



El Salvador

The Legal Framework and the Defence System

National Legislation

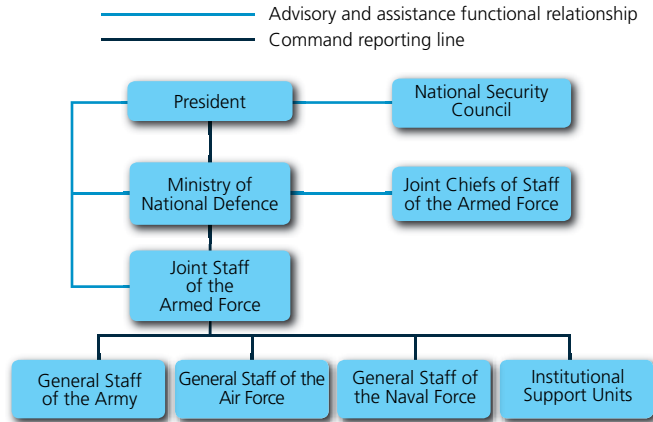
Systems and Concepts

- Organic Law of the Armed Force of El Salvador (DL N° 353 - 1998/07/30)
- Act on the Intelligence Agency of the State (DL N° 554 - 2001/09/21)
- National Defence Act (DL N° 948 - 2002/10/03)

Military Organization

- Military Justice Code (DL N° 562 - 1964/05/29. Last amendment: DL N° 368 - 1992/11/27)
- Act of Military Decorations (DL N° 520 - 1969/10/24)
- Act of the Armed Forces Social Security Institute (DL N° 500 - 1980/11/28. Last amendment: DL N° 1,027 - 2002/11/20)
- Act on Military Career (DL N° 476 - 1995/10/18. Last amendment: DL N° 882 - 2005/11/30)
- Act on Fire Arms, Ammunitions, Explosives and similar Articles Control and Regulation (DL N° 665 - 1999/07/26. Last amendment: DL N° 118 - 2009/10/09)
- Act on Military Service and Reserves of the Armed Force (DL N° 298 - 2002/07/30. Last amendment: DL N° 793 - 2009/01/14)

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

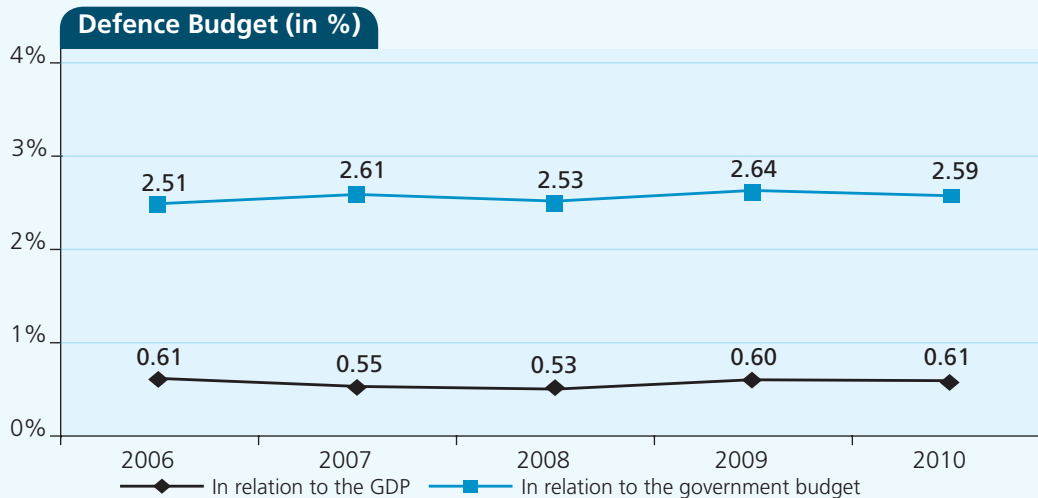


The President is advised by the National Security Council, composed of the Vice President, the Ministers of Foreign Affairs, Government, Economy and Defence, the General Director of the National Civil Police, the Executive Director of the State Intelligence Agency and the Chairman of the Joint Chiefs of Staff of the Armed Forces. The Minister of Defence is the communication line for all the orders issued by the President to the Armed Forces, through the Joint Staff, responsible for the conduction of the branches and the support units, and advisory body for everything related to the employment and administration of the institution. The Joint Chiefs of Staff advice the Minister on aspects related to military policy and the employment of the military power in national defence. The Legislative Assembly holds the powers granted by the Constitution and permanently monitors defence related issues through the Defence Committee.

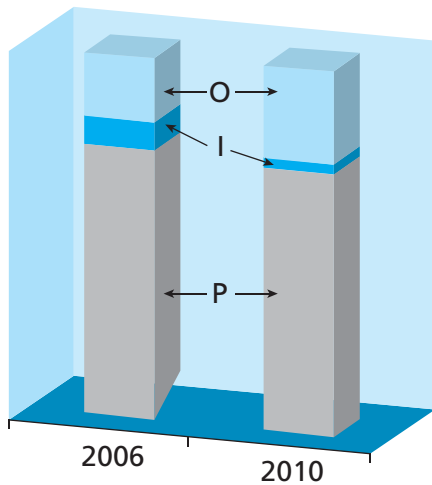
Source: Compilation based on the Political Constitution, *Ley orgánica de la Fuerza Armada de El Salvador* (DL N° 353 - 1998/07/30) and *Ley de la defensa nacional* (DL N° 948 - 2002/10/03).

The Budget

Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2006	106,363,230	4,234,024,990	17,527,000,000
2007	111,400,520	4,262,214,930	20,234,000,000
2008	115,409,495	4,558,300,000	21,824,000,000
2009	132,861,405	5,038,433,545	22,166,000,000
2010	132,874,110	5,124,169,115	21,805,000,000

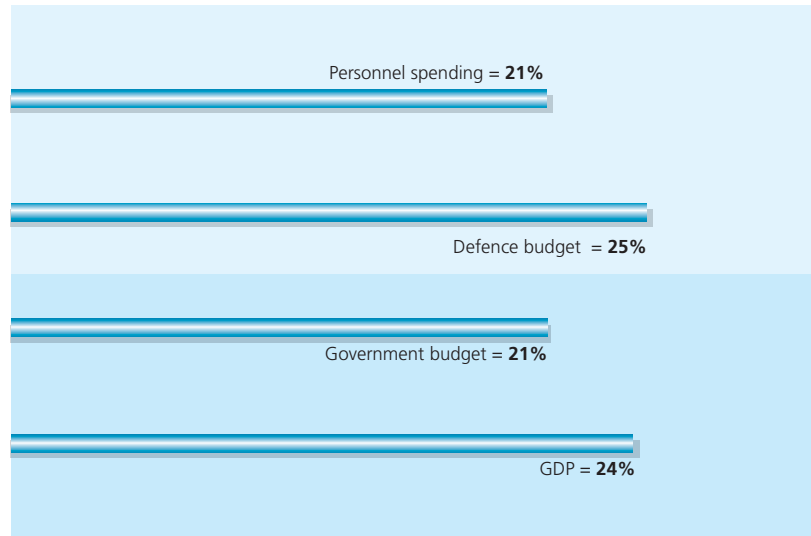


Defence Budget Breakdown



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

Comparative Increase (% variation 2006-2010)



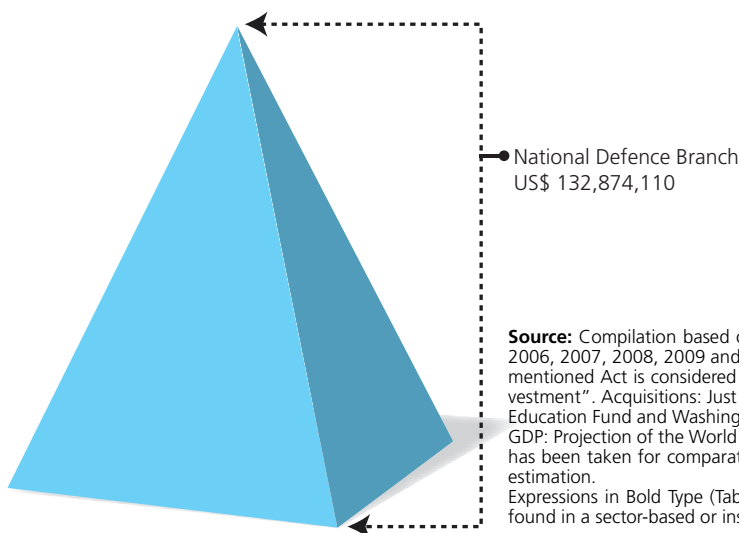
Defence Budget 2008 (in Local Currency - US\$)

Branches*	Salaries	Goods and Services	Other Current Expenses**	Capital Expenses	TOTAL
National Defence					
Institutional Direction and Administration					
Higher Administration	1,916,490	4,070,890	141,500	0	6,128,880
Institutional Financial Management	348,735	0	0	0	348,735
Institutional Operating Management	94,259,640	94,259,640
Army Operations and Institutional Support Actions		20,586,715	607,130	0	21,193,845
Air Force Operations		2,030,430	21,985	0	2,052,415
Naval Force Operations		1,362,555	28,040	0	1,390,595
Support to other entities					
Institute of Social Services of the Armed Forces	0	0	3,500,000	0	3,500,000
Institutional Investment					
Physical Infrastructure	0	0	0	1,288,960	1,288,960
Strategic Communications	0	0	0	2,711,040	2,711,040
TOTAL	96,524,865	28,050,590	4,298,655	4,000,000	132,874,110

* Budgetary units.

** Includes taxes, rates and rights; insurances, fees and bank expenses; current transfers to the public sector; and current transfers to the external sector.

Composition of Defence Budget 2010



Between 2007 and 2009, the contracts for military acquisitions signed with the United States totalled US\$ 33,828,684. That amount represents 9.4% of the budget allocated to defence for those years.

Source: Compilation based on *Ley de presupuesto general del Estado y de presupuestos especiales* 2006, 2007, 2008, 2009 and 2010. The State Budget passed by the Congress by means of the above mentioned Act is considered herein. The concept of investment is that expressed in "Institutional investment". Acquisitions: Just the Facts (Centre for International Policy, Latin American Working Group Education Fund and Washington Office on Latin America).
 GDP: Projection of the World Economic Outlook Database, IMF, of each year under review. This source has been taken for comparative purposes. Each country prepares the budget based on its own GDP estimation.
 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.



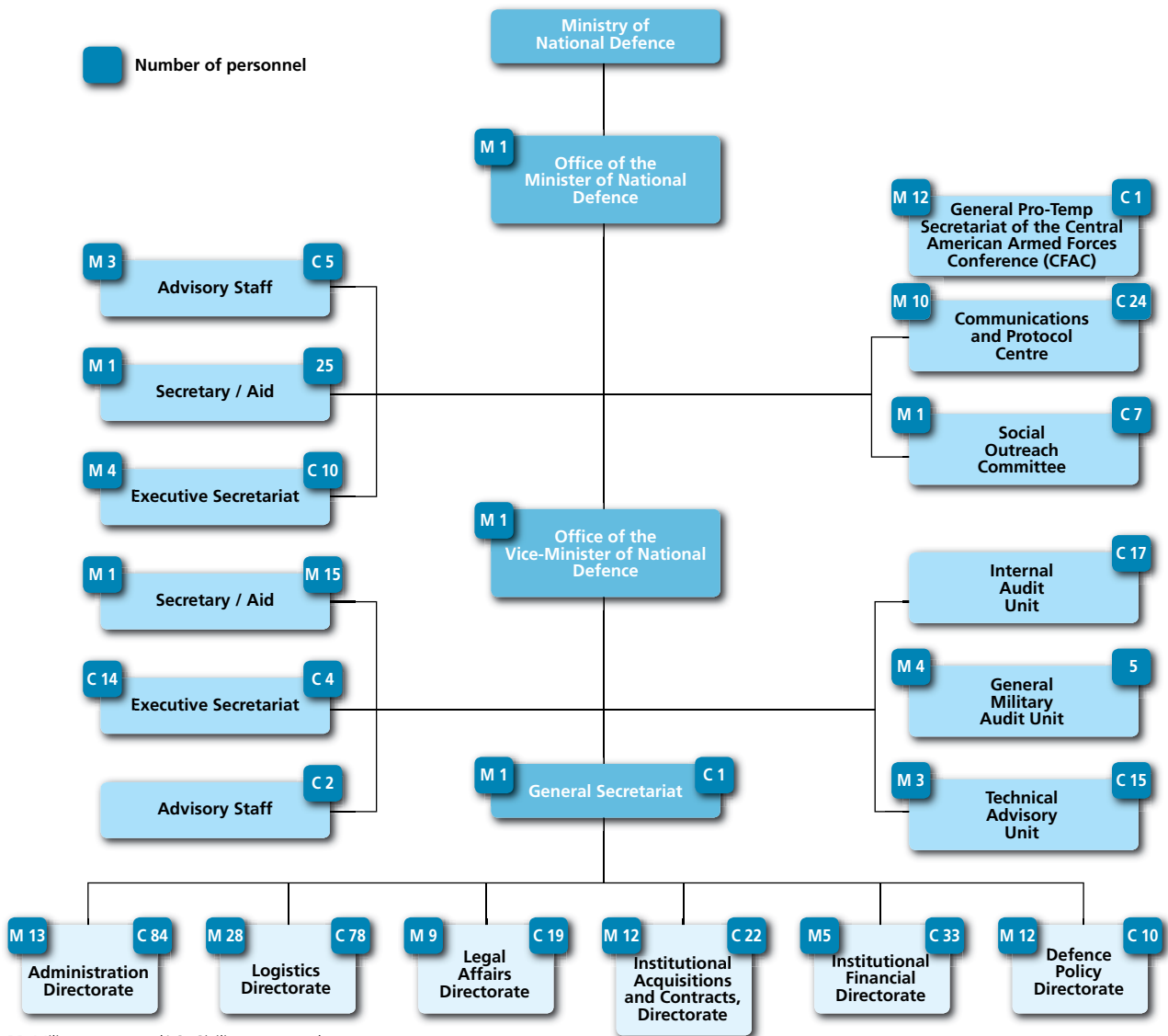
The Ministry of National Defence

Responsibility:

It is the main advisory body of the President of the Republic and General Commander of the Armed Forces in relation to national defence. It directs the military field of action.

(Ley de la defensa nacional, DL N° 948 – 2002/10/03, Sec. 19)

Organization Chart and Personal



M: Military personnel/ C: Civilian personnel

Note: The total number of personnel is 492 employees (57 staff officers, 13 junior-grade officers, 53 NCO's and 369 administrative personnel).

Date of Foundation: 1939
Current Minister (September 2010): David Mungía Payés
Can military members be Ministers of Defence?: Yes
Number of military members who were Ministers of Defence: 26
Number 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: 2 years and 8 months

[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 information provided by the Ministry of National Defence.

Political Definitions

Policy Guidelines

El Salvador is internationally recognized for its efforts to promote the respect of human rights, peace, democracy, economic development, regional integration, advancement, dialogue and good relations with all the nations of the world.

Institutional Vision

Prepare an Armed Force capable of accomplishing its constitutional mission under any circumstances, which may be an effective instrument for the furtherance of regional integration, peacekeeping and international security.

The 2010 Arce Plan provides for the following:

- Education: promote national defence education and culture among the Salvadorian society, and consolidate the Armed Force's educational system.
- Doctrine: systematize the institutional doctrine through the harmonization of the Armed Force's organization, education, and training and planning systems; optimize the capacity of the structures in charge of the modernization of the military doctrine.
- Institutional projection: advance a national defence culture among the Salvadorian society, promoting civil-military relations and support to different governmental programmes by participating in and contributing to national development.
- Humanitarian assistance in case of disaster: strengthen institutional capabilities to provide timely and effective support in case of a national disaster. Develop a systematization and standardization process for all procedures, in coordination with other government agencies within the framework of the civil protection system.
- Legislation: propose, update, and harmonize legal regulations governing the national defence system.
- Financing: establish the necessary budgetary structure to strengthen institutional capabilities and set up procedures to increase sound and efficient investments.
- Organization: design and implement an organization capable of taking the institution to the next level of versatility, so as to meet State demands within the constitutional framework.
- Armed Force branches: develop their operational readiness in order to effectively perform the constitutional mission and respond to the missions arising from the compliance with governmental programmes.
- Logistics system: optimize the Armed Force's logistics system in terms of sustainability and support to military units in the fulfilment of their mission.

Priorities:

- Improve the Armed Force's operational-readiness level, maintaining a reasonable number of highly trained and equipped troops, under the command and control of a strong leadership.
- Continue strengthening the educational and training system of the Armed Forces's members.
- Enforce activities associated with records, document issues, control and regulation of arms, ammunitions, explosives and similar items.
- Strengthen and update the Armed Force branches, so as to effectively safeguard the international political limits, territorial waters and national air space.
- Strengthen instruction and training of military reserve members, as a means to improve mobilization capacity in case of emergency.
- Continue to support public security for the maintenance of internal peace.
- Further contribute to the promotion of world peace.
- Strengthen institutional representation abroad.
- Improve military unit's facilities and logistics services, and advance medical care services for the members of the Armed Force and their families.

Source: *Plan Quinquenal de Desarrollo 2010-2014, Informe de Labores* (junio 2008 – mayo 2009), Ministry of National Defence and *Informe de Labores* (junio 2009 – mayo 2010), Ministry of National Defence.

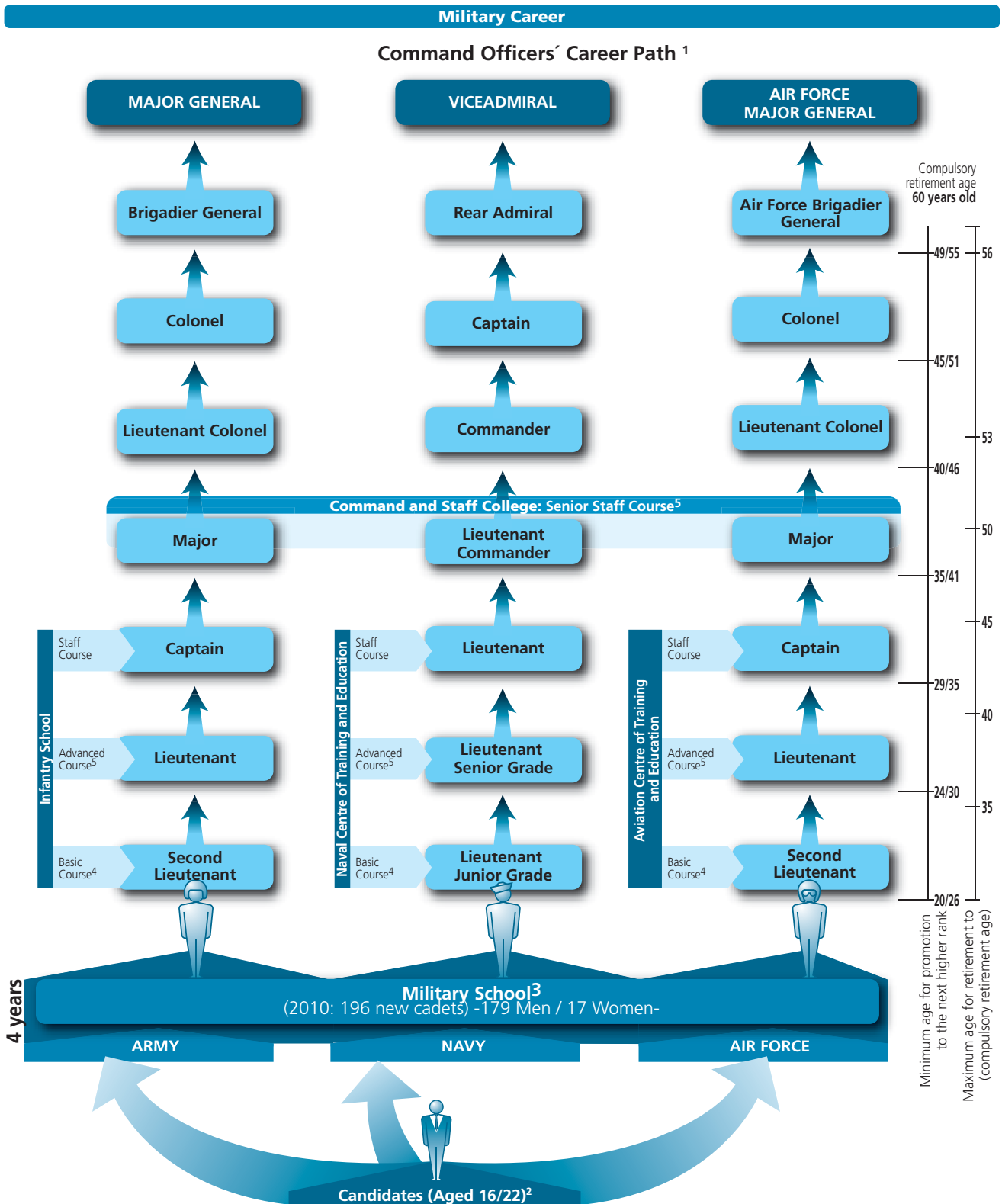
El Salvador published the *Libro de la Defensa Nacional* (Book of National Defence) in 2006.

Reports Submitted to the United Nations and the OAS

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
						✘			✘	✘		
			◆	◆	◆		◆			◆		
	✱	✱		✱	✱		✱		✱			✱

Register of Conventional Arms: ✘ Register of Military Expenditures: ◆ Implementation of Confidence and Security Building Measures: ✱

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



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

2 The ages of 16-22 have been considered for comparative purposes. The minimum age for promotion shall depend on the age of graduation from the military institution.

3 Air Force and Naval Force cadets attending the Military School shall do their third and fourth years at the Military Aviation School and Military Naval School respectively.

4 Basic and advanced courses are taken at the corresponding service's school.

5 According to the Military Career Law Regulation, the first year of the Senior Staff course must be to get promoted to Lieutenant Colonel.

Source: Compilation based on *Ley de carrera militar* (DL N° 476 – 1995/10/18. Last amendment: DL N° 882 – 2005/11/30; *Reglamento de la Ley de carrera militar* (DE N° 50 1996/05/23. *Reglamento del sistema educativo de la Fuerza Armada* (DE N° 13 – 1998/01/26. Last amendment: D.E. N° 17 –2004/02/ 27). New cadets: Information provided by the Ministry of National Defence.

The Armed Forces

General Mission

The mission of the Armed Forces is to defend the sovereignty of the State and integrity of the territory. The President shall exceptionally make use of the Armed Force to keep internal peace, in accordance with the Constitution. The Armed Forces shall cooperate in actions for public benefit as assigned by the Executive and shall assist the people in case of national disasters. (Constitution of the Republic, Sec. 212)

Specific Missions

Army

Its mission is to defend the country's sovereignty and the land territory in coordination and support of the other Armed Force branches; render aid to the population in case of national disaster; cooperate with acts of public benefit and, exceptionally, contribute to the maintenance of internal peace.

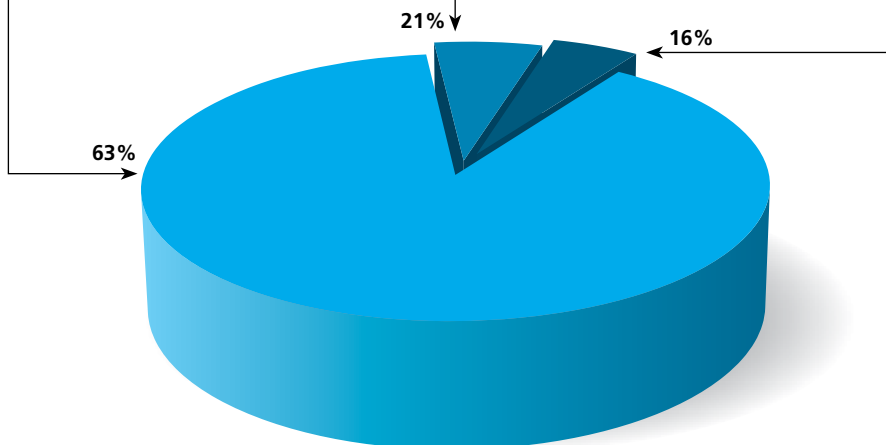
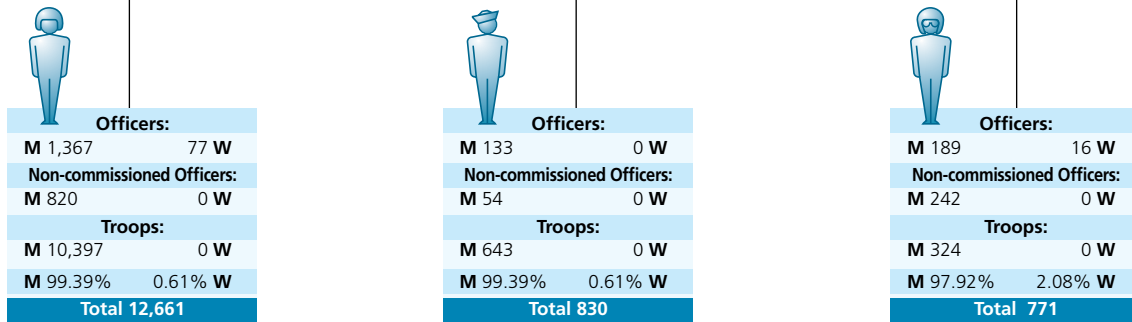
Navy

Its mission is to defend the sovereignty and territorial integrity of the State in its territorial waters and --in a combined manner-- the Gulf of Fonseca and insular territory in coordination with the other Armed Force branches; protect marine riches, the subsoil and national seabed; render assistance to the population in the event of national disaster; cooperate in acts of public benefit and, exceptionally, contribute to the maintenance of internal peace, as well as execute maritime jurisdiction tasks to enforce navigation laws and assist the respective authorities for compliance with tax and immigration laws.

Air Force

Defend the sovereignty of the State and integrity of the national air space, support ground forces in the accomplishment of their respective missions; render assistance to the population in cases of national disaster, cooperate in public benefit work and, exceptionally, contribute to the maintenance of internal peace.

Total Strength: 14,262



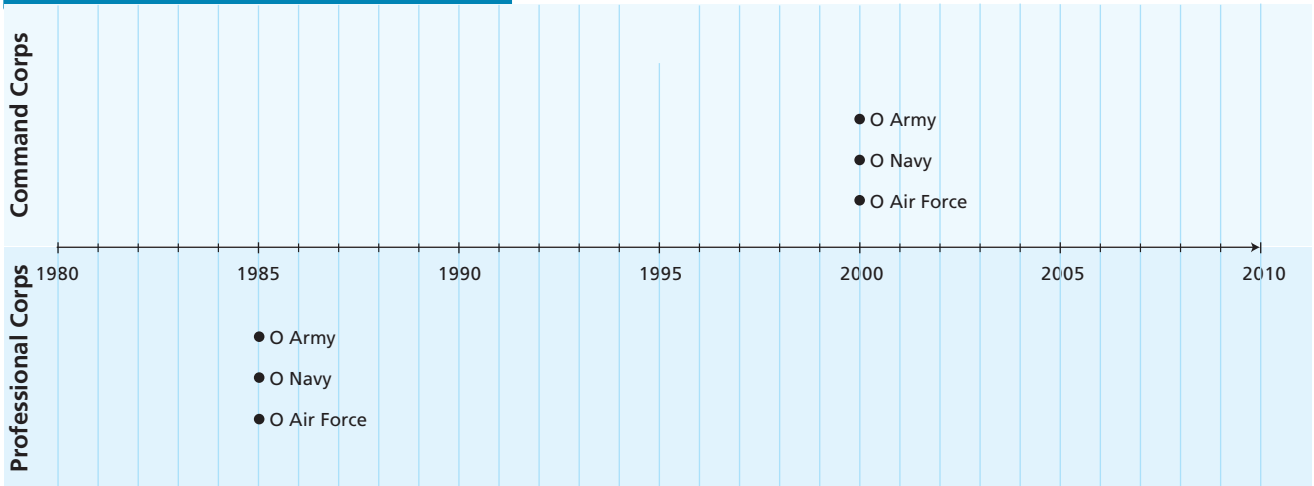
M: Men / W: Women

Source: Libro de la Defensa Nacional, 2006 (missions) and information provided by the Ministry of National Defence (Regular Force).



Women in the Armed Forces

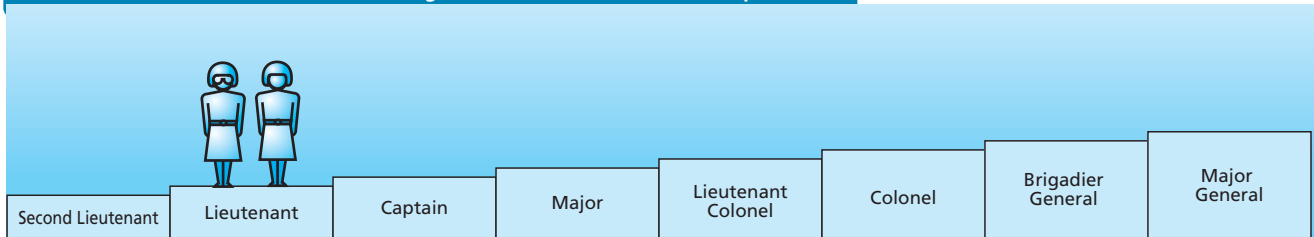
Women's Admission to the Armed Forces (year)



O: Officers

Note: Women are not admitted as non-commissioned officers in the command corps or the professional corps of any of the three services. The Command corps includes officers who have been educated at military academies from the beginning of their professional careers. The Professional corps refers to those who develop a career in the civilian sphere and are then incorporated to the armed forces.

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



Note: These ranks correspond to the Army, as an example. The equivalent rank for Lieutenant is Lieutenant (Air Force). In the Naval Force, women are currently in their 3rd year of training.

0.65 % (93) of the total Armed Forces are women.

Source: Information provided by the Ministry of National Defence and the Peacekeeping Training School of El Salvador Armed Forces (Escuela de Operaciones de Paz de la Fuerza Armada - EOPFA).

Military Service

It is mandatory for all male population and it is conducted in the whole national territory for a period of one year. At present, it is voluntary for women. The number of people enrolled is determined by existing vacancies.

	Number of applicants and enlisted to the military service					
	2009			2010		
	Army	Navy	Air Force	Army	Navy	Air Force
Applicants	1,613	92	74	1,409	-	127
Enlisted	224	67	-	995	-	63

Men exempted from Military Service shall include those who have received military training during a period of 24 months, have attended Military Officer Training Centres for at least one year, the Armed Force administration personnel on duty for no less than twenty-four months and those who are rendering professional or technical services to the Armed Force.

Source: Information provided by the Ministry of National Defence and *Ley de Servicio Militar y Reserva de la Fuerza Armada* (DL N° 298 – 2002/07/30. Last amendment: DL N° 793 – 2009/01/14).

Defence and National and International Community

Participation in Peace Operations

Current missions	Military Component			
	EMM		MC	
	Men	Women	Men	Women
MINURSO (Western Sahara)	5	-	-	-
UNIFIL (Lebanon)	-	-	52	-
UNMIL (Liberia)	2	-	-	-
UNMIS (Sudan)	4	-	-	-
UNOCI (Ivory Coast)	3	-	-	-

The Peacekeeping Training School, EOPFA, was created on July 1st, 2004.

Since the beginning of 2010, 138 military troops were instructed and trained in peace operations.



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

Source: Compilation based on documents from the Department of Peacekeeping Operations of the United Nations. Data as of 31 August 2010.

From August 2003 to December 2008, El Salvador took part in reconstruction and humanitarian assistance tasks in Iraq, with the "Cuscatlán Battalion", within the framework of the MNF - I mission (Multinational Force - Iraq)

At an early stage, said battalion was part of the "Plus Ultra" Multinational Brigade together with Nicaraguan, Honduran and Dominican troops, and coordinated by Spanish forces. In May 2004, the Spanish Government decided to pull out. El Salvador continued in the mission until December 31st, 2008.

Overall, it has contributed with 11 contingents -3,781 troops- and cooperated in the organization and training of the new Iraqi army and police force, as well in training Iraqi officers on Staff duties. Likewise, 353 projects for civil population assistance were carried out.

Support Actions

Public security programmes

Joint Groups of Community Support (GCAC)*

Deployment of 300 groups, jointly with the PNC, in rural areas and municipalities with higher crime rates.

- 58,424 patrolling operations
- 96 seized arms
- 866 arrests
- 108 detentions
- 72 drug seizures
- 11,685 vehicles inspected
- 8 vehicles recovered
- 60,600 people inspected

"Nuevo Amanecer" Military Campaign

Permanent deployment of 2,800 troops, under 8 Task Forces and ZEUS Command, in the municipalities with higher crime rates.

- 50,127 patrolling operations
- 77 arms seized
- 1,025 arrests
- 201 detentions
- 62 drug seizures
- 122,191 vehicles inspected
- 4,819 vehicles inspected
- 328,328 persons inspected
- 153 joint operations
- 65 talks at school centres
- 31 civil population support actions
- 1,033 citizen crime reports recorded
- 14 security operations in school centres and 5 detention centres
- 102 coordination meetings with the PNC

Support Plan for the Directorate of Detention Centres

Reinforce the external perimeter security of penitentiaries and other detention centres.

- 467 patrolling operations
- 43 arrests
- 8 detentions
- 22 drug seizures
- 500 vehicles inspected
- 3,000 people inspected
- 110 cell phones seized

* Replacement of the previous Guardian Plan.

Cuscatlán Plan

Support in the fight against drug trafficking using the Cuscatlán Joint Group; with the involvement of the Navy, the Army and the Air Force, and a number of 311 troops deployed.

Community Support Activities

Infrastructure

- Construction of temporary housing in the municipality, San Salvador and San Vicente.
- Risk mitigation work at San Salvador creeks.
- Support for the repair and reconstruction plan in San Vicente and La Paz departments.

Health

- 8 civil-military combined actions on health care, biomedical equipment repair and medicine delivery; 5,858 beneficiaries.
- 3 national health campaigns for medical and ophthalmologic check-ups; delivery of medicines and glasses; benefiting 16,539 inhabitants.
- Support to different governmental plans to fight the "dengue" disease, taking part in inspection, treatment and elimination of the mosquito-breeding places and housing fumigation; benefiting 33,615 persons.
- The Armed Force supports the MSPAS in the prevention, control and epidemiologic surveillance tasks in case of an AH1 N1 influenza pandemic.

- 13 civil-military combined actions in coordination with the US Army, including medical and veterinarian campaigns and delivery of medicines. 81,218 inhabitants were benefited.

Education

High-school and university scholarships for 114 underprivileged youngsters to continue their education in the areas of commerce, nursery, and health technician.

Environment

- "Castor Plan", waste collection, cleaning of creeks, waste lands and green areas.
- Reforestation programmes in coastal areas and marine environmental preservation.
- Support for control and prevention of forest fires.
- Winter Plan, to aid those affected by hurricanes and storms.

Source: *Informe de Labores (junio 2008 – mayo 2009)*, Ministry of National Defence and *Informe de Labores (junio 2009 – mayo 2010)*, Ministry of National Defence.



Analysis:

El Salvador: Defence and Public Security Policy

Antonio Martinez Uribe

Professor, Universidad de El Salvador

When President Mauricio Funes became the Head of the State as a result of a proposal of the Farabundo Marti National Liberation Front (FMLN), the first priority was thought to be the reinstatement of the Peace Agreements (AdP, Spanish acronym).

At a certain point of time the Agreements led to reforms to the Constitution; the agreements were first negotiated and the Constitution was reformed almost at the same time. As a matter of fact, a new Constitution was politically issued without a new Constitutional Assembly to refound the Salvadoran State. And this was the case because the large reform introduced (which was *raison d'être* of the AdPs and the great concession to FMLN guerrilla) was clear: reformulating the use of force, which is at the heart of any State, in the framework of the need to democratize the Salvadoran political regime. A fundamental issue was the reform of its armed institutions; particularly depriving the military of the dominating role they had historically played in public security, which had led them to grave human

right violations. In exchange for that, the FMLN accepted the dissolution of its own military force. Hence, its transcendence.

The military were in control of the various public force militias, a significant part of them made up of civilian members (especially in rural areas). And, of course, they controlled the whole military apparatus. Following the pact with the guerrilla for the cease fire and the end of armed conflict, all those functions were distributed among different agencies: the Supreme Court of Justice, the new Supreme Electoral Court, a new National Civil Police (PNC) and the Attorney's Office for Human Rights Defence were created, among other innovation plans of considerable magnitude. All this meant, aside from difficult amendments to the concepts of military doctrine and public security, a depuration and downsizing of the military force. Clearly, the military would then be in charge of national defence, understood under the terms of the pact, as the defence of the nation vis-a-vis an external threat.

The governments of the ARENA (Nationalist Republican Action) had committed the Armed Force to public security since 1993, one year after the signing of the AdP, during President Alfredo Cristiani's term in office. Nowadays, twenty years after that political event, it seems common that the military should be involved in something which, under Constitutional mandate, is exceptional and a matter that belongs with civilian institutions' responsibility.

The reforms were introduced in order to install a democratization system and political system in El Salvador, overcoming the severe problems of the past and to start to build and consolidate the rule of law. However, in El Salvador, the State has been dysfunctional to control violence, crime in all forms and guaranteeing citizen security, which is a fundamental priority among its functions. In this context, the issue arose of fully involving the military to bring order to a particularly extreme situation. If the AdP and the Constitution establish that the armed forces may be called upon only in emergency situations, i.e. states of exception, have we been living an emergency situation since 1993, just one year after the signing of the AdP?

Since 1992 El Salvador has clearly distributed the roles between police and military, maybe as no other Latin American nation. Military officers from the region have since then, appreciated the conceptual advance agreed for the FAES as a result of the end of internal military confrontation.

In a setting of severe economic challenges, El Salvador also has to resolve the acute problem of violence in its many forms of expression: crime, organized crime, gangs, drug-trafficking. The new government of President Funes has had to face this difficulty already at high levels in El Salvador, but present to a larger or lesser extent in all Central America.

Preceding administrations were unable to find a solution to this problem, justifying military presence in public and citizen security. The actions taken to counter it were particularly based on increasing legal punishment and hence State crackdown of violence. Since then, the military have been involved in public security accompanying the National Civil Police, a corps created as part of the implementation of the Peace Agreements. But the situation has been worsening. The new government, without a clear and unanimous support of the FMLN, has continued along the same courses of action.

Last November, when violence reached unbearable levels, President Mauricio Funes ordered the deployment of 2,500 soldiers to support police action in its

fight against crime, especially through deterring patrolling and control of areas where violence was rampant. Those troops were added to 1,600 other soldiers who were already acting since the previous administration.

At present, the El Salvador Army is virtually "at war": last June 1,500 troops started to occupy penitentiary centers, while 1,000 additional men initiated their deployment in 75 of all 300 "blind points" in Salvadoran borders. This is a "porous" frontier that allows the passage of smuggled goods, drug and weapon trafficking, illegal immigration and human trafficking. This is estimated to represent 44% of the Salvadoran troops.

These already-anticipated governmental actions began in advance in face of the new circumstances the country suffered after a bus was set on fire on Sunday, June 20, in a district of San Salvador metropolitan area, with passengers on board and a tally of 16 people killed. Naturally, the event scandalized public opinion.

In the presidential statements broadcast through the national radio chain on the past Wednesday June 23, acts such as the burnt bus were qualified as terrorism. At the same time, the President has recognized that organized crime has pervaded the State of El Salvador and that his administration is being politically destabilized through *de facto* group actions. The intense operability of the military is part of a global plan designed by the government to attempt to stem the action of violent gangs known as 'maras,' as well as organized crime.

All this occurs in a political context that, curiously, has been mobilizing. Political parties --particularly the most conservative actors-- have suffered large internal confrontations since 2009. Former President of the Republic Elias Antonio Saca has been blamed for the party's electoral failure, called a traitor and accused of embezzlement of public funds and expelled from the ARENA by the party's highest leaders. Something quite unusual until then in the country's political dynamics. In October 2009, representatives belonging to the legislative fraction of the party announced their separation and formed a new party called Great Alliance for National Unity (GANU, Spanish acronym). The Christian Democratic Party (PDC) has also suffered its own trauma. In the fight for power what gets fractioned are political leaderships, the political groups and bodies interacting within and outside of the state apparatus. Thus, the internal rows have resulted in a much-needed revitalizing element.