



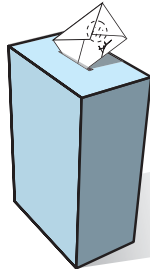
Paraguay

The Legal Framework

National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> - National Defence and Internal Security Act (N° 1.337 - 1999/04/14) 	<ul style="list-style-type: none"> - Obligatory Military Service Act (N° 569 - 1975/12/24. Last Reform: N° 2.440 - 2004/09/02) - Organic Act of Military Courts (N° 840 - 1980/12/19) - Military Penal Code (Act N° 843 - 1980/12/19) - Code of Military Penal Procedures in War and Peace Times (Act N° 844 - 1980/12/19) - General Organization of the National Armed Forces Act (N° 74 - 1991/11/20. Last Reform: Act N° 244 - 1993/12/21) - Act of the Military Personnel Statute (N° 1.115 - 1997/08/27)

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	Yes
Are they entitled to become candidates for elections?	Yes	No

Source: Constitution.

International Treaties

On Hemispheric Security	On Disarmament	On Human Rights and Justice	On the Hemispheric System
<ul style="list-style-type: none"> - Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1948/07/28 - American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1967/07/27 	<ul style="list-style-type: none"> - Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/04/26 Deposit: 1969/03/19 - Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1970/02/04 - Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1994/12/01 - Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1998/11/13 - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Accession: 1976/06/09 - Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2004/09/22 - Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2001/04/04 - Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2002/10/22 - Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/25 Deposit: 2001/10/04 	<ul style="list-style-type: none"> - Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1989/08/24 - Inter-American Convention on Forced Disappearance of Persons: Signature: 1995/11/08 Deposit: 1996/11/26 - Inter-American Convention to Prevent and Punish Torture: Signature: 1989/10/25 Deposit: 1990/03/09 - International Criminal Court: Signature: 1998/10/07 Deposit: 2001/05/14 - Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1996/09/25 	<ul style="list-style-type: none"> - Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/05/03

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

Local currency	27,917,808,838,589
US\$	5,097,997,863
2008 GDP (in US\$)	12,076,000,000

Defence Budget 2008

Local currency	821,138,268,868
US\$	149,945,906
GDP's %	1.24
% of the State Budget	2.94

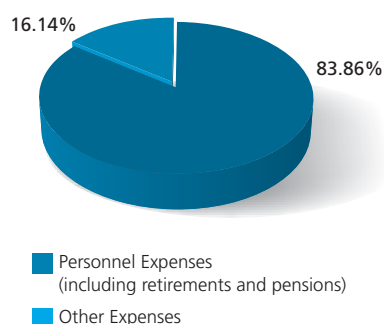
Defence Budget 2008 (in Local Currency)

Entities	Personnel Services	Non-personnel Services	Materials and Supplies	Others*	TOTAL
National Defence Ministry					
General Management/Administration	9,294,977,830	2,518,079,637	3,602,659,527	21,228,440,778	36,644,157,772
Command in Chief	27,897,927,418	6,919,521,579	7,333,979,448	22,532,193,560	64,683,622,005
Land Forces	285,183,274,318	1,712,196,684	31,228,658,065	3,164,338,260	321,288,467,327
Air Force	49,898,936,991	934,393,402	10,027,701,007	6,387,919,254	67,248,950,654
Navy	74,907,326,119	1,283,031,164	8,235,025,506	2,490,079,758	86,915,462,547
Fund of Loans of the Ministry of National Defence*	250,577,952	21,600,000	6,000,000	1,721,822,048	2,000,000,000
Presidency					
National Defence Council	236,759,782	6,609,375	2,088,391	0	245,457,548
Military Cabinet	1,563,141,700	147,090,690	1,062,411,384	0	2,772,643,774
Treasury Ministry					
Retirements and Pensions of the Armed Forces	0	0	0	239,339,507,241	239,339,507,241
TOTAL	449,232,922,110	13,542,522,531	61,498,523,328	296,864,300,899	821,138,268,868

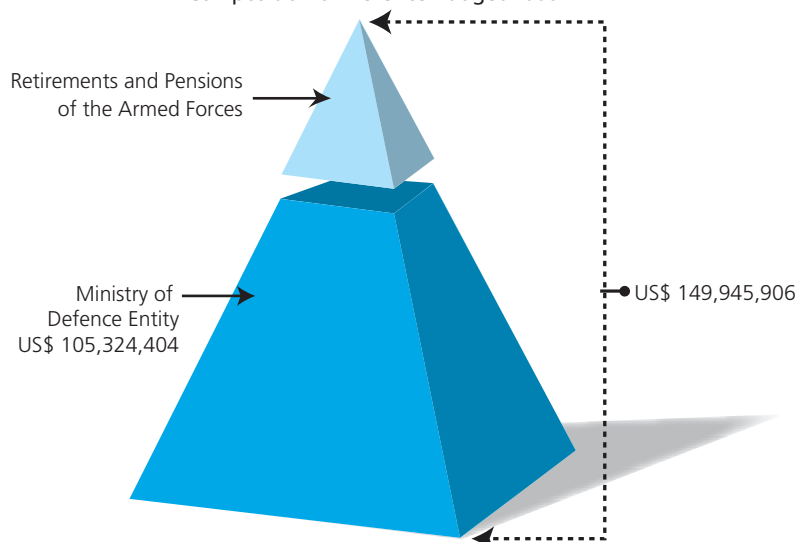
* Includes Physical Investment, Inventories, Financial Investment and Other Expenses.

** Decentralized Entity

Defence Budget 2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the General Budgetary Act of the Nation for Fiscal Year 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. The exchange rate average is 5,019.75 Guaranes, based on the information provided by the Central Bank of Paraguay. 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.



Political Definitions

Concepts

What is Defence?	What is Security?
<p>National defence is the system of policies, procedures and actions exclusively developed by the State in order to fight any form of external aggression that could jeopardize the sovereignty, the independence and the territorial integrity of the Republic, or the constitutional, democratic order in force.</p> <p>(Ley de Defensa Nacional y de Seguridad Interna, N° 1.337 - 1999/04/14, Sec. 2)</p>	<p>Internal security is the actual situation which in fact safeguards the public order, as well as the life, freedom and rights of the people and entities, and their assets, in a framework of full force of the institutions established in the National Constitution.</p> <p>(Ley de Defensa Nacional y de Seguridad Interna, N° 1.337 - 1999/04/14, Sec. 37)</p>

Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINUSTAH (Haiti)	—	31
MONUC (Dem. Rep. of Congo)	17	-
UNAMA (Afghanistan)	1	-
UNMEE (Ethiopia and Eritrea)	1	-
UNMIL (Liberia)	4	-
UNMIN (Nepal)	5	-
UNMIS (Sudan)	7	-
UNOCI (Ivory Coast)	8	2

■ The Joint Training Center for Peacekeeping Operations (CECOPAZ), was founded on October 8, 2001.

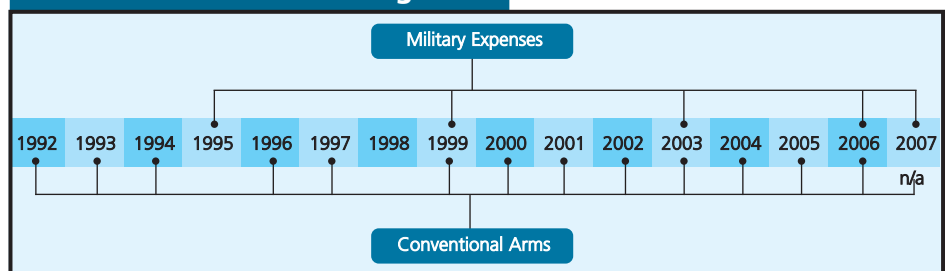


MO: Military Observers - CT: Contingent Troop.

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.

■ Paraguay provides 76 military members to UN peace operations, which represents a 1.19% of the total amount of the Latin American contribution and a 0.09% 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.

■ Paraguay published the *Política de Defensa Nacional de la República del Paraguay* (National Defence Policy of the Republic of Paraguay) in 1999.

Constitutional Powers of the Congress

Related to War and Peace

- Can it declare war?: No
- Is a congressional authorization required to declare war?: Yes
- 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?: Yes

Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: Yes ⁽¹⁾
- Can it accuse officers of the Armed Forces?: No
- 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) Corresponds to the Senate.

States of Exception Estados de Excepción

Name: State of exception

Cause: Armed conflict

Grave internal commotion which puts the Constitution or the bodies established in it in imminent danger

Participation of the Legislative Power: It can be declared by the Executive Power or the Congress. If it is declared by the Executive Power it requires the approval of the Congress.

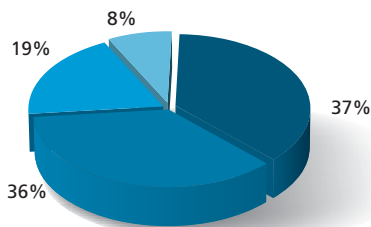
Name: State of defence

Cause: External aggression

Participation of the Legislative Power: It can be declared by the Executive Power or the Congress. If it is declared by the Executive Power it requires the approval of the Congress.

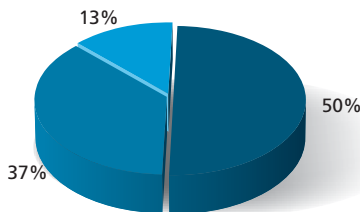
Breakdown of Parties

Chamber of Deputies



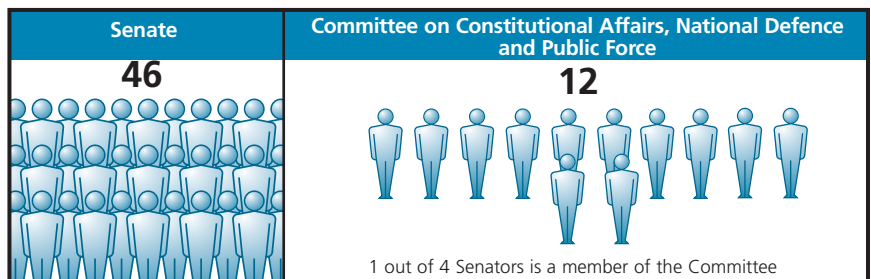
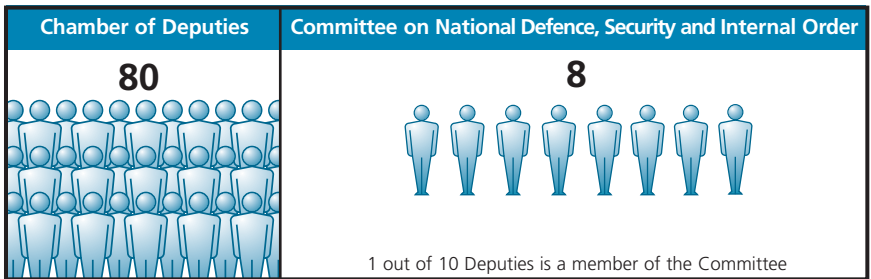
- ASOCIACION NACIONAL REPUBLICANA (ANR)
- PARTIDO LIBERAL RADICAL AUTENTICO (PLRA)
- PARTIDO UNION NACIONAL DE CIUDADANOS ETICOS (PUNACE)
- OTHERS

Committee on National Defence, Security and Internal Order



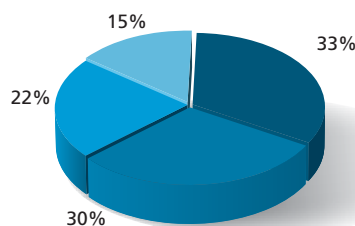
- ASOCIACION NACIONAL REPUBLICANA (ANR)
- PARTIDO LIBERAL RADICAL AUTENTICO (PLRA)
- PARTIDO UNION NACIONAL DE CIUDADANOS ETICOS (PUNACE)

Source: Compilation based on the Constitution.



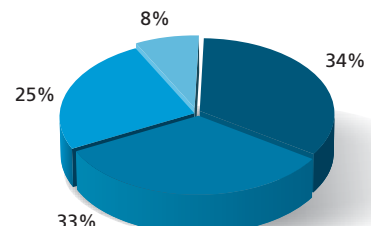
Breakdown of Parties

Senate



- ASOCIACION NACIONAL REPUBLICANA (ANR)
- PARTIDO LIBERAL RADICAL AUTENTICO (PLRA)
- PARTIDO UNION NACIONAL DE CIUDADANOS ETICOS (PUNACE)
- OTHERS

Committee on Constitutional Affairs, National Defence and Public Force



- ASOCIACION NACIONAL REPUBLICANA (ANR)
- PARTIDO LIBERAL RADICAL AUTENTICO (PLRA)
- PARTIDO UNION NACIONAL DE CIUDADANOS ETICOS (PUNACE)
- PARTIDO PATRIA QUERIDA

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



System Organization

Functions

State Powers Sphere

The President of the Republic is the Commander-in-Chief of the Armed Forces and can hand over the effective command of the Forces to an Officer General (the Commander of the Military Forces). The National Defence Council will be the advisory and consultant body to the President on matters of national defence. Its members are: the President of the Republic - who will preside it -, the Minister of National Defence, the Minister of Foreign Affairs, the Minister of the Interior, the Officer General holding the highest position within the Armed Forces, the official in charge of the State intelligence body, and the Permanent Secretary of the National Defence Council. The Congress of the Nation exercises the faculties conferred by the National Constitution and permanently monitors those issues related to the defence, through the specific committees in each chamber.

Ministerial Sphere

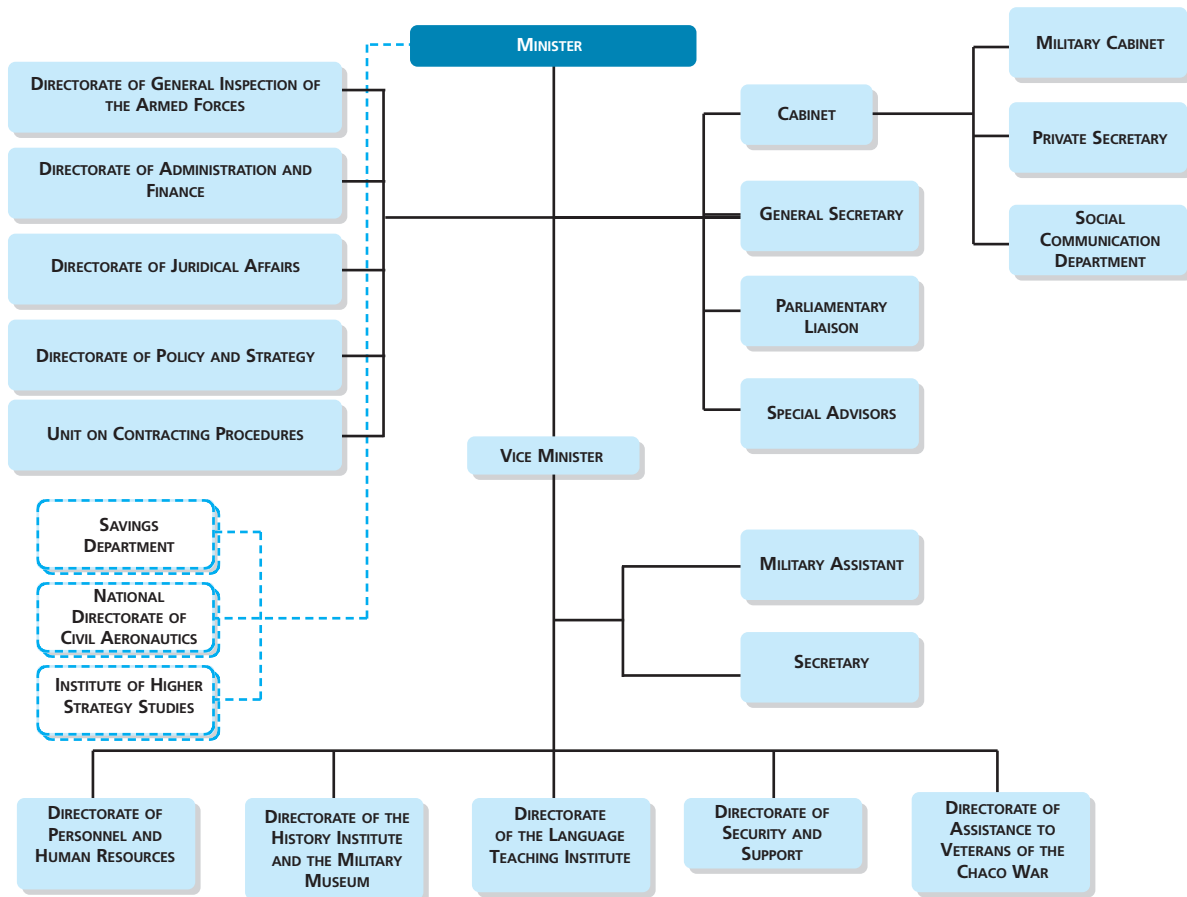
The Ministry of Defence assists the President in all matters regarding the national defence and the political and administrative management of the Armed Forces.

Military Sphere

The Commander of the Military Forces exercises the effective command of the Armed Forces by appointment of the Commander-in-Chief. The Joint Chiefs of Staff is the planning, counselling and coordinating body to the Command of the Military Forces. The Commanders-in-Chief of the Army, Navy and Air Force are responsible for the preparation, organization, maintenance and fitting out of the proper force.

Source: Compilation based on the Constitution, *Ley de Defensa Nacional y de Seguridad Interna* (N° 1.337 - 1999/04/14) and *Ley de Organización General de las Fuerzas Armadas de la Nación* (N° 74 - 1991/11/20).

ORGANIZATION CHART



Source: Ministry of National Defence.

The Ministry of National Defence

Specific Responsibilities:

- Helps the President on all matters related to national defence and the political and administrative management of the Nation's Armed Forces.
- Elaborates proposals for the formulation of the national defence policy.
- Suggests basic guidelines for the formulation of the military policy.
- Suggests the design of strategic intelligence.
- Manages relations with the Armed Forces.
- Submits suggestions to the Executive Power on the general rules applicable to the Armed Forces.
- Carries out research and takes part in the elaboration, proposal and execution of national defence plans.
- Takes part in planning and coordinating security in infrastructure works of strategic national interest.
- Suggests veterans of Chaco war-aid programs.
- Takes part in international agreements, related to the defence policy, in coordination with the Office of Foreign Affairs.

■ Average permanence in the
Minister of Defence position:
3 years

Date of Foundation
1943

Current Minister
The administration changes on August 15, 2008. Luis Bareiro Spaini has been appointed.

**Can the military members be
Minister of Defence?**
Yes (if they have retired)

**Number of military members who
were Ministers of Defence**
17

**Number of civilians who were
Ministers of Defence**
5

**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]

Source: Compilation based on the *Estructura Orgánica y Funcional del Ministerio de Defensa Nacional* (Decree N° 4.794 - 2005/01/24) and information supplied by the Ministry of National Defence.

Defence Education

Main Training Courses of Specialization in the Area

Training Course	Institution
- Masters on Planning and Strategic Management	Institute of High Strategic Studies
- Masters on Security and National Defence - Doctorate on Development and National Defence	Metropolitan University of Asunción

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



Military Career

ARMY

Military Academy

Duration: 4 years

Graduation Title: Graduate in Military Sciences

Graduation Rank: Officer Cadet

Academies of Intermediate Education

Second Lieutenant

Lieutenant

First Lieutenant

Staff College

Command and General Staff School of the Army

Captain

Major

Lieutenant-Colonel

Colonel

Brigade General

Division General

Army General

NAVY

Military Academy

Duration: 4 years

Graduation Title: Graduate in Military Sciences

Graduation Rank: Midshipman

Academies of Intermediate Education

Corvette Lieutenant

Frigate Lieutenant

Navy Lieutenant

Staff College

Command and General Staff School of the Navy

Corvette Captain

Frigate Captain

Navy-Captain

Rear-Admiral

Vice-Admiral

Admiral

AIR FORCE

Military Academy

Duration: 4 years

Graduation Title: Graduate in Military Sciences

Graduation Rank: Officer Cadet

Academies of Intermediate Education

Second Lieutenant

Lieutenant

First Lieutenant

Staff College

Command and General Staff School of the Air Force

Captain

Major

Lieutenant-Colonel

Colonel

Brigade General

Division General

Air General

Entry to the Military Academy – 2008 –

Candidates:

379

Admitted Candidates:

101

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 Forces is to safeguard the territorial integrity and to defend the legitimately constituted authorities.

(Constitution, Sec. 173)

To comply with its objectives, the Armed Forces of the Nation should: maintain the inviolability of land, fluvial and air space borders; organize, equip and train forces to face any type of aggression; organize, frame and administer reserves. They cooperate in civil defence; and cooperate in reestablishing the internal order when the President of the Republic deems it necessary based on a Decree.

(Ley de Organización General de las Fuerzas Armadas de la Nación, N° 74/91 - 1991/11/20, Sec. 4)

Specific Missions

Army

The Army is a land force which performs strategic operations, plans, prepares and directs operations in its Organic Units and those under its command, to which it supports in carrying out of specific missions.

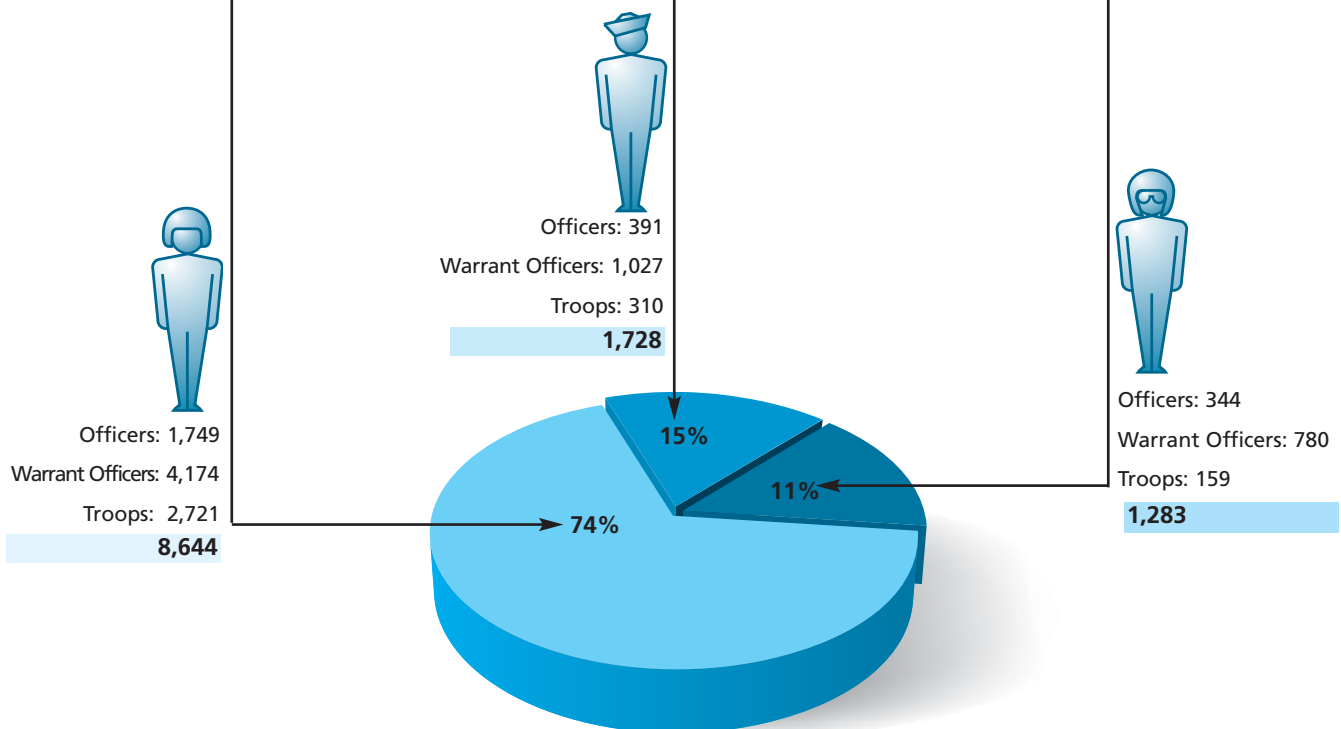
Navy

The Navy is the Force which has the responsibility to execute specific missions of naval nature.

Air Force

The Air Force is responsible for the custody and defence of the national air space and for executing operations to comply with its mission.

Total Armed Forces: 11,655



Source: Ley de Organización General de las Fuerzas Armadas de la Nación (N° 74/91 - 1991/11/20) (missions) and the Ministry of National Defence (Regular Forces).



Women in the Armed Forces

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1970	n/a	n/a
	Line Corps	2003	2003	2003
Rank reached		All ranks	All ranks	All ranks

n/a: no data available.

“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.

Source: Compilation based on the 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:

The Process of Creation of the Defence Policy in Paraguay

Juan Francisco Facetti*

■ From the beginning of the XX century, coup d'états in Paraguay have been led by military leaders, in many cases with the approval of politicians from different political parties.

The Paraguayan military prestige has historically been high, from the times of the pre-independence, the independence, the two international wars against the Triple Alliance (Axis Brazil-Argentina and Uruguay between 1865-1870) and the War of Chaco (against Bolivia, between 1932 and 1935). Nevertheless, it waned at the end of the last period of General Stroessner's office.

Subsequently, several factors contributed to a higher loss of prestige. Among them, the multiple cases of members of the military involved in politics (particularly the case of former General Lino Oviedo), and the continuous corruption complaints, which involved high ranking military chiefs in complaints of vehicle trafficking to Bolivia, illegal trafficking of wild fur, and more. And particularly, Paraguay's economic and commercial corridors with its neighbours dominated by the military presence and the absence of other institutions of the State (such as the Public Ministry, Customs, Ports, Judicial Powers, etc).

In 1996 the space for change was possible when the Paraguayan citizens and particularly the opinion leaders, young people and political party leaders, initiated a chaotic debate which later channelled with the institutional participation of Congress leaders, civil society organisations, national and international scholars and the Armed Forces themselves.

■ In 1996 the space for change was possible when the Paraguayan citizens and particularly the opinion leaders, young people and political party leaders, initiated a debate.

* Professor at the Institute of Higher Strategic Studies.



In the period from the coup d'état vain attempts of 1996 and the end of 1998, a new movement arose in the academic and political elites, which strongly debated about the need to promote a modernization of the military that would cover the reform of military way of thinking. This process generated and consolidated academic and political personalities with important knowledge, at least theoretical, about defence in the Hemisphere. It was this process which originated the preparation for a defence policy in 1999 which turned out to be inconclusive in its participatory and transparent nature, due to internal conflicts involving important reformer political scientists with members of the military who held key positions in the National Defence Council.

Finally, after a long void in the political debate regarding defence policies, in 2005 the process was resumed, but still had no visible results until the beginning of 2007.

Therefore, the defence sector has been in transition since 1989. There are four phases which had a parallel development to the construction of the Paraguayan State and to the consolidation of freedom and democracy:

- First phase, from 1989 to 1992, or continuation of authoritarianism: in this period the institutions were governed by the Constitution of 1967, with the members of the military having an important role in the political life of the Nation. Such intervention finished abruptly in 1992 due to the express constitutional prohibition for members of the military in active service to carry out partisan political activities.
- Second phase or adaptation phase from 1992 until 1996: when several complaints were filed in the Public Ministry and in the Judicial Power, due to the involvement of active members of the military in politics.
- Third phase, the prime of the debate on defence from 1997 until 2000: when the debate originated the creation of a proposal for a Defence Policy, a Defence Directive, and several modernization bills, such as the Constitutive Law of the Armed Forces, Act of the National Ministry of Defence, and the Conscientious Objection Law.
- Fourth phase, the return to obscurantism: from 2001 until 2007: when the organised and structured public debate on the policy of national defence and on the bills of law introduced in the Congress disappeared, with a new re-growth of authoritarianism among some members of the Armed Forces.

The need to modernize the national defence policy arose again in August 2006, this time prompted by the politicians, who expressed their concern regarding the state of the defence, considering the imminent signing of the Military Agreement between Bolivia and Venezuela which included the construction of military detachments and important military bases in border zones.

Since December 2006, due to the change in the Commander of the Military Forces and all his military leaders which formed the High Command, a new leadership which expressed interest in promoting a profound modernization and reform of the Armed Forces seemed to appear.

This situation contributed to the creation of a White Book of National Defence plan, which should have occurred in 2007, but finally its treatment was delayed.

■ The defence sector has been in transition since 1989.

Two phases were highlighted in the bill: the updating of the national defence policy (which would become the bases of the defence policy), and its debate with the society and the political parties.

As from that analysis, we can consider the third phase as the most dynamic, participatory and productive regarding the political proposals on defence policies and their tools. However, the absence of continuity in this debate and the prompting and follow up of the Congress to the important laws proposed caused the latter to be forgotten and delayed.

The absence of direction and civil and democratic control of the Armed Forces has led to the reappearance of authoritarianism, as well as the delay in the public debate.

The defence reform is an important process in a time of post authoritarianism in Paraguay. However, it can not happen isolated from the public sector. This necessary process of change requires the joint action of the political actors, members of the military, citizens and others. Such changes can be promoted and supported by the international community, particularly in the countries of the Hemisphere, which through the assistance in matters of defence can influence its direction and character. Nevertheless, for it to be genuine and long lasting, the initiative of the process should arise from inside the Paraguayan political power with an explicit formulation from the Executive Power, the Congress, the political parties and social organisations. Likewise, the political objectives and results foreseen should be clear and concrete to attract the politicians and the society to establish a dialogue between civilians and the military. Only in this way shall the transformations the society is looking for, be realized; the same society who has voted for a change in Paraguay, after sixty two years of hegemony of one political party.

This analysis suggests that the impulse has appeared, though, in recent years it has decreased, but it still exists, despite the risk of losing the critical intellectual mass of the defence. The rehabilitation and modernisation of the Defence sector in the post Stroessner regime in Paraguay is still a valid and realistic prospect.

■ The reform of the defence is an important process in a time of post authoritarianism.