



Guatemala

The Legal Framework and the Defence System

National Legislation

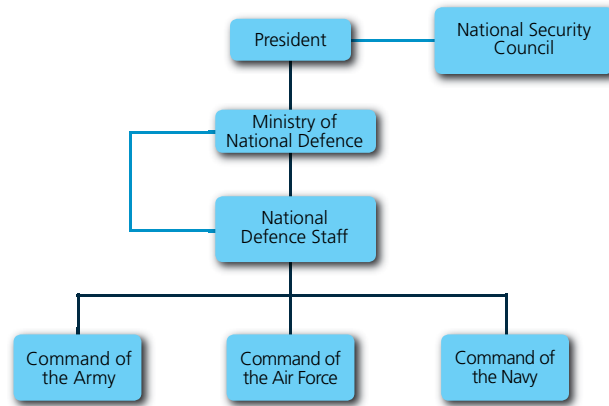
Systems and Concepts

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

Military Organization

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

— Advisory and assistance functional relationship
 — Command reporting line



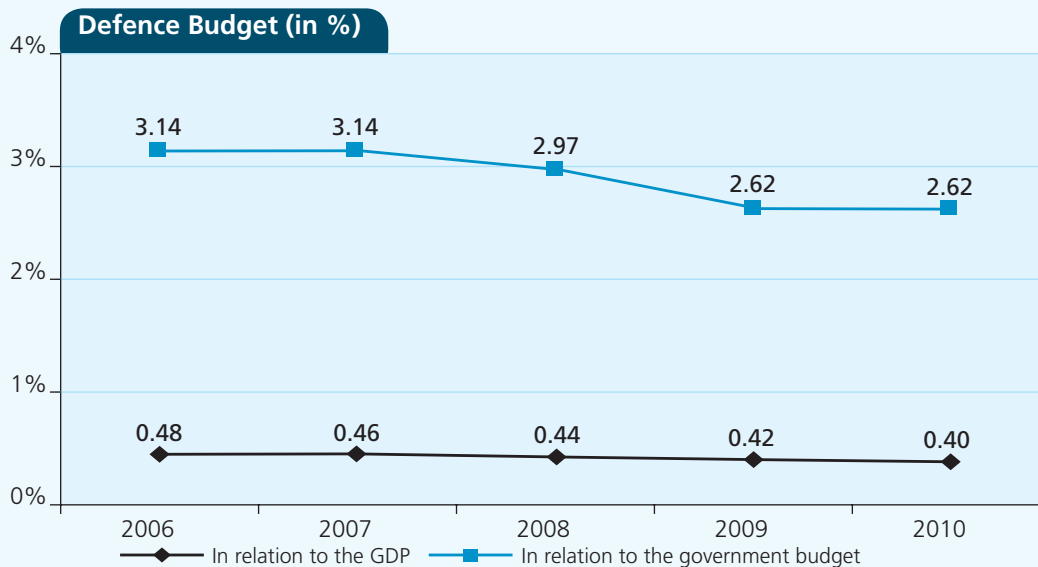
The President is advised by the National Security Council, composed of the Vice President, the Ministers of Foreign Affairs, Government and Defence, the Secretary of Strategic Intelligence of the State and the Attorney General. The President issues the orders through a General or Senior Officer who holds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

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

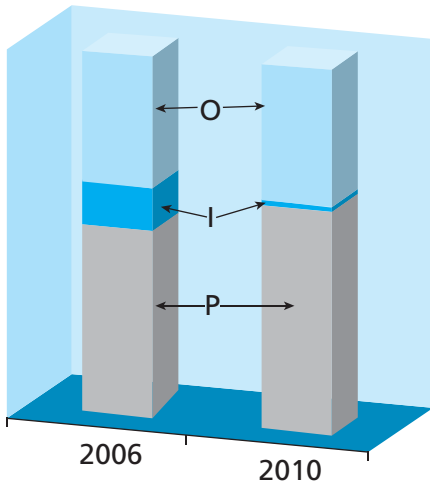
Source: Compilation based on *Ley marco del sistema nacional de seguridad* (DL N° 18-2008 - 2008/04/15) and *Ley constitutiva del Ejército de Guatemala* (DL N° 72-90 - 1990/12/13).

The Budget

Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2006	134,476,326	4,284,540,096	28,260,000,000
2007	152,106,898	4,846,266,432	33,320,000,000
2008	156,210,263	5,251,290,771	35,729,000,000
2009	153,090,192	5,849,777,368	36,471,000,000
2010	159,860,766	6,108,489,881	39,760,000,000

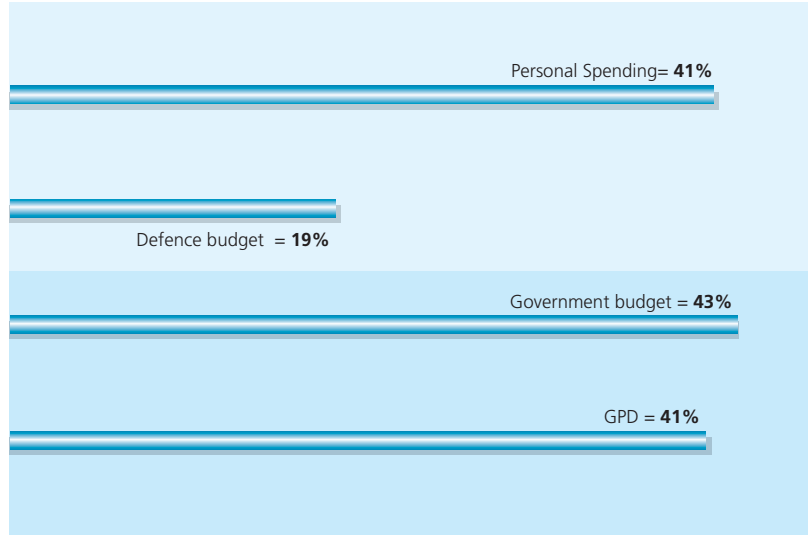


Defence Budget Breakdown



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

Comparative Increase (% variation 2006-2010)



Defence Budget 2010 (in Local Currency)

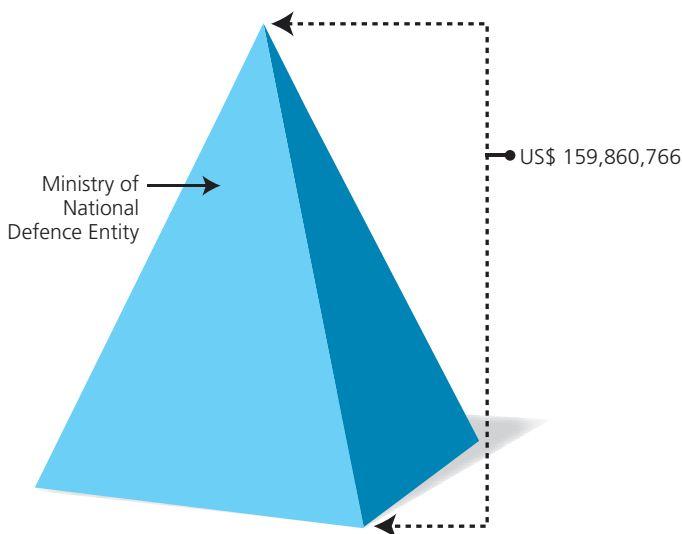
Programs	Personnel Services	Non-personnel Services	Materials and Supplies	Others*	TOTAL
Ministry of the National Defence					
Central Activities	187,312,854	24,738,556	68,049,825	1,827,217	281,928,452
Independence, Sovereignty and Integrity of the Territory**	349,071,609	14,077,394	230,256,415	24,744,065	618,149,483
Military Education	158,009,369	10,085,994	33,566,872	11,338,334	213,000,569
Military Health and Social Service	46,776,680	827,697	19,346,797	175,784	67,126,958
Construction and Cartography	27,644,650	824,738	12,015,793	3,519,182	44,004,363
Military Missions Abroad	27,229,839	20,617,389	14,101,336	3,492,000	65,440,564
Regulation of National Water Spaces	6,165,782	1,049,618	2,809,436	205,017	10,229,853
Items non-assignable to programs***	0	0	0	1,386,391	1,386,391
TOTAL	802,210,783	72,221,386	380,146,474	46,687,990	1,301,266,633

* Includes property, plant, equipment, intangible items and current transfers.

** Ground defence: Q.323,048,242; air space defence: Q.69,487,639; defence of territorial waters: Q.51,613,602; citizen security corps: Q.174,000,000.

*** Funds for the Military Social Security Institute: Q.1,008,687; contribution to the International Hydrographic Organization: Q.192,424; contribution to the CFAC: Q.185,280.

Composition of Defence Budget 2010



Between 2007 and 2009, contracts signed with the United States for military acquisitions reached US\$ 10,340,740. Such number accounts for 2.24% of the defence budget for such years.

Source: Compilation based on *Ley de presupuesto de ingresos y egresos del Estado para el ejercicio fiscal 2006, 2008 and 2009*. In 2007 and 2010, Congress did not approve the Budget Bill. Therefore, the previous year budget was in effect as provided for in the National Constitution. The difference in numbers for these years is due to changes in the dollar exchange rate. The State Budget passed by the Congress by means of the above mentioned Act is considered herein. The concept of investment is that expressed in "Properties, plants, equipment and intangible assets". Acquisitions: Just the Facts (Center 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. The dollar value considered corresponds to the exchange rate determined by the World Economic Outlook Database, IMF, for each year under consideration. As of July, the 2010 exchange rate average is 8.08 Quetzales, based on the data provided by the Central Bank of Guatemala. For further calculations, figures are provided in local currency. Expressions in Bold Type (Table) make reference to the various defence budget items, which can be found in a sector-based or institutional classification of the Budget Act

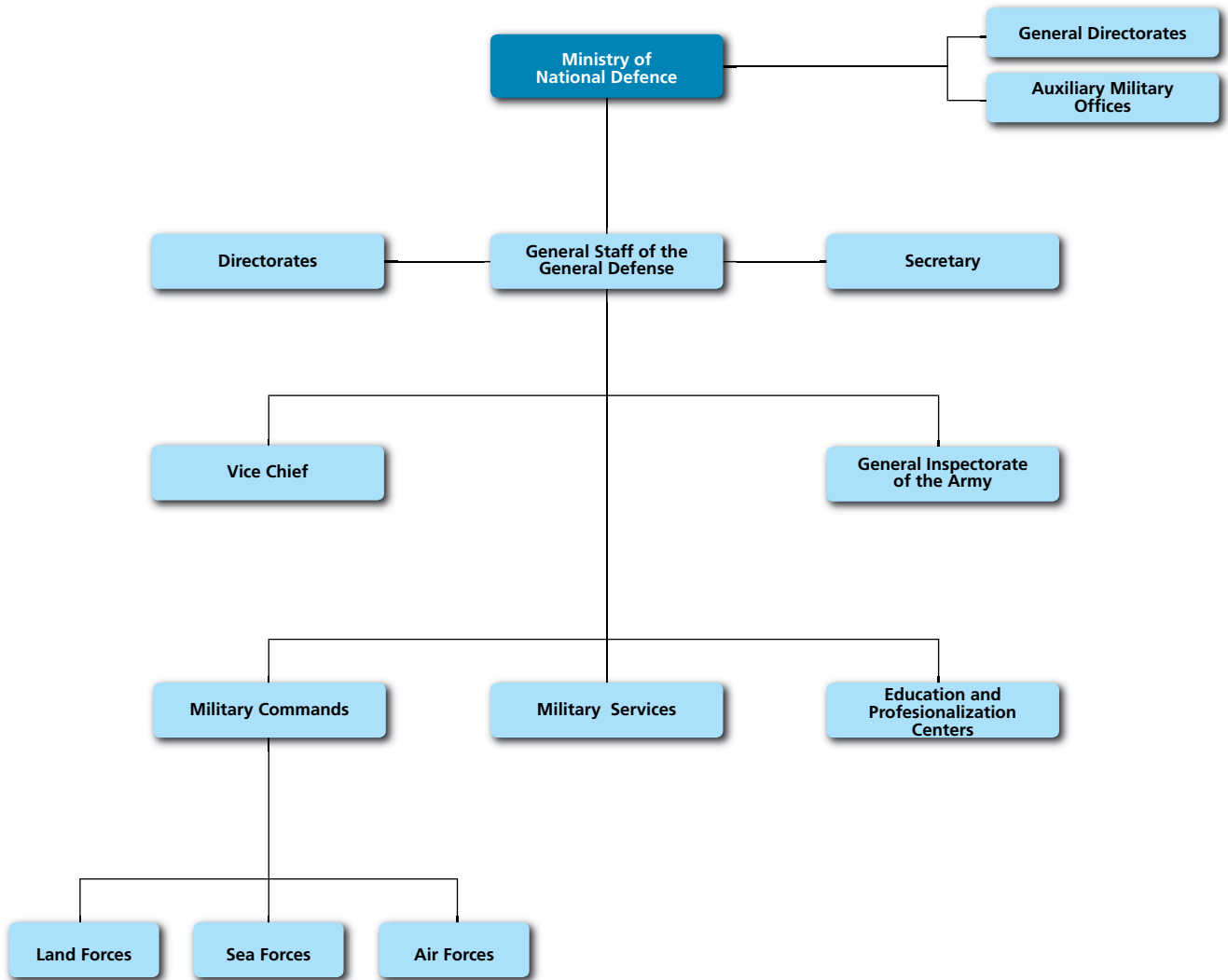


The Ministry of National Defence

Responsibility:

The Minister of National Defence, under the orders of the General Commander in Chief of the Army (the President), shall conduct and manage the Army of Guatemala. It is the communication agency between the Army of Guatemala and the other government bodies. (*Ley constituya del Ejército de Guatemala, DL N° 72-90 – 1990/12/13, Sec. 15 and 17*)

Organization Chart



Date of Foundation: 1945
Current Minister (September 2010): Abraham Valenzuela González
Can military members be Ministers of Defence?: Yes. According to the Republic's National Constitution, civilians cannot become Ministers of Defence
Number of military members who were Ministers of Defence: 12 (since 1996, year of the Firm and Lasting Peace Agreements - <i>Acuerdos de Paz Firme y Duradera</i> -)
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: 1 year

[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

Vision

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

Programmes and Activities of the Defence Sector

- Independence, sovereignty and territorial integrity: comply with the constitutional mandate of maintaining territorial independence, sovereignty and integrity, as well as the country's internal and external security, by the use of air, sea and land forces, keeping a presence at the borders.
 - Land Defence: preserve territorial integrity, with land patrolling both in the interior of the Republic and adjoining border areas.
 - Airspace Defence: conduct air operations to maintain and ensure the sovereignty of the national airspace; also, support land military troops with the purpose of neutralizing any threat against the interests of the Nation. In addition, activities are performed to help in the fight against drug trafficking, prevent destruction of wildlife, detect clandestine landing strips, and contribute to the detection of illegal substance trafficking.
 - Jurisdictional Waters Defence: ensure national sovereignty in territorial waters, in the exclusive economic zone (EEZ) and interior waters (lake and fluvial), exercising control on maritime borders, so as to jointly contribute with land and air forces to preserve territorial integrity, maintaining a permanent presence with patrolling activities.
 - Citizen Security Corps: support civil security forces in the fight against crime.
- Military Education System: military training, professionalization, technical and operational training for active members of the Army of Guatemala.
 - Military education.
 - Military training and development.
- Military Healthcare and Social Services: protect the health of active members of the Army of Guatemala, including those outside the military sphere, through healthcare centres of commands and military units in the Republic, contributing with other institutions charged with the responsibility of providing civilian medical and dental care and performing vaccination campaigns.
- Construction and Mapping: repairs, minor constructions and maintenance activities performed to the infrastructure of the different command and military facilities.
- Military Missions Overseas: participation of the Army of Guatemala in the international arena, in compliance with treaties and agreements ratified by Guatemala, to promote peaceful relations with other countries, cooperate and establish confidence-building measures (CBM's) and humanitarian assistance operations.
- Regulation of National Water Spaces: support the enforcement of the national maritime policy.

Security Policy and Rule of Law

General Objective

Implement the national strategy as the reference framework to protect the life, peace, integrity, and security of the people and their property, constituting a real rule of law. For this purpose, constitutional order and compliance with Peace agreements must be strengthened with the purpose of eradicating social and economic injustice, as well as social and political discrimination. Furthermore, we shall seek to eliminate all forms of corruption, with citizen organization and involvement. All these should be based on the principle of freedom, equality, social justice and solidarity, which govern the efforts intended to counteract threats and risks to society and its institutions, ensuring the country's governance.

As part of specific objectives

Protect and ensure the Army's role in democratic society, pursuant to the provisions of the Political Constitution of the Republic and Peace Agreements

Strategies and Actions

- a. Strengthen the Army capabilities so as to enable compliance with its defence role as specified in the Constitution:
 - Continuously design plans that may respond to actual or potential threats against the interests of the Nation.
 - Organise a professional army, which may be highly versatile, defensive and efficient, as well as capable of satisfying the needs of the State.
- b. Subordinate the Armed Forces to the politically represented civilian leadership, as well as to focus their roles on external defence and humanitarian assistance.
 - Strengthen civilian control in a democratic society.
 - Create special forces to respond to emergencies caused by natural disaster.

Source: *Ley de presupuesto de ingresos y egresos del Estado para el ejercicio fiscal 2009 and Plan de Gobierno, 2008.*

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

Reports Submitted to the United Nations and the OAS

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
✘	✘	✘	✘	✘	✘	✘	✘	✘	✘	✘		
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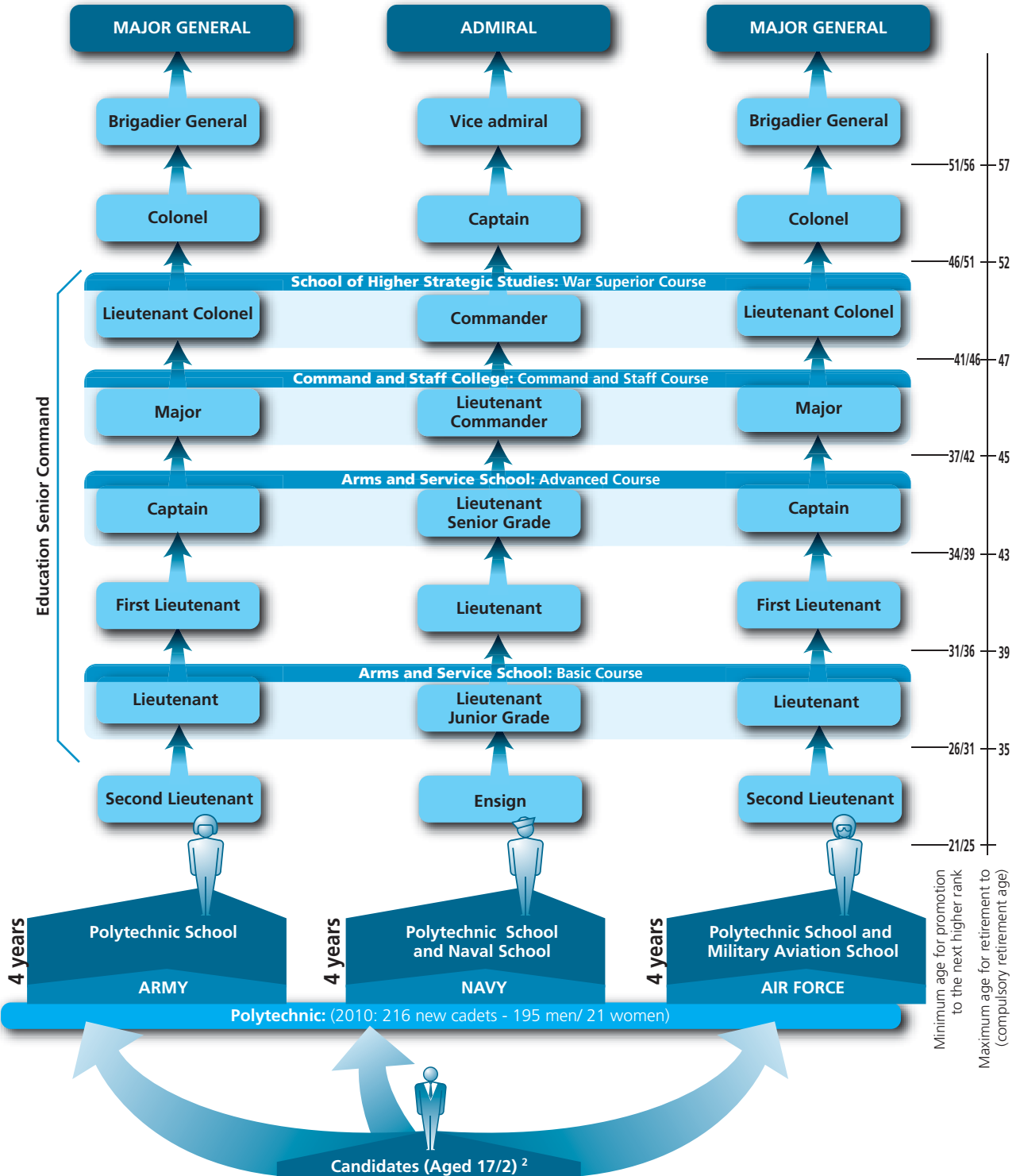
Register of Conventional Arms: ✘ Register of Military Expenditures: ◊ Implementation of Confidence and Security Building Measures: ✱

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.



Military Career

Commissioned Officers' Career Path ¹



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 age of 17-21 has been considered for comparative purposes. The minimum age for promotion shall depend on the age of graduation from the military institution.

Source: Compilation based on *Ley constitutiva del Ejército de Guatemala* (DL N° 72-90 - 1990/12/13), Promotion rules of the Army of Guatemala (Governmental Agreement N° 318-2009 - 2009/11/26). New cadets: Information provided by the Ministry of National Defence.

The Armed Forces

General Mission

The Guatemalan Army is devoted to maintaining the independence, sovereignty and honour of Guatemala, the integrity of its territory, peace and internal and external security. The Army shall cooperate in emergency situations or public disaster. (Constitution, Sec. 244 and 249)

Specific Missions

Army

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

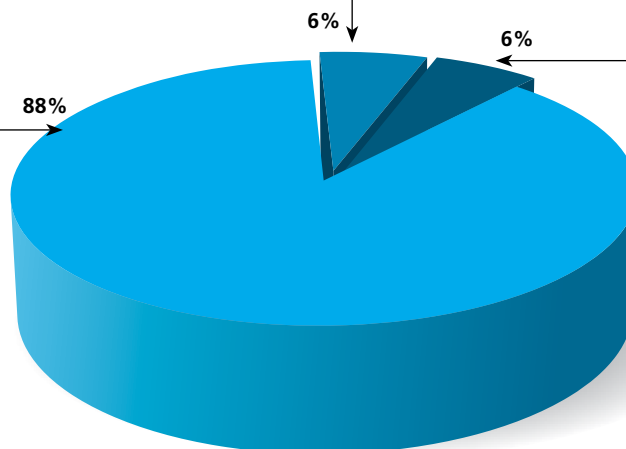
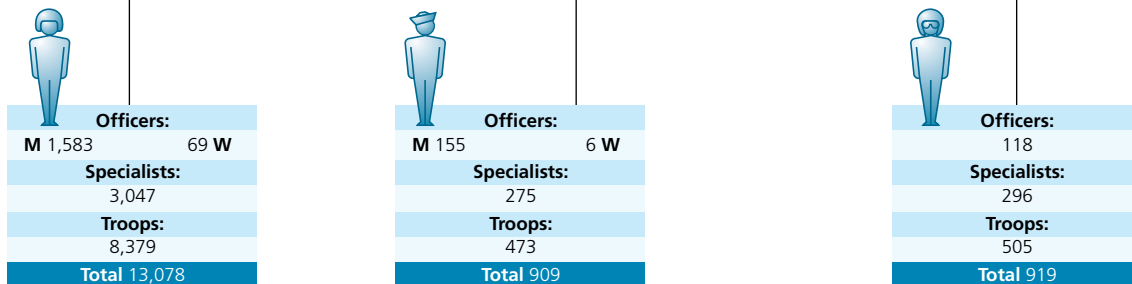
Navy

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

Air Force

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

Total Strength: 14,906



Specialists: 2,942 men and 676 women.

Troops: 8,792 men and 565 women.

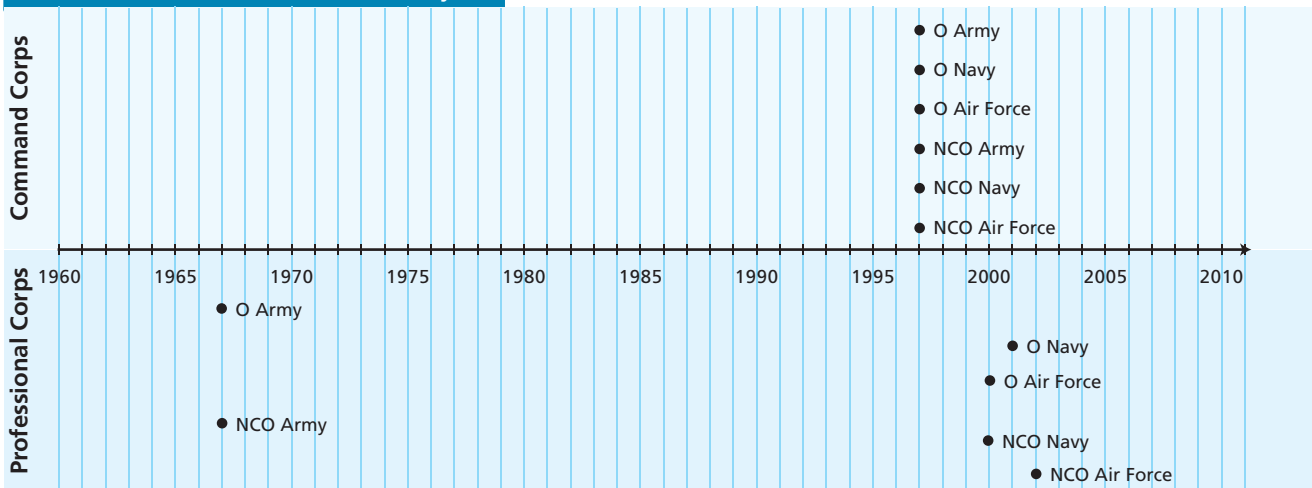
M: Men / **W:** Women

Source: Websites of the Armed Forces (missions) and information provided by the Ministry of National Defence (Regular Force).



Women in the Armed Forces

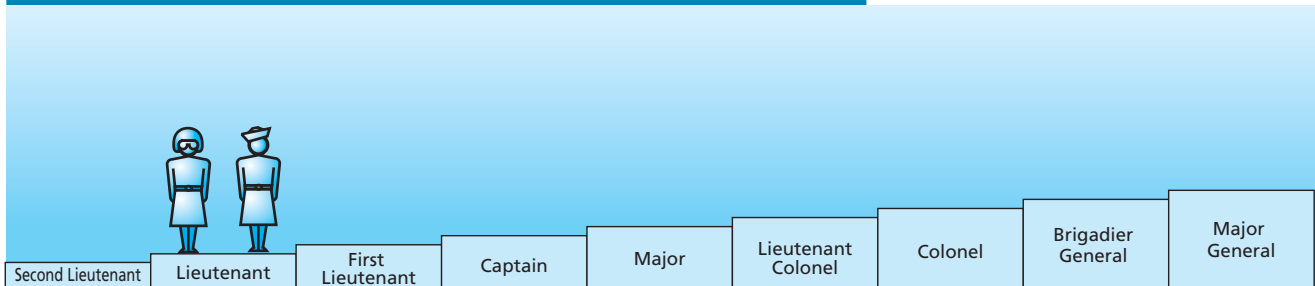
Women's Admission to the Armed Forces (year)



O: Officers - NCO: Non-commissioned Officers

Note: 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 Officers who have reached the highest rank in the Command Corps (2010)



Note: These ranks correspond to the Army, as an example. The equivalent rank in the Navy is Lieutenant Senior Grade and Lieutenant for the Air Force. The Army has women Colonels, but they are officer specialists in health services; no active duty women serve in the combat branch.

8.83% (1,316) of the total Armed Forces are women.

Source: Information provided by the Ministry of National Defence an Project 07-184 Global Peace and Security Fund - RESDAL.

Military Service

According to the Political Constitution, all Guatemalan citizens must serve and defend the Motherland. Likewise, the Ley de Servicio Cívico (Civic Service Act) establishes two modalities for the fulfilment of such obligation for a period of 18 months:

- Military Service (militarized nature).
- Social Service (civilian nature).

Number of Admitted and Discharges from Military Service			
Year	2009	2010 (January – April)	
Troops	Admitted	6,438	2,915
	Caused discharge	6,180	2,543
Specialists	Admitted	107	130
	Caused discharge	80	35

Guatemalan people older than 16 years old who attend high school may provide the Social Service in advance, by voluntarily participating in programmes led by their education centres, provided that such programmes are approved by the National Civic Service Board (Junta Nacional del Servicio Cívico) (*Ley del servicio cívico*, Sec. 42).

Source: Constitution, *Ley del Servicio Cívico* (Decree N° 20-2003 – 2003/05/12) and information provided by the Ministry of National Defence.

Defence and National and International Community

Participation in Peace Operations

Current Missions	Military Component			
	MEM		MC	
	Men	Women	Men	Women
MINUSTAH (Haiti)	-	-	133	13
MONUSCO (Dem. Rep. of the Congo)	6	-	145	5
UNIFIL (Lebanon)	-	-	2	1
UNMIN (Nepal)	1	-	-	-
UNMIS (Sudan)	6	1	1	-
UNOCI (Ivory Coast)	5	-	-	-

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.

Guatemala contributes 319 military troops to the United Nations peacekeeping missions, which represents 4.17% of the total contribution of Latin America.

The Regional PKO Training Centre, CREOMPAZ, headquartered in Guatemala, was founded in June 8, 2005.

In 2009, it trained 2,075 military troops and civilian groups on peacekeeping operations.



Support Actions

The Army of Guatemala provided personnel, facilities, road security, medical equipment and transport for different activities performed in 2009:

Medical Conferences performed with the support of the US Armed Forces		
Date	Cared Patients	Participating Personnel
May –June	6,645	3 officers, 15 support specialists and 25 security soldiers.
June	2,044	3 officers, 6 support specialists and 10 security soldiers.
August	4,678	3 officers, 13 support specialists and 15 security soldiers.
August	4,780	5 officers, 19 support specialists and 35 security soldiers.
November	855	3 officers, 6 support specialists and 12 security soldiers.
Total invested cost: US\$ 15,593.		

With Humanitarian Assistance Programmes of the US SOUTHCOM, in coordination and collaboration with the Army of Guatemala, in January 2009 pit drilling projects were completed, which benefited 6,200 people in four municipalities.

Medical Conferences performed with NGOs

Date	Patients	Specialty
February	2,560	General Medicine
April	2,500	General Medicine
April	650	General Medicine
May	138	Ophthalmology
June	Capanosa population	General Medicine
July	1,290	General Medicine
July	1,259	General Medicine

Medical Conferences performed with Help International

Patients			
Ophthalmology	Dentist	Surgery	General Medicine
446	481	494	3,073

Emergency Actions: Pacaya Volcano and Agatha Tropical Storm

2010	May 27	Pacaya volcano erupted. Immediately, the Army deployed 188 personnel in the area.
	May 28	947 soldiers were deployed to perform volcanic ash cleaning activities in Guatemala city and at La Aurora airport.
	May 29	The Emergency Operation Centre (COE) was activated in order to commence actions to mitigate material and personal losses caused by the Agatha storm.
	June	Volcanic ash cleaning operation. Supply transport operation in response to Agatha Storm. Cleaning operation in the Capital City.
	July	Sludge cleaning activities in response to Agatha. Activities of the Third Military Brigade "General Aguilar Santa María" in Jutiapa aimed to help population (infrastructure.)

Security Force Support Activities

- Patrolling in cooperation with the National Civil Police.
- Specific task forces:
 - FT Guatemala
 - FT Interinstitucional Norte
 - FT Interinstitucional Occidental
- Special Reserve Corps for Citizen Security (CERSC).
- Support to operations in the fight against drug trafficking.
- Prison perimetral surveillance.

Within the framework of the governmental enquiry programme, four commitments were assumed in the different departments regarding the Ministry of National Defence for the coordination, together with the Administration, of citizen security operations. As of September 2010, services delivered are as follows:

- Installation of a military detachment in San Antonio Suchitepéquez, in the Suchitepéquez Department, for citizen security operations in the town and surrounding areas.
- Reopening of Playa Grande Military Command, in El Quiché Department.
- Creation of the VI Infantry Brigade "Colonel Antonio José de Irisarri," for the towns of Petén, Izabal and Huehuetenango.

Preservation of the Maya Biosphere Reserve

The Army of Guatemala, through the First Infantry Brigade "General Luis García León" from Petén, is carrying out activities in coordination with other government institutions in that department, to protect the Maya Biosphere Reserve. In March 2010, 188 soldiers graduated as forest firefighters.

In August 2010, the President of the Republic announced the creation of a military battalion of 250 men for the purpose of protecting and recovering the Maya biosphere, located in the border with México and Belize. The mission is to combat deforestation of natural resources in an area considered an environmental key area (particularly the so called Laguna del Tigre).

The green battalion will be in charge of protecting the national border and exercising territorial control to prevent illegal drug trafficking.

Source: Website of the Army, information provided by the Ministry of National Defence, *Informe de rendición de cuentas, 2007* and Presidential Programme "Gobernando con la Gente".



Analysis:

Guatemala's Armed Forces: 15 Years After Peace

Gabriel Aguilera Peralta

Academic and diplomat. Professor Emeritus at FLACSO Guatemala and Honorary President of the Institute for International Relations and Research on Peace (IRIPAZ).

The 1996 Peace Agreements that put an end to war in Guatemala included a number of reforms that reached all the institutions of the nation. The idea was that political consensus could be the means to establish an alternative State model ensuring democracy and participation.

One of the Agreements involved the armed forces and expressed a need to reframe the Army. The agreement on the strengthening of civil society and the Army's role in a democratic society¹ contains conceptual-ideological commitments, a design of what the Army should be (and, hence, what it should cease to be) and the technical-operational commitments that would help implement those changes.

The first group of commitments included the definition of a democratic security agenda (as opposed to the national security agenda that had prevailed during the conflict), the constitution of a civilian National Police (the old national police had become just another arm of the Army during the insurgency war), the exclusion of the Army from domestic security issues and its restriction to national defence against external threats (up to that time it was understood as the guardian of both external defence and internal security), the separation of military intelligence from civilian intelligence

(since the Army had been managing both), the reform of the Constitution of the Republic to make civilians eligible to the positions of Minister and Deputy Minister of Defence (who according to legislation have to be military men), and the reform of military education to introduce democratic content and respect to human rights in the curriculum.

Among the technical-operational commitments, agreements were reached to dissolve a number of police-military corps associated with human right violations, as well as pro-government militias that were accused of the same crimes, reduce the Army's size and budget, introduce the voluntary military service and allow its substitution for social service, and create a Security Council and a civil intelligence agency. An additional commitment was the reform of Army's rules and regulations including the Military Code and the Army Constitution Act.

The idea was that, through the application of the Agreement, the country would be demilitarized and the Army would turn into a downsized institution optimized in its external defence role, respectful of democratic principles and human rights.

Like with all Peace Agreements, fifteen years later a part of the commitments were met, another part has turned into more or less permanent processes and

¹ AFPC --*Acuerdo de Fortalecimiento del Poder Civil*

there are still others that remain to be achieved.

The main shortcomings are reflected in the impossibility to implement the constitutional reforms, since the referendum held towards this end resulted in a negative vote, which impeded the civilian command of the Army. Great difficulties were encountered in the attempt to create and consolidate a civilian national police with democratic values, owing to the fact that part of the old police remained with the force, which was later on permeated by organized crime. Nor was a clear-cut separation of domestic security and external defence tasks attained.

Similarly, a reduced and modern armed force with high mobility, modern weapons and equipment, with the ability to assume external defence missions is still an unmet objective. Army men were reduced in numbers by successive administrations down to the current approximately 14,200 troops. At the same time, allocating resources to the renovation and modernization of weapon systems and equipment has proved impossible up to now. The ground force continues to be equipped with the means that it employed during the internal war, including armoured vehicles manufactured in Guatemala, while the air and sea forces are availed of even more reduced means: old vessels and aircraft and scarce capabilities. Negotiations for the acquisition of six-Super Tucan system have started recently.

The Army's tight financial resources have resulted in the budget being used mainly for personnel salaries and sustainment, with little left for operations and nothing for equipment renovation. The lack of resources is related to the State's own scarcity and dire social needs. In addition, military financial resources have been subject to large embezzlement and fraud operations.

As regards military education reform and the change of officer corps' mindset, more information is needed to assess any progress, although high command personnel turnover and payroll reductions, the number of officers in active service remaining from the days of the war is relatively small. However, being an ideological issue, conservative visions seem to persist.

Among the positive evolutions, the achieved demilitarization is worth of note. The Army no longer has any political influence on State administration, officers are subject to the ordinary justice system and there are even former high-rank officers imprisoned under common crime charges. The Army is no longer isolated from other society actors: although with difficulty, it has partaken in plenty civil society interaction spaces, including (even with difficulties) the exercise of de-

signing a "Security Policy for Democracy" organized by WSP. The National Defence Book, the new defence policy and other Army regulation instruments have been developed with the participation of the civil society and the institution maintains the permanent "Defence Community" forum for civil-military discussions.

On the other hand, central institutions have been created to strengthen civilian control of security and intelligence, particularly the National Security System. The Guatemalan civil society is the best educated in security and defence matters and the most capable of exercising a certain influence, in all Latin America.

One of the main missions the Army keeps participating in is peace operations. Its main deployments are a Military Police unit in Haiti and a strike force-type unit in Congo, where it has even gone through combat actions and suffered casualties.

Other security issues than those it sought to overcome through the Agreements are besieging Guatemala fifteen years after peace: A succession of natural disasters have taken human lives and caused huge material damage, very difficult to recover. Criminal violence is one of the highest in Latin America. This is partly related to the so called "illegal and clandestine security bodies and apparatuses", transformed into organized crime from the counterinsurgency warfare system, as well as the expansion of Mexican drug cartel activities. Organized crime has had the ability to pervade into State structures and several Guatemalan governments have requested United Nations' assistance for justice administration, through an unprecedented experience known as the "International Commission against Impunity." (CICIG).

This grave security situation has led several administrations to bring the Army back to domestic security actions, by issuing legislation and reversing the territorial reduction that had been implemented after the signing of the Agreements. Military bases in the interior of the country have been reopened as part of the effort to recover the areas where drug trafficking organizations have settled. This is an example of how new situations impact on the provisions of the Agreements and it lends to interpretation under George Downs' increasing complexity theory which states that the more time elapses after the peace process has finished, the higher the probability that new elements may have an effect on the evolution of the process.²

² See George Downs and Stephen Stedman, "Evaluation issues in Peace Agreements" in *Ending Civil Wars. The Implementation of Peace Agreements*, ed. Stephen Stedman, (Boulder, Colorado: Lynne Rienner Publishers, 2002).