



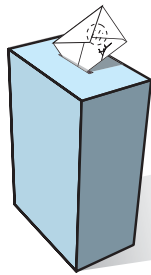
# El Salvador

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Organic Law of the Armed Force of El Salvador (DL N° 353 -, 1998/07/09)</li> <li>- Act on the Intelligence Agency of the State (DL N° 554 - 2001/09/22)</li> <li>- National Defence Act (DL N° 948 - 2002/10/03)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Justice Code (DL N° 562 - 1964/05/29)</li> <li>- Act on Military Career (DL N° 476 - 1995/10/18)</li> <li>- Military Service Act and Reserves of the Armed Force (DL N° 298 - 2002/07/30)</li> </ul>

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



### Political Participation of Military Members

	Retired	On Duty
Are they entitled to vote?	Yes	No
Are they entitled to become candidates for elections?	Yes <sup>(1)</sup>	No

(1) Only three years after retiring they can run for presidential elections.

Source: Constitution.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1948/03/15
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1950/09/11
- Framework Treaty on Democratic Security in Central America: Signature: 1995/12/15 Deposit: 1997/03/10

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1968/04/22
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1972/07/11
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1995/10/30
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/04 Deposit: 1999/01/27
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Signature: 1972/04/10 Deposit: 1991/12/31
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2000/01/26
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1999/03/18
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2002/03/08
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 1998/09/11

### On Human Rights and Justice

- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1978/06/23
- Inter-American Convention to Prevent and Punish Torture: Signature: 1987/10/16 Deposit: 1994/05/12
- Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife: Signature: 1958/03/27 Deposit: 1960/09/13

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/09/11

Source: Compilation based on the information supplied by the web pages of the Secretariat for Legal Affairs of the Organization of American States, and the UN Office for Disarmament Affairs.

## The Budget

State Budget 2008		Defence Budget 2008	
Local currency (US\$)	4,558,300,000	Local currency (US\$)	115,409,495
		<b>GDP's %</b>	<b>0.53</b>
<b>2008 GDP (in US\$)</b>	<b>21,824,000,000</b>	<b>% of the State Budget</b>	<b>2.53</b>

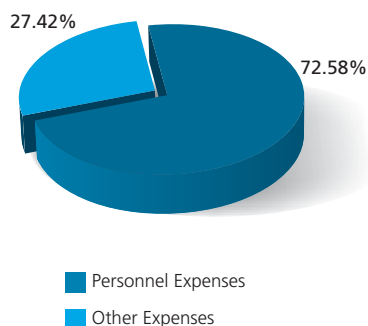
### Defence Budget 2008 (in Local Currency - US\$)

Branches*	Remuneration	Goods and Services	Other Current Expenses**	Capital Expenses	TOTAL
<b>National Defence</b>					
Institutional Direction and Administration					
Higher Administration	1,743,420	1,493,745	1,156,270	0	4,393,435
Institutional Financial Management	325,440	0	0	0	325,440
Institutional Operating Management	81,700,075	-	-	-	81,700,075
Army Operations and Actions of Institutional Support		11,569,210	321,335	0	11,890,545
Air Force Operations		2,594,995	5,005	1,800,000	4,400,000
Naval Force Operations		2,166,035	33,965	0	2,200,000
Support to other entities					
Institute of Social Services or the Armed Forces	0	0	2,000,000	0	2,000,000
Institutional Investment					
Physical Infrastructure	0	0	0	1,500,000	1,500,000
Strategic Communications	0	0	0	4,500,000	4,500,000
Institutional Equipment	0	0	0	2,500,000	2,500,000
<b>TOTAL</b>	<b>83,768,935</b>	<b>17,823,985</b>	<b>3,516,575</b>	<b>10,300,000</b>	<b>115,409,495</b>

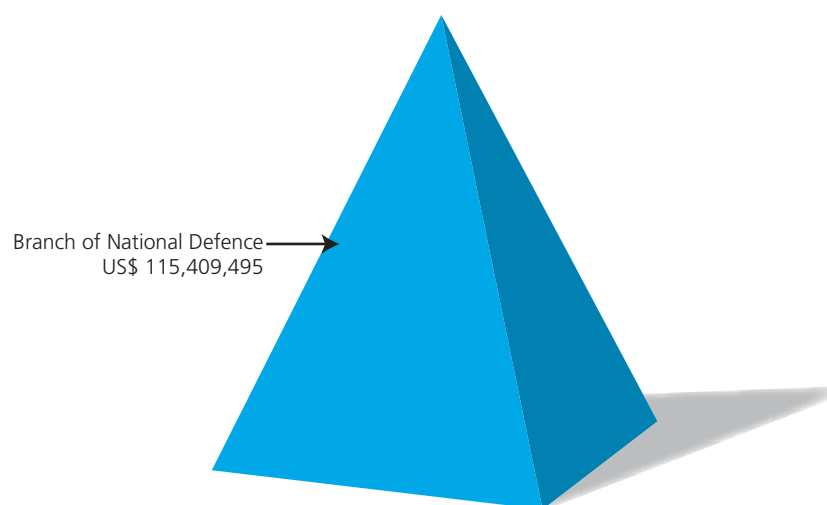
\* Budgetary Units.

\*\* Includes Taxes, Rates and Rights; Insurances, Commissions and Bank Expenses; Current Transferences to the Public Sector; and Current Transferences to the External Sector.

**Defence Budget  
2008 Breakdown**



**Composition of Defence Budget 2008**



Source: Compilation based on the General Budgetary and Special Budgets Act 2008. The State Budget passed by the Congress by means of the above mentioned Act is considered herein.

2008 GDP: World Economic Outlook Database Projection, IMF. This source has been taken for comparative purposes. Each country makes the budget based on its own GDP estimation.

The dollar value is the exchange rate considered by the World Economic Outlook Database, IMF.

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.



## Political Definitions

### Concepts

What is Defence?	What is Security?
National defence: set of resources and activities that the State develops on a permanent basis, in all fields of action, through coordinated actions, in order to face threats to national sovereignty and integrity of the territory. <i>(Ley de Defensa Nacional, DL N° 948, 2002/10/03, Sec. 4)</i>	National security: set of permanent actions promoted by the State in order to create conditions to overcome international conflicts, disturbances of public order, natural catastrophes and those vulnerabilities which may limit the national development and endanger the achievement of the national purposes. <i>(Ley de Defensa Nacional, DL N° 948, 2002/10/03, Sec. 4)</i>

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURSO (Western Sahara)	5	—
UNMIL (Liberia)	3	—
UNMIS (Sudan)	4	—
UNOCI (Ivory Coast)	3	—

MO: Military Observers - CT: Contingent Troop.

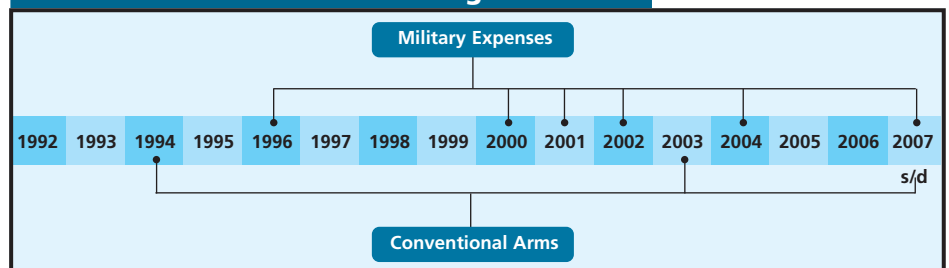
Source: Compilation based on the information supplied by the UN Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/contributors/>). Information as of June 30, 2008.

■ The Regional Training Centre for UN Peacekeeping Operations (CREOMPAZ), headquartered in Guatemala, was founded on June 8, 2005.



■ El Salvador provides 15 military members to UN peace operations, which represents a 0.24% of the total amount of the Latin American contribution and a 0.02% of the world total.

### Submissions to the UN Registers



Source: Compilation based on reports submitted to the UN Register of Conventional Arms and the UN Instrument for Reporting Military Expenditures from 1992 to 2008. The publication of information from the Register of Conventional Arms corresponding to the year 2007 is expected by August 2008.

■ El Salvador published the *Libro de la Defensa Nacional* (Book of National Defence) in 2006.

### Constitutional Powers of the Congress

#### Related to War and Peace

- Can it declare war?: Yes
- Is a congressional authorization required to declare war?: Yes <sup>(1)</sup>
- Can it make peace?: No
- Is a congressional authorization necessary to make peace?: Yes
- Is a congressional authorization necessary for the entry of foreign troops to the national territory?: Yes
- Is a congressional authorization necessary for the deployment of national troops outside the country?: N/R

(1) ) It is the Legislative Power itself which has the referred power.  
N/R: No reference

#### Related to Control

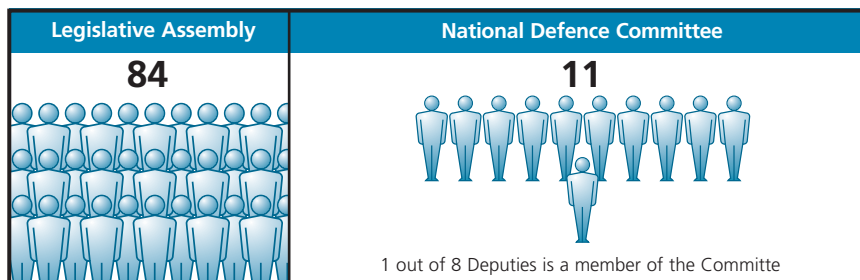
- Is its approval required to appoint senior officers of the Armed Forces?: No
- Can it accuse officers of the Armed Forces?: Yes <sup>(1)</sup>
- Can it try officers?: Yes
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

(1) The resolution shall be binding when it refers to the Chiefs of Public Security or Intelligence of the State in cases of serious violations to human rights.

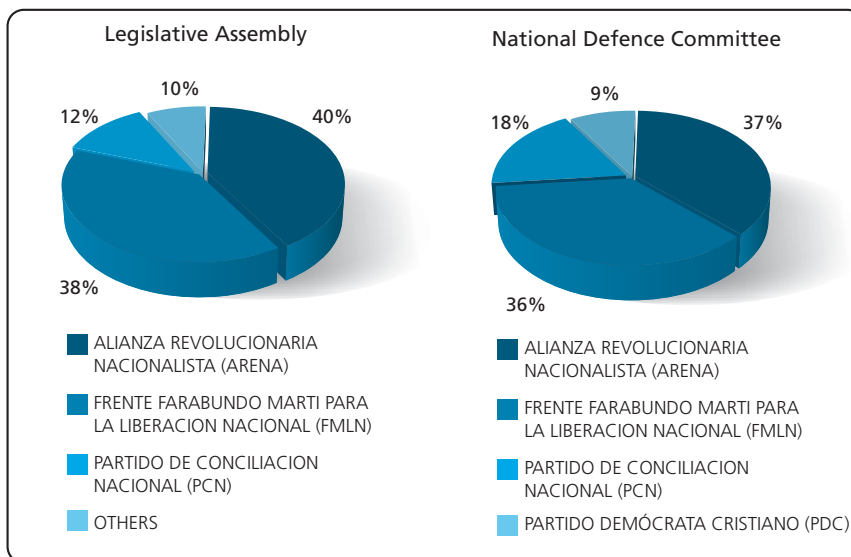
#### States of Exception

Name: Exception regime  
Cause: War  
Invasion of the territory  
Rebellion  
Sedition  
Catastrophe  
Epidemics or general calamity  
Grave disturbances of the public order  
Participation of the Legislative Power: It is decreed by the Legislative or the Executive Power. In case of the suspension of certain guarantees, the approval of the Legislative Power is required.

Source: Compilation based on the Constitution.



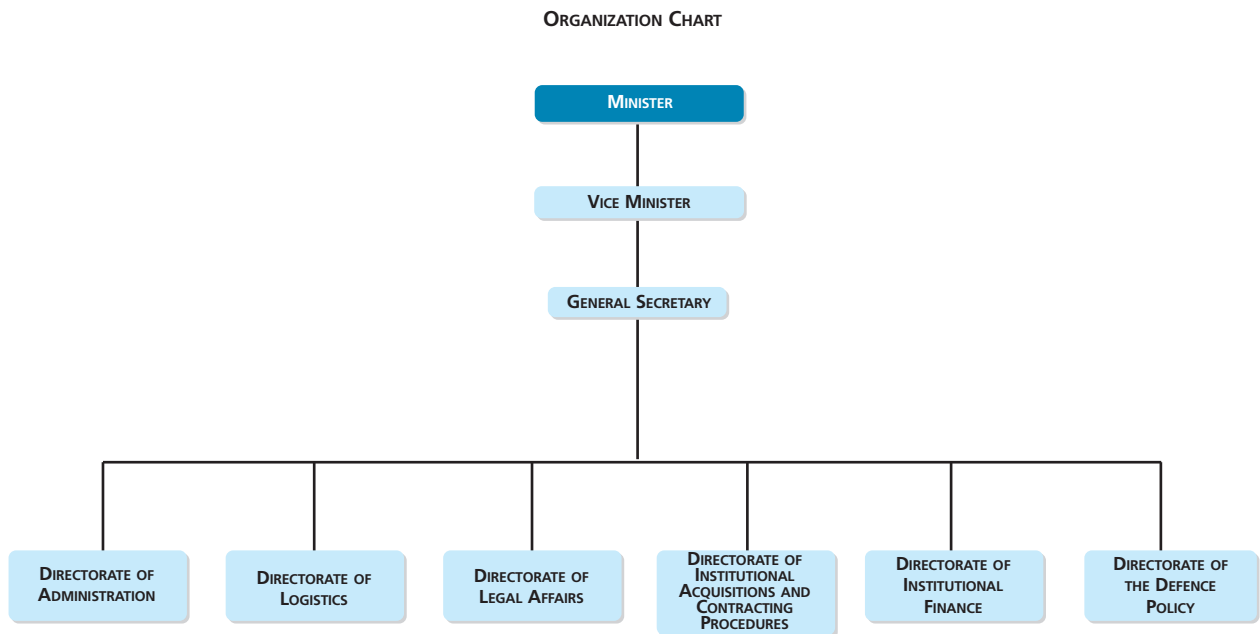
#### Breakdown of Parties



Source: Compilation based on information provided by the Legislative Power.



Source: Compilation based on the Constitution, *Ley Orgánica de la Fuerza Armada* (DL N° 948 - 2002/10/03) and *Ley de Defensa Nacional* (DL N° 948 - 2002/10/03).



Source: Ministry of National Defence.

**Date of Foundation**  
1939

**Current Minister (August 2008)**  
Jorge Alberto Molina Contreras

**Can the military members  
be Ministers of Defence?**  
Yes

**Number of military members  
who were Ministers of Defence**  
24

**Number of civilians who were  
Ministers of Defence**  
None

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

[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]

## The Ministry of National Defence

### The Mission:

The Ministry of Defence shall be the main advisory body to the President of the Republic and the Commander-in-Chief of the Armed Force regarding national defence. It shall be a communication channel of all instructions and decisions issued by the General Command to all chains of commands of the Armed Force, through the Joint Command of the Armed Force.

### Functions:

- Provide advice to different levels of the national defence system, regarding national defence policies.
- Coordinate with the Heads of the Action Fields, the support to military effort.
- Direct the military Action Field.
- Propose the budget draft of the national defence Branch.
- Propose the bills related to the national defence Branch.
- Foster by all possible means the operation and administrative efficiency of the Armed Force.
- Watch over the improvement of the economic and social situation of the Armed Force personnel, while submitting to presidential consideration the necessary bills and drafts.
- Oversee acts and decisions of the Armed Force authorities, so as they are aligned to constitutional, legal, statutory and doctrinarian rules and regulations in force as well as to the national defence policy created by the President of the Republic.
- Propose the promotions, appointments, dismissals, removals, assignments, acceptances of resignation and license concessions of members of the Armed Force to the President of the Republic and General Commander of the Armed Force, in accordance to the proposal of the Chairman of the Joint Chiefs of Staff of the Armed Force.

■ Average permanence in the Minister of  
Defence position  
**2 years and 10 months**

Source: Compilation based on *Ley Orgánica de la Fuerza Armada de El Salvador* (DL N° 353, 1998/07/09), *Ley de Defensa Nacional* (DL N° 948 - 2002/10/03); and information supplied by the Ministry of National Defence.

## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
- Course on Security and Development - Course on National Defence	College of High Strategic Studies (CAEE)

Source: Compilation based on the information supplied by the above mentioned institution.



**Military Career**

**ARMY**

**Military School**

Duration: 4 years  
 Graduation Title: Graduate in Military Administration  
 Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Command and General Staff School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigade General  
 Division General

**NAVY**

**Military School**

Duration: 4 years  
 Graduation Title: Graduate in Military Administration  
 Graduation Rank: Corvette Lieutenant

**Academies of Intermediate Education**

Frigate Lieutenant  
 Navy Lieutenant

**Staff College**

**Command and General Staff School**

Corvette Captain  
 Frigate Captain  
 Navy-Captain  
 Rear-Admiral  
 Vice-Admiral

**AIR FORCE**

**Military School**

Duration: 4 years  
 Graduation Title: Graduate in Military Administration  
 Graduation rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Command and General Staff School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigade General  
 Divisional General

**Entry to the Military School - 2008 -**

Candidates:  
 550

Admitted Candidates:  
 130

1 out of 4 candidates was admitted

Source: Compilation based on information supplied by the above mentioned institutions. Entry to Academies: Ministry of National Defence. The table strictly follows the order and hierarchy of the ranks shown on each country.

## The Armed Forces

### General Mission

The mission of the Armed Force is to defend the sovereignty of the State and the integrity of the territory. The President shall exceptionally make use of the Armed Force to maintain internal peace, in accordance with the Constitution. The Armed Force shall cooperate in works of public benefit assigned by the Executive Body and shall help the people in case of national disaster. (Constitution, Sec. 212)

### Specific Missions

#### Army

The mission of the Army is to defend sovereignty and the national territory with the coordination and support of the other branches of the Armed Force; to help the people in cases of national disaster; cooperate in public benefit works and exceptionally contribute to maintaining internal peace.

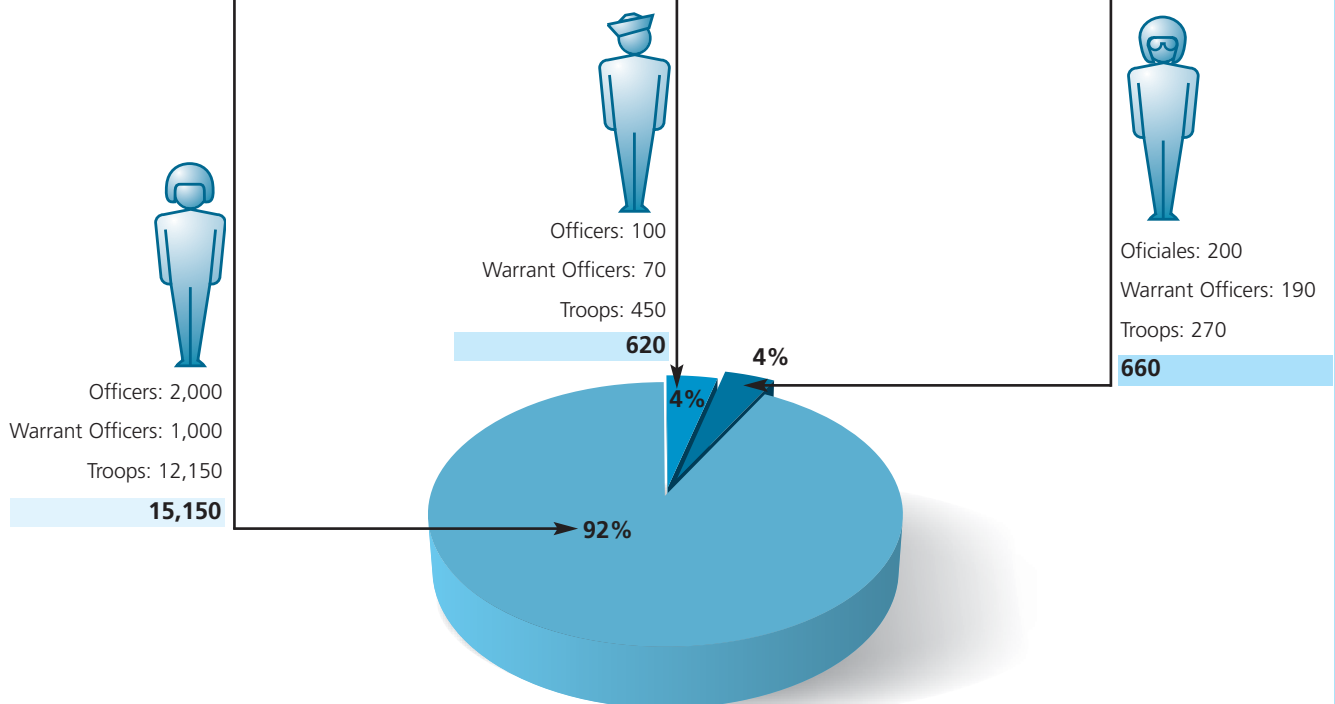
#### Navy

The mission of the navy is to defend the sovereignty and integrity of the territory of the State in territorial waters, and as a community in the Gulf of Fonseca and the insular territory in coordination with the other branches of the Armed Forces. Protect the marine wealth, the national marine subsoil and the seabed; to help the people in cases of national disaster, cooperate in works of public benefit and exceptionally contribute to maintaining internal peace, as well as executing tasks of maritime jurisdiction to comply with the laws for navigation and cooperate with the corresponding authorities in compliance with tax and migration laws.

#### Air Force

Its mission is to defend the sovereignty of the State and the integrity of the air space. Support the surface forces in the compliance with their respective missions, support the maintenance of internal peace, help the people in case of national disaster and cooperate in works of public benefit.

### Total Armed Forces: 16,430



Source: Information supplied by the web page of each Force (missions) and the Ministry of National Defence (Regular Forces).





**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	n/a	n/a	n/a
	Line Corps	2000	2000	2000
Rank reached		All ranks	All ranks	All ranks

“Line Corps” means those military members trained to perform in combat missions, and who also have command capacity.  
 “Staff Corps” means those military members who are part of the Forces or who join them, in order to provide technical and/or professional support services.  
 n/a: no data available.

Source: Compilation based on information supplied by the above mentioned institutions.

**Defence and/or Military Attaché Office in:**



Source: Information supplied by the Ministry of National Defence. The country to which the Attaché is posted is considered here as the Office, beyond other cross accreditations to one or many countries.

Analysis:

## Peace Accords and Armed Forces in El Salvador: Sixteen Years Later

Antonio Martínez-Uribe\*

This is an appropriate moment to carry out an analysis of the Peace Accords, their fulfilment and the lack of it. Sixteen years are long enough to make a more comprehensive assessment of the process, the actors and the possible development.

The key and transcendental item in the Accords was the reform of the armed institutions, and very specially, the role of the military in El Salvador. The process would not have ended as a negotiated agreement, if, in the first place, a reformulation about the use of force and its role in a democratic regime had not been agreed. The other great peace accord was on the deactivation of the Guerrilla Band *FMLN (Frente Farabundo Martí para la Liberación Nacional)*, turning it into a legal political party in El Salvador<sup>1</sup>. This laying down of arms was made possible in exchange of the military reform.

The Article 211 of the 1983 Constitution established that the *FAES* (Armed Force of El Salvador), was appointed to: defend the State sovereignty and its territorial integrity, and keep public peace and security; also, to monitor the fulfilment of the Constitution and other laws in force, the maintenance of the republican Government and the representative democratic regime, the respect for the norm of alternability of the President of the Republic, the guaranteeing of free suffrage and respect for the human rights.

The key and transcendental item in the Accords was the reform of the armed institutions, and very specially, the role of the military.

\* Democracy, Security and Development Advisor.

<sup>1</sup> On a press report submitted by the journalist Lee Hockstader, and published in Paris at the time of the signature of peace towards the end of 1991, it said: "In effect, the guerrilla leaders were expecting the most ambitious menu of concessions before making the only transcendent concession they had to offer: the ceasefire and the commitment to lay down the arms. But at the talks that started in the United Nations on December 16th, it was the guerrilla band's turn to lay their ceasefire card on the table. Eventually they did, but only after hard negotiations where the rebel leaders tried to obtain the best agreement possible for their troops and peasant bases. HOCKSTADER, Lee. Washington Post Service (United Nations). International Herald Tribune. Paris, January 2, 1992.



As the outcome of the negotiations with the *FMLN*, the amount of functions was virtually reduced to the defence of sovereignty and national territorial integrity, and also the exceptional intervention in public security matters, according to pre-established constitutional procedures. However, no specific monitoring and democratic control forms were introduced, in order to make periodical controls and evaluation to what has been established.

The implementation of the Accords supposed a set of specific and scheduled measures, like the downsizing and purge in the Armed Forces, the dissolution of old security corps, and the creation of a new institution (the National Civil Police). They aimed to solve the lack of equity in the distribution of wealth and at the democratization of power, the internationalization of a new mission (forced by the constitutional reform) and doctrine for the Armed Forces and the new police corps, holding in turn the objective of generating democratic governance and the resulting peace. That implied observing the degree and efficacy of accomplishment in the Accords, regarding the expected outcomes.

Even when the problem of the State armed institutions reform has been implemented - in quantitative terms - in conformity with the times committed through the Accords, its importance was also transcendent since their role within a democratic political regime had been clearly posed.

It is no coincidence that the first item on the negotiation agenda of the Caracas Accord (May 21<sup>st</sup>, 1990) was related to the Armed Forces. However, that occurred after a spectacular display of military capacity by the *FMLN* in November 1989, with their “Ofensiva hasta el Tope” (Offensive to the top). Likewise, the Mexico Accord (April 27<sup>th</sup>, 1991), found itself again with the problem of the Armed Forces in its first section. It was precisely in that meeting when the *FMLN* attested a query on the writing of article 221 of the 1983 Constitution; namely, about the item defining the Armed Forces as a “permanent” institution.

■ The character of permanent armed institution had been settled in the 1983 Constitution.

Additionally, the first chapter of the Peace Accord, signed 16 years ago in Chapultepec, Mexico, was titled “Armed Force”, and the first paragraph contains the doctrinarian principles of the Armed Force. Out of a hundred and seventeen activities initially scheduled to be carried out during the Accords process, the vast majority had to do with the proposed reforms of the Armed Force and the Security Corps, in exchange for the de-mobilization of the *FMLN* Guerrilla.

Half way through 2003, the debate on the permanent character of the Armed Forces was resumed, as well as the *FMNL* possibility to obtain support from a uniformed group. The character of permanent armed institution had been settled in the 1983 Constitution, a historical outcome of the outbreak of civil war and the military dispute posed by the *FMLN* against the Armed Forces of El Salvador. This means that this category had not been perceived so clearly before. The developer of that constitutional definition was Major Roberto D’Abuisson, pointed out as the founding leader of the death squadrons and of the murder of catholic bishop Oscar Arnulfo Romero. The concept has evolved since the 1880 Constitution, where it was established in article 117 that “the permanent force shall be determined yearly by the Legislature in peace times”. The relevance of this aspect in

the negotiation process has been recently revealed by the ex-President Alfredo Cristiani, Chief of State at the moment of the negotiation process<sup>2</sup>.

During the negotiation process, as it has already been pointed out, the *FMLN* attested that the writing of article 211 in the accords made in Mexico, in April 1991, was not in agreement with their stance on that particular issue. However, being the 2004 presidential electoral campaign underway, the *FMLN* made a written declaration stating their retraction of that reservation and also committing to not posing such an assertion again.

The decision was made on the XVII Ordinary National Convention, on July 4, 2003. It states in the second paragraph that it abstains from presenting future constitutional reforms that modify the spirit and content of articles 211 and 212 from the Constitution of the Republic, which emerged from the Constitutional Reform agreed in the Peace Accords. In the fifth paragraph of the resolution, it states that it will promote further actions and initiatives that enforce the view, development, character and defence resources required to enable the functioning of military institution, within the democratic framework, the full force of the human rights and national sovereignty<sup>3</sup>.

Some days before the *FMLN* made that decision (June 2003), the President Francisco Flores was going through the decision-making process of sending troops to Iraq, and left the *FMLN* out of the referendum. The *FMLN*'s position revealed why in that moment it was preparing for the 2004 presidential elections, and trying to obtain support from the Armed Forces in the case of a future government. In fact, it had that support during the electoral campaign, from a noticeable group of retired military who, without a doubt, represented a sector of the active military.

It appears then that the right, centre and left sectors reckon the military as an important factor of governability. However, there is considerable uneasiness in vast sectors of the population and international circles, about the gradual establishment of a new form of authoritarianism and militarism in El Salvador (despite the civil war, and given the current institutional crisis underway, particularly in matters of security). That occurs in the heat of the high prominence of the Armed Force in domestic security matters, given the incompetence of civilian institutions in charge to grant security for citizens.

At the time to make an evaluation, sixteen years after the sign of the Peace Accords, the emphasis is centered in the reform of the armed institutions, from a perspective of the place they need to have in the society that pretends to construct and consolidate democracy.

■ There is a high prominence of the Armed Force in domestic security matters, given the incompetence of civilian institutions in charge to grant security for citizens.

<sup>2</sup> "I was told not to take away that word". Interview with Alfredo Cristiani, Enfoques, *La Prensa Gráfica*, Sunday, January 15th, 2006.

<sup>3</sup> Proposal for resolution (passed) of the Peace Accords reservation about the permanent character of the Armed Force. XVII National Convention of the *FMLN*, July 4th, 2003.