



# Peru

## The Legal Framework and the Defence System

### National Legislation

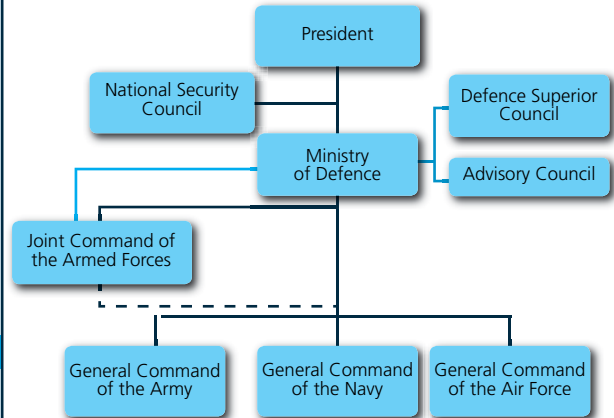
#### Systems and Concepts

- Act which establishes Rules for Exceptional Conditions in which the Armed Forces take over the Control of Internal Order (N° 24.150 - 1985/06/07. Last amendment: DL N° 749 - 1991/11/08). (1)
- Legislative Decree acknowledging Self-defence Committees (DL N° 741 - 1991/12/11).
- Legislative Decree which establishes Rules which the Armed Forces have to be subjected to when operating in Zones not declared in State of Emergency (DL N° 738 - 1992/03/10. Last amendment: Act N° 28.222 - 2004/05/17).
- Law on the requirements necessary to the Authorization and Consent for the Entry of Foreign Troops to the National Territory (N° 27.856 - 10/30/2002. Last amendment: N° 28.899 (2006/04/11)
- National Mobilization Act (N° 28.101 - 2003/11/13).
- System and National Defence Act (N° 28.478 - 2005/03/23).
- National Intelligence System Act (N° 28.664 - 2006/01/04).
- Organic Law of the Executive Branch Act (No. 29.158 - 2007/12/20)
- Act which establishes the Rules for the Use of Force by Members of the military in the National Territory (Decree-Law N° 1.095 - 2010/09/01).(2)
- Law on the Organization and Operation of the Ministry of Defence (No. 29.605 - 2010/10/22).

#### Military Organization

- Peruvian Army Organic Act (DL N° 437 - 1987/09/27. Last amendment: Act N° 29.417 - 2009/09/30).
- Peruvian Air Force Organic Act (DL N° 439 - 1987/09/27).
- Navy Organic Act (DL N° 438 - 1987/09/27).
- Organic Act for the Joint Command of the Armed Forces (DL N° 440 - 1987/09/27).
- Military Status Act for Officers of the Armed Forces (N° 28.359 - 10/13/2004). Last Amendment: Law N° 29.598 - 2010/15/10).
- Act which creates the Fund for the Armed Forces and the National Police (N° 28.455 - 2004/12/31).
- Act on the Promotion of Officers in the Armed Forces (N° 29.108 - 2007/10/30. Last amendment: Act N° 29.404 - 2009/09/10).
- Act on the Disciplinary Regime of the Armed Forces (N° 29.131 - 2007/11/09. Last amendment: DS 014-2009 -DE- 2009/05/23).
- Military and Police Justice Law Organization and Procedures Act (N° 29.182 - 2008/01/11. Last amendment: Decree-Law N° 1.096 - 2010/09/01).
- Military Service Act (N° 29.248 - 2008/06/28).
- Military Police Penal Code (Decree-Law N° 1.094 - 2010/09/01) (2)

- Advisory and assistance functional relationship
- Command reporting line
- - - Joint planning and management relationship



The President convenes the National Security Council, the governing body of the national defence and security system, composed of the President of the Council of Ministers, the Ministers of Foreign Affairs, Interior, Defence, Economy and Finance and Justice, the Chairman of the Joint Command of the Armed Forces and the President of the National Intelligence Council. The Ministry of Defence is the main executive body of the system and receives the advice of the Superior Defence Council, composed of the main leaders in the Ministry, the Chairman of the Joint Command and the General Commanders of the Armed Forces. The Consultative Council is a direct advisory body for the Minister. The Joint Command is the body in charge of joint military planning and employment. The Congress holds the powers granted by the Constitution and permanently monitors defence related issues through the specific committee.

Source: Compilation based on *Ley de organización y funcionamiento del Ministerio de Defensa* (N° 29.605 - 2010/10/22) and *Ley del sistema de seguridad y defensa nacional* (N° 28.478 - 2005/03/23).

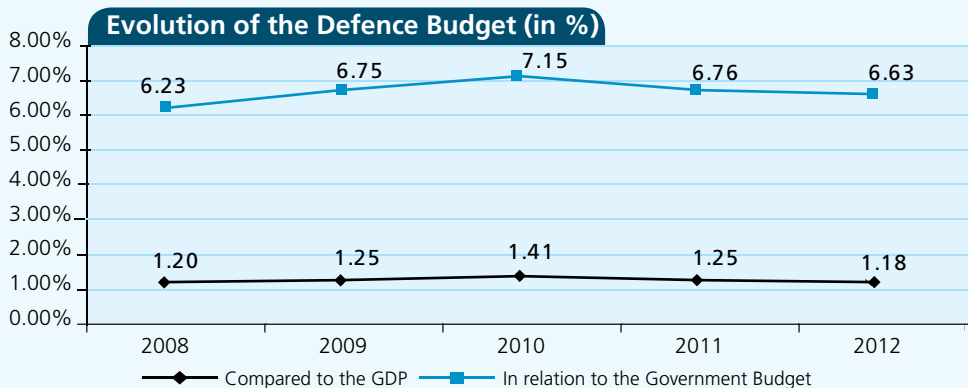
(1) The Constitutional Court declared as unconstitutional paragraphs c, d) and e) of article 5 amended by Legislative Decree N° 749, and article 11; and it amended certain texts of articles 4, 5, 8 and 10 (sentence N° 0017-2003-AI/TC - 2004/08/14).

(2) By the closing of this edition, the unconstitutionality claim for both decrees was pending resolution at the Constitutional Tribunal

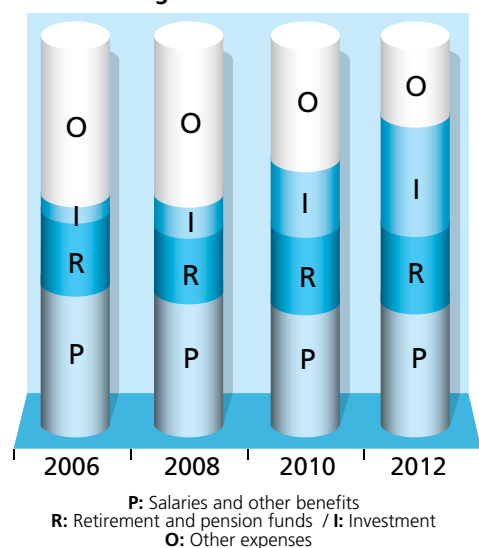
Source: Compilation based on the legislation above mentioned.

## The Budget

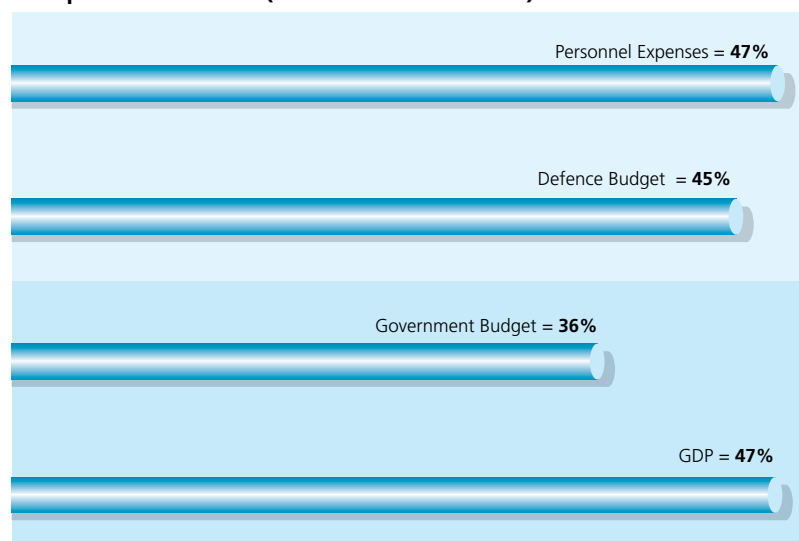
Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2008	1,515,727,130	24,332,118,765	125,828,000,000
2009	1,595,942,737	23,645,587,544	127,368,000,000
2010	2,061,617,832	28,822,985,457	146,280,000,000
2011	2,097,553,421	31,038,814,005	168,459,000,000
2012	2,190,684,087	33,056,967,179	184,962,000,000



## Defence Budget Breakdown



## Comparative Increase (% variation 2008-2012)



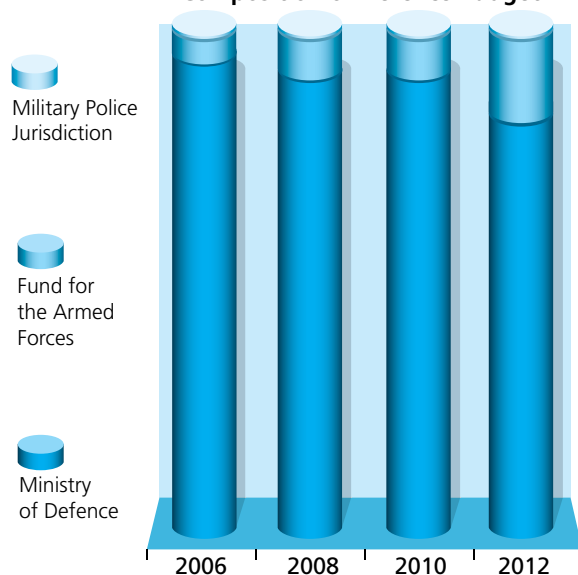
## Defence Budget 2012 (in Local Currency)

Programs	Personnel and Benefits*	Consumer Goods and Services	Other Current Expenses	Capital Expenses**	TOTAL
<b>Ministry of Defence</b>	3,061,978,211	1,653,133,806	12,872,800	656,969,051	5,384,953,868
<b>Military Police Jurisdiction</b>	3,308,000	6,889,424	60,576	0	10,258,000
<i>Subtotal</i>	<i>3,065,286,211</i>	<i>1,660,023,230</i>	<i>12,933,376</i>	<i>656,969,051</i>	<i>5,395,211,868</i>
<b>Extra-budgetary</b>					
Fund for the Armed Forces					935,865,144
<b>TOTAL</b>					<b>6,331,077,012</b>

\* Includes social security obligations.

\*\* Includes debt services.

## Composition of Defence Budget



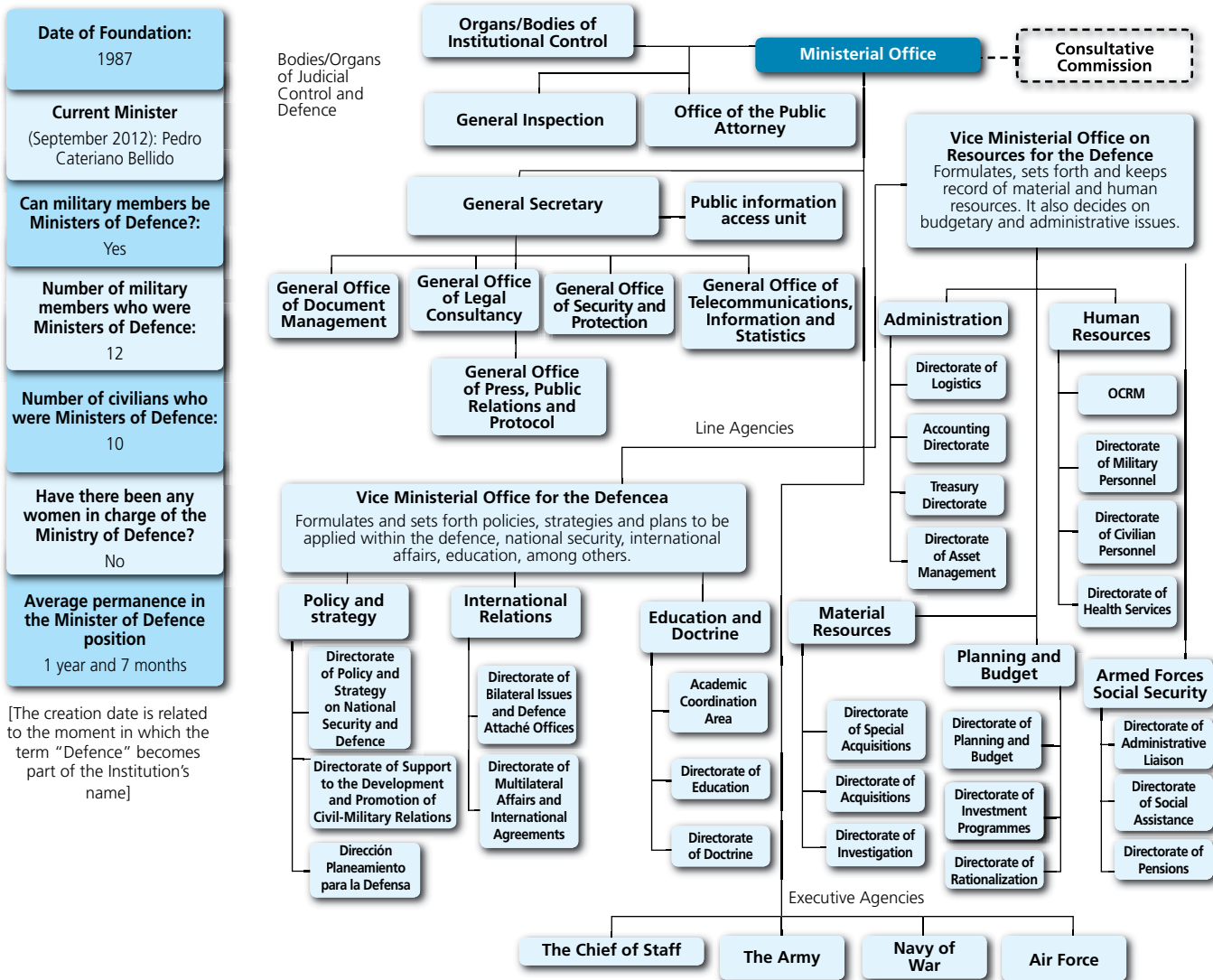
The extra-budgetary Defence Fund combines resources for the acquisition and maintenance of units of the Armed Forces. US\$500 million were authorized in 2011-12 for the first stage of acquisition of military equipment.

**Source:** Compilation based on *Ley de presupuesto del sector público para el año fiscal 2006, 2007, 2008, 2009, 2010, 2011 and 2012*. 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 "Acquisition of non-financial assets" and revenues for the Fund for the Armed Forces. Extra-budgetary funds: *Ley que crea el Fondo para las Fuerzas Armadas y Policía Nacional* (Nº 28.455 – 2004/12/21) and *Estadística Petrolera 2006, 2007, 2008, 2009, 2010 y 2011*, Perupetro. 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 2012, the exchange rate average was 2.67 Soles, based on the data provided by the Central Bank of Peru. 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**

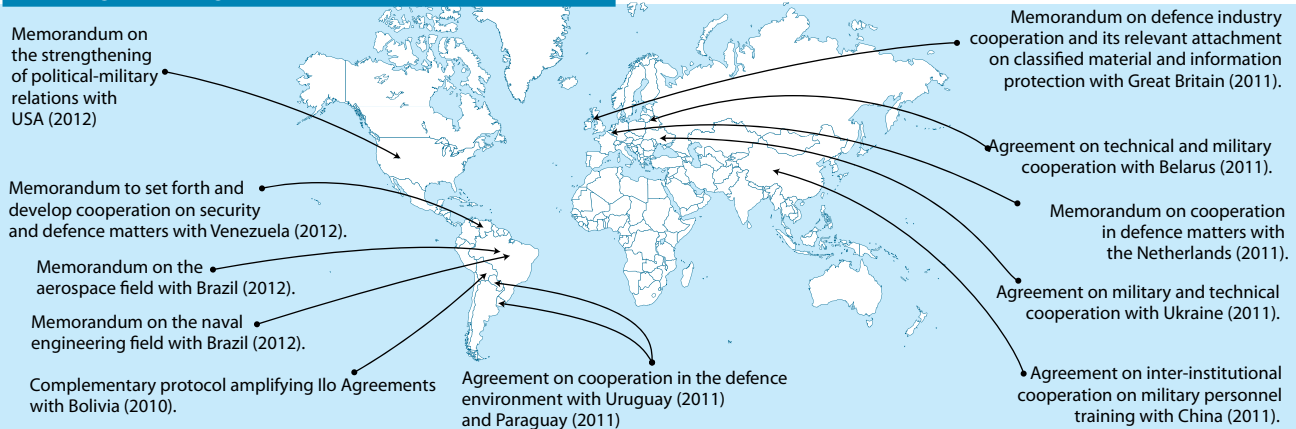
**Organization Chart**



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

Source: Ley de organización y funcionamiento del Ministerio de Defensa (N° 29.605 – 2010/10/22) and Web site of the Ministry of Defence.

**Bilateral agreements signed between 2010 and 2012:**



Source: Compilation based on the Web site of the Ministry of Foreign Affairs and of the Ministry of Defence.

## Political Definitions

### Policy Guidelines

The general policy of the defence sector is oriented to recovering and maintaining the operational capacity of the Armed Forces, the ongoing training of its personnel, their getting closer to civil population through participation in support of the development of the country, and of hemispheric peace and security, as well as to foster the participation of State agencies in national defence, spending transparency and rationality and the institutional strengthening of the Armed Forces.

### Objectives:

- Improve the operational capacity of the Armed Forces in air, land, maritime spaces, rivers and lakes as well as the capacity of an essential response to act upon any threat under control
  - To generate levels of minimum deterrence.
  - To prioritize territory control.
  - To foster interoperability.
  - To promote a modern and integrated education system.
- To contribute to national pacification fighting against terrorism, drug trafficking and other crimes.
  - To re-establish stability and security conditions in the VRAE zone.
- To develop national security and defence industry and technology, allowing for competitiveness standards based on technology transfer.
  - To promote the industry.
- To proactively participate in the economic and social development of the country, in civil defence and in the environmental preservation.
  - To foster the participation of the defence sector in social inclusion programmes and in of disaster risk management.
- To take part in international peace and security efforts at the UN's request.
  - To strengthen bilateral and multilateral relationships and increase participation in peacekeeping operations.
- To strengthen the security system, the national defence, mobilization and reserve.
  - To incorporate the concepts of national security and defence and the way to introduce them in the curriculum of the national educational system.
  - To incorporate the concepts of mobilization and reserve into the central and regional government sectors and agencies.
  - To foster actions for the execution and follow-up of compliance with national security and defence policies.
- To optimize institutional management.
  - To implement good governance practices.
  - To standardize joint acquisition and purchase processes with scale economies and human resources savings.
- To prioritize the general wellbeing of military and civilian personnel of the defence sector.
  - To take care of the defence sector's social agenda..
  - To optimize the operation of the voluntary military service system.

Peru published the *Libro Blanco de la Defensa Nacional del Perú (White Book of the National Defence of Peru)* in 2005.

### Related actions 2011-2012

- Defence Basic Core (NBD): financing authorization to make military equipment acquisitions.
- Rules allowing the integration of the army's educational system into the national educational system were approved.
- New strategy in the VRAE zone. Intelligence fusion and joint operations centres with the National Police (arrests, seizures of drugs and weapons, etc.) Opening bases for control in the area.
- Strategic alliances for military industry: exchange of technologies with Brazilian companies within the framework of a cooperation agreement entered into by both countries.
- The Permanent Committee of the Specific Agreement between the Health Units of the Armed Forces (COPECONSA) approved the Directive to support Armed Forces Health in the event of massive emergencies and natural disasters. The Committee is focused on the study of specialized health care, technical and scientific cooperation in the military health field.
- A ministerial decision on optimization measures as to the spending of resources allocated to the defence sector was approved.
- Delivery of housing built for the Army personnel through the 'Vivienda de héroes' Programme, aimed at guaranteeing the Armed Forces' residential development.
- The training of volunteers for military service and their monthly financial compensation were increased.

Source: *Política General del Sector Defensa*, 2011-2016; *Memoria: Los primeros 365 días*, Presidencia (June 2012) and web site of the Ministry of Defence.



## The Armed Forces

### General Mission

The Armed Forces have as fundamental mission to guarantee the independence, sovereignty and integrity of the Republic. If a state of emergency is declared, the Armed Forces take control of the internal order if the President of the Republic so requires. Participate in the economic and social development and in civil defence actions in accordance with the law.  
(Political Constitution, Sec. 137, sub. 1, 165 and 171)

### Joint Command of the Armed Forces

It carries out the planning, coordination, preparation and management of military operations of the highest level in the external and internal fronts and the counselling to the Ministry of Defence in the military field, regarding national defence-related matters.

**Source:** *Orgánica del Ejército Peruano* (DL N° 437 - 1987/09/27), *Ley Orgánica de la Fuerza Aérea del Perú* (DL N° 439 - 1987/09/27), *Ley Orgánica de la Marina de Guerra* (DL N° 438 - 1987/09/27) and *Ley orgánica del Comando Conjunto de las Fuerzas Armadas* (DL N° 440 - 1987/09/27).

### Specific Mission

#### Army



The primary mission of the Army is to guarantee the independence, sovereignty and territorial integrity of the Republic, within its scope. It intervenes in states of exception in accordance with the Political Constitution of the State and participates in the social and economic development of the country and in civil defence in accordance with the law.

#### Navy



- Participate in the strategic planning of the national defence.
- Organize, equip, prepare and maintain naval forces in its maximum combat potential to ensure the defence of the Nation.
- Defend the maritime, fluvial and lacustrine assets, protecting the activities carried out there.
- Operate naval forces.
- Propose and execute the navy budget.
- Contribute to the social and economic development of the country and the civil defence in areas of competence.
- Participate in the internal defence of the territory in accordance with Section 231 of the Political Constitution of the State.

#### Air Force



The Air Force is the air branch of the Armed Forces whose primary mission is to guarantee the independence, sovereignty and integrity of the Republic's territory, in its scope of competence, for which it prepares and develops its strength; intervenes in states of exception in accordance with the Political Constitution; and participates in the social and economic development of the country and civil defence.

According to the last publicly available data, at the end of 2010 the military was composed of:



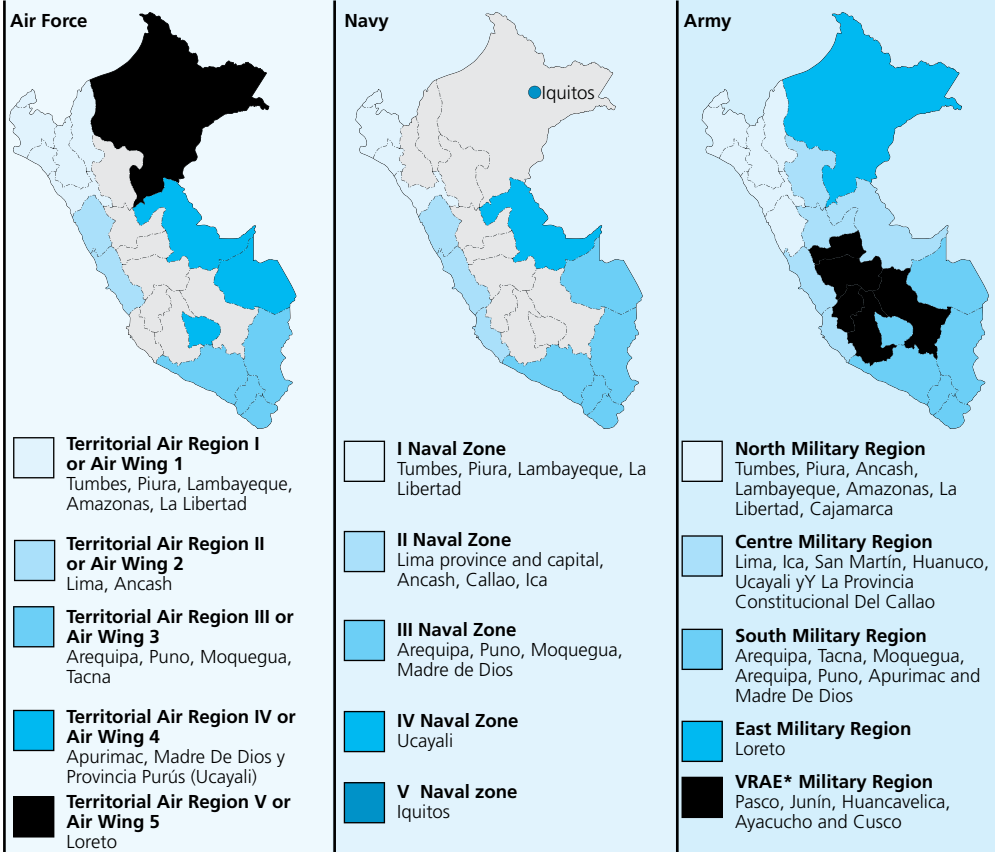
<b>Officers:</b>	
M 10,465	550 W
<b>Non-commissioned Officers</b>	
M 35,261	1,850 W
<b>Troops:</b>	
M 54,340	3,568 W
M 84.38 %	5.62 % W
<b>Total Strength 106,034</b>	

### Self-Defence Committees

The Committees are authorized and registered by the Joint Chiefs of Staff. In 2012, there are 6,251 Committees with a total of 571,264 members.

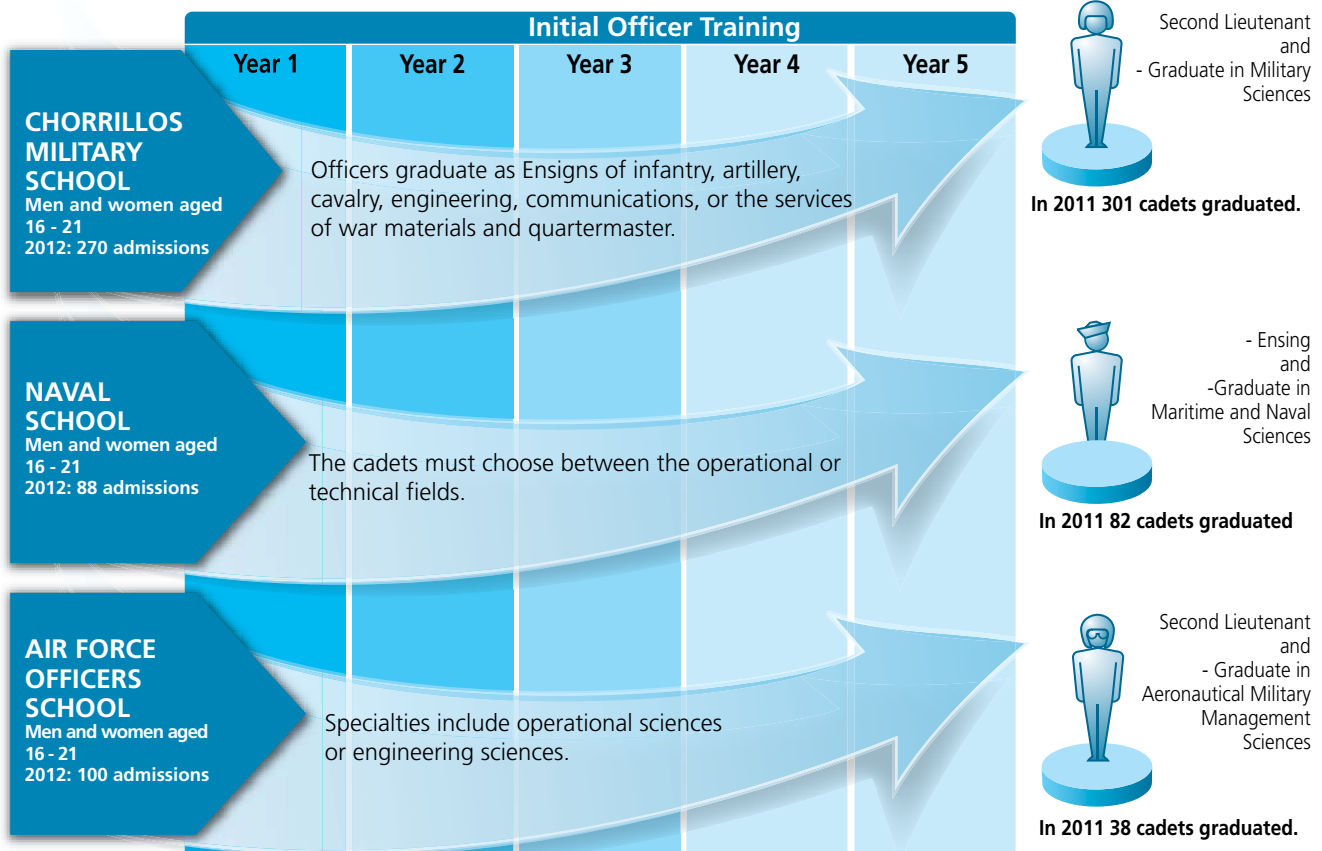
**Source:** Compilation based on information supplied by the web sites of the Armed Forces and the Joint Chiefs of Staff.

### Deployment of the Armed Forces



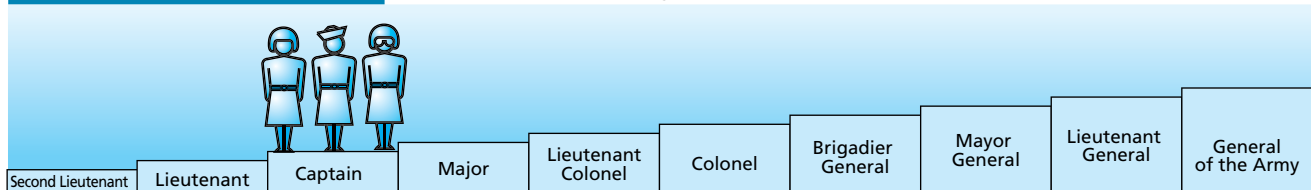
\* By means of Supreme Decree No. 074-2012, the Mantaro Valley is incorporated, thus generating the new denomination (VRAEM), as national priority zone for economic, social and pacification development. A multisectoral commission is created to work in these areas.





Source: Compilation based on web sites of the President's Office and the academies mentioned above.

**Women in the Armed Forces** 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 Lieutenant in the Air Force is the same and Second Lieutenant in the Navy.

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: Compilation based on information provided by the web sites of the Army and Air Force.

**Military Services**

It is voluntary for both sexes and has a duration of up to two years. The entry requirements are the following:  
- Being single. - Having completed the primary school. - Not having criminal records - Passing the physical and psychological examination.

There are agreements with the Ministry of Defence with the object of giving the youngster who do military service access to basic, technical and productive education as well as superior education in diverse specializations. The following programmes are intended for young people that have finished the voluntary military service:

**"18 Special Mode Scholarship"**

Intended for youngsters aged between 18 and 25 who may have access and finalize their academic, technical and/or professional education in renowned universities and institutes.

Within the requirements thereof, the following should be noted: having taken and completed the secondary school in a public educational institution, living in poverty situation or extreme poverty situation, besides the commitment to take up a 3-year technical career or a 5-year professional career. As of June 2012, 250 people were awarded this benefit.

**The programme covers:**

- Enrolment and tuition
- Academic levelling
- Education benefit
- Educational materials
- Meal, accommodation and local travelling expenses
- Tutorship
- Health insurance
- Degree

**Technological Training Programme:**

It trains for free youngsters in technical careers highly demanded in the labour market. Training is under the responsibility of the National Service for Industrial Work Training (SENATI) and the National Service of Training for the Construction Industry (SENCICO).

In 2011, 1,594 people who had completed the voluntary military service benefited from this programme. Senati took care of 994 beneficiaries (447 per semester) and Sencico 600 (300 per semester).

As of June 2012, the beneficiaries added up to 797.

The specializations offered are: structural welding, auto mechanics, auto electronics, maintenance mechanics, industrial electronics, clothing, gas and electrical installations, infrastructure maintenance, among others.

Applicant should meet some requirements like having completed secondary school third or fifth year, according to the specialization chosen.

Source: Compilation based on information provided by *Ley del servicio militar* (No. 29.248 - 2008/06/28), Web site of the Ministry of Defence and Report: The First 365 days, President's Office (June 2012).



**Defence and National and International Community**

**Support Actions**

**Support in case of Natural Disasters - 2012**

- The reconstruction actions taken by the Army in the Province of Pisco have helped 25,000 families, since 2007, when started because of the earthquake that ravaged the region.
- In 2011 the Army deployed military personnel of the 22nd Brigade of Engineers in the Puerto Bermúdez region so as to help the population affected by strong rain.
- In January 2012, the Air Force opened an air route from Lima to Cusco, in order to help the regions most affected by the rain. A total of 319,000 kg of aid material was transported.
- In early 2012, the Navy could assist 1,650 inhabitants when the Loreto Region was flooded, and accommodated 470 people in its facilities.

**Activities with the Community**

The Navy maintains a Mobile Health Care System for Fluvial Emergencies (SAMU FLUVIAL), a mobile hospital infrastructure for the population living far away from the Amazonic region. SAMU FLUVIAL has a fleet of six speedboats called ambulance boats (ambulancha). The system aims at providing health care, taking prehospital care of emergency cases. They are staffed with qualified personnel, and fitted with medical equipment and communication systems.

In 2012, the Armed Forces and the Ministry of Health and other institutions carried out coordinated actions in Kiteni, Echarate district, where 2,000 people received medical aid from the Armed Forces.

In August 2012, the Joint Command of the Armed Forces carried out a civil action in Ayacucho, Huanta, through which 1,800 people received health care in the specialties of dentistry, traumatology, paediatrics, gynaecology, obstetrics, general surgery, laboratory, delivery of medicines and different products.

During the 2011 election period, 7,146 military troops protected 621 voting sites located in the Valley of the rivers Apurímac and Ene Region (VRAE). A total of 48,686 military troops were deployed all over the national territory to provide security to the electoral process.

**Activities in which Defence is related to:**

- Security
- Environmental Protection
- Education
- Health
- Foreign Affairs

**Peru -Ecuador Border**

The Military and Police Chart for Border Security and Cooperation (signed by the Ministers of Defence in 2012) aims at regulating the Armed Forces procedures in the border region to avoid incidents, to build trust among the troops of the respective countries and to promote mutual support in the performance of their duties.

It sets forth that both patrolling and drills in the border area should be notified 72 hours in advance so as to accommodate coordination. Reports should include activities related to:

- 1) Drug trafficking.
- 2) Subversion and/or terrorism.
- 3) Illegal fishing.
- 4) Any form of smuggling.
- 5) Other criminal offences.
- 6) Accidents requiring humanitarian aid.

**VRAE\* Plan**

VRAE Plan (Valley of the rivers Apurímac and Ene Region) aims at strengthening the presence of the State in the region, declared in emergency status, so as to guarantee public order fighting terrorist groups (Sendero Luminoso) and to foster development. The operations in this zone are led by the Special Command of the Valley of the rivers Apurímac and Ene (CE-VRAE) which performs operations against terrorism and military actions in collaboration with the National Police.

**VRAE - Intervention Scope in the Valleys of the Rivers Apurímac, Ene and Mantaro, 2012**

**In 2012, 419,986 inhabitants live in the VRAEM region, representing 1.4% of the country's population.**



**Some supplies confiscated and recovery of weapons during the operations up to June 2012**

Coca leaves	42,530.5 k
Coca leaves in maceration	205,715 k
Cocaine basic paste neutralized	2,057.15 k
Bleach	20 litres
Petrol	23,546.25 gal.
Pistols	4
Rifles (several types)	4
Cal 7.62 Cannon	1
Carbines	3
Shotguns	8
Ammunition (several types)	390
Magazines (several types)	15
Ammunition clip	2
Dynamite cartridges	31
Blast caps	4
Slow matches	57
C-4	5 K
Cartridge	4
Grenades (several types)	8
Exploders	2
Fuses	2
Camouflage uniforms	2

\* By means of Supreme Decree No. 074-2012, the Mantaro Valley is incorporated, thus generating the new denomination (VRAEM), as national priority zone for economic, social and pacification development. A multisectorial commission is created to work in these areas.

Source: Compilation based on the Military and Police Chart for Border Security and Cooperation between Ecuador and Perú; Report: The first 365 days, President's Office (June 2012); Web site of the Air, Army and Naval Forces and Joint Command of the Armed Forces and of the Government of Perú.

## Participation in Peace Operations

Current Missions	Military Component			
	MEM		MC	
	Men	Women	Men	Women
MINUSTAH (Haiti)	-	-	364	8
MONUSCO (Dem Rep. of the Congo)	6	-	-	-
UNISFA (Abyei)	2	-	1	-
UNMIL (Liberia)	2	-	2	-
UNMISS (South Sudan)	-	1	-	-
UNOCI (Ivory Coast)	3	-	-	-

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

MC: Military Contingent.

**Source:** Statistics of the contribution of military and police personnel to the UN operations, UN Department of Peacekeeping Operations, July 2012, Web site of the Joint Training Centre for Peacekeeping Operations and the Ministry of Defence.

Peru contributes 389 military troops to the UN peacekeeping operations, which represents 5.44% of the total Latin American contribution.

Peru proactively participates in peacekeeping operations and has sent troops to MINUSTAH since the creation thereof. It has a Joint Training Centre for Peacekeeping Operations (CECOPAZ) in Lima aimed at training military personnel as well as advising technically the Joint Command of the Armed Forces in subjects related to peacekeeping operations.



## Analysis

## Defence Agenda of Ollanta Humala's Government

**Renzo Chiri Márquez**

*Lawyer. Former Secretary General of the Peruvian Ministry of Defence (August 2006 - January 2011).*

In the first year of President Humala's administration, four different ministers of defence have been in office, the same number of ministers as in the entire President Alan García's five-year term. These short periods in office have prevented the normal development of a clear policy in such sensitive sector. This unprecedented turnover could make us think that the government does not have a clear idea as to what to do and what direction to take in this sector. However, the agenda for this area seems to be clearly defined as a result of a detailed assessment of reality.

The defense agenda must basically include three central themes: a) strengthen the internal front finally defeating the remaining terrorists of Shining Path (*Sendero Luminoso*); b) continue with the modernization process of the armed forces to increase deterrence; and c) advance on the solution of the military personnel salary and pension issue.

Regarding the first theme, the government has obtained mixed results. At the beginning of 2012, it managed to capture "Camarada Artemio", a figure who had become the main protector of drug-trafficking activities in an area called "Alto Huallaga". After three years of pursuit, his capture is the principal success shown by the government in this field. However, almost nothing was achieved so far against the troops of the so-called "narco-terrorists" in the valley of Apurímac and Ene Rivers (VRAE), a safe haven for the Sendero's wing led by the Quispe Palomino brothers and main area of coca growing in the country. In spite of the presence of the Police Force and the existence of 28 military bases, the subversive agents have virtually managed to neutralize the offensive forces of law and order thanks to their better control and knowledge of that rough territory, among other things.

Regarding the modernization process of the armed forces, we can expect that everything made in this field so far will be developed and strengthened through the so-called Basic Core of Defence (*Núcleo Básico de Defensa, NBD*). This concept was created with the aim of gradually enhancing the levels of equipment and operating capacity of the armed forces. During the first stage (2007-2011), an investment of 653 million US dollars was made for the purchase of new pieces of equipment and the modernization of existing material. However, the progress made in the Basic Core of Defence (NBD) responds to an important though insufficient effort, if stages II ("Intermediary requirements") and III ("Supplementary requirements") are not implemented.

However, the greatest expectations created by the government, precisely for being presided over by a retired military officer, are related to the specific progress on the issue of salary and pension of armed forces' members, which have been virtually frozen for approximately twenty years. This issue is even more complex, as section 174 of the Constitution establishes that "*the ranks and honours, compensations and pensions inherent to the officers' ranks of the Armed Forces and the National Police Force are equivalent*", as the solution implies an important impact on public treasury funds.

At the beginning of 2012, the government requested Congress the power to legislate on security and defence, including the armed forces' salary and pension aspect. However, except for the members of government, nobody knows the Executive's project. In spite of this, these contradictions are expected to be finally overcome so that an economic and socially equitable solution for this critical problem can be achieved.