make reference to the different items regarding defence, which can be found in a sectorial or institutional classification of the budgetary Act.



The Minister of National Defence

Organization Chart

Date of Fundation:
1945

Current Minister
(September 2012)
Ulises Anzueto Girón

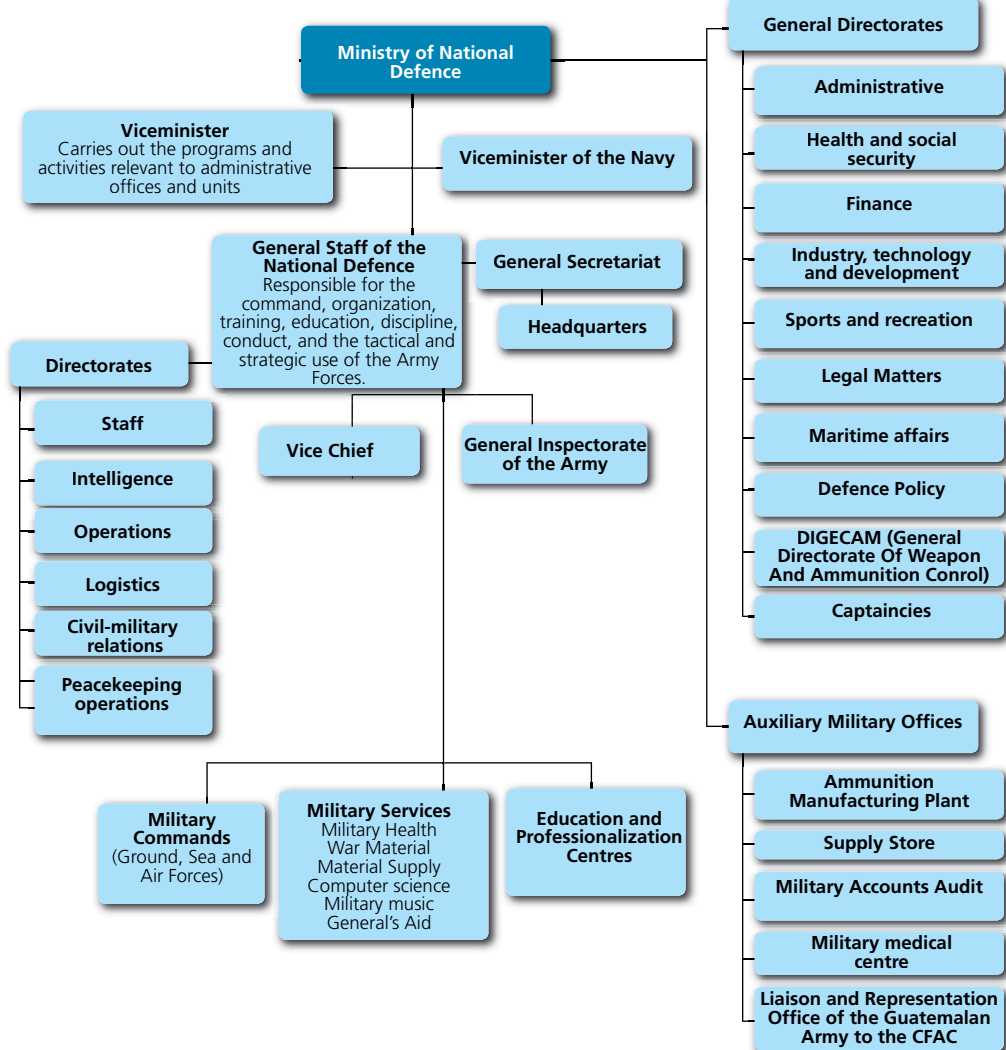
Can Military members be Ministers of Defence?
Yes. According to the Constitution civilians cannot become Ministers of Defence.

Numbers of Military members who were Ministers of Defence:
14 (since 1996, year of the *Acuerdo de Paz firme y Duradera*).

Numbers of civilians who were Ministers of Defence:
None.

Have there been any women in charge of the Ministry of Defence?:
No

Average stay in the Minister of Defence position:
1 year and 1 month



[The creation date is related to the moment in which the term "Defence" becomes part of the Institution's name]

Source: Compilation based in the information provided by the Ministry of National Defence.

Bilateral agreements signed between 2010 and 2012:

Cooperation agreement for the performance of the project: "Promoting the marking of firearms in Latina America and the Caribbean" of the Ministry of Defence of Guatemala with the General Secretariat of the Organization of American States (2011).

Memorandum concerning the corps of engineers U.S. Army (2011).

Source: Web site of the Ministry of Foreign Affairs of Guatemala.

Political Definitions

Policy Guidelines

Vision

To have a modern Army with a defensive and deterrent power, highly mobile troops with quick deployment capabilities; in accordance with State capacity; aimed at contributing to the enforcement of the State values, principles and duties, as well as of international treaties and agreements.

Objectives and activities of the Defence Sector

- To increase the response capacity of the Army of Guatemala in the entire national territory, to maintain the sovereignty and integrity of the nation.
 - To increase the military's technological capacity.
 - Acquisition or overhauling of aircraft, loading and transportation vehicles.
 - To fit air units with modern control and air navigation equipment.
 - To supply the National Defence Navy with overhauled ships.
 - To train citizens in military capabilities and skills, allowing them to be organized and mobilized for defence in the circumstances set forth in the public order law.
- To contribute to internal security through citizen security actions and emergency support, together with other agencies of the State.
 - To mobilize the forces assigned to citizen security in citizen security operations, patrolling and perimeter security.
 - To administer specialized training to participate in citizen security operations supporting civil security forces.
 - To carry out operations giving inter-agency support to humanitarian assistance and rescue.
- To recover and increase control capacities in the maritime space.
 - To strengthen the new General Directorate of Maritime Affairs.
 - To support the exercise of flag state responsibilities.
- To support the State foreign policy as to security and defence, at regional, hemispheric and worldwide levels.
 - To professionalize the body of instructors of the Regional Training Centre for UN Peacekeeping Operations.
 - To provide the Regional Training Centre for UN Peacekeeping Operations (CREOMPAZ) with equipment for the training of the units and staff that will be deployed in a peacekeeping mission.
 - To activate the military attaché's offices in countries of political, economic and military interest, including the European continent.

Democratic security and justice

Purposes:

- Protecting life and property.
- Neutralizing organized crime, gangs and regular misbehaviours.
- Institutional strengthening.
- Coordinating and integrating international cooperation to give support to democratic security.
- Strengthening the justice system.

The Ministry of Defence is co-responsible, together with other institutions of the State, for the following actions:

- Strengthening strategies aimed at the prevention, care, repatriation and administration of justice to sexual slavery victims.
- Institutional strengthening of the penitentiary system.
- Strengthening strategies to fight against organized crime.
- Adopting measures allowing for an effective control and registration of State weapons, arms from security companies, officers and individuals including their ballistic fingerprint, as well as the supervision of the companies in charge of weapon imports and marketing.
- Strengthening the strategies for tourist service so as to provide assistance and coordination regarding security and emergency care.
- Reform and institutional strengthening so as to create a National Security System.

Source: *Agenda del Cambio*. Government Plan 2012-2016. *Orientaciones estratégicas de política 2012-2014*. Secretariat of Planning and Programming of the President's Office and *Ley de presupuesto de ingresos y egresos del Estado para el ejercicio fiscal 2012* (Budget Law on income and disbursements of the State for the 2012 fiscal year).

Guatemala published the *Libro de la Defensa Nacional de la República de Guatemala* (National Defence Book of the Republic of Guatemala) in 2003 and the *Política de la Defensa Nacional* (National Defence Policy) in 2005.

Related actions 2011-2012:

- In 2011, nine reconnaissance companies of Infantry Brigades were restructured for the strengthening of territorial control.
- Redesigning programs at education and training levels, introducing such transversal themes such as human rights, international humanitarian law, peacekeeping, security and national defence operations, civil-military relations, scientific-technological development, among other subjects.

Source: IV Presidential Report and Work Report 2011; Government of Guatemala, and Web site of the Ministry of Defence.



The Armed Forces

General Mission

The Guatemalan Army is devoted to maintaining the independence, sovereignty and honour of Guatemala, the integrity of its territory, peace and internal and external security. It is composed of its land, air and maritime forces. The organization is based on hierarchy and supported on the principles of discipline and obedience. The Army shall cooperate in emergency situations or public disaster. (Constitution, Sec. 244 and 249)

Specific Missions

Army



Its mission is to preserve territorial integrity, ground deterrence, the organization for the Nation's military defence, as well as the structuring of the human, territorial, economic and material resources assigned to it by the State. In times of peace, it is dedicated to education, training, strategic readiness, peacekeeping operations and the conduct of humanitarian support missions, both internally and abroad. Its mission also comprises the organization, training and equipping of the necessary forces to effectively react and conduct military operations of any nature (territorial integrity, deterrence and ground military defence) the senior leadership may order.

Navy



Its main mission is to guarantee the national sovereignty in the territorial sea, contiguous zone, EEZ, interior waters, lakes and rivers of the Republic, exerting control over the maritime frontiers in order to contribute, together with Ground and Air forces, to ensuring national defence.

Air Force



Its primary mission is to direct operations to maintain and guarantee the sovereignty of the national air space by means of air warfare, supporting military surface units, guaranteeing the freedom of action to deter, neutralize or destroy any threat against national objectives. It also cooperates with other State institutions in national efforts.

Military Personnel 2012

Army



Officers: 2,061

Specialists: 3,405

Troops: 8,203

Total: 13,669

Navy



Officers: 169

Specialists: 345

Troops: 482

Total: 996

Air Force



Officers: 124

Specialists: 294

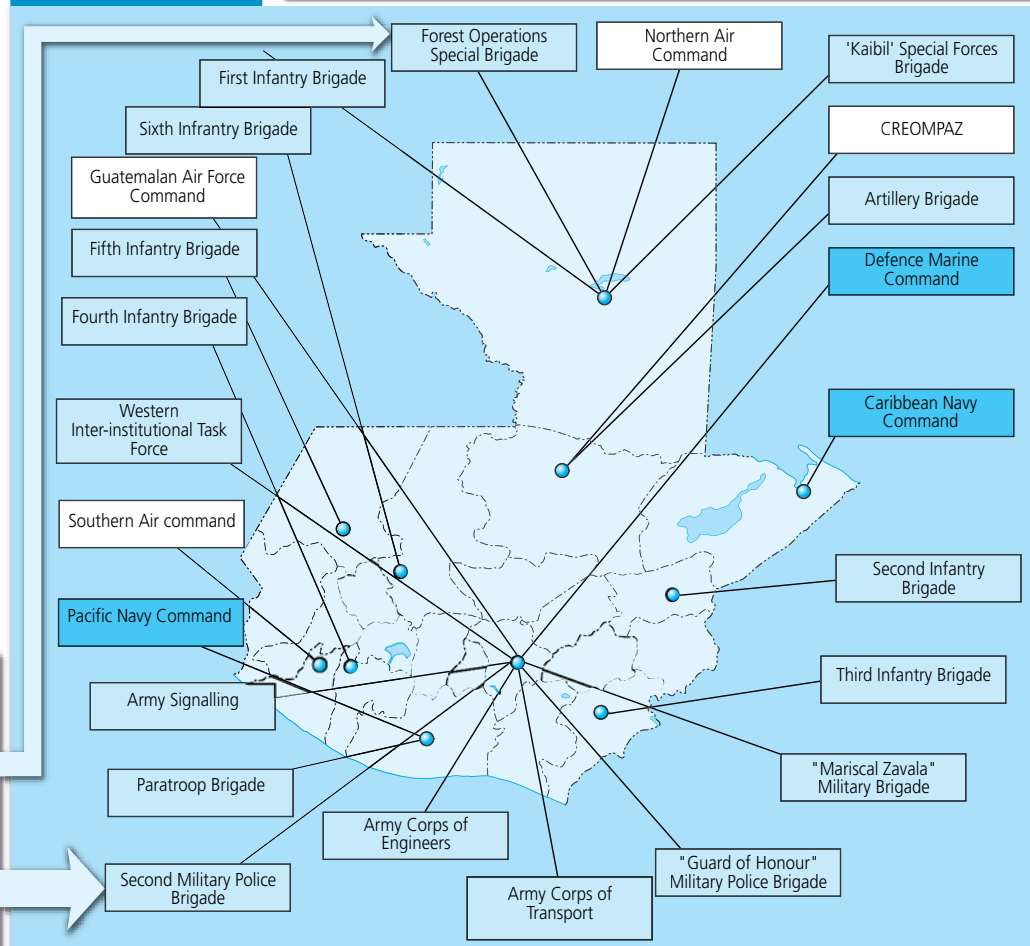
Troops: 497

Total: 915

Total Strength: 15,580

The National Defense Staff is responsible to the Minister of command, organization, training, education, discipline, conduct strategic and tactical employment of the Army.

Territorial Deployment

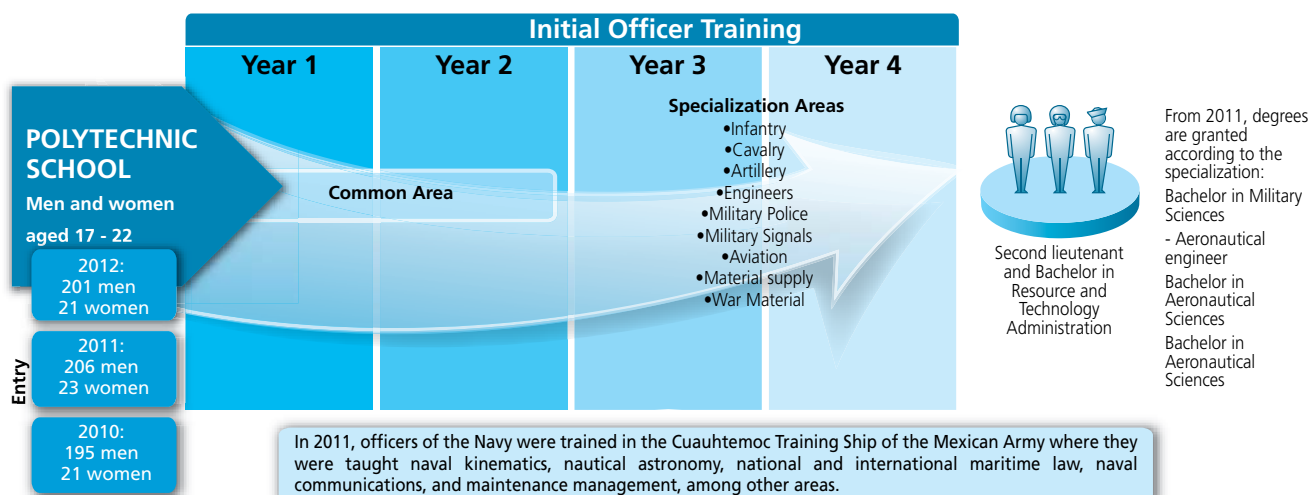


In March 2012, through the Government Decree No. 63-2012, two military brigades were created under the jurisdiction of the Army's General Staff.

- "Major General Héctor Alejandro Gramajo Morales" Second Military Police Brigade" located in San Juan Sacatepéquez, Department of Guatemala.

- "Infantry Lieutenant Colonel - General Staff College Graduate Víctor Augusto Quiño Ayuso", located to the west of the department of Petén.

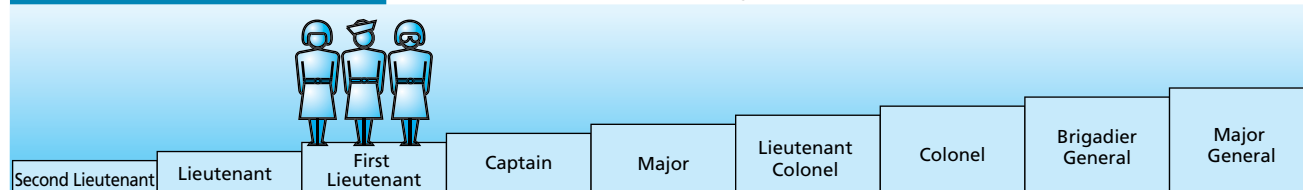
Source: Compilation based on information provided by the Ministry of National Defence.



Source: Law for the Creation of the Guatemalan Army. Information provided by the Ministry of National Defence, of the Polytechnic School, Internal Regulations of the Polytechnic School, Government Transition Report 2011-2012, and Web site of the Ministry of Foreign Affairs.

Women in the Armed Forces

Women Officers who have reached the highest rank in the Command Corps (2012)



Note: These ranks correspond to the Army, as an example. The equivalent Rank for First Lieutenant is Lieutenant (Navy) and First Lieutenant (Air Force). The Command corps includes officers who have been educated at military academies from the beginning of their careers, different to those who develop a career in the civilian sphere and are then incorporated to the military.

Source: Information provided by the Ministry of National Defence and by the Project Gender and Peace Operations, RESDAL.

During the last year, a significant thrust was given to establishing an inter-agency round table led by the Presidential Secretariat of Women and other institutions, aimed at preparing an Action Plan for the implementation of UN Resolution 1325.

Civil Service

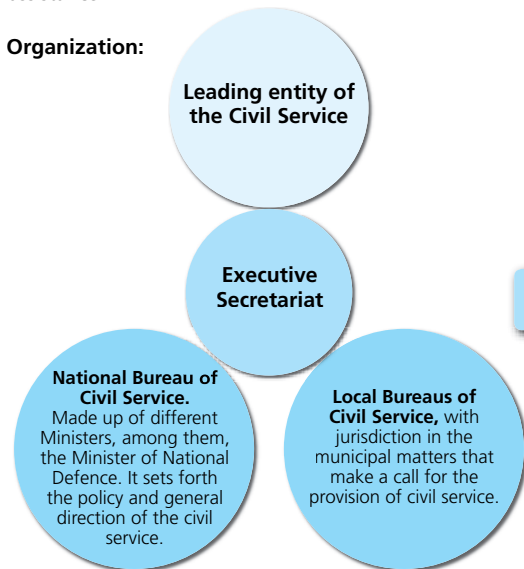
In November 2010, the Government Decree No. 345-2010 approved the Regulation of the Civil Service Law which defines the modality for the civil service, its organization, principles, participation ways, exceptions and ways to render the service. It aims at training Guatemalans for the armed defence of the motherland, within a military doctrine respecting human rights and civil, political and moral values. Civil service is aimed at youngsters aged between 18 and 24, who may serve by complying 728 service hours. However, young people older than 16 and younger than 18, may accomplish civil service within the social environment.

Forms of providing civil service:

Military service: Shall be provided in the different military commands, services and units.

Social Service: Of civilian nature, it focuses on the implementation of programmes, projects and services for collective benefit and community assistance.

Organization:



New forms for the provision of civil service were put in practice by the end of 2010



Covering 15 municipalities in 5 departments:
(Chimaltenango, Cobán, Guatemala, Villa Nueva, Amatitlán, Mixco, San José Pinula, Santa Catarina Pinula, Chianautla, Palencia, San Juan Sacatepéquez, San Miguel Petapa, San Pedro Ayampuc, Monjas Jalapa, Guastatoya).

Source: Ley del servicio cívico (Decree N° 20-2003); Regulations of Civil Service (AG 345-2010); IV Presidential Report and Labor Report 2011, Government of Guatemala.



Defence and National and International Community

Activities in which Defence is related to:

- Security and organized crime
- Civil and environmental protection
- Education
- Health

Supporting security and fighting organized crime

- The Army is part of the Inter-institutional Task Forces that seek to neutralize organized crime, gangs and delinquency, working in coordination with the Public Ministry, military intelligence, civil intelligence, the Attorney General's office and the Ministry of Government. The Army is responsible for the reconnaissance and security activities.
- Coordination with the Guatemalan Tourism Institute for the strengthening of tourism safety in the zone of Río Dulce, Izabal, through the Caribbean Navy Command and the Special Navy Police.
- In June 2012, two military brigades were created to fight drug-trafficking and crime, located at San Juan Sacatepéquez and Petén, so as to reinforce the actions of the National Civil Police (PNC).
- In August 2012, joint drills with the US Navy began at the Pacific Coast within the framework of the "Operación Martillo" to fight drug trafficking.
- Supporting territorial control and fighting drug trafficking through strategic deployments like the use of the Kaibil Special Forces Brigade. The Intervention and Rescue Special Group (GEIR) to implement actions in urban areas and the sea forces intended to fight drug-trafficking and other crimes within the maritime space, were formed within this Brigade.
- In May 2012, it was decided to create a new military post at El Subín, La Libertad municipality, so as to patrol the Petén region up to the border with Mexico.

In April 2012, the President put forward the legalization of drug consumption as a way to fight the violence that drug abuse generates, making it clear that the fight against drug trafficking has not been given up, but its proper direction has not yet been found and the proposal does not seek to indiscriminately legalize the sale of any type of drugs but to regulate each one of them according to the damage they may cause.

Source: Web site of the Government of Guatemala.

Regional Coordination

- Cooperation and information exchange is maintained with the Mexican Army for the security of the border zone.
- Guatemala carried out the "VII Virtual Command Post drill" as part of the plan for the strengthening and capacity of response within the framework of the Central American Armed Forces Conference (CFAC) (August 2012).
- Between 2011 and 2012, binational meetings with the Commanders of Honduras and El Salvador Border Units were held.
- Exchange of experts as to information operations with Colombia (May 2012).
- Meetings of Military Commanders of the Border Zone with México. Particularly, information on organized crime, drug trafficking, firearm trafficking, sexual slavery, environmental damages and illegal flights. In the last one, twelfth meeting held in December 2012, the following was agreed upon:
 - Continuing with coordination meetings.
 - Carrying out coordinated patrolling along the respective borders, with their own means and within the ground, air and maritime space of each Nation.
 - Carrying out radio communication tests and exchange of phone directories so as to speed up the attention to urgent matters.

Maritime security

- In May 2012, the Naval School held the international long distance training "Pacific 2012".
- It was coordinated with the OAS' Inter-American Committee against Terrorism (CICTE), the Subregional Workshop on Maritime Security Risk Assessment and Management, in April 2012, as part of the Port Security Assistance Programme (PSAP).

Protected areas and biodiversity areas management. Actions 2011

- 131 Army members were deployed for the protection of the environment in Izabal's Maya Biosphere.
- Over 250 Army troops were trained to have a bearing on the reduction of the wood assets' illicit trafficking. In collaboration with the Ministry of Environment, the "Green Battalions" were created to cover Petén's environmental protection.
- Reforestation activities, 386,630 plants sown. They assisted in the reforestation of 3,690,000 m2.

Food Security

In 2011 the Army distributed 1,408,422 solidarity bags of food. Staff working in packaging, distribution and safety: 90,018 (officials, specialists and troops).

Risk Management

- Coordination with the National Coordination Office for Disaster Reduction to respond to emergencies. In July 2012, the sector course on risk integral management was given to 50 Officers of the Higher Command of Education of the Army (COSEDE).
- In July 2012, the Army's Humanitarian Search and Rescue Unit carried out a victim search and rescue practice.
- Support of the Guatemalan Air Force in march 2012, to fight the Parque Nacional Chirripó's Wildfire, in Costa Rica.

Humanitarian assistance actions

- 12E Storm (October 2011): 35,758 people were evacuated and 11,594 accommodated. Staff employed 2,225.
- Santa Rosa earthquakes (September 2011): 1,495 people were evacuated and 3,300 accommodated. Staff employed 136.

Source: IV Presidential Report and Labor Report, 2011, Government of Guatemala; Information supplied by the Ministry of National Defence, Web site of the Ministry of National Defence and Government Transition report 2011-2012.

Defence and National and International Community

Participation in Peace Operations.

Current Missions	Military Component			
	MEM		MC	
	Men	Women	Men	Women
MINUSTAH (Haiti)	-	-	128	10
MONUSCO (Dem. Rep. of the Congo)	2	-	145	5
UNIFIL (Lebanon)	-	-	3	-
UNISFA (Abyei)	2	-	1	-
UNMISS (South Sudan)	3	-	2	-
UNOCI (Ivory Coast)	4	1	-	-

MEM: Military experts on mission, including military observers, judge advocates and military liaison officers, among others - MC: Military Contingent.

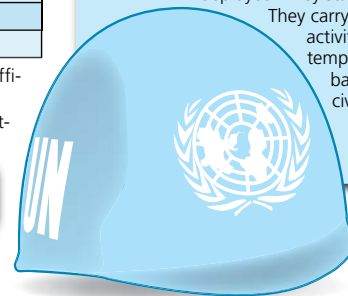
Source: Statistics on contribution of military and police personnel to United Nations operations, Department of Peacekeeping Operations of the United Nations, July 2012.

Guatemala contributes 306 military troops to the UN peacekeeping operations, which represents 4.28% of the total Latin American contribution.

- The Guatemalan Army has been participating in the MINUSTAH since 2004. Twelve contingents of Military Police were deployed and engaged in facility security, guards, planning of prevention activities of crime, drug trafficking control, among others.

- In MONUSCO, since 2005, 11 contingents of Kaibil Special Forces contingents have been deployed. They stay for 9 months.

They carry out patrolling activities, establish temporary operation basis, and guard civil agencies and humanitarian organizations.



Analysis:

The Guatemalan Army in the New Government Context

Paula Rodríguez de Castellanos

Vicepresident of PARLACEN

Following the Peace Accords of 1996, the country was submerged in an era of profound changes. The entry of illegal armed-group leaders to sign the agreements was a significant landmark in the history of the country, particularly as they were provided personal security by Guatemalan Army officers, who soon started a relationship with them, thus breaking away with the paradigm that a mutual relationship was impossible.

With successive democratically-elected governments, the role of the military in government was gradually reduced. Even the responsibility for presidential security was replaced by a civilian entity.

Beyond this change in responsibility, the increase in crime levels and insufficient police capacity to provide a response to this issue led to the involvement of the military to support security tasks, based on its constitutional role, as well as new factors such as popular support, which legitimized and provided legal foundation for its involvement.

In the political arena, the military members were restricted from running for president for five years after retiring. The Army has been mainly away from political decision-making, except for the Minister of Defence who continues to be an active-duty military officer, as per the constitution. The participation in support of security tasks was not challenged and was actually widely accepted by the population as a whole. After the election of President Perez Molina, the Army has continued with its regular roles and responsibilities.

Since 2004, after the downsizing not originally provided for in the Peace Accords, the Army has recruited new

personnel to recover from discretionary mutilations in its force. The new government has also included military members, responding to a strategic plan to reverse the loss of territorial control to organized crime.

The Guatemalan Army still has serious limitations in air and maritime capabilities, as well as general ordnance and equipment, which make it difficult to provide an effective support to security needs. To facilitate communication of its requirements, a 5-year model has been established so as to contribute to making advancements for an enhanced support to security.

One of the challenges of the new government is citizen security. As a campaign commitment, given that its motto was “hard line, head and heart”, the combat of violence is one of the main objectives to be accomplished by his administration. The problem of violence and insecurity transcends the region’s borders. Guatemala was selected as a non permanent member of the UN Security Council for 2012-2013, and this could help attract the attention to this issue, becoming increasingly more severe, and enable it to become a promoter of world peace. The government plans to deliver on its electoral promise, as the population awaits a reduction in the number of homicides reported in 2011 at 38.61 per 100,000 inhabitants, through the creation of programmes of military units and special forces as well as military police, accompanied by security policies and programmes of neighbouring countries, while supporting joint Central American initiatives such as SICA, CE-FAC, CARSI and LACENF.