

**A Comparative Atlas  
of Defence  
in Latin America**

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Red de Seguridad y Defensa de América Latina

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# Foreword

The third edition of the Comparative Atlas of Defence in Latin America comes up in a particular moment in the hemisphere political history. The scenario where defence policies develop shows itself as dynamic and complex; particularly, a favourable international economic state of affairs towards the regional products and a system of international relations undergoing an identity crisis, are directly affecting the defence in such issues as budget, redesign of legal frameworks, cooperative relations among ministries, and the link between defence and foreign policy.

The movements that this scenario brings about in the defence field are not always rapidly perceived. In general, and perhaps due to some curious link between our expectations and the characteristics of the issue we are dealing with, we tend to see defence as a stagnant field, away from the political scenario, and belonging to a “high” State policy that does not interfere in the comings and goings of the general domestic and international politics. Changes certainly occur; understanding that the defence policy is essentially a policy helps us to identify the scenario in a better fashion, and to adequately assess the possibilities and perspectives of our region.

Defence, in this sense, moves in different backgrounds, which come into play at the moment of decision-making and action: the background of relations among countries, among State institutions and among the State and other non-State actors. Whatever the defence issue being worked upon at a certain moment, these different backgrounds will crop up and impact on the courses of action. A confidence-building measure, for instance, is naturally related to the fluctuations of the general relations among the implied governments. But it is also related to the development of relations among the agencies within a State, which may favour or hamper the relation of that State with others. At the same time, this can happen with regard to issues like education in defence matters or public opinion. The following pages undertake the reflection on the complex interweaving of relations and defence levels; through them we hope to foster a better understanding and performance in this field.

The Comparative Atlas is in turn a source of data for the comprehension of the defence state of affairs within the region, and an illustration of these different levels



where the practice of this policy seems to be underway. All through the making of this publication hard data has been appearing along with the perspectives and attitudes of the actors which are, ultimately, the ones that give life to this policy. They are intertwined, and in their relation the existing political and cultural changes can be perceived. Contradictions are also part of this scenario, and they reflect the tensions between what we are used to accept as valid, and what struggles to come up.

In this sense, two main issues seem to show the elements of change and the permanent interplay of institutional levels and actors: the fluctuations in mutual confidence and in defence international relations, and the progressive conformation of a body of specialists at the State and academic levels, including younger generations that are pursuing their incorporation. The progressive construction of a regional data source shakes our perception of hemispheric construction possibilities in matters of mutual confidence, as well as the participation of new generations in the gathering of data does, thus keeping away the idea that defence is an issue from the past. The disposition and collaboration of national institutions with this publication – which can be found in each and every source – and of the young scholars of each country, depicts the relevance of many actors and institutions when giving shape to this work: a regional source, coordinated by RESDAL but built upon the leading role of many actors that also support the idea that defence is a policy to be constructed, and hence, it deserves to be promoted and accredited.

The VIII Conference of Defence Ministers of the Americas, organized on this occasion by the Government of Canada, is a very appropriate instance to offer this publication as a sample of the things we can do when working collaboratively. This has always been the ambition behind the Comparative Atlas, and the current reason of the three simultaneous editions, in English, French and Spanish: a contribution to the thought and analysis towards the interior of the region, and the spreading of data on our defence institutions towards other countries and regions that deserve to know about the Latin-American experience.

Words can hardly express the sensations of a work group, or echo the voice of all those who have collaborated in order to make this work happen. Our public gratitude goes to all RESDAL's members who contributed data and comments, to the acknowledged experts who prepared the papers herein published, and to all ministries and armed forces bodies who provided us with information; only you know how much you had to endure by our side. The more than two thousand pieces of information presented in the Comparative Atlas would not be here if it were not for you. We could not read them in other languages if it was not for the translators' team headed by Clarisa Korovsky and Ines Navarro, who worked with indefatigable professionalism and enthusiasm. Nor could these data be organized but for the group at the Executive Secretariat, a team conformed by scholars from different countries, unyielding when it came about taking challenges. We can only think of one word for Juan Rial and Hal Klepak: thanks.

On the other hand, given that acknowledgements are usually received by the authors of the work, we would not like to leave unsaid the fundamental support that made this possible. Ideas can be better or worse; if we talk about carrying

them out, the best forms appear – in our experience – when we get further away from individual practices. All the way that the Comparative Atlas had to cover up until now, we have had the support of many who encouraged us to gain confidence, freedom and optimism. The Latin America Program from the Open Society Institute supported the idea since its beginning, back in 2005, when it was still a possibility, and has permanently encouraged us to carry it out beyond the known challenges; the outcome we have today owes its existence to their trust and support. As to the Centre for Civil-Military Relations of Monterrey (CCMR), it has collaborated enthusiastically with the English edition; its participation will allow a wide spreading of this material around the diverse places in the world where they perform their institutional job.

Support from the Canada's Department of National Defence when sponsoring this publication has been paramount. Those of us, who have coordinated this work, have also reflected on more than one occasion over the last months upon the significance of the presentation of the Comparative Atlas in the Conference of Ministers.. It is evident from our perspective that the organizers' stance has not only made possible the circulation of Latin-American information to other regions through the use of other languages, such as English and French. It has also introduced to RESDAL, and to those who experience the defence field, a constructive view on the possibilities of communication between the State and civil society. For this chance, we send our gratitude to the team of the VIII Conference, and especially, to Mike Snell, for his view and perseverance to make this possible.

Thus, this special edition of the Comparative Atlas presents us with - besides its information - the possibility to reflect upon how we can think of ways to collaborate and work with the common objectives and interests. Perhaps we will have to saw, during the next defence scenarios in Latin America, the seeds of a deeper opening to defence relations and all their complexities. Therefore, governmental, academic, military and civil society actors should also be included in a collaborative and mutual respect dynamics that allow for the attainment of common goals. This historical experience, though culturally unusual within our region, deserves to be developed and strengthened, as well as the debate and action on common interest issues do, where collaboration can help us find better ways towards the consolidation of democracy within defence institutions.

Since its very outset, this work has sought to contribute to the construction of confidence in the hemisphere and to the institutional strengthening of defence. RESDAL is honoured to present it to those attending the VIII Conference of Defence Ministers of the Americas (Banff, Canada), and to those who in due course have access to it, in the hope that it will foster the reflection and debate on the presented issues, as well as the generation and consolidation of mutual confidence, through the shared knowledge of the challenging realities in the regional defence sphere.

*Marcela Donadio  
Paz Tibiletti  
August, 2008.*



# Considering the Region

## A Silent Security “System” for a Discordant Hemisphere

Hal Klepak\*

### Introduction

The marking feature of the Americas in 2008 is surely its discordance as a region. Gone are the days of high-flying speeches announcing projects of hemispheric economic integration. Gone are the days of proposals for wide-ranging political coordination in any number of fields between the states of the hemisphere. And within this context gone are the days of major progress, or at least talk of such, in the defence and security field.

Instead we find ourselves with broad and deep divisions among the members of the inter-American family which seem to say “*aquí de familia no hay nada*.” The United States opposes viscerally and automatically any proposal for reform domestically or initiatives internationally on the part of the Venezuela of Hugo Chávez and that president returns the favour with ferocious, if largely vocal, attacks on the regional hegemon. If much less dramatically, Washington equally expresses its displeasure with most of the programme of reform and international action of President Evo Morales’ Bolivia. This displeasure is also, if in a more muted fashion, rejected by the Bolivian government in its determination to, as it says, end the colonial relationships at the base of its economy. And while much more subtly, the US is clearly unhappy with the leftist or populist trend that has brought Correa to power in Ecuador and Ortega to power in Nicaragua. If the northern giant was already troubled by trends in relative moderates like Argentina and Brazil, it has not been silent on the arrival of what it considers radicals elsewhere.

■ The marking feature of the Americas in 2008 is surely its discordance as a region.

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Meanwhile the Dominican Republic is suspicious of events and leaders in neighbouring Haiti, civil war continues in Colombia complicating that country's relations with all its neighbours, especially Ecuador and Venezuela, Mexico rangles under US border restrictions and other tensions despite a close relationship overall, the Cuba-US conflict shows no real signs of abatement, and even in Central America, united as never before since the early 19<sup>th</sup> century, occasional *brotes* remind us of lingering distrust among regional states. All of this occurs against the backdrop of the massive but utterly stalled initiative to bring free trade to the whole hemisphere and the drawing up of three proposals, essentially antagonistic in much of their breadth, for where the hemisphere should go and how it should get there where economic integration is concerned.

NAFTA is in most senses a success for its original three partners of the United States, Canada and Mexico and has drawn the interest of the northern tier of hemispheric states. But it has been countered not only by the well-known Mercosur initiative in the south but also by the deeply reformist ALBA project proposed by Venezuela, backed by Cuba and well seen by Ecuador. Yet Mercosur, other than bringing in Caracas of late, has not been able to tempt either Chile or Bolivia to fully join (although they have associate status) nor has it been successful enough to induce Colombia or any of the other northern tier countries, including Central America and the Caribbean, to risk their NAFTA possibilities in order to throw in their lot with the southern option.

It should hardly surprise us then, that this context is reflected in a security system at the hemispheric level which is irrelevant to most defence and security issues of weight in the region and thus silent on the majority of them. Despite the real dangers of military force being used in the Cuba-US conundrum, highly volatile at this time of potential change in Cuba, the system never discusses the question. Despite the international dimensions of the Colombian internal conflict, the same applies. The situation between the Dominican Republic and Haiti, much to the former's annoyance, never gets a real hearing in hemispheric circles, especially where its defence and security elements are concerned. Mexican-US matters remain entirely bilateral in this sense and never pass through hemispheric bodies. And if Central American issues do occasionally get a nod where at least some hemispheric interest in them is shown, this is most certainly not the case for the Falklands/Malvinas, whose vexing 25<sup>th</sup> anniversary was in April-June 2007, nor for Venezuelan-US, nor Bolivian-US, nor Bolivian-Chilean, nor many other issues worthy of attention.

### **The Positive Side- Nuanced**

Not all, of course, is doom and gloom. It is easy to forget in the current context how much progress has been made in the last decades where inter-American security is concerned. The settling of the long-standing, central and highly troubling rivalry between the regional giants of Argentina and Brazil is a crowning achievement in the history of the hemisphere but it must be said that the inter-

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American security system had precious little to do with obtaining this happy result. The ending of the consistently problematic border issues between Ecuador and Peru, so often the cause of armed conflict, even as recently as 1995, did have the essential support of members of the system even if it must again be admitted that the system as such was only there very much on the sidelines.

The winding down of the historic border conflicts between Chile and Argentina must also be considered a deeply important series of events in the history of the hemisphere although here again the action was almost exclusively at the bilateral level and most assuredly not at the hemispheric. The same goes for Chile-Peru although there is little doubt that as in the other cases mentioned, hemispheric political and military trends provided a context propitious for progress. Even in Central America, where conflict and distrust have in most senses given way to an atmosphere of cooperation and even unity, the OAS and inter-American security system role was infinitely smaller in the creation of this positive context than was that of the United Nations.

Thus we have made tremendous progress in the settling of many matters of immense interest to the security of the hemisphere and the inter-American system was part of the creation of a context for such progress. But it would be less than honest to say that it had much of a role in most of the unfolding of the actual events themselves on the road to these favourable results. Instead, the system has been there to support but rarely called upon to do so. And this is surely, in large part at least, as a result of the fact that most security and defence problems in the Americas are sub-regional or even bilateral rather than more wide in their scope.

A word should also be said about the positive elements of changes in the hemispheric architecture for dealing with conflict. After many years in limbo, since 1991 and the end of the cold war, it has at least become possible again to discuss defence and security topics at the hemispheric level and specifically at the OAS. In that year a first step to bringing back these essential elements in any region keen on development was taken when an Ad Hoc Hemispheric Security Committee was set up. Within four years it was made permanent, an impossible goal a decade before. At the same time, on the initiative of the United States but a generally well received one, a Defence Ministerial of the American series of conferences was created and is still with us, with meetings held every two years in a member country of the OAS. This brings together ministers who might otherwise never meet and provides a context for cooperation. And their successive meetings soon called on the OAS to organise a more relevant conference on security in the Americas at foreign minister level which could start to handle the myriad non-traditional challenges the region faces in the defence and security field, challenges which were in most cases not within the purview of defence ministers at all but rather of the states' other agencies.

This was often particularly true of 'new' problem areas such as the international illegal drug trade, illegal immigration, terrorism, international crime, epidemics, natural disasters, defence of democracy and civil-military relations, and several others not automatically by any means falling into the rubric of defence ministers in democratic states. The meeting was finally held in 2003 in Mexico City

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and did issue guidelines about coordination of efforts and called for better coordination among states in these more non-traditional security issues, but showed once again that while the hemisphere's states could decide on a common list of concerns, when it came to how to approach them and what priority each should have, debate, sometimes acrimonious, was the result.

Equally encouraging but fraught with difficulties, the curriculum of the Inter-American Defence College (IADC) was brought up to date and purged of its excessive cold war emphasis, and regional initiatives such as the Regional Security System in the eastern Commonwealth Caribbean, and the Central American Democratic Security Treaty flourished. This last trend was reinforced by the series of bilateral successes in conflict resolution referred to above. And more recently the vexing issue of where does the Inter-American Defence Board (IADB) fit in regional architectures was at least addressed and the Board brought into a 'juridical link' arrangement as an agency of the Organization of American States. One will return to this but it is important even at this stage to underscore that while this was achieved, the actual mandate of the body is far from clear to most observers.

■ The entrance of new members to the OAS had emphasized the need for reform of the inter-American security system.

### Stymied Attempts at Real Reform

The entrance of Canada and other Commonwealth nations as members, first of the OAS, and then of the IADB, had emphasized the need for reform of the inter-American security system if one were to make it work. At the OAS various ambassadors, headed early on by Argentina's Hernán Patiño-Mayer, spearheaded demands for reform of a system which had proven itself entirely irrelevant in the 1970s and eighties and was in danger of doing the same in an uncertain future. Their efforts stimulated most of the results, where a hemispheric architecture was concerned, that were achieved.

The Commonwealth states came, however, from an entirely different defence tradition than did those accustomed to the hemispheric order known so far. In the British Commonwealth tradition, it was absolutely standard procedure for Canadian formations to have British, Australian, New Zealand and other units in them and under their command. The same applied to other countries and especially of course to the mother country. While the United Kingdom was certainly the most powerful member of the 'family' there was no tradition of dominance by London in recent decades to the extent of absolute control of logistics, courses, doctrine, or any of the many elements of military affairs. This was underscored for the Canadians by their NATO experience where less than half of general and flag-rank officer commands were held by US officers, and most headquarters and schools were located in member countries other than the United States.

These countries had great difficulty adjusting to a system utterly dominated by one member whose officers held *all* command positions of the system's institutions, whose institutions were *all* on US soil, whose logistics was *all* part and parcel of the logistics system of the US forces, and where bilateral defence relations, under the famous MAPs (Mutual Assistance Pacts) of the 1950s produced a parallel, and arguably more important, real inter-American security system dominated by a



'hub and spokes' approach by the US, utterly at odds with Commonwealth and especially NATO practice. This was a recipe for discomfort if not disaster.

Not surprisingly then, it was these countries which most clamoured for reform. Canada in particular called for not only a revised curriculum for the IADC, which it got in short order, but a rotating presidency of the IADB, at least the possibility of a rotating *sede* for the Board allowing other countries to at least in theory host it at some stage, for elected positions in the case of some key positions in the Board, and other smaller reforms. But while there was some success on elections and rotating presidencies, in fact on major reform there was little. Proposals to the Board to modernize and reduce US dominance were overwhelmingly rejected by the Latin Americans themselves, for reasons which historians will have to delve into. Further reforms were quickly shelved. Only the OAS initiative to finally have a juridical link between that body and the IADB could be counted a major achievement and even there the unwillingness to give the Board a real role diminished massively the utility of this reform, as shown at the Defence Ministerial in Managua in 2006 when member states were not even willing to study the possibility that the Board might be able to help smaller states hosting that major event with its complicated and expensive administration.

### Silence Because the Other Option is Discordance

The reality is that the inability of the hemispheric system to be present in a major way in the vital area of defence and security is merely a reflection of the wider divisions which plague the region at this time. The United States wishes to see a much more efficient system able to respond quickly and seamlessly to US needs for support in the region and more widely in the world. But most Latin American countries do not currently trust Washington and its goals regionally or on the world stage sufficiently to wish to become involved in US military initiatives in general or locally. Thus we may have an unbridgeable gap here that reflects historic as well as current contexts.

From the beginnings in the 1880s the objectives of the US and those of the other American nations clashed where a regional system was concerned. In the beginning Washington wished most particularly to exclude European influence in the Americas and wanted Pan-Americanism as an ideology, and a Pan-American Union as an institution, to work towards this goal. Needless to say, most Latin American countries, wary of excessive US control, wanted just the opposite, especially where European influence was concerned.

The key events that changed this temporarily were the Good Neighbour Policy (1934-54), that showed a US tolerant of democratic reform in the region and willing to work with regional states on the basis of mutual respect and non-intervention, and the Second World War, where the Latin Americans paid the US back in full for such positive policies with a support for that country in time of war unimaginable before 1934. Such was this the case that it was the

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Latin Americans who pressed at Chapultepec in 1945 for a permanent, peacetime, defence arrangement for the hemisphere when the war ended, a staggering victory for US policy perhaps unequalled in the long and chequered relationship between the US and its southern neighbours.

The end of that policy, and the dreadful cold war years, meant also the end of that level of trust. And the heavy weight of history, especially of the role of the system in the cold war, when added to the rejection of recent key policies of the US government by almost all of the states of the Americas, have simply made it impossible to imagine the approval of a system which would make it easier for Washington to mobilize support for military activities with which most regional countries would be in disagreement, often virulent disagreement, most of the time.

## Conclusions

In this context it is not surprising that little progress can be made with building a more effective defence partnership in the hemisphere at this time. Economically the hemisphere is split dramatically into states favouring one or other of the three grand options out there for them and their future- NAFTA, Mercosur, ALBA. Politically, the rifts in the region on what sort of future should be being built are simply massive. And therefore, in the defence and security field, a central one on the political front, the idea of a more active and responsive security system is anathema at the present time.

Surely what is needed is rethinking where we want to go and what is acceptable to us. The rapid, sustained, dramatic Latin American involvement in resolving the current Haitian crisis is an example of what could and can be done if there is mutual respect and a real desire for cooperation. But all observers agree that there was little enough coordination at the hemispheric level on this deployment. Indeed, its very success has trumpeted the need for more efficient hemispheric mechanisms and procedures for rapid response.

When nations do not feel they want to respond, however, then little can be done. And at the moment this is the case. Thus we are likely to see less, not more real defence cooperation in the coming years and the progress made so far on a hemispheric security architecture may be all that can be expected until times change in important ways. Like-minded countries may still operate together in these troubled times. The US may, as with Iraq, be able to cajole some individual countries at the bilateral level into making contributions to US-led coalitions on the world stage. But if this merely reinforces Latin American views that cooperation in these fields with the US is *the* sign of their subservience to that power, then such support may well represent a very pyrrhic victory indeed as a real desire to provide such friendly aid may well become less, not more, pervasive in the Americas.

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## Confidence and Security Building Measures: an Instrument for Peace and Stability

**Francisco Rojas Aravena\***

The development of Confidence and Security Building Measures (CSBMs) has enabled the generation of a new atmosphere in Latin American relations. As from 1995, when the First Regional Conference on CSBMs was held, there have been important advances, particularly in the Southern Cone.

CSBMs have proved to be one of the most efficient instruments for the endorsement of stability and development, through actions tending to limit situations of tension. As an instrument, it requires a continual and steady effort. Likewise, actions and their results should be assessed and suited to the new circumstances, on a regular basis. That entails an efficient, timely and transparent information system.

In 2009 CSBMs will take a new drive within the global and regional system. Both the United Nations and the OAS will be holding specific meetings and activities, tending to reinforce and improve the important role of CSBMs. In effect, the UN General Assembly (in its resolution A/62/391 of the 61<sup>st</sup> session) agreed to “ask the Secretary General to submit a report, in the sixty-third session, containing the opinions of the State Members about the CSBMs at the regional and sub-regional levels.” On the other hand, the General Assembly at OAS, held in Medellin on June 3<sup>rd</sup>, 2008, resolved to entrust the Permanent Council to convoke the fourth meeting of the Forum on CSBMs in the last quarter of 2009, in order to examine the use of CSBMs all through the region, and consider the next steps to be taken (AG/RES. 2398 - XXXVIII-0/08). Similarly, the VIII Conference of Defence Ministers of the Americas, that will be held in Canada, this year will have CSBMs as one of the core issues in its agenda. In the same way, the initiative for the creation of the South American Defence Council has planned to boost CSBMs.

The building of confidence in matters of international defence and security is an essential factor for stability, governance and peace. Without confidence, the whole relations within the sector become tense. Thus, the building of confidence in defence matters is one of the most important instruments in the generation of wider spheres of cooperation, and in the coordination of policies. The progress made in this sector will convey a greater convergence in foreign policies, defence and other areas.

■ The development of confidence building measures has made possible the generation of a new atmosphere in Latin America relations.

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\* FLACSO Secretary General.

## Characteristics of the Confidence and Security Building Measures

Confidence building measures are bilateral and multilateral actions aimed to prevent crises and conflict situations. They seek to enhance international peace and security, and to foster communication among actors. They create the appropriate atmosphere for establishing a framework of understanding that mitigates the perceptions of immediate threat, and avoids potential unanticipated factors. They presuppose the existence of conflicting interests or even of situations of tension, in a context of low confidence in the reciprocal relations. Its use and application, is thus fundamental when the differences are conveyed through the use of military instruments of force - or through the threat to use them -; in this situation, a misinterpretation could trigger an unwanted conflict, and set off immeasurable consequences.

It should also be highlighted, in the first place, that CSBMs are “acts” that establish a mutual relation; they are then, reciprocal. That makes them different from all signals of good will that a State issues for another; as unilateral actions, they do not have a binding effect. The obligatory character of the CSBMs does not refer to the fact that both States develop the same action – what can occur in some cases – but to the fact that they are equivalent and concomitant. The withdrawal of the military forces from a conflict area by one of the actors can – for example – bring a compensatory partial reduction of the other actor’s military stock list.

Confidence building measures are actions that have a necessary reciprocity and are parallel in terms of time, though they are not necessarily equivalent. Through a quick sequence of actions, an effective progress will be reached: one step will be followed by another similar step, as long as the counterpart fulfils the reciprocal commitment. In this sense, the CSBMs are not only “declarations” or “commitments” – in spite of the fact that these are certainly important – but effective “actions”, liable to assessment and verification. The transformation of commitments into actions enables the structuring of specific international regimes.

This is a key factor. When considering declarations, we are only left to believe or not in their content, trust – or not – the stated promises. A declaration does not constitute a CSBM in itself. However, it can contribute to strengthen the actions and reaffirm the context of the political will. A declaration can not change reality for itself. Implemented actions, therefore, will generate a different world. Relinquishing the use of force, for instance, does not make the military force disappear. Reporting about the military exercises in the frontiers, instead, avoids the sense of imminent threat; modifying the deployment in the frontiers is an action that transforms the perception of the threat and its material feasibility.

The CSBMs have ten characteristics: transparency and openness; predictability; reciprocity and equivalence, appropriate communication, relation-building, feasibility; coherence, verification, social support and variability, according to the number of actors.

In this context, it is essential that the States comply with the obligation to inform about the performed activities every year. Currently, only a few States in the region submit information on a regular and precise basis. Additionally, it is

■ Confidence and Security Building Measures are effective “actions”, liable to assessment and verification.



crucial to improve the systematization labour that the Inter-American Defence Board carries out. Without these elements, it will not be possible to check and revise implemented actions, nor to advance in favour of the objectives pursued through the CSBMs.

### **Building strong foundations of reciprocal confidence**

In order to generate cooperation and policy-coordination spheres, it is essential to solve the issue of basic confidence. Building confidence within the region requires focusing on two crucial aspects: sovereignty (as regards territorial integrity) and autonomy (as to non-interventionism and non-interference of external actors in political, economic, social and cultural issues).

The aspect of sovereignty is related to the continuity of the State; whereas autonomy is related to the capacities to determine the appropriate political regime. The development of political dialogue spheres and specific confidence and security measures makes further progress possible with regard to the first dimension. Developing a practice according to the Inter American Democratic Charter will lead to the solution of interference related matters.

The depicted situation shows how, in the thirty five countries of America, governance, defence and development agendas interweave, mix up in a wide range of actors, and within a context of strong blend of international and domestic variables. All of that occurs within a background of dispersal and the lack of “an only voice” regarding regional and global issues; which can be surmounted when peace is at stake.

Cooperation and coordination of policies are essential when facing new challenges and vulnerabilities of defence and security fields in the western hemisphere. Though these challenges and vulnerabilities essentially bear a non-military character, the use of force is present. On the other hand, it will be necessary to look for parallel solutions with the development agenda; which is linked to, and affects, security matters. Hence, the importance of establishing action areas within institutions in charge of the defence, and within those institutions responsible for the public security, since the lack of transparency in the missions results in the de-professionalism of both areas.

Security is multi-dimensional, multi-level and multi-institutional, and involves different actors. Consequently, it demands complex responses. Defence maintains a significant space, though this sector has been increasingly demanded to fulfil new tasks and missions. The actors of the defence – the Ministries – have developed forms of cooperation that are still weak. However, the joint actions (as in the case of the MINUSTAH) are opening up broad courses of cooperation in the region. The development of the Argentine-Chilean joint brigade *Cruz del Sur* (Southern Cross) has even led to speak - at the bilateral level - of cooperation and integration measures. These two examples make evident that a constant, verified, assessed and highly transparent labour can produce results that not only reach the basic objectives and practices but also go beyond: advance toward cooperation and complementation, and contribute to integration.

■ In order to generate cooperation and policy coordination spheres, it is essential to solve the issue of basic confidence.



## Latin American Civil-Military Relations in the 21st Century

Louis W. Goodman\*

A cold war of distrust marked relations between Latin American civilian and military leaders in the twentieth century.<sup>1</sup> Military leaders often saw civilian politicians as incompetent and self-indulgent. Some were even branded as unpatriotic and allied with foreign interests. The frequent military ascension to power was often motivated by a perceived need to save their nations from weak, corrupt, and undisciplined civilian leadership. Civilian leaders, on the other hand, commonly viewed their experiences as attempts to make government responsive to the wider population which had been thwarted by a self-important military in league with self-interested local oligarchs.

This icy relationship began to thaw with the return of civilian rule in the 1980s and has been further warmed by restraints on military return to power, many imposed by military institutions themselves. The lacklustre economic and political results of twentieth century Latin American military rule, combined with the divisions which these experiences created in many national forces, has dampened both military and civilian enthusiasm for *de facto* governments headed by military leaders.

With the return to civilian rule and end of the Cold War, the size and budgets of national forces fell substantially; defence ministers, many civilians, have been named by popularly-elected civilian presidents; civilians staff many professional administrative posts in defence ministries; civilians and military have been permitted to attend each others' institutions of advanced studies; compulsory conscription has been ended in many countries; women have joined the Armed Forces in increasing numbers; "White Books" have made military budgets and force structure more transparent; and debates on national defence matters are now frequently initiated by congressional committees.

While this thaw is far from complete, civil-military relations in Latin America have taken on a different character in the 21<sup>st</sup> century. Progressive national political forces are no longer openly labelled as supporters of perfidious foreign influences. The Armed Forces no longer see military governments as solutions to national political problems. Civilian leaders no longer fear military coups as barriers to democratic progress. Still the inefficiencies and inequalities continue which, in part, prompted military leaders, such as Argentina's Juan Carlos Onganía and Peru's Juan Velasco Alvarado, to topple elected civilian governments. While

The frequent military ascension to power was often motivated by a perceived need to save their nations from weak, corrupt, and undisciplined civilian leadership.

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<sup>1</sup> GOODMAN, Louis W, MENDELSON, Johanna S.R. y RIAL, Juan, *The Military and Democracy: The Future of Civil-Military Relations in Latin America*. Lexington Books, Lexington, Massachusetts, 1990.



Latin American economic growth has been high since 2004<sup>2</sup>, the record of previous decades has left 250 million of Latin America's 600 million inhabitants mired in poverty, with 100 million not being able to provide for basic nutrition and shelter.<sup>3</sup> While ratios comparing nations' top and bottom wealth quintiles is at 4 to 1 in countries such as Sweden and Taiwan, such ratios in Latin America are the highest for any world area, averaging 15 to 1, with levels in Brazil, Guatemala, Panama and Mexico exceeding 30 to 1.<sup>4</sup> Specific social conditions have markedly deteriorated with drug-related and petty crime increasingly controlled by complex organizations with transnational ties, and fragile eco-systems endangered by economic forces or by climatic meltdown.

While these conditions do not cause 21<sup>st</sup> century Latin American Armed Forces to topple civilian governments, they do result in military action, now initiated not by generals but by civilian political leaders. Unable to provide basic health and education for impoverished rural populations with civilian institutions, politicians "call in the troops" and soldiers are asked to provide these services. Unable to control the activities of "drug mafias" and many forms of petty crime, politicians "call in the troops" and soldiers are asked to carry out police functions. Unable to collect garbage, vaccinate dogs and livestock, or distribute fertilizer to farmers, politicians "call in the troops" to provide services usually provided by sanitation and agriculture agencies. Latin American civilians greatly appreciate this useful service by their uniformed countrymen. But this covering for civilian failings, without a "sunset plan" for military being expensively re-trained to assume these roles, only delays the day when Latin American citizens are served by governments with solid institutions sustained by highly qualified professionals institutions which provide the foundation for citizens creatively building lives in a context of prosperity and peace.

While Latin American militaries may be asked to assume many roles fully taken on by civilians in other national contexts, at the same time Latin American nations continue to depend on their Armed Forces to carry out the roles associated with their basic missions: providing for national defence, responding to emergencies caused by natural disasters, and cooperating with other nations to confront common enemies. While the relative dearth of regional wars makes the first function seem less important, the regions' militaries are called upon to respond to disasters caused by hurricanes, earthquakes, and floods on a regular basis and nations' ties with their allies have been reinforced significantly by participation in joint military operations and multi-lateral peace-keeping missions. Sometimes the ability to carry out these roles is diluted by political demands that the military take on non-defence roles, often over objections of military leaders.

Latin American military budgets, low compared with those of nations in other regions, cover mostly personnel costs associated with the salaries of soldiers and civilian support staff. Military pay levels, like those of most of the region's public

■ While this thaw is far from complete, civil-military relations in Latin America have taken on a different character in the 21<sup>st</sup> century.

2 CEPAL, *Economic Survey of Latin America and the Caribbean, 2004-2005*. Naciones Unidas, Santiago de Chile, 2005.

3 USAID, *Latin America and the Caribbean 2004: Selected Economic and Social Data*. United States Agency for International Development, Washington D.C., 2005.

4 *World Development Report 2006, Equity and Development*. The World Bank. Washington D.C., 2005.

servants, are not sufficient to cover middle-class living standards. Thus military men, even high-ranking officers, often search for second jobs ranging from taxi driver to security guard or are vulnerable to non-governmental groups topping-off their salaries in exchange for “considerations.” This budgetary weakness further impedes the ability of many Latin American militaries to be able to count on fully professionalized forces adequately attentive to basic defence missions.

Twenty-first century civil-military relations in Latin America bear scant resemblance to the stereotype of eager coup-makers responding to self-interested oligarchs knocking on barracks doors. Today the challenge is to provide the regions’ Armed Forces with the resources they need to carry out the very essential national defence functions of the twenty-first century and to strengthen civilian capacities such that proper guidance is given to national Armed Forces by civilian-designed national defence plans and civilian administration of national defence institutions. Similarly civilians must develop capacities to provide citizens with basic services in a wide range of areas such that politicians no longer feel the need to “call in the troops.” This is how to further warm civil-military relations in Latin America and to contribute positively to the building of democratic political systems.

■ Today the challenge is to provide the regions’ Armed Forces with the resources they need to carry out the very essential national defence functions and to strengthen civilian capacities.

## The Modernization Processes: Institutions and Defence Missions

■ **Gustavo Suárez Pertierra\***

■ Given the current strategic scenario, the defence is forcibly shared and, many times exercised, far away from our own borders. In order to address this new and dynamic reality, two important issues - at least - should be solved beforehand:

- What could be named as the defence institutionalization, which affects one of the great State organizations. In other words, it is about defining how the Armed Forces are going to interweave in the institutional State fabric.

- What missions should these corporations have (which, besides, hold the monopoly of violence), in order to cater for the great defence objectives that generally stem from the Constitution.

Though, of course, experience cannot be passed on, I will try to make an outline – through the Spanish case – pointing out some key elements required to solve the matters occurring in those societies facing transitional processes and a noticeably verified institutional weakness.

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In the context of the Spanish transition, we find a unstructured society, faced with internal problems only artificially solved (like, for instance, the problem of the State's territorial organization); with oversized and internationally isolated, equipment-constrained Armed Forces, exercising inappropriate functions and jealous of their autonomy. If adding the phenomenon of terrorism (which during the first transitional years, chose the military as a target of their attacks with the intention of destabilizing the system) the result is an overview of that situation.

In 1978, we the Spanish gave ourselves a democratic Constitution after long decades of dictatorship. The Constitution, on the one hand, stipulates the army missions in observance to the classical criteria of national sovereignty, and positions the Armed Forces under the authority of the Government, who manages the State defence and military policies. On the other hand, it establishes a clear distinction between the Armed Forces and the State security forces, to the extent that not even the military security corps (the Civil Guard) is summoned to be a part of the Armed Forces, as ruled by the Constitution.

From here on, the process that I have called institutionalization begins. What do we mean when we express the idea of interweaving the Armed Forces in the State institutions? As I see it, there are two fundamental aspects: the first one is the integration of authority, that is to say, the issue of who is attributed the management of that great organization. The second one concerns the distinction between management functions and executive functions. That is valid both for the great corporations in general, and for the armed forces and State security corps; it specially refers to the Executive Branch.

By the time of the Spanish transition, the hierarchical position of the fundamental State authorities had to be clearly outlined. While developing the Constitution, a law with the basic criteria of the national defence was ruled in 1980, - reformed in 1984 -, defined the role of the President of the Government as the Defence superior authority, which until then correspond to a military joint body. Likewise, the Minister of Defence set up as the right authority in military policy matters and as delegate of the President concerning other issues. As for the military decision-making bodies, they became advisory bodies and ceased bearing any executive relevance.

From another perspective, the institutional position of the Legislative Power is usually a good feature of the maturity of the democratic systems. The Parliament has the fundamental functions of legislating (for instance, the annual budgetary law), monitoring the government or setting itself up as the venue of the great national debates. In this sense, the existence of commissions specifically focused on the security and defence issues is very important. Its great debates should be carried out in the Chamber; for example, the recruitment, decisions on the equipment deals, the definitions - in strategic terms - of the size of the Armed Forces over the next decades, or of when there should be a change of model from a conscript army to a professional one. The European Parliaments are showing, for instance, an increasing relevance when it comes about authorizing armed interventions abroad. Given that the defence is occasionally exercised from beyond the frontiers, when it comes about sending armed contingents to carry out missions

■ Given the current strategic scenario, the defence is shared and, many times, exercised far away from our own borders.

abroad, there is usually an intervention that sets the limits and conditions and eventually authorizes the government to proceed with the delivery of troops.

As to the Judiciary - in order to give a more complete picture - the Armed Forces usually have a full jurisdictional system - extraordinarily extensive at times - that should be integrated in a sole democratic State power for the prosecution of crimes. This convergence, which in the Spanish case was reached through the establishment of a Military Chamber in the Supreme Court of the Nation, should be guaranteed notwithstanding the possible existence of professional systems of military jurisdiction for specifically military crimes.

It has been said before that, besides the institutionalization problems, the questions of the Armed Forces missions are of critical importance. The armies fulfill some functions that traditionally and naturally belong to their realm: the defence of sovereignty and the territorial integrity, or the defence of the system, which formally focuses on the constitutional order. For that purpose they train, and to that respond their specific doctrines and the resources they are equipped with: a distinctive organization, based on hierarchy, discipline and cohesion, a logistics system and an international connections system.

However, and due to different reasons, the military organization sometimes carries out his tasks amidst other important State organizations institutional weakness, so that they become the only organization able to assure the performance of certain social functions that have nothing to do with defence. In this scenario, they tend to occupy empty spaces, so they end up incorporating a group of inappropriate missions for which they are not trained. These missions are only justified if necessary and if assumed in a temporary manner; they may bring about certain change of nature in the armies, and carry the danger of turning them away from their specific missions and, of inevitably engendering certain functional autonomy.

The most outstanding problem in this field is the grey line that separates the relation between the Armed Forces and the security corps. In Spain, along with the estrangement of the armies from public order preservation functions – as one would expect from a system with no liberties –, modernization processes had to be set in motion in the Forces and the security corps, so as to let them be perceived as citizen security keeping forces, instead of repressive forces. But the great reform took place in the demilitarization process of the security forces organization. Until 1986 the commanders were of military origin, they were trained in military academies and the organization of the executive functions was military, too. This reform was posed bearing in mind that they could not face citizen security through the use of doctrines that are laden towards the defence and global security spheres. This is so, because these global problems should be addressed from their complex condition, what in turn requires the use of a set of resources of diplomatic, economic, financial, social and of course military character, if it so happens.

There is an additional reference to the coordination of the federal or national security forces and those that do not belong to the State sphere, but to minor territorial spheres. While the defence can not be transferred to the region or municipality, the citizen security protection function, however, can be transferred to other territorial organizations. This does not certainly imply that the Armed Forces

■ The most important issues are the institutionalization and the mission the Armed Forces should have.



■ The modernization processes are quite lengthy, subject to the swings of the political majorities; in order to deal with that, strong ministries are required, with powerful organizations that allow to put policies into practice.

should be dismissed, when facing a real problem that needs to be addressed through the use of all the national resources. These functions can be exercised in accordance with the legal framework, when the government instructs so – exceptionally -, provided that they bear a complementary, assisting and temporary character.

A final reference: all of this may work if there are solid, powerful and stable administrations. The modernization processes are quite lengthy, subject to the swings of the political majorities; in order to deal with that, strong ministries with powerful organizations that allow to put into practice the necessary measures at the right pace, are required.

But the bottom line is that the most serious problem lies in the absence of societies being involved in the defence public function. Therefore, it is necessary to transparently put into practice this public policy; to listen to the citizens, to inform them about the problems that the global security entail nowadays, to share these problems with the citizens, and also to launch intensive training programs for officials in this matter: political parties, military, police, opinion-makers, scholars, and so on. Being aware of our lack of experts in this field is the first step towards the resolution of the challenges posed by the security and the defence issues, in this ever-changing world.

Chapter 1:

# The Legal Framework



**What do the Constitutions define?**

Country	Leading Political Procedures	Military Instrument	Other Dispositions
<b>Argentina</b> (1853, Last Reform 1994)	<p><b>Powers of the President:</b> Commander-in-Chief of the Armed Forces (Sec. 99, sub. 12). Declare war with the approval of the Congress (Sec. 99, sub. 15) and the state of siege in case of external attacks, for a limited period of time, with the approval of the Senate (Sec. 99, sub. 16). Appoint senior officers with the approval of the Senate (Sec. 99, sub. 13). Arrange, organise and distribute the Armed Forces (Sec. 99, sub. 14).</p> <p><b>Powers of the Congress:</b> Approve the declaration of war (Sec. 75, sub. 25) and the declaration of state of siege in case of external attacks (Sec. 61). Authorise the president to make peace (Sec. 75, sub. 25). Authorise the entry of foreign troops to the national territory and allow the deployment of national troops outside the country (Sec. 75, sub. 28). Establish the Armed Forces (Sec. 75, sub. 27). The Chamber of Deputies has the law initiative on raising revenue and recruitment of troops (Sec. 52). Organize and govern the Armed Forces (Sec. 75, sub. 27). Levy direct taxes for a certain amount of time, in all the territory of the Nation, as long as the defence, common security and general welfare of the State policies so require it (Sec. 75, sub. 2). Approve or dismiss treaties concluded with other nations and with international organizations, as well as the concordats with the Holy See (Sec. 75 sub. 22).</p>	No reference.	<p>The Federal Government intervenes in the territory of the provinces to repel foreign invasions (Sec. 6). Citizen participation: every argentine citizen is obliged to bear arms in defence of the Nation and the Constitution (Sec. 21). The international treaties and concordats celebrated with the Holy See have a higher hierarchy than laws (Sec. 75, sub. 22 y 24).</p>
<b>Bolivia</b> (1967, Last Reform 2005)	<p><b>Powers of the President:</b> General Captain of the Armed Forces (Sec. 97). Conserve and defend external security (Sec. 96, sub. 18). Assign the Commander-in-Chief of the Armed Forces and the Commander of the Army, the Air Force and the Navy (Sec. 96, sub. 19). Appoint senior officers with the approval of the Congress (Sec. 96, sub. 20). Grant the aforementioned ranks in the battlefield, during the state of international war (Sec. 96, sub. 21).</p> <p><b>Powers of the Congress:</b> Approve the declaration of war (Sec. 68, sub. 7). Approve the appointment of senior officers (Sec. 66, sub. 8; Sec. 96, sub. 20). Approve the entry of foreign troops to the national territory and allow the deployment of national troops outside the country (Sec. 59, sub. 15 and 16). Approve the number of Armed Forces (Sec. 59, sub. 14; Sec. 68, sub. 8; Sec. 207). The Armed Forces depend on the President of the Republic and receive their orders regarding administrative matters, through the Ministry of National Defence, and in technical matters, through the Commander-in-Chief (Sec. 210).</p> <p><b>Supreme Council of National Defence:</b> Composition, organization and powers assigned by law, preceded by the General Captain of the Armed Forces (Sec. 212).</p>	<p><b>The Armed Forces:</b> They are obedient, non deliberant, and are subject to military laws and regulations (Sec. 209). The Armed Forces are composed of the Commander-in-Chief, the Army, the Air Force and the Navy (Sec. 207). Organization: they rely on their hierarchy and discipline (Sec. 209). Mission: defend and conserve the national independence, security and stability of the Republic and the national honour and sovereignty; ensure the enforcement of the Political Constitution, guarantee the stability of the legally constituted Government and cooperate in the integral development of the country (Sec. 208). Promotions in accordance with the law (Sec. 214). The members of the military on active duty cannot be elected President, Vice president (Sec. 89, sub. 3) or national representatives (Sec. 50, sub. 1) unless they resign and retire at least sixty days before the election, but they can exercise all the other citizenship rights (Sec. 209).</p>	<p>Any armed force or association of people who attribute themselves the people's sovereignty is guilty of the crime of sedition (Sec. 4, sub. II). Citizen participation: all Bolivians are obliged to do military service (Sec. 8, sub. f; Sec. 213). In case of international war, the National Police shall depend on the Commander in Chief of the Armed Forces for as long as the conflict lasts (Sec. 218).</p>
<b>Brazil</b> (1988, Last Reform 2007)	<p><b>Powers of the President:</b> Supreme Commander of the Armed Forces (Sec. 84, sub. XIII). Declare war with the approval of the Congress, in case of foreign aggression (Sec. 84, sub. XIX); decree the state of defence and the state of siege (Sec. 84, sub. IX). Make peace with the approval of the Congress (Sec. 84, sub. XX). Allow the entry of foreign troops to the national territory (Sec. 84, sub. XXII). Appoint the Commanders of the Armed Forces, and promote general officers (Sec. 84, sub. XIII).</p>	<p><b>The Armed Forces:</b> The Armed Forces are permanent, regular and apolitical national institutions, organized on the bases of hierarchy and discipline (Sec. 142). They are composed of the Navy, the Army and the Air Force (Sec. 142). Incorporation, age limits, rights, obligations, remuneration, prerogatives and other special situations of the members of the military, given the characteristics of their activities, including those carried out due to international commitments and war are determined by law (Sec. 142).</p>	<p>The international relations of Brazil are governed, among other principles, by the defence of peace and the peaceful resolution of conflicts (Sec. 4, sub. 6 and 7). The action of armed groups either civil or military against the constitutional order and the democratic State is a crime not subject to limitation (Sec. 5, sub. XLIV). The Union must ensure national defence (Sec. 21, sub. III) and legislate on territorial, aerospace, maritime, civil defence, and national mobilization (Sec. 22, sub. 28). All nuclear activity within the national territory</p>

1 Consejo Supremo de Defensa Nacional. \* As of August 2008, a Constituent Assembly process was in progress.





Country	Leading Political Procedures	Military Instrument	Other Dispositions
Brazil	<p>Solely initiate laws which establish or modify the number of regular force members, or rule over members of the military, their legal system, promotions, stability, assignment of positions, remuneration, reform, and transfer to the reserve (Sec. 61, sub. 1).</p> <p><b>Powers of the Congress:</b> Approve the declaration of war (Sec. 49, sub. II). Authorise the President to make peace (Sec. 49, sub. II). Approve the deployment of troops (Sec. 49, sub. II). Determine and modify the number of troops of the Armed Forces (Sec. 48, sub. III).</p> <p><b>Council of the Republic<sup>2</sup>:</b> It is the President's superior consultation body (Sec. 90). Express position on federal intervention, state of war and state of siege (Sec. 90, sub. I).</p> <p><b>Council of National Defence<sup>3</sup>:</b> It is the President's consultation body on issues related to national sovereignty and the defence of the democratic State (Sec. 91). The Council is composed of the Vice President of the Republic, the President of the Chamber of Deputies, the President of the Federal Senate, the Minister of Justice, the Minister of Defence, the Minister of Foreign Affairs, the Minister of Planning, the Commanders of the Navy, the Army and the Air Force (Sec. 91). Express position on the hypothesis of war declaration and peace settlement (Sec. 91, sub. I); the declaration of the state of defence, the state of siege and federal intervention (Sec. 91, sub. II). Propose the criteria and conditions for the use of areas which are indispensable to the security of the national territory, and expresses opinion on its effective use, especially on border zones and on those related to the preservation and exploitation of natural resources of any kind (Sec. 91, sub. III). Study, propose and monitor the development of initiatives required to guarantee national independence and the defence of the democratic State (Sec. 91, sub. IV).</p>	<p>Military service is compulsory in accordance with the law (Sec. 143). Mission: defend the Fatherland and the guarantee of constitutional powers and, on the initiative of any of them, the law and order (Sec. 142). The members of the military on active duty are not entitled to join labour unions or to go on strike; neither can they belong to political parties (Sec. 142, sub. IV), they cannot be candidates on elections (Sec. 14, sub. 8), habeas corpus does not apply to military disciplinary punishment (Sec. 142, sub. 2). Military justice: it shall be incumbent upon the Military Courts to process and judge the military crimes defined by law (Sec. 124).</p>	<p>ry shall only be admitted for peaceful purposes and subject to approval by the National Congress (Sec. 21, sub. XXIII, a).</p>
Chile (1980, Last Reform 2008)	<p><b>Powers of the President:</b> Supreme Chief of the Armed Forces in times of war (Sec. 32, sub. 18). Maintain external security (Sec. 24). Declare war after the pertaining law has been passed, and after hearing the National Defence Council (Sec. 32, sub. 19). Appoint and remove the Commanders-in-Chief of the Army, the Navy and the Air Force (Sec. 32, sub. 16; Sec. 105). Appoint, promote and remove officers (Sec. 32, sub. 16). The President has the law initiative to establish the air, land and sea forces, and the ones which establish rules for the entry and deployment of troops (Sec. 65; Sec. 63, sub. 13). Arrange, organize and distribute the Armed Forces depending on the needs of national security (Sec. 32, sub. 17).</p> <p><b>Powers of the Congress:</b> The Chamber of Deputies has the law initiative regarding recruitment (Sec. 65). Accuse (only Deputies) and judge (only Senators) Generals and Admirals (Sec. 52, sub. 2, d; Sec. 53, sub. 1). Approve or dismiss international treaties which the President might introduce before they are ratified (Sec. 54, sub. 1).</p> <p><b>National Security Council<sup>4</sup>:</b> Formed by: Chief of State (President), President of the Senate, Deputies and Supreme Court, Commander in Chief of the Armed Forces, General Director of Carabineros and General Controller of the Republic when the President</p>	<p><b>The Armed Forces:</b> Depend on the National Ministry of Defence, they are essential to the national security, they are obedient, non deliberant, professional and disciplined, and follow a hierarchical order (Sec. 101). They are composed of the Army, the Navy and the Air Force (Sec. 101). Mission: defend the Fatherland (Sec. 101); safeguard the public order during elections (Sec. 18). Incorporation to the Armed Forces is performed through their own schools, except in the case of professional scales and civilian personnel (Sec. 102). Appointments, promotions, retirement of officers, ranks, incorporation, social security, seniority, command succession and budget are determined by constitutional organic law (Sec. 105). The members of the military on active duty cannot be elected Deputies or Senators unless they resign and retire during the year preceding the election (Sec. 57, sub. 10). Obligatory military service (Sec. 22).</p>	<p>It is the duty of the State to safeguard national security (Sec. 1). Freedom of teaching has no other limitations but those imposed by moral, good customs, public order and national security (Sec. 19, sub. 11). Associations which are contrary to moral, the public order and the security of the State are prohibited (Sec. 19, sub. 15). Citizen participation: all Chileans have the fundamental duty to honour their Fatherland, to defend its sovereignty and to contribute to preserve the national security (Sec. 22).</p>

2 Conselho da República. 3 Conselho de Defesa Nacional. 4 Consejo de Seguridad Nacional.



Country	Leading Political Procedures	Military Instrument	Other Dispositions
<b>Chile</b>	deems it necessary, the Ministers of Government, National Defence, Public Security, Foreign Affairs, and Economy and Public Finances can be present (Sec. 106). Advise the President regarding national security (Sec. 106). The President summons it and an absolute majority is required to session (Sec. 107).		
<b>Colombia (1991, Last Reform 2007)</b>	<b>Powers of the President:</b> Supreme Commander of the Armed Forces (Sec. 189, sub. 3). Provide external security (Sec. 189, sub. 6). Declare war with the approval of the Senate, except in case of foreign aggression (Sec. 189, sub. 6) and lead operations when deemed necessary (Sec. 189, sub. 5). Accord peace informing the Congress (Sec. 189, sub. 6). Appoint officers with the approval of the Senate (Sec. 189, sub. 20; Sec. 173, sub. 2). Direct and mobilize the Public Force (Sec. 189, sub. 3). <b>Powers of the Congress:</b> Approve the declaration of war (Sec. 173, sub. 5). Approve the appointment of senior officers (Sec. 173, sub. 2). Approve the entry of foreign troops (Sec. 173, sub. 4), when the Senate is in recess this duty is responsibility of the President (Sec. Sec. 189, sub. 7). Dictate general rules with objectives and criteria to establish the wage level and social benefits of the public force (Sec. 150, sub. 20, e).	<b>The Military Forces**:</b> The Military Forces are the Army, the Navy and the Air Force (Sec. 217). They are non deliberant (Sec. 219). Promotions, rights and obligations of their members, disciplinary regime and social security benefits are determined by law (Sec. 217). The education and training include the fundamentals of democracy and human rights (Sec. 222). Mission: defend the sovereignty, independence, the integrity of the national territory and the constitutional order (Sec. 217). The members of the military on active duty are not entitled to join labour unions (Sec. 39), to vote, to make petitions except on issues related to their service or participate in political activities and debates (Sec. 219). They cannot be elected congressmen unless they resign and retire at least twelve months before the election (Sec. 179, sub. 2). The Commanders of the Armed Forces cannot be elected President prior to one year after they left their previous post (Sec. 197). In case of manifest infraction of a constitutional precept to the disadvantage of any person, the responsibility shall fall exclusively on the superior who gives the order (Sec. 91). Military justice for military crimes (Sec. 221, Sec. 250), civilians can not be tried by Martial Law (Sec. 213).	The State is essentially aimed at defending independence and maintaining territorial integrity (Sec. 2). The foreign policy of Colombia shall be oriented to the integration of Latin America and the Caribbean (Sec. 9). One of the duties of the individual and citizen is to strive towards the achievement of peace-keeping (Sec. 95, sub. 6). Citizen participation: all Colombians are obliged to bear arms when public need demands it to defend national independence and public institutions (Sec. 216).
<b>Dominican Republic (2002)</b>	<b>Powers of the President:</b> Supreme Commander of Armed Forces (Sec. 55). Provide legitimate defence to the Nation in case of real or imminent foreign armed attacks (Sec. 55, sub. 15). Appoint and dismiss the members of the Councils of War of the Armed Forces and of the National Police (Sec. 55, sub. 17). Arrange everything related to the Armed Forces (Sec. 55, sub. 14) and to military zones (Sec. 55, sub. 8). <b>Powers of the Congress:</b> Declare the state of national emergency in case national sovereignty is in real or imminent danger; when the Congress is in recess the President shall have the faculty to declare it (Sec. 37, sub. 8). Approve or dismiss international treaties and agreements signed by the Executive Power (Sec. 37, sub. 14).	<b>The Armed Forces:</b> They are obedient, apolitical and non deliberant (Sec. 93). Mission: defend the independence and integrity of the Republic, maintain the public order and abide by the Constitution and the laws. Intervene in programs of civic action and plans devoted to promote the social and economic development when the Executive Power requires so (Sec. 93). The members of the military on active duty cannot run for President at least during the year preceding the election (Sec. 50, sub. 4) nor can they vote (Sec. 88, sub. 2).	Citizen participation: every Dominican shall provide the civil and military services that the Fatherland may require for its defence and conservation (Sec. 9, sub. b). Sovereignty is inviolable. The Republic is and shall always be free and independent of any foreign power. The principle of non intervention is a permanent rule of international politics. It recognizes and applies the regulations of general and American International Law as long as its public powers have adopted them, and favour economic solidarity of the American countries and shall support every initiative inclined to defend its basic products and resources (Sec. 3). Freedom of association and unarmed meeting, with political, economic, social, cultural purposes or of any other kind, which are contrary to the public order, national security or good customs (Sec. 8, sub. 7). All the information media have free access to official and private news, as long as they are not against the public order or endanger national security (Sec. 8, sub. 10).
<b>Ecuador (1998)*</b>	<b>Powers of the President:</b> Maximum authority to the public force. The President would be able to delegate the authority in case of national emergency (Sec. 171, sub. 14; Sec. 184). Maintain national sovereignty and defend the integrity and independence of the State (Sec. 171, sub. 13). Declare the state of emergency in case of imminent external aggression or international war (Sec. 180). Assumes the political direction of war (Sec. 171, sub. 15). Assign the members of the High Military Command and grant hierarchical promotions to general officers (Sec. 171, sub. 14). Use and summon the whole or part of the reserved forces for active service (Sec. 181, sub. 7). Arrange the use of the Public Force (Sec. 181, sub. 7 and 8).	<b>The Armed Forces:</b> They are obedient and non deliberant, their authorities are responsible for the orders they give (Sec. 185). The National Police is an auxiliary force to the Armed Forces for the defence of national sovereignty (Sec. 183). Permanent Armed Forces and Reserve shall be organised according to the needs of national security (Sec. 183). Mission: preserve national sovereignty, defend the integrity and independence of the State and guarantee its legal order (Sec. 183). The members of the military on active duty cannot be candidates for elections subject to popular vote (Sec. 101, sub. 5). The Armed Forces can participate in economic activities related to national defence (Sec. 190). Obligatory military service. The citizens shall be assigned a civil service to the community, if they	Proclaim peace, cooperation as a system of existence and legal equality of States (Sec. 4, sub. 1). Promote the development of the international community, and the stability and strengthening of its organizations (Sec. 4, sub. 4). Advocate integration, especially of the Andean and Latin American regions (Sec. 4, sub. 5). Individuals or legal persons shall under no circumstance acquire land or concessions in national security areas for economic exploitation (Sec. 15). No information located in public files shall be withheld, except the documents for which such reserve is demanded for national defence reasons (Sec. 81). The access to personal information located in the files related to national defence shall be determined by law (Sec. 94). The competences of the central government

\* As of August 2008, a Constituent Assembly process was in progress. \*\* Denomination used in the constitutional text.

Country	Leading Political Procedures	Military Instrument	Other Dispositions
<b>Ecuador</b>	<p><b>Powers of the Congress:</b> Approve or dismiss international treaties, when applicable (Sub. 130, sub. 7). Approve treaties and international concordats over territorial matters and limits (Sec. 161, sub. 1) and those which establish political or military alliances (Sec. 161, sub. 2).</p> <p><b>National Security Council<sup>5</sup>:</b> It is the superior body responsible for the national defence (Sec. 189).</p>	<p>should plead objection of conscience based on moral, religious or philosophic reasons determined by law (Sec. 188). The members of the public force on active duty are not entitled to vote (Sec. 27). Military justice for military crimes. In case of common infractions, they shall be subject to ordinary justice (Sec. 187).</p>	<p>may be decentralised, except national defence and security (Sec. 226). Citizen participation: all citizens have the duty and responsibility to defend the integral territory of Ecuador (Sec. 97, sub. 2), cooperate in peacekeeping and security (Sec. 97, sub. 15). All the citizens of Ecuador and foreign residents are obliged to cooperate with the National Security Council (Sec. 189).</p>
<b>El Salvador (1983, Last Reform 2003)</b>	<p><b>Powers of the President:</b> General Commander of the Armed Force (Sec. 157). Maintain intact the sovereignty and integrity of the territory (Sec. 168, sub. 2). Sign treaties and international concordats, subjecting them to the Legislative Assembly (Sec. 168 sub. 4). Report on what the Assembly requires, except in the case of secret military plans (Sec. 168, sub. 7). Confer military ranks in accordance with the law (Sec. 168, sub. 11). Organize, maintain (Sec. 168, sub. 11) and arrange the Armed Forces, to maintain the sovereignty, order, security and tranquility of the State (Sec. 168, sub. 12). Summon the necessary force for active duty (Sec. 168, sub. 12). Direct war (Sec. 168, sub. 13). Accord peace treaties with the approval of the Assembly (Sec. 168, sub. 13). Determine the number of active troops of the Armed Forces on an annual basis (Sec. 168 sub. 19).</p> <p><b>Powers of the Assembly:</b> Declare war (Sec. 131, sub. 25). Authorise the President to make peace (Sec. 131, sub. 25). Approve or dismiss the transit of foreign troops on the national territory, and the sojourn of foreign combat ships or aircraft, longer than established in the treaties or international practices (Sec. 131, sub. 29).</p> <p><b>Executive Body on the Branch of Defence and Public Security<sup>6</sup>:</b> Determine the number of troops annually according to the needs of the service (Sec. 213).</p>	<p><b>The Armed Force<sup>**</sup>:</b> It is a permanent institution at the service of the Nation. It is obedient, professional, apolitical and non deliberant (Sec. 211). Its mission is to defend the sovereignty of the State and the integrity of the territory. The President shall exceptionally use the Armed Force to maintain internal peace, in accordance with the Constitution (Sec. 212). The Armed Force shall cooperate with works of public benefit assigned by the Executive Power and shall help the people in case of a national disaster (Sec. 212). The Armed Force is obliged to cooperate with the special commissions of the Legislative Assembly (Sec. 132). It is part of the Executive branch and it is subordinated to the authority of the President as General Commander. Its structure, legal system, doctrine, organization and operation are determined by law, rules and special regulations the President adopts (Sec. 213). The military professional career and promotions are strictly based on rank and in accordance with the law (Sec. 214). Military service is obligatory (Sec. 215). The members of the military on active duty cannot be part of any political party, or be candidates for elections (Sec. 82; Sec. 127; Sec. 152). They cannot be elected President prior to three years after they retire. Military justice jurisdiction: purely military crimes and offences (Sec. 216).</p>	<p>Citizen participation: all the citizens of El Salvador fit for performing military tasks shall be soldiers in case of need (Sec. 215). Armed political, religious or union groups are prohibited (Sec. 7). Death penalty shall only be imposed in the cases specified by the military laws during the state of international war (Sec. 27).</p>
<b>Guatemala (1985, Last Reform 1993)</b>	<p><b>Powers of the President:</b> General Commander of the Army (Sec. 182, 183 and 246). Give orders via the general officer or colonel or his equivalent at the Navy, who serves as Minister of National Defence (Sec. 246). Provide for the defence and security of the Nation (Sec. 183, sub. b). Confer promotions, decorations, military honours and extraordinary pensions (Sec. 246, sub. b). Decree the mobilization and demobilization of troops (Sec. 246 sub. a).</p> <p><b>Powers of the Congress:</b> Declare war (Sec. 171, sub. f). Sign peace treaties (Sec. 171, sub. f). Approve the transit of foreign troops on the national territory and the sojourn of foreign military bases with 2/3 of the votes (Sec. 172, sub. a). Approve treaties which affect or may affect the security of the State or conclude a state of war (Sec. 72 sub. b). The Army depends on the Congress if the President continues in the position once the constitutional period has come to an end and is not recognised by the Congress (Sec. 165 sub. g). The ministers of State are not obliged to come forward to the Congress to answer questions related to diplomatic issues or pending military operations (Sec. 166).</p>	<p><b>The Army<sup>**</sup>:</b> It is unique and indivisible, essentially professional, apolitical, obedient and non deliberant (Sec. 244). It is composed of the land, air and maritime forces (Sec. 244). Organization: hierarchy, based on the principles of discipline and obedience (Sec. 244), it is regulated by the Constitution, its Statutory Law and other military laws and regulations (Sec. 250). They are not obliged to carry out illegal orders or those which involve committing a crime (Sec. 156). Mission: maintain independence, sovereignty and the honour of Guatemala, the integrity of the territory and internal and external peace and security (Sec. 244); cooperate in emergency situations or public calamity (Sec. 249). To be an officer it is required to be a native Guatemalan citizen and not have adopted any foreign nationality at any time (Sec. 247). The members of the military on active duty cannot be elected Deputies (Sec. 164 sub. f) or President, only if they were discharged or retired five years before taking office (Sec. 186 sub. e), they are not entitled to vote or to make political or collective petitions (Sec. 248). The military courts shall acknowledge the crimes of faults committed by the members of the Guatemalan Army (Sec. 219).</p>	<p>Citizen participation: to serve and defend the Nation and to provide social and military service are the rights and responsibilities of all the citizens of Guatemala (Sec. 135). Contribute to peacekeeping and freedom, the respect and defence of human rights, the strengthening of democratic processes and international institutions which guarantee the mutual and equal benefit among States (Sec. 149). Administrative actions are public, except those related to military or diplomatic matters of national security (Sec. 30). No civil servant or public official, civil or military, is obliged to obey orders which are clearly illegal or which involve committing a crime (Sec. 156). The whip or the commanders of a coup d'état, armed revolution or the like which altered the constitutional order shall not be eligible as President or Vice president (Sec. 186). The organization and operation of armed groups not regulated by the laws of the Republic and its regulations constitute a punishable action (Sec. 245).</p>

\*\* Denomination used in the constitutional text. <sup>5</sup> Consejo de Seguridad Nacional. <sup>6</sup> Órgano Ejecutivo en el Ramo de la Defensa y Seguridad Pública.



What do the Constitutions define?

Country	Leading Political Procedures	Military Instrument	Other Dispositions
<b>Honduras (1982, Last Reform in 2005)</b>	<p><b>Powers of the President:</b> General Commander of the Armed Forces, exercises the Command-in-Chief (Sec. 245, sub. 16; Sec. 277). Maintain the peace and external security; repel external attacks or aggression (Sec. 245, sub. 4), adopt measures for the defence of the Republic (Sec. 245, sub. 16). Declare war and make peace if the Congress is in recess (Sec. 245, sub. 17). Sign international treaties and agreements of a military nature, regarding the territory and sovereignty with the consent of the Congress (Sec. 245, sub. 13). Allow the transit of foreign troops on the national territory and the deployment of national troops outside the country with the approval of the Congress (Sec. 245, sub. 43 and 44). Confer military ranks (second lieutenant to captain) suggested by the Secretary of National Defence (Sec. 245, sub. 36; Sec. 290). Ensure that the Armed Forces are apolitical, essentially professional, obedient and non deliberant (Sec. 245, sub. 37).</p> <p><b>Powers of the Congress:</b> Declare war (Sec. 205, sub. 28). Make peace (Sec. 205, sub. 28). Confer military ranks (from major to general) suggested by the Executive Power (Sec. 205, sub. 24; Sec. 290). Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 205, sub. 26 and 27). Determine the number of permanent troops (Sec. 205, sub. 25). Authorise reception of foreign military missions of assistance or technical cooperation in Honduras (Sec. 205, sub. 29).</p> <p><b>Secretary of State in the Dispatch of National Defence<sup>7</sup>:</b> The Secretary shall be appointed and removed freely by the President of the Republic (Sec. 280).</p> <p><b>National Defence and Security Council<sup>8</sup>:</b> Creation (Sec. 287). Organization and operation determined by law (Sec. 287).</p> <p><b>Board of Commanders of the Armed Forces<sup>9</sup>:</b> It is the consulting body for all the matters related to the Armed Forces. It rules over issues of its competence and acts as a Superior tribunal of the Armed Forces on matters which shall be subject to its knowledge. The Statutory Law of the Armed Forces and its Regulations rule over its operation (Sec. 285). It is composed of the Chairman of the Joint Chief of Staff, the General Inspector and the Commanders of each Force (Sec. 286).</p> <p><b>Chief of Joint Staff of the Armed Forces<sup>10</sup>:</b> The Chairman of the Joint Chief of Staff is selected and removed freely by the President among the members of the Board of Commanders (Sec. 280). The Joint Chiefs of Staff is the superior technical body of consultation, planning, coordination and supervision, which depends on the Secretary of National Defence; its tasks are assigned by the Statutory Law of the Armed Forces (Sec. 283). It shall issue a statement previous to conferring the promotions to the officers (Sec. 290).</p>	<p><b>The Armed Forces:</b> They are permanent, apolitical, essentially professional, obedient and non deliberant (Sec. 272). They are composed of the High Command, the Army, the Air Force, the Navy, the Public Security Force and other organizations determined by the Statutory Law (Sec. 273). Their operation is regulated by the Statutory Law, laws and regulations (Sec. 274). The orders given by the President of the Republic shall be abided by and executed respecting the Constitution of the Republic and the principles of lawfulness, discipline and military professionalism (Sec. 278). The members of the military are not obliged to carry out illegal orders or those which involve committing a crime (Sec. 323). Mission: defend territorial integrity and the sovereignty of the Republic, keep the peace, public order and the respect of the Constitution, the principles of free vote, rotation of the Presidents of the Republic (Sec. 272), cooperate with the National Police in the keeping of the public order (Sec. 272); and with the Secretaries if required so in tasks of literacy, education, agriculture, protection of the environment, road systems, communication, health and agricultural reform. Participate in international peace missions; in the fight against drug trafficking; cooperate with means and personnel to face natural disaster and emergency situations; as well as protection and conservation programs for the ecosystem, for the academic and technical training of their members, and others of national interest. Cooperate with the public security institutions at the request of the Secretary of Security, to fight terrorism, arms trafficking and organized crime, as well as protection of the powers of the State and Elections Tribunal, operating at its request (Sec. 274). Promotions strictly determined by law (Sec. 290). Appointments and removal of the members of the military, related with the administrative order, shall be granted in accordance with the Law of Public Administration. In the operative area, appointments and removals shall be conferred by the Chairman of the Joint Chief of Staff, in accordance with the organic structure of the Armed Forces, the Statutory Law, and other legal regulations, including the personnel of troops and auxiliaries (Sec. 282). Voluntary military service (Sec. 276 and 288). The members of the military on active duty are not entitled to vote (Sec. 37), and they shall be eligible in the cases not prohibited by the law (Sec. 37). They cannot be elected Deputies prior to six months after they retire (Sec. 199, sub. 4 and 6) or twelve months in case they are running for President (Sec. 240, sub. 2, 3 and 4). Military justice for military crimes and offences (Sec. 90 and Sec. 91). National Defence College: it is the highest house of studies for the Armed Forces. It trains selected military and civilian personnel, so they take part in the national strategic planning (Sec. 289). Institute of Military Social Security: for the protection, welfare and social security of all the members of the military, presided by the Chairman of the Joint Chief of Staff, shall operate in accordance with the specific Law (Sec. 291). For defence and national security reasons, the territory shall be divided in military regions commanded by a Chief of Military Region. Their organization and operation shall be in accordance with the Statutory Law of the Armed Forces (Sec. 284). A special law shall regulate the operation of military courts (Sec. 275).</p>	<p>Citizen participation: every Honduran citizen is obliged to defend the Fatherland (Sec. 38; Sec. 276). Military service is a citizen's duty. It is voluntary in times of peace, under a social, humanitarian and democratic education system. The State can summon the troops, in accordance with the Military Service Law. In case of international war, all the citizens capable of defending and service the Fatherland shall be soldiers (Sec. 40, sub. 5; Sec. 276). The people can uprising in defence of the constitutional order (Sec. 3). Embrace the principles and practices of the international law which support human solidarity, the respect for self determination of the people, the non-intervention and strengthening of universal peace and democracy. Honduras proclaims the validity and obligatory execution of arbitrations and judiciary international sentences as unavoidable (Sec. 15). No authority can sign or ratify treaties or grant licences which compromise territorial integrity, sovereignty and the independence of the Republic. Whoever does this shall be tried for treason to the Nation. Responsibility in this case is imprescribable (Sec. 19).</p>

<sup>7</sup> Secretario de Estado en el Despacho de Defensa Nacional. <sup>8</sup> Consejo Nacional de Defensa y Seguridad. <sup>9</sup> Junta de Comandantes de las Fuerzas Armadas. <sup>10</sup> Jefe del Estado Mayor Conjunto de las Fuerzas Armadas.

Country	Leading Political Procedures	Military Instrument	Other Dispositions
<b>México (1917, Last Reform in 2007)</b>	<p><b>Powers of the President:</b> Preserve national security (Sec. 89, sub. VI). Declare war with the approval of the Congress (Sec. 89, sub. VIII). Appoint colonels and other senior officers with the approval of the Senate (Sec. 89, sub. IV) and other officers (Sec. 89, sub. V). Make use of the permanent Armed Forces and the National Guard to safeguard the security and external defence (Sec. 89, sub. VI and VII). Direct foreign policy and sign international agreements (Sec. 89, sub. X).</p> <p><b>Powers of the Congress:</b> Declare war in view of the information submitted by the Executive Power (Sec. 73, sub. XII). Raise and maintain the Armed institutions and regulate their organization and service (Sec. 73, sub. XIV). Enact laws on national security (Sec. 73, sub. XXIX-M). The Chamber of Deputies has the law initiative on recruitment of troops (Sec. 72, sub. h). Approve (Senate) international treaties and conventions subscribed by the Executive Power, as well as conclude, denounce, suspend, modify, amend, withdraw reserves and formulate interpretations (Sec. 76, sub. 1). Approve the appointment of senior officers (Sec. 76, sub. II; Sec. 89, sub. IV). Approve the transit of foreign troops on the national territory and the deployment of national troops outside the country, and the sojourn of squadrons of other powers in Mexican waters (Sec. 76, sub. III).</p>	<p><b>The Armed Force**:</b> It is composed of the Army, the Navy and the Air Force (Sec. 89, sub. VI). To belong to the Armed Force it is required to be a Mexican citizen by birth (Sec. 32). Members of the military cannot be elected Deputies unless they retire ninety days before the election (Sec. 55, sub. V) or six months in case of the President (Sec. 82, sub. V). Military justice for military crimes committed by members of the military (Sec. 13). In times of peace, no military authority may perform any functions other than those that are directly connected with military discipline (Sec. 129).</p>	<p>No member of the army shall in time of peace be quartered in private dwellings without the consent of the owner, nor may he impose any obligation whatsoever. In time of war the military may demand lodging, equipment, provisions and other assistance in accordance with the respective martial law (Sec. 16). Nuclear energy shall only be used with peaceful purposes (Sec. 27). Any armed meeting shall have the right to deliberate (Sec. 9).</p>
<b>Nicaragua (1986, Last Reform 2007)</b>	<p><b>Powers of the President:</b> Supreme Commander of the Army (Sec. 95 and 144). In exceptional cases can the President, in a Council of Ministers, order the intervention of the Nicaraguan Army to support the National Police, when the stability of the Republic is threatened by serious internal disorder, calamities or natural disasters (Sec. 92). Direct international relations of the Republic. Negotiate, celebrate and sign treaties, pacts, agreements or the like to be approved by the National Assembly (Sec. 150, sub. 8).</p> <p><b>Powers of the National Assembly:</b> Approve the deployment of national troops outside the country (Sec. 138, sub. 26) and the entry of foreign troops only for humanitarian purposes (Sec. 92). Approve or dismiss international agreements celebrated with countries or organizations subject to International Law (Sec. 138, sub. 12).</p>	<p><b>The Army**:</b> It is a national institution, professional, not affiliated to any political party, obedient and non deliberant (Sec. 93), it is strictly subject to the Political Constitution, to which it respects and obeys, it is subject to civil authority exercised by the President or through the corresponding ministry (Sec. 95). No other armed corps can exist in the national territory, or military ranks other than those specified by law (Sec. 95). Organization, structures, activities, ranks, promotions, retirements and everything related to the operational development is specified in the law (Sec. 94). Mission: defend sovereignty, independence and territorial integrity (Sec. 92). The members of the Army shall be trained in civic and human rights matters (Sec. 93). The Army and Police bodies and any other institution of the State are not allowed to perform activities of political espionage (Sec. 96). They cannot perform political activities or hold a position in political organizations; they cannot be eligible for public office at elections, if they have not left their active military post at least a year before the elections (Sec. 94); they cannot be ministers, Vice Ministers, presidents or directors of government or autonomous entities, ambassadors (Sec. 152) and magistrates of tribunals of justice (Sec. 161, sub. 6) or of the Supreme Electoral Council (Sec. 171, sub. d). In the last two cases they shall leave their post twelve months before the elections. Military service is not obligatory, and all kinds of forcible recruitment to be a part of the Army or the Police are forbidden (Sec. 96). Military justice for military crimes committed by members of the Armed Forces, civilians cannot be tried by military courts (Sec. 93 and 159).</p>	<p>The strife over peace is one of the irrenounceable principles of the Nation (Sec. 3). The international relations are based on friendship and solidarity among the people and the reciprocity among the States. Thus, all kind of political, military, economic, cultural and religious aggression is inhibited and prohibited, as is the intervention on internal affairs of other States. It recognises the principle of peaceful resolution of international controversies through the international law and proscribes the use of nuclear weapons and other means of mass destruction in internal and international conflicts, ensures political asylum for political reasons, and rejects all subordination of a State with respect to other (Sec. 5). It is prohibited to establish foreign military bases in the national territory (Sec. 92). Civilian functions shall not be militarized (Sec. 131).</p>
<b>Paraguay (1992)</b>	<p><b>Powers of the President:</b> Commander-in-Chief of the Armed Forces (Sec. 238, sub. 9). Adopt the necessary measures for the national</p>	<p><b>The Armed Forces:</b> They are a permanent, professional, non-deliberant, and obedient institution, subordinated to the powers of the State, to the pro-</p>	<p>Citizen participation: every Paraguayan citizen is obliged to be prepared and give his services for the defence of the Fatherland (Sec. 129). National defence cannot be subject to refe-</p>

\*\* Denomination used in the constitutional text.





What do the Constitutions define?

Country	Leading Political Procedures	Military Instrument	Other Dispositions
<b>Paraguay</b>	<p>defence (Sec. 238, sub. 9).                      Declare the state of national defence, in case of external aggression, with the approval of the Congress (Sec. 238, sub. 7).                      Make peace with the approval of the Congress (Sec. 238, sub. 7).                      Appoint senior officers of the public force (Sec. 238, sub. 9).                      Issue military regulations and arrange, organise and distribute the Armed Forces (Sec. 238, sub. 9).</p> <p><b>Powers of the Congress:</b>                      Approve the appointment of senior officers (Senate) (Sec. 224, sub. 2).                      Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Senate) (Sec. 183, sub. 3; Sec. 224, sub. 5).                      Approve or dismiss international treaties (Sec. 141 and Sec. 202, sub. 9).</p>	<p>visions of the Constitution, and to the law (Sec. 173).                      Mission: safeguard the territorial integrity and defend the legitimately constituted authorities (Sec. 173).                      The members of the military on active duty will conform their actions to the laws and regulations. They cannot be affiliated to any political party or movement or engage in any type of political activity (Sec. 173); they cannot be elected President or Vice President, except for those who retire at least one year prior to the day of election (Sec. 235, sub. 7).                      Police or military personnel on active duty cannot be candidates for senators or deputies (Sec. 197).                      Military courts will hear only crimes and offences of a military nature, committed by military personnel on active duty. Their decisions can be overturned by courts of law (Sec. 174). Only in cases of an armed international conflict can military courts have jurisdiction over civilians and retired military personnel (Sec. 174).                      Military service is compulsory and must be based on full respect of human dignity. In times of peace, it will not exceed twelve months (Sec. 129).</p>	<p>rendum (Sec. 122, sub. 3).                      Relinquishes war but upholds the principle of legitimate self-defence (Sec. 144).                      In its international affairs, Paraguay accepts the international law and endorses the following principles:                      1. national independence;                      2. self-determination of the people;                      3. legal equality among all States;                      4. international solidarity and cooperation;                      5. international protection of human rights;                      6. free navigation of international rivers;                      7. non-intervention, and                      8. the condemnation of every form of dictatorship, colonialism and imperialism (Sec. 143).                      On equal footing with other States, admits a supranational legal system that guarantees the enforcement of human rights, peace, justice, and cooperation, as well as political, socio-economic, and cultural development. Decisions on this sphere can only be adopted through an absolute majority vote by each Chamber of Congress (Sec. 145).</p>
<b>Peru (1993, Last Reform 2005)</b>	<p><b>Powers of the President:</b>                      Supreme Commander of the Armed Forces and Head of the defence system (Sec. 164 and Sec. 167).                      Adopt the necessary measures to ensure the defence of the Republic, the integrity of the territory and the sovereignty of the State (Sec. 118, sub. 15).                      Declare war with the approval of the Congress (Sec. 118, sub. 16).                      Accord peace with the approval of the Congress (Sec. 118, sub. 16).                      Grant promotions to Generals and Admirals (Sec. 172).                      Determine the number of troops (Sec. 172).                      Organize, distribute and arrange the Armed Forces (Sec. 118, sub. 14).                      Sign international treaties on national defence (Sec. 56, sub. 3).                      Authorise Peruvians to serve in a foreign army (Sec. 118, sub. 23).</p> <p><b>Powers of the Congress:</b>                      Approve the declaration of war (Sec. 118, sub. 16).                      Approve the signing of peace treaties (Sec. 118, sub. 16).                      Approve international treaties on national defence (Sec. 56, sub. 3).                      Approve the entry of foreign troops to the national territory as long as it does not affect the national sovereignty in any way (Sec. 102, sub. 8).                      Have the troops available as requested by the President of the Congress (Sec. 98)</p>	<p><b>The Armed Forces:</b>                      They are non deliberant and are subordinated to the constitutional power (Sec. 169).                      The Armed Forces are composed of the Army, the Navy and the Air Force (Sec. 165).                      The respective laws and regulations determine the organization, functions, specialization, training, use and discipline (Sec. 168).                      Promotions are conferred in accordance with the law (Sec. 172).                      Mission: guarantee the independence, sovereignty and territorial integrity, to take control of the internal order in state of emergency if so provided by the President (Sec. 165; Sec. 137, sub. 1). Organize and use their reserves in accordance with the law (Sub. 168).                      The law allocates funds for the logistical requirements of the Armed Forces (Sec. 170).                      The members of the military are not entitled to make collective petitions (Sec. 2, sub. 20), to form unions or go on strike (Sec. 42). They cannot be candidates for elections (Sec. 34; Sec. 91, sub. 4) or perform political activities while on active duty (Sec. 34); they may not enter the floor of Congress without authorization from its President (Sec. 98).                      They can vote (Sec. 34) and be ministers of State (Sec. 124).                      Military justice is established for the Armed Forces and the National Police (Sec. 139, sub. 1). Military courts may have jurisdiction over civilians in the cases of treason and terrorism (Sec. 173).                      The Armed Forces and the National Police participate in the social and economic development of the country, and in civil defence according to the law (Sec. 171).</p>	<p>The defence of national sovereignty is one of the prime duties of the State (Sec. 44).                      The death penalty may only be applied for the crimes of treason in wartime, and of terrorism, in accordance with the laws and treaties Peru is bound to (Sec. 140).                      National defence system: to guarantee national security (Sec. 163), its functions are determined by law, and it is directed by the President (Sec. 164).                      National defence: integral, permanent and conducted internally and externally (Sec. 163).                      Any person shall have the right to request, without stating the reason, any information needed, within the legally specified time and cost. Exceptions are made of information affecting personal privacy and that is expressly excluded by law for reasons of national security (Sec. 2, sub. 5).                      No person, organization, Armed Force, National Police or group of people may arrogate to themselves the exercise of the power of the State. To do so constitutes acts of rebellion or sedition (Sec. 45).</p>
<b>Uruguay (1967, Last Reform 2004)</b>	<p><b>Powers of the President:</b>                      Command the Armed Forces (Sec. 168, sub. 2).                      Maintain and defend external security (Sec. 168, sub. 1).                      Declare war with the approval of the General Assembly (Sec. 168, sub. 16).                      Take prompt security measures in serious and unexpected cases of external attack or internal commotion, informing the General Assembly (Sec. 168, sub. 17).                      Provide military posts and confer promotions (Sec. 168, sub. 9 and 11).                      Grant retirements and manage pensions for civil and military employees in accordance with the law (Sec. 168, sub. 3).</p>	<p><b>The Armed Forces:</b>                      The members of the military are regulated by special laws (Sec. 59, sub. A).                      Members of the military on active duty cannot have a position in the government, form part of commissions or political parties, subscribe to party manifests, authorize the use of their name and execute any other public or private political act, except voting (Sec. 77, sub. 4).                      They cannot run for the election of Representatives (Sec. 91, sub. 2; Sec. 92), Senators (Sec. 100) or for President (Sec. 171) unless they resign and retire at least three months before the election.                      Military justice for military crimes in state of</p>	<p>Nobody shall be obliged to provide assistance, of any kind, or provide lodging to the Armed Forces, if it has not been specified by a civil magistrate in accordance with the law, and shall receive a compensation from the Republic for the perjury which would result from such actions (Sec. 35).                      It shall provide social and economic integration of the Latin American States, especially regarding common defence of its basic products and resources. Furthermore, it shall provide for the effective complementation of its public services (Sec. 6°).</p>



Country	Leading Political Procedures	Military Instrument	Other Dispositions
Uruguay	<p><b>Powers of the General Assembly:</b>            Approve peace treaties (Sec. 85, sub. 7).            Declare war (Sec. 85, sub. 7).            Approve the appointment of senior officers (Sec. 168, sub. 11).            Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 85, sub. 11 y 12).            Approve the number of Armed Forces (Sec. 85, Sub. 8).</p>	<p>war. Common crimes committed by members of the Armed Forces in times of peace, whenever they are committed, shall be subject to ordinary justice (Sec. 253).</p>	
Venezuela (1999)	<p><b>Powers of the President:</b>            Commander-in-Chief of the National Armed Force. Exercise hierarchical authority (Sec. 236, sub. 5) and the supreme command (Sub. 236, sub. 6).            Promote officers starting at the rank of colonel or naval captain and appoint them to the positions exclusively reserved to them (Sec. 236, sub. 6).            Establish their contingent (Sec. 236, sub. 5).            Call and preside over meetings of the National Defence Council (Sec. 236, sub. 23).</p> <p><b>Powers of the National Assembly:</b>            Authorize the operation of military missions abroad or foreign military missions within the country (Sec. 187, sub. 11).            Approve any international treaties or agreements signed by the National Executive (Sec. 187, sub. 18).</p> <p><b>National Defence Council<sup>11</sup>:</b>            It is the highest consultative body for planning and advising the Public Power on matters related to the integral defence of the Nation, its sovereignty and the integrity of its geographical space (Sec. 323).            It is presided over by the President and includes the Vice President, the President of the National Assembly, the Chairman of the Supreme Tribunal of Justice, the Chairman of the Republican Moral Council, and the Ministers of Defence, Internal Security, Foreign Affairs and Planning, and other whose participation may be deemed appropriate (Sec. 323).            It establishes the strategic concept of the Nation (Sec. 323).</p>	<p><b>The National Armed Force<sup>**</sup>:</b>            It is an essentially professional institution, with no political orientation, organized by the State, at the exclusive service of the Nation. It is founded on discipline, obedience and subordination (Sec. 328).            The National Armed Force is composed of the Army, the Navy, the Air Force and the National Guard (Sec. 328).            Mission: guarantee the independence and sovereignty of the Nation and ensure the integrity of its geographical space, through military defence, cooperation in the maintenance of internal order, and active participation in national development (Sec. 328). Their essential responsibility is the planning, execution and control of military operations, as required to ensure the defence of the Nation. The National Guard shall cooperate in the development of these operations and shall have as basic responsibility that of conducting operations as required maintaining internal order within the country. The National Armed Force shall carry out activities of administrative policing and criminal investigation as provided by law (Sec. 329); it shall regulate and control, in accordance with the pertinent legislation, the manufacture, importing, exporting, storage, transit, registration, control, inspection, trade, possession and use of weapons, ammunition and explosives (Sec. 324).            Military promotions shall be effective in accordance with merit, hierarchy and vacancies. They are the exclusive prerogative of National Armed Forces in accordance with the corresponding law (Sec. 330).            Members of the military on active duty can vote. They are not allowed to run for elections, or to participate in propaganda, militancy or proselytizing (Sec. 330).            Military justice for military crimes, its judges shall be elected by competitive procedures (Sec. 261).            The General Controller of the National Armed Forces: monitors, controls and audits revenues, expenses and property allocated to the National Armed Force and their dependencies; it shall be under the responsibility of the General Controller of the Armed Forces, appointed by means of a competitive process (Sec. 291).</p>	<p>Citizen participation: every person, in accordance with the law, has the duty to perform such civilian or military service as maybe necessary for the defence, preservation and development of the country, or to deal with situations involving a public calamity, no one shall be subject to forcible recruitment (Sec. 134). National defence is responsibility of all the Venezuelans (Sec. 322).            The geographical space of Venezuela is an area of peace, no foreign military bases, or facilities having purposes that are in any way military, shall be established within such space by any power or coalition of powers (Sec. 13).            Promotes peaceful cooperation among nations, and strengthens and furthers nuclear disarmament (Preamble).            The public authorities, whether military or civilian, even during a state of emergency, exception or restriction of guarantees, are prohibited from effecting, permitting or tolerating the forced disappearance of persons. The officer receiving an order or instruction to carry it out has the obligation not to obey and report the order or instruction to the competent authorities (Sec. 45).            The State shall prevent the manufacturing and use of nuclear and chemical or biological weapons (Sec. 129).            The Republic shall promote and encourage Latin America and Caribbean integration, in the interest of advancing towards the creation of a community of nations, defending the region's economic, social, cultural, political and environmental interests. The Republic shall sign international treaties that implement and coordinate efforts to promote the common development of our nations, and ensure the welfare of their people and the collective security of their inhabitants (Sec. 153).            National security is an essential competence and responsibility of the State (Sec. 322).            National security is based on the shared responsibility between the State and civil society (Sec. 326).            The National Executive reserves the right to classify and control disclosure of matters directly related to the planning and execution of operations concerning the security of the Nation, on such terms as may be established by law (Sec. 325).</p>

11 Consejo de Defensa de la Nación. \*\* Denomination used in the constitutional text.



### National Legislation

Country	Systems and Concepts	Military Organization
<b>Argentina</b>	<ul style="list-style-type: none"> <li>- National Defence Act (N° 23.554 - 1998/05/05)</li> <li>- Internal Security Act (N° 24.059 - 1992/01/17)</li> <li>- Ministerial Law (N° 22.520 - 1992/03/20)</li> <li>- Act on the Restructuring of the Armed Forces (N° 24.948 - 1998/04/08)</li> <li>- National Intelligence Act (N° 25.520 - 2001/12/06)</li> </ul>	<ul style="list-style-type: none"> <li>- Code of Military Justice (N° 14.029 - 1951/08/06. Last Reform: Act N° 23.049 - 1984/02/15)</li> <li>- Military Service Act (N° 17.531 - 1967/11/16)</li> <li>- Military Personnel Act (N° 19.101 - 1971/07/19)</li> <li>- Voluntary Military Service Act (N° 24.429 - 1995/01/10)</li> <li>- Act on the Entry of Foreign Troops and the Deployment of National Troops outside the Country (N° 25.880 - 2004/04/23)</li> </ul>
<b>Bolivia</b>	<ul style="list-style-type: none"> <li>- Organic Law of the Armed Forces (N° 1.405 - 1992/12/30)</li> <li>- Organization of the Executive Power Act (N° 2.446 - 2003/03/19)</li> <li>- Citizen Security System Act (N° 2.494 - 2004/08/04)</li> </ul>	<ul style="list-style-type: none"> <li>- Decree-Law of Organization of Military Justice (N° 13.321 - 1976/04/02)</li> <li>- Manual on the Use of Force in case of Internal Conflict (Supreme Decree N° 27.977 - 2005/01/14)</li> </ul>
<b>Brazil</b>	<ul style="list-style-type: none"> <li>- Act which establishes the Deployment of Brazilian Troops Overseas (N° 2.953 - 1956/11/20)</li> <li>- Act which determines the Cases when Foreign Armed Forces can Transit or Remain Temporarily in National Territory (Complementary Act N° 90 - 1997/10/02)</li> <li>- Act which institutes the Brazilian System of Intelligence, creates the Brazilian Agency of Intelligence - ABIN, and Other Providences (N° 9.883 - 1999/12/09)</li> <li>- Act on the Organization of the Presidency of the Republic and the Ministers, and Other Providences (N° 10.683 - 2003/05/28)</li> <li>- Act which rules over National Mobilization and creates the National System of Mobilization (N° 11.631 - 2007/12/28)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Service Act (N° 4.375 - 1964/09/03)</li> <li>- Military Penal Code (Decree-Law N° 1.001 - 1969/10/21. Last Reform: Act N° 9.764 - 1998/12/17)</li> <li>- Code of Military Penal Procedure (Decree-Law N° 1.002 - 1969/10/21. Last Reform: Act. N° 9.299 - 1996/08/07)</li> <li>- Act on the Statute of the Members of the Armed Forces (N° 6.880 - 1980/12/11)</li> <li>- Act which regulates Section 143, §§ 1° e 2° of the Federal Constitution, which rules over Rendering Alternative Service to the Obligatory Military Service (N° 8.239 - 1991/10/07)</li> <li>- Act on the Organization of Military Justice (N° 8.457 - 1992/09/04. Last Reform: Ley N° 10.445 - 2002/05/07)</li> <li>- Act on General Regulations for the Organization, Preparation and Use of the Armed Forces, to establish New Subsidiary Powers (Complementary Act N° 117 - 2004/09/02; modifies Complementary Act N° 97 - 1999/06/09)</li> </ul>
<b>Chile</b>	<ul style="list-style-type: none"> <li>- Act which creates the Superior Council of National Defence (N° 7.144 - 1942/01/05)</li> <li>- Decree which creates the Superior Council of National Security and the Board of Commanders-in-Chief (DFL N° 181 - 05/04/1960. Last Reform: DFL N° 2 - 1967/16/09)</li> <li>- Act which dictates Regulations on Mobilization (N° 18.953 - 1990/03/09)</li> <li>- Decree-Law which establishes the Redrafted, Coordinated and Systematized Text of Act N° 18.575, Organic Constitutional Law on General Terms and Conditions of the State Administration (N° 19.653 - 2001/11/17. Last Reform: Act N° 19.882 - 2003/06/23)</li> <li>- Act on the National Intelligence System; creates the National Intelligence Agency (N° 19.974 - 2004/10/02)</li> </ul>	<ul style="list-style-type: none"> <li>- Code of Military Justice (Decree-Law N° 806 - 1925/12/23. Last Reform: Act N° 20.084 - 2005/12/07)</li> <li>- Reserved Coper Law (N° 13.196 - 1958/11/29)</li> <li>- Decree-Law on the Recruiting and Mobilization of the Armed Forces (N° 2.306 - 1978/09/12. Last Reform: Act N° 20.045 - 2005/03/10)</li> <li>- Decree Law of the Military Public Ministry (N° 3.425 - 1980/06/14)</li> <li>- Decree which establishes Regulations on the Constitution, Mission, Dependency and Responsibilities of the Armed Forces (DS N° 272 - 1985/03/16)</li> <li>- Constitutional Organic Act of the Armed Forces (N° 18.948 - 1990/02/27. Last Reform: Act N° 19.806 - 2002/05/31)</li> <li>- Act which modernizes the Obligatory Military Service (N° 20.045 - 2005/09/10)</li> </ul>
<b>Colombia</b>	<ul style="list-style-type: none"> <li>- Decree by which the National Security Council merges with the Superior Council of National Defence and the Commission created by the Decree 813 of 1983 (N° 2.134 - 1992/12/31)</li> <li>- Act which rules over the Organization and Operation of the National Entities, it issues Regulations, Principles and General Rules for the Exercise of the Powers specified in Subsections 15 and 16 of Section 189 of the Political Constitution, as well as other Regulations (N° 489 - 1998/12/29)</li> <li>- Decree by which the Bylaw which regulates the Civil Personnel Administration Regime of the National Ministry of Defence is modified (N° 1.792 - 2000/09/14)</li> <li>- Act which dictates Regulations on the Reincorporation of Members of Irregular Armed Groups which contribute effectively to National Peace and rules over other Regulations for Humanitarian Agreements (N° 975 - 2005/07/25)</li> <li>- Act which establishes the Special Administrative System for Civilian Public Employees at the Service of the National Ministry of Defence, for the Military Forces, the National Police and its Decentralised Entities, related to the Defence sector (N° 1.033 - 2006/07/19)</li> <li>- Decree which regulates the Special System of Promotions in the Defence Sector and dictates some Rules on Personal Administration (N° 091 - 2007/01/17)</li> <li>- Decree which modifies and determines the Nomenclature and Classification System of the Posts within the Entities Jobs which are part of the Defence Sector (N° 092 - 2007/01/17)</li> <li>- Decree which establishes Basic Wages of Public Employment of Civilian Employees of the National Ministry of Defence, of its Decentralised Entities, related to the Military Forces and National Police, in accordance with the New Nomenclature and Classification of Jobs, as well as dictating other Regulations (N° 093 - 2007/01/17)</li> </ul>	<ul style="list-style-type: none"> <li>- Decree which reorganizes the Military Industry (N° 2.346 - 1971/12/03)</li> <li>- Obligatory Military Service Act (N° 48 - 1993/03/03)</li> <li>- Military Penal Code Act (N° 522 - 1999/08/12)</li> <li>- Decree which modifies the Decree which regulates the Rules for the Promotion of Officers and Warrant Officers of the Military Forces (N° 1.790 - 2000/09/14)</li> <li>- Act by which the Rules for Promotions of Officers, Executives, Warrant Officers and National Police Officers are modified (N° 1.791 - 2000/09/14. Reforms: Act N° 1.092 - 2006/09/13 and Act N° 1.168 - 2007/11/21)</li> <li>- Act which regulates the Assessment of the Psychophysical Capacity and the Decline of the Laboral Capacity, and other Disability Aspects, Compensation, Disability Income Insurance and Administrative Reports of Injuries (N° 1.796 - 2000/09/14)</li> <li>- Act which dictates regulations on the Evaluation and Classification for Officers and Warrant Officers of the Military Forces (N° 1.799 - 2000/09/14)</li> <li>- Decree on the Promotions and Statute of Professional Soldiers (N° 1.793 - 2000/09/14)</li> <li>- Decree on the Wages and Benefits of Professional Soldiers (N° 1.794 - 2000/09/14)</li> <li>- Act on the Unique Disciplinary Code (N° 734 - 2002/02/05)</li> <li>- Act which partially modifies the Statute of Promotions of Officers and Warrant Officers of the Military Forces (N° 775 - 2002/12/09)</li> <li>- Act which rules over the Armed Forces Disciplinary Regime (N° 836 2003/07/16)</li> <li>- Act which issues Regulations, Objectives and Criteria for establishing Pensions and Retirement Benefits for the Members of the Public Force (N° 923 - 2004/12/30)</li> <li>- Act which issues Rules on Requirements on the Appointment of Positions within the Military Criminal Jurisdiction in Military Penal Jurisdiction (N° 940 - 2005/01/05)</li> <li>- Act which modifies Decrees related with the Wage System and Benefits (N° 987 - 2005/09/09)</li> <li>- Act which establishes a Special Procedure in the Penal Military Code (N° 1.058 - 2006/07/26)</li> <li>- Act which regulates the Acquisition of Assets and Services for the Defence and National Security (N° 1.089 - 2006/09/01)</li> </ul>



Country	Systems and Concepts	Military Organization
<b>Dominican Republic</b>	- Organic Act of the Armed Forces (N° 873 - 1978/08/08)	- Code of Justice of the Armed Forces (Act N° 3.483 - 1953/02/13)
<b>Ecuador</b>	- National Security Act (N° 275 - 1979/08/09) - General Regulation of the National Security Act (Codification N° 2.264 - 1991/03/14) - Organic Act for National Defence (N° 74 - 2007/01/19)	- Penal Military Code (Codification N° 27 - 1961/11/06) - Code of Penal Military Procedures (Codification N° 28 - 1961/11/06) - Organic Act of Justice Services for the Armed Forces (Codification N° 29 - 1961/11/06) - Social Security Act for the Armed Forces (N° 169 - 1992/08/07. Last Reform: Act N° 82 - 2007/07/31) - Act on Obligatory Military Service for the National Armed Forces (N° 68 - 1994/09/15) - Reformatory Act to the Personnel Act of the Armed Forces (N° 75 - 2007/01/22)
<b>El Salvador</b>	- Organic Law of the Armed Force of El Salvador (DL N° 353, 1998/07/09) - Act on the Intelligence Agency of the State (DL N° 554 - 2001/09/22) - National Defence Act (DL N° 948 - 2002/10/03)	- Military Justice Code (DL N° 562 - 1964/05/29) - Act on Military Career (DL N° 476 - 1995/10/18) - Military Service Act and Reserves of the Armed Force (DL N° 298 - 2002/07/30)
<b>Guatemala</b>	- Constitutive Act of the Guatemalan Army (Decree N° 72-90 - 1991/01/17) - Executive Body Act (Decree N° 114-97 - 1997/11/13) - General Bureau of Civil Intelligence Act (Decree N° 71-2005 - 2005/10/12) - Framework Act on the National Security System (Decree N° 18-2008 - 2008/04/15)	- Military Code (Decree N° 214 - 1878/09/15. Last Reform: Decree N° 41-96 - 1996/07/10) - Act on the Support to Civil Security Forces (Decree N° 40-2000 - 2000/06/16) - Civil Service Act (Decree N° 20-2003 - 2003/06/17)
<b>Honduras</b>	- Constitutive Act of the Armed Forces (Decree N° 39-2001 - 2001/10/29)	- Military Code (Decree N° 76 - 01/03/1906. Last Reform: Decree N° 47 - 1937/01/22) - Act on Social Security Benefits for the Armed Forces (Decree N° 905 - 1980/03/27) - Military Service Act (Decree N° 98-85 - 1985/08/22) - Personnel Act for the Members of the Armed Forces (Decree N° 231-2005 - 2005/10/11)
<b>Mexico</b>	- Organic Law for Federal Public Administration (DOF 29/12/1976. Last Reform: DOF 2007/10/01) - National Security Act (DOF 2005/01/31. Last Reform: DOF 2005/12/26)	- Discipline Act of the Mexican Army and Air Force (DOF 1926/03/15. Last Reform: DOF 2004/12/10) - Organic Act of Military Courts (DOF 1929/06/22. Last Reform: DOF 1931/02/24) - Code of Military Justice (DNL N° 005 - 1933/08/31. Last Reform: DOF 2005/06/29) - Military Service Act (DOF 1940/09/11. Last Reform: DOF 1998/01/23) - Act which creates the Army and the Air Force University (DOF 1975/12/29) - Reward Act for the Navy of Mexico (DOF 1985/01/14) - Organic Law of the Army, Air Force and Navy National Bank (DOF 1986/01/13. Last Reform: DOF 2002/06/24) - Organic Law of the Mexican Army and Air Force (DOF 1986/12/26. Last Reform: DOF 1998/01/23) - Discipline Act for the Personnel of the Navy of Mexico (DOF 2002/12/13) - Organic Act of the Navy of Mexico (DOF 2002/12/30) - Act on Promotions and Rewards of the Mexican Army and Air Force (DOF 2003/10/30) - Act for Checking, Adjusting and Calculating the Services for the Mexican Navy (DOF 2004/06/14) - Promotions Act for the Navy of Mexico (DOF 2004/06/25) - Military Education Act for the Mexican Army and Air Force (DOF 2005/12/23) - Act for Checking, Adjusting and Calculating the Services in the Mexican Army and Air Force (DOF 2006/02/09)
<b>Nicaragua</b>	- Act on the Organization, Competence and Procedures of the Executive Power (N° 290 - 1998/06/03. Last Reform: Act N° 612 - 2007/01/29)	- Act on the Abolition of Compulsory Military Service (N° 120 - 1991/01/03) - Code of Organization, Jurisdiction and Military Social Benefits (N° 181 - 1994/09/02) - Organic Act of Military Tribunals (N° 523 - 2005/04/05) - Military Penal Code (N° 566 - 2006/01/05) - Code of Military Penal Procedures (N° 617 - 2007/08/29)
<b>Paraguay</b>	- National Defence and Internal Security Act (N° 1.337 - 1999/04/14)	- 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)



National Legislation

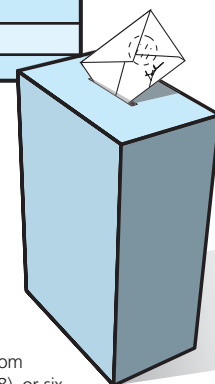
Country	Systems and Concepts	Military Organization
<b>Peru</b>	<ul style="list-style-type: none"> <li>- Act on the Entry of Foreign Troops (N° 27.856 - 2002/10/30)</li> <li>- National Mobilization Act (N° 28.101 - 2003/11/13)</li> <li>- Act on the Internal Intervention of the Armed Forces in the Internal Order (N° 28.222 - 2004/05/18)</li> <li>- Security System and National Defence Act (N° 28.478 - 2005/03/23)</li> <li>- National Intelligence System Act (N° 28.664 - 2006/01/04)</li> <li>- Act which establishes the Legal Nature, Responsibilities, Competencies and Organic Structure of the Ministry of Defence (N° 29.075 - 2007/08/01)</li> <li>- Act which establishes the Rules for the Use of Force by Members of the Military in the National Territory (N° 29.166 - 2007/12/20)</li> </ul>	<ul style="list-style-type: none"> <li>- Peruvian Army Organic Act (DL N° 437 - 1987/09/27)</li> <li>- Peruvian Air Force Organic Act (DL N° 439 - 1987/09/27)</li> <li>- Navy Organic Act (DL N° 438 - 1987/09/27)</li> <li>- Organic Act for the Joint Command of the Armed Forces (DL N° 440 - 1987/09/27)</li> <li>- Military Status Act for Officers of the Armed Forces (N° 28.359 - 2004/10/13)</li> <li>- Act which creates the Fund for the Armed Forces and the National Police (N° 28.455 - 2004/12/31)</li> <li>- Code of Military Police Justice (DL N° 961 - 2006/01/11)</li> <li>- Act on the Promotion of Officers in the Armed Forces (N° 29.108 - 2007/10/30)</li> <li>- Act on the Disciplinary Regime of the Armed Forces (N° 29.131 - 2007/11/09)</li> <li>- Police Justice Law. Organization and Procedures Act (N° 29.182 - 2008/01/11)</li> <li>- Military Service Act (N° 29.248 - 2008/06/28)</li> </ul>
<b>Uruguay</b>	<ul style="list-style-type: none"> <li>- Decree Organic Law for the Armed Forces (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Codes (Decree-Law N° 10.326 - 1943/01/28)</li> <li>- Organic Act of the Navy (N° 10.808 - 1946/11/08)</li> <li>- Security of the State and Internal Order Act (N° 14.068 - 1972/07/12)</li> <li>- Organic Act of the Air Force (N° 14.747 - 1977/12/30)</li> <li>- Organic Act of the National Army (N° 15.688 - 1985/01/17)</li> </ul>
<b>Venezuela</b>	<ul style="list-style-type: none"> <li>- Organic Act for the Public Administration (GO N° 37.305 - 2001/10/17)</li> <li>- Decree-Law of Citizen Security Coordination (GO N° 37.318 - 2001/11/06)</li> <li>- National Security Organic Act (GO N° 37.594 - 2002/12/18)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Service and Enrollment Law (GO N° 2.306 - 1978/09/11)</li> <li>- Organic Code of Military Justice (GO N° 5.263 - 1998/09/17)</li> <li>- Organic Act of the National Armed Force (GO N° 38.280 - 2005/09/26)</li> <li>- Organic Act of the Bolivarian National Armed Force (GO N° 5.891 - 2008/07/31)</li> </ul>

Source: Compilation based on the above mentioned legislations. The inclusion of Acts in one category or another does not mean it refers exclusively to it.

Political Participation of Military Members

Countries	Can they vote?		Can they be candidates for Elections?	
	Active	Retired	Active	Retired
<b>Argentina</b>	Yes	Yes	No	Yes
<b>Bolivia</b>	Yes	Yes	No	Yes
<b>Brazil</b>	Yes	Yes	No <sup>(1)</sup>	Yes
<b>Chile</b>	Yes	Yes	No	Yes <sup>(2)</sup>
<b>Colombia</b>	No	Yes	No	Yes <sup>(2)</sup>
<b>Dominican Republic</b>	No	Yes	No <sup>(3)</sup>	Yes <sup>(3)</sup>
<b>Ecuador</b>	No	Yes	No	Yes
<b>El Salvador</b>	No	Yes	No	Yes <sup>(4)</sup>
<b>Guatemala</b>	No	Yes	No	Yes <sup>(5)</sup>
<b>Honduras</b>	No	Yes	Yes <sup>(6)</sup>	Yes
<b>Mexico</b>	Yes	Yes	Yes <sup>(7)</sup>	Yes
<b>Nicaragua</b>	Yes	Yes	No	Yes <sup>(2)</sup>
<b>Paraguay</b>	Yes	Yes	No	Yes
<b>Peru</b>	Yes	Yes	No	Yes
<b>Uruguay</b>	Yes	Yes	No <sup>(8)</sup>	Yes <sup>(9)</sup>
<b>Venezuela</b>	Yes	Yes	No	Yes

Source: Compilation based on the national legislation. For more detail on such legislation refer to section "Countries" of this publication.



- (1) With less than ten years of service, the individual shall retire; if he had more than ten years of service he shall be separated by his superior authority; if elected, he shall automatically be discharged.
- (2) One year after retiring.
- (3) Subsection 50 of the National Constitution establishes, as a requisite to be President, not be in active military service or in the police force, for at least during the year the election takes place. Sections 22 and 25, which refer to the conditions to be Senator or Deputy, do not mention such requisites.
- (4) Only three years after retiring can they run for presidential elections.
- (5) Five years after retiring.
- (6) The Constitution mentions the possibility of running for elections in the cases not prohibited by the law (Sec. 37), but it establishes they cannot be elected Deputies (Sec. 199) or President (Sec.240).
- (7) The members of the military on active duty cannot be elected Deputies unless they shall definitely have resigned from their position ninety days prior to the election (Political Constitution, Sec. 55) or Senator (Political Constitution, Sec. 58), or six months in the case of President (Political Constitution, Sec. 82). The law indicates that in order to occupy a post subject to popular elections, the members of the armed forces shall request a special permit for that purpose.
- (8) Section 9 subsection 2 of the National Constitution establishes that "Members of the military who resign to their position and remuneration to enter legislative bodies, shall conserve their rank, but as long as their legislative responsibilities last they shall not be promoted. They shall be except of all military subordination. The time they remain performing legislative activities will not be counted for seniority for a promotion". The Organic Decree-Law for the Armed Forces N° 14.157, in Section 98, says that the military status shall be suspended in the case of a "member of the military elected for a political position".
- (9) Section 77 subsection 4 of the National Constitution establishes that only the members of the military on active duty cannot perform political activities

**Military Justice: A Basic Legal Framework**



Source: Compilation based on the national legislation. The reforms that the Codes applied to their articles are shown on Table "National Legislation".



## Evolution of Organizations, Treaties and other Hemispheric Agreements

1940/1980

**Organizations:** - IADB (1942)<sup>1</sup> - OAS (1948)<sup>2</sup> - OPANAL (1967)<sup>3</sup> - CICAD (1986)<sup>4</sup>

**Hemispheric Treaties:** - Rio Treaty (1947)<sup>7</sup> - Bogotá Pact (1948)<sup>8</sup> - Civil Strife (1957)<sup>9</sup> - Antarctic (1959)<sup>10</sup> - OAS Reform

**Hemispheric Declarations and Meetings:** - Panama Declaration (1956)<sup>22</sup> - American Presidents Declarations (1967)<sup>23</sup>

**Subregional Agreements:** - ODECA (1951)<sup>43</sup> - CAN (1969)<sup>44</sup>

1990

**Organizations:** - Committee on Hemispheric Security, OAS (1991) - CICTE, OAS (1999)<sup>5</sup>

**Hemispheric Treaties:** - OAS Reform (1992)<sup>17</sup> - OAS Reform (1993)<sup>18</sup> - Persons Disappearance (1994)<sup>19</sup> - Firearms

**Hemispheric Declarations and Meetings:** - I and II Americas Summit (1994<sup>25</sup> and 1998<sup>26</sup>) - Santiago Declaration  
- Sustainable Development Summit (1996)<sup>31</sup> - San Salvador Declaration

**Subregional Agreements:** - SICA (1991)<sup>45</sup> - MERCOSUR (1995)<sup>46</sup> - Central America Democratic Security (1995)<sup>47</sup>

2000

**Organizations:** - IADB - OAS (2006)<sup>6</sup>

**Hemispheric Treaties:** - Inter-American Democratic Charter, OAS (2001) - Inter-American Convention against Terrorism

**Hemispheric Declarations and Meetings:** - IV, V, VI and VII Americas Defence Ministers Conference (2000<sup>33</sup>,  
- Americas Security Declaration (2003)<sup>40</sup> - Americas Special Summit

**Subregional Agreements:** - Lima Commitment (2002)<sup>49</sup> - South American Peace Zone (2002)<sup>50</sup> - SICA Extraordinary  
- Central American Security Committee Extraordinary Summit (2006)<sup>54</sup> - Bolivarian Countries  
- Regional Security Framework Agreement (2006)<sup>57</sup> - Central America and Mexico Security

\* The Graph indicates the dates in which the agreements were signed.

1 Inter-American Defence Board.

2 Organization of American States.

3 Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

4 Inter-American Drug Abuse Control Commission, OAS.

5 Inter-American Convention against Terrorism. OAS.

6 The IADB becomes subsidiary organ of the OAS.

7 Inter-American Treaty of Reciprocal Assistance. Denunciation by Mexico 2002/09/06.

8 Pact of Bogotá. American Treaty on Pacific Settlement.

9 Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife.

10 Antarctic Treaty.

11 Protocol of Amendments to the Charter of the Organization of American States "Protocol of Buenos Aires".

12 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

13 American Convention on Human Rights (Pact of San Jose, Costa Rica).

14 Protocol of Amendment to the TIAR (1975). Signed on 1975/07/26 at the Plenipotentiary Conference of OAS, in San Jose, Costa Rica. To date, it has not gathered the necessary ratifications for its entry into force. It has only been ratified by Brazil (1977), Dominican Republic (1976), Guatemala (1978), and Peru (1991).

15 Protocol of Amendments to the Charter of the Organization of American States "Protocol of Cartagena de Indias".

16 Inter-American Convention to Prevent and Punish Torture, OAS.

17 Protocol of Amendments to the Charter of the Organization of American States "Protocol of Washington".

18 Protocol of Amendment to the Charter of the Organization of American States "Protocol of Managua".

19 Inter-American Convention on Forced Disappearance of Persons, OAS.

20 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, OAS.

21 Inter-American Convention on Transparency in Conventional Weapons Acquisitions, OAS.

22 Declaration of the Presidents of the American Republics in Panama.

23 Declaration of the Presidents of America. Meeting of American Chiefs of State.

24 Convention to Prevent and Punish the Acts of Terrorism taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, OAS.

25 I Summit of the Americas, Declaration of Principles, Miami.

26 II Summit of the Americas, Declaration of Santiago.

27 Declaration of Santiago on Confidence and Security Building Measures, OAS.

28 I Conference of Defence Ministers of the Americas, Declaration of Williamsburg.

29 II Conference of Defence Ministers of the Americas, Declaration of Bariloche.

30 III Conference of Defence Ministers of the Americas, Declaration of Cartagena.

31 Summit of the Americas on Sustainable Development, Declaration of Santa Cruz de la Sierra.

32 Declaration of San Salvador on Confidence and Security Building Measures, OAS.

33 IV Conference of Defence Ministers of the Americas, Declaration of Manaus.

34 V Conference of Defence Ministers of the Americas, Declaration of Santiago.

35 VI Conference of Defence Ministers of the Americas, Declaration of Quito.

36 VII Conference of Defence Ministers of the Americas, Declaration of Managua.

(1967)<sup>11</sup> - Tlatelolco (1967)<sup>12</sup> - Human Rights (1969)<sup>13</sup> - Rio Treaty Reform (1975)<sup>14</sup> - OAS Reform (1985)<sup>15</sup> - Torture Punishment (1985)<sup>16</sup>

- Convention on Terrorism Punishment (1971)<sup>24</sup>

Manufacturing (1997)<sup>20</sup> - Conventional Weapons Transparency (1999)<sup>21</sup>

(1995)<sup>27</sup> - I, II and III Americas Defence Ministers Conference (1995<sup>28</sup>, 1996<sup>29</sup> and 1998<sup>30</sup>) (1998)<sup>32</sup>

- MERCOSUR, Bolivia and Chile Peace Zone (1999)<sup>48</sup>

OAS (2002)

2002<sup>34</sup>, 2004<sup>35</sup> and 2006<sup>36</sup>) - III and IV Americas Summit (2001<sup>37</sup> and 2005<sup>38</sup>) - Bridgetown Declaration (2002)<sup>39</sup> (2004)<sup>41</sup> - Antipersonnel-Land Mine Declaration (2006)<sup>42</sup>

Summit (2003)<sup>51</sup> - Andean Peace Zone (2004)<sup>52</sup> - Andean Common External Security Policy (2004)<sup>53</sup> Ministers Defence Declaration (2006)<sup>55</sup> - OTCA Defence Ministers Meeting (2006)<sup>56</sup> Strategy (2007)<sup>58</sup> - UNASUR (2008)<sup>59</sup>

37 III Summit of the Americas, Declaration of Quebec City.

38 IV Summit of the Americas, Declaration of Mar del Plata.

39 Declaration of Bridgetown. The Multidimensional Approach to Hemispheric Security, OAS.

40 Declaration on Security in the Americas, Special Conference on Security in the Americas, OAS.

41 Special Summit of the Americas, Declaration of Nuevo Leon.

42 Declaration of the Americas as an Antipersonnel-Land Mine Free Zone.

43 Organization of Central American States (Costa Rica, Guatemala, Honduras, Nicaragua, El Salvador). Additional protocols in 1991 and 2002.

44 Andean Community of Nations (Bolivia, Chile, Colombia, Ecuador y Peru). Established in the Cartagena Agreement. Additional protocols in 1996, 1997 and 2000. Venezuela becomes a member in 1973 and withdraws in 2006. Chile withdraws in 1976 and in 2006 is granted associated membership. Argentina, Brazil, Paraguay and Uruguay are associated members as well.

45 Central American Integration System (Belice, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama). Dominican Republic is an associated country.

46 Common Market of the South (Argentina, Brazil, Paraguay and Uruguay). Established through the Treaty of Asuncion. Additional protocols in 1994, 1998 and 2002. Bolivia and Chile are associated countries.

47 Framework Treaty on Democratic Security in Central America.

48 Political Declaration of the MERCOSUR, Bolivia and Chile as a Zone of Peace.

49 Conference of Foreign Affairs Ministers and Defence Ministers of the Andean Community. Includes: Andean Charter for Peace and Security, and

the Limitation and Control of Expenses Assigned to External Defence.

50 Declaration of the South American Peace Zone, II Summit of the Presidents of South America (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela).

51 Joint Declaration on Regional Security, Extraordinary Summit of Heads of State and Government of the States Members of the Central American Integration System.

52 Declaration of San Francisco de Quito on the Establishment and Development of the Andean Peace Zone, CAN.

53 Guidelines for the Common External Security Policy of the Andean Community. Decision 587, Council of Ministers of Foreign Affairs, CAN.

54 Extraordinary Summit of the Central American Security Committee, SICA.

55 Joint Declaration of the Ministers of Defence of the Bolivarian Countries (Bolivia, Colombia, Ecuador, Peru and Venezuela).

56 I Meeting of Defence Ministers of the Organization of the Treaty of Amazonic Cooperation on Security and Integral Defence of Amazonia.

57 Framework Agreement on Cooperation in Regional Security Matters (MERCOSUR States, Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela). Still not in effect.

58 Extraordinary Meeting of the Heads of State and Government of SICA countries.

59 Organic Treaty of the Union of the South American Nations. Still not in effect.

**Source:** Compilation based on the information supplied by the following institutions and organizations on their web pages: OAS ([www.oas.org](http://www.oas.org)), CAN ([www.comunidadandina.org](http://www.comunidadandina.org)), MERCOSUR ([www.mercosur.int/msweb/](http://www.mercosur.int/msweb/)), SICA ([www.sica.int/](http://www.sica.int/)), OPANAL ([www.opanal.org/index-e.htm](http://www.opanal.org/index-e.htm)) and IADB ([www.iid.org/](http://www.iid.org/)).



## Analysis:

# Trends of Military Justice in Latin America

**Juan Rial\***

In the Digest compiled by the Byzantine Emperor Justinian I in the 6<sup>th</sup> century, the provisions on “*re militari*” (military matters) - which had been previously ordered by Tarruntenus Paternus and Arrius Menander - were included. These regulations established the specificity of the military duty, were handed on to the middle ages - as technology started to introduce changes in the military actions - and later on, incorporated new provisions in the national states established during modern times.

In Latin America, the regulations that ruled the military life were based on the provisions of the enlightened monarch Charles III, known as the *Reales Ordenanzas para el Régimen, Disciplina, Subordinación y Servicio de sus Ejércitos* (Royal Ordinances for the Regime, Discipline, Subordination and Service of his Armies), sanctioned in San Lorenzo del Escorial on October 22, 1768. These specified the obligations of the military men in accordance with their rank, laying emphasis on the soldier’s honour and discipline and setting the legal regime of the military sphere.

These ordinances were in force in all Latin American countries until the second half of the 19<sup>th</sup> century. With the beginnings of military professionalization via the establishment of military academies for the formation of officers, the new military codes arose. They were, in many cases, mere copies and adjustments of the former Ordinances. In Spain itself Bourbon ordinances were only ruled out in December 1978, when the new Royal Ordinances for the

■ Regulations that ruled the military life were based on the provisions of the enlightened monarch Charles III, sanctioned in San Lorenzo del Escorial on October 22, 1768.

\* PEITHO / Consultant to International Organizations.

Armed Forces were passed, and later, complemented with each particular forces.

At the beginning of the 19<sup>th</sup> century, the French Prime Minister Georges Clemenceau outlined the central issue of military justice in the widely known – and many times wrongly attributed – phrase: “Military justice bears the same relationship to justice as military music bears to music.” The use of military justice as a fighting instrument against revolutionary and subversive movements that arose as from the 70s in many countries in the region, led to a strong reaction from society. Human rights defence bodies encouraged the removal or restriction of the military jurisdiction, a process that is still under way. In many cases, during times of dictatorship, the military justice prosecuted and sentenced through summary proceedings - or with weak guarantees - many subversive organizations members. The most notorious case was that of the so-called *jueces sin rostro* (faceless judges), who acted against *Sendero Luminoso* (the Shining Path) and *Movimiento Revolucionario Tupac Amarú* (the Tupac Amaru Revolutionary Movement). Judges were identified by a number, and only known by the Armed Forces members. The system was in force between 1993 and 1996. At that time, Italy enforced this system when it confronted the so-called “*Red Brigades*”. Today, there is a mainstream belief that this system should be used in the civil justice system, in those cases of prosecutions against the organized crime heads, including the drug-trafficking heads.

Military justice is based on the existence of one or more Codes containing administrative, disciplinary, criminal and procedural regulations, applicable to the whole of the Armed Forces – including also the specifics within each force – and on the existence of a specialized judge corps and judicial auxiliaries that put them into practice.

The current tendencies show two possible models. The first one is based on the assumed tradition of a specialized code of law; the second one considers that there can only exist one Judicial Branch, and that it should encompass all the crimes that may be considered specifically military. According to this last trend, specificity is only limited to crime typification, but the whole process remains in the hands of ordinary justice. No regional country has accepted this model.

At the same time, even for those who cling to the idea of a separate military jurisdiction, the tendency is to believe that this jurisdiction can only exercise jurisdiction for the crimes and offences carried out by the military, and under no circumstances extend its jurisdiction over people who do not belong to the military forces. Likewise, crimes and offences that can be typified should be exclusively military, except all crimes or offences that are part of all inhabitants’ daily life. As it stems from this concept, it is clearly stated that the ordinary crimes carried out by military staff should be explicitly excluded from the sphere of competence of such military courts.

In the same way, this conception should leave out any possibility for a military court to exercise its jurisdiction over a member of the Armed Forces, in

■ Human rights defence bodies encouraged the removal or restriction of the military jurisdiction, a process that is still under way.



deeds related to human right violations, or any other right acknowledged by the international judicial order in the field of human rights. These crimes must be the exclusive competence of the ordinary penal jurisdiction.

The applicability of this process involves the clear definition of the penal types that constitute a strictly military crime, with strict attachment to the principle stating that only those crimes that specifically concern a legally protected military right will be considered as military crimes.

Those who regard the military justice as a special jurisdiction, depart from the idea that the military are a part of an institution holding its own values, which are not shared with the rest of society. Like the Church – which also deems necessary the existence of the Canon Law, given the peculiarity of its organization and its members – they should be governed by specific regulations not applicable to the rest of society. This concept leads the military to make decisions and mark their own legal boundaries, autonomously from the State. But also, under certain circumstances, and due to its influence over the whole of society, the military can apply these regulations to those who are not an integral part of the military organization, when they attack or challenge the military values. In this case, both nationals and foreigners can be involved. The alleged attack on the morale of the Armed Forces is one of the typical figures that convey this situation.

Thus, and given the fact that the military forces constitute singular, hierarchical, disciplined organizations – all with a specific end, that is, the armed defence of society – it is believed necessary that they have their own code of conduct. It establishes disciplinary regulations that mark a standard action protocol; among those regulations, the most conspicuous are: the way to address superiors, subordinates and peers; salutes, introductions, or obedience requirements expressed through special physical actions, just to mention a few. To put them into practice, they follow discipline regulations that characterize these conducts; the failure to comply with them leads to committing offences that are sanctioned in accordance with the special applicable rules – only for those who bear a military status. But also, there is a legal corpus that defines the crimes to be prosecuted in a jurisdiction of their own.

■ The existence of the military justice strengthened the autonomy of military corporations.

The existence of the military justice reaffirmed the autonomy of military organizations, and not only because of their technical capacity to handle threats or the use of violence – as well as the underlying ethos in the profession – but also because of the pre-eminent position regarding the other social organizations, as they are considered to be the founders of the Nation and the State, and so, a “tutelary institution” of the State, whom they must serve.

The categorical imperative states that a Military Criminal Code - as a specialized norm - would be necessary and complementary to the ordinary Criminal Code - a law also applicable to the military sphere, while their members are citizens as well. Therefore, the general definitions regarding what should be considered a crime would not be duplicated, and the concepts of malice, guilt or knowing and wilful action, or the ones about the perpetrator,



accomplice or accessory after the fact, or the aggravating or mitigating circumstances, would be matters regulated by the Penal Code and by the ordinary Procedural and Penal Code, with the exception of the special cases. For instance, if a soldier or sailor has been enlisted in the institution for only two months, this fact might be established as an extenuating circumstance of the criminal conduct.

Only those actions or omissions that – carried out by military in action or reserve – involve responsibilities of the daily military routines, or affect the fulfillment of assignments or the discipline and the institutional hierarchy, or the Armed Forces resources, would represent military crimes.

Those holding no military condition would be covered by the provisions concerning civil justice. Even in the case of conducts that leads to affect the Forces – but which do not represent a military crime – should be sanctioned by the civil justice, as in the case of attacking guards.

Sentences for military crimes must involve a custodial sentence with the same maximums established by the civil justice; the death penalty should not be imposed, in accordance with international treaties and accords in effect. However, there could also be specific sentences of punishment in the military sphere, such as confinement, temporary or definite discharge from military position, temporary or definite disqualification for command positions, or any other disqualifications, applicable as a main or accessory sentence.

The application of military justice involves the existence of specialized staff. Auditors or military judges are part of a judiciary corps directly subordinate to the Ministry of Defence. Nevertheless, they are currently subordinated to the same discipline regulations –as for their military status– than the rest of their service colleagues, and given that they must follow the professional ethos and the proper regulations, their independence is a matter of debate.

Some countries have created police-type special investigation bodies for the completion of the main indictment, which substantiates the process to be followed in order to typify a criminal conduct. Yet, the norm in most Latin American countries indicates that appointed ad hoc officers from every unit work as *juez sumariante* (summary judges)” or *instructor pre-sumariante* (pre-summary inspector). Public prosecutors, judges and attorneys intervention just occurs at the beginning of the prosecution – which lies in the hands of the military justice.

In some countries, attorneys need to be a military lawyer too, aside from a civil lawyer. The final appeal before the civil justice is allowed in many cases, but the Supreme Court or equivalent – as in the case of co-judges - are integrated with senior members of the military justice, general officers or retired admirals.

The disciplinary regime is ruled by the regulations or a code of conduct, which classifies the offences and their punishments. According to the different cases, it holds the force of law or statute, dictated by the Executive Branch, in accordance with the Ministry of Defence. This provisions bear administrative

■ Sentences owing to military crimes should only involve custodial sentence with the same maximums established by the civil justice.



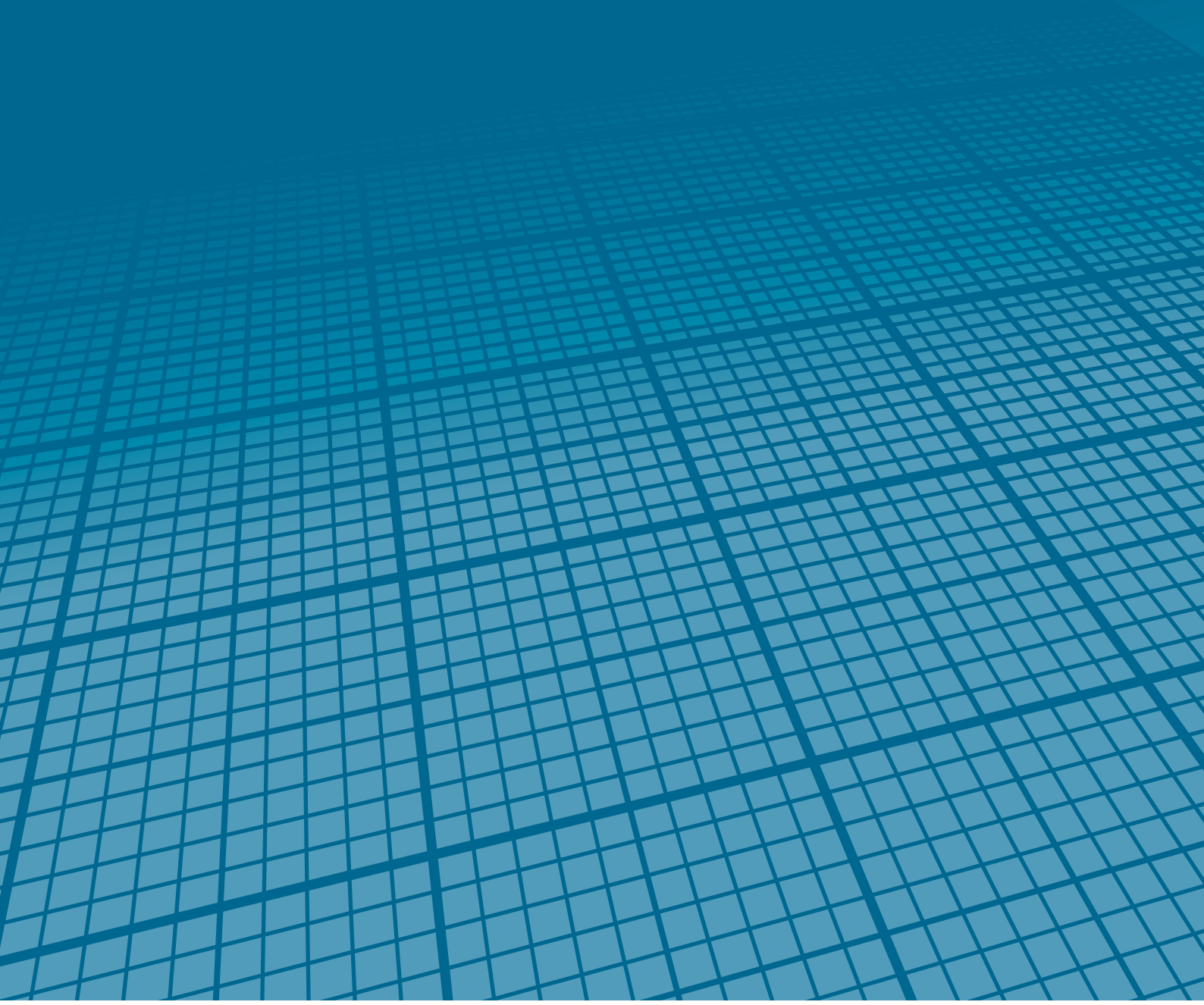
■ The dominant tendency seems to reveal the existence of an exclusively military jurisdiction, limited to certain specific military crimes.

character, instead of penal. It is questionable if they can be appealed in the framework of civil and administrative contentious jurisdiction, as court of appeal for the military provisions.

The dominant tendency in the Latin-American region at the beginnings of the 21<sup>st</sup> century seems to reveal the existence of an exclusively military jurisdiction, limited to certain specific military crimes that only the Armed Forces staff members can commit. These are disobedience, insubordination, insurrection, mutiny, rebellion and desertion, among others. It is not very clearly shown in the debates how to typify espionage and treason crimes, as in many legal orders it is considered that they can also be committed by civilians. The attempt against the Constitution and the *coup d'état* have motivated recent legislation in several countries, and its inclusion in ordinary penal systems, thus unfolding these cases to the ordinary penal justice. No doubt, it is about a daily and continual matter of debate, where change is in progress.

Chapter 2:

# The Budgets

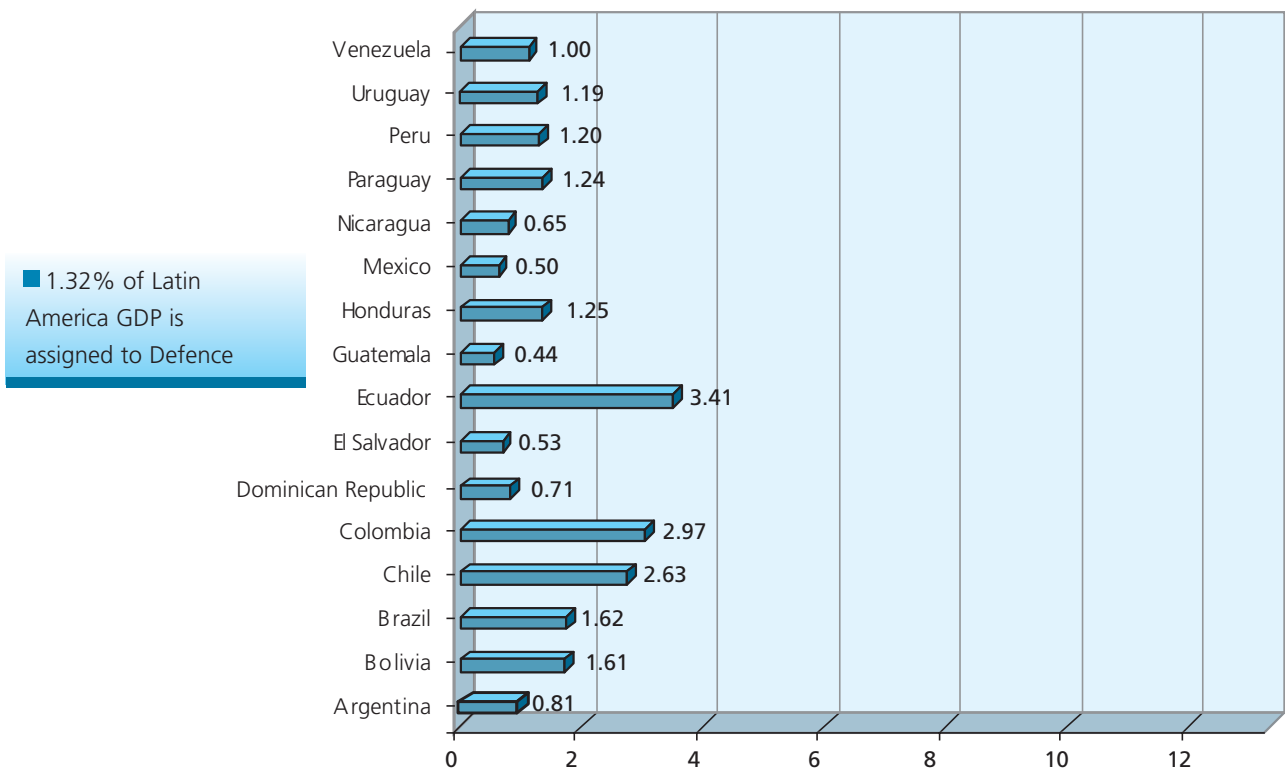




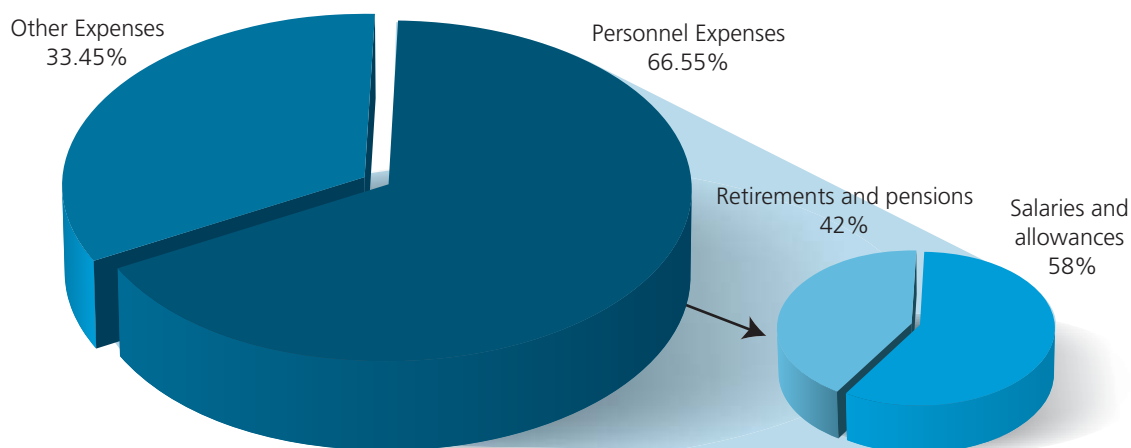
**Budget Year 2008 (in US\$)**

Country	Defence Budget	State Budget	GDP
Argentina	2,628,157,098	50,781,906,344	323,800,000,000
Bolivia	269,537,265	11,203,635,538	16,699,000,000
Brazil	26,202,709,813	832,977,021,070	1,621,274,000,000
Chile	4,471,052,664	37,017,804,099	169,919,000,000
Colombia	6,004,957,107	64,578,637,852	202,437,000,000
Dominican Republic	269,120,373	8,416,481,414	37,698,000,000
Ecuador	1,691,776,803	15,817,954,065	49,597,000,000
El Salvador	115,409,495	4,558,300,000	21,824,000,000
Guatemala	156,210,263	5,251,290,771	35,729,000,000
Honduras	172,757,982	3,167,154,298	13,779,000,000
Mexico	4,706,150,462	173,350,821,168	949,576,000,000
Nicaragua	42,191,833	1,492,080,617	6,523,000,000
Paraguay	149,945,906	5,097,997,863	12,076,000,000
Peru	1,515,727,130	24,332,118,765	125,828,000,000
Uruguay	316,844,107	4,331,809,675	26,607,000,000
Venezuela	3,351,756,259	63,984,953,854	334,726,000,000

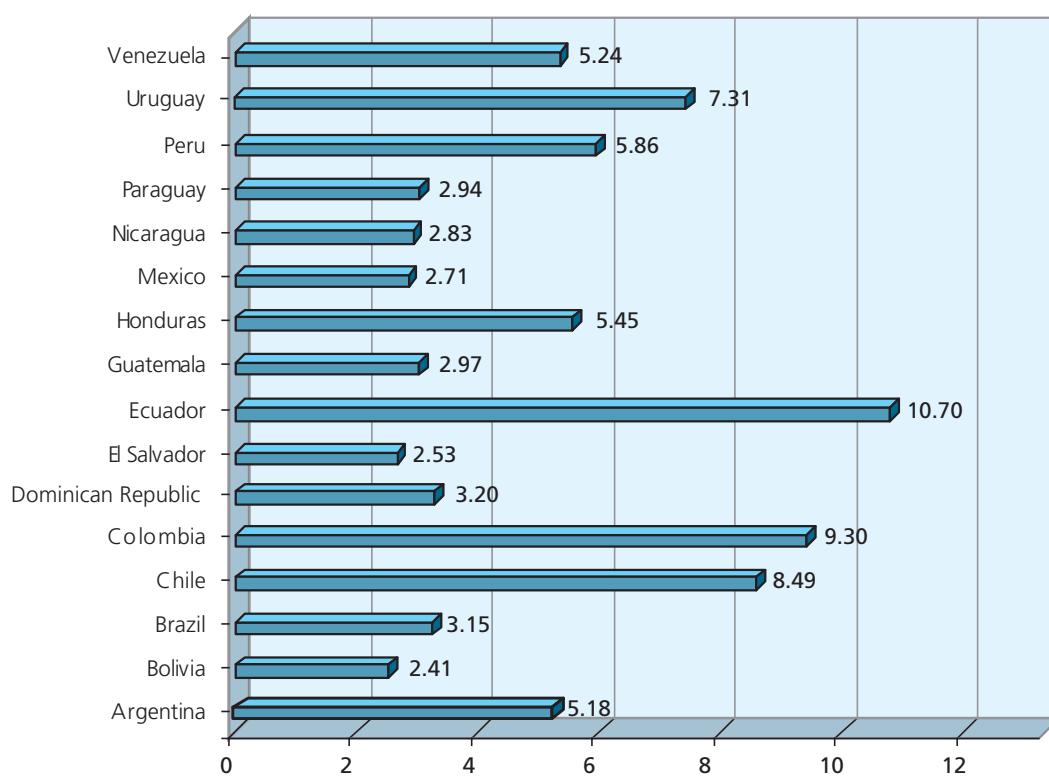
**Defence Budget 2008 (% with respect to the GDP)**



Breakdown of Defence Budget. Latin America, 2008



Defence Budget 2008 (% with respect to the State Budget)



Source: Compilation based on the budgetary laws for fiscal year 2008 in each country.

For the GDP, the 2008 IMF's World Economic Outlook Database GDP information was considered.

Within this work, all resources aimed at meeting the defence system needs, independently of the specific institutional classification shown on the budgets, are considered as Defence Budget. Central Administration, Decentralized and Social Security organisms are included. For further details, see Section "The Countries" from this publication. In the case of Chile and Peru, extra-budgetary projections envisaged by law have been included in the chart with respect to the GDS.



## Analysis:

# Reserved Expenses

**Carlos Wellington Leite de Almeida\***

■ The analysis of the degree of transparency in Latin American public policies leaves the perception of a low degree of transparency.

■ The congressional allocations of reserved expenses is one of the matters still unsolved by governments in the American continent. Reserved expenses may be defined as that spending which does not completely follow the legal rules on transparency, thus disallowing the public knowledge about one or more identification and classification elements of those allocations, such as the financial source, how resources are earmarked, the object of the expenditure, the responsible authority or official in charge, the amount of the expenditure, among others. They are more commonly seen in the governmental areas that keep secrecy as a common factor that directs part of its faculties and competencies, as is the case of the national defence, the public security and the government intelligence (civil or military).

The analysis of the degree of transparency in Latin American public policies leaves the perception of a low degree of transparency. In general, it is about policies conceived of and managed in concealment by the authorities in charge, thus, social participation turns out to be low in any of the involved stages. As a result, there is a sensibly high frequency of reserved expenses. This is inherited from a historical-political evolution, most of times marked by patrimonialism and political clientelism, with a particular emphasis on all matters related to defence policies, public security and intelligence, and also by the so-called culture of secrecy.

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## Possible reasons for lack of transparency shortage

In light of the classification suggested by George Kopits, director of the Fiscal Affairs Department of the International Monetary Fund (IMF), the Latin American Security and Defence Network (RESDAL) elaborated a detailed report that identified the possible reasons for lack of transparency in the defence sector, resulting in the generation of government allocation of federal funds.<sup>1</sup> In this sense, the denial or deferral of reforms to national defence structure, the lack of coherence between defence and national objectives, the protection of particular interests and technical incapacity, are positioned in the culture of secrecy.

Particularly, a rooted culture of secrecy prevails in the world of defence and especially in the Armed Forces. This phenomenon occurs practically in every country, mainly in those where the military were closely connected with anti-democratic political times. This is the case of a large part of Latin America, where military and civilians still have difficulties regarding the establishment of new coexistence patterns.

The culture of secrecy can be defined as the undue expansion of keeping certain issues into secrecy to others that should be – a priori – of general knowledge. It is usual to find a meticulous secrecy about many of the treated matters in the military sphere, or an exaggerated mark of secrecy in ordinary issues, along with behavioural vices or simply the disregard to dissimilar criteria.

The denial or deferral of reforms in the defence structure shows the intention of keeping the existent and impending need for reforms in the defence sector away from public knowledge, mainly in the case of those reforms affecting the budgetary structure. The lack of cohesion between the defence and the national objectives is engendered in the estrangement between the implemented actions within the defence sector and the supreme national interests, to which the first should be subordinated. The protection of corporate interests is related to the natural defensive attitude, characteristic of certain people when being the target of inquiries that might reduce their personal perks, especially of the pecuniary type. The protection of personal interests mentions the guarantee of personal, individual interests - detached or not from the class interests.

Contrary to the culture of secrecy and all the abovementioned, these characteristics have to fulfill the higher duty of being transparent. Transparency must be understood as a democratic duty of the public administrator, consisting in accounting for their administrative acts and the use of public money. Transparency should not be seen as a mere demand arising from the control bodies, but rather as a social demand that hovers over the administrator. This situation is not different in the case of defence matters. The administrators of the defence system have to be accountable for their acts just like the rest of the state resources administrators are.

The identification of these possible reasons that motivate low transparency in some important governmental spending is quite precise and appropriate in regard to the generation of reserved funds. In general, these are the motivations that usually lead a governmental entity or body to make expenses without publicizing them, or to conceal them when faced to their identification and classification.

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<sup>1</sup> DONADIO, Marcela et al. *El presupuesto de defensa en América Latina: la importancia de la transparencia y herramientas para el monitoreo independiente*, RESDAL/Ser en el 2000, Buenos Aires, 2004.



## The negative effects of reserved expenses

Bygone are the times when the execution of spending without due transparency could be done without engendering prejudice against the public money administration and in society. Likewise, it can not be affirmed that the intervention of society in public administration is incorrect or detrimental for the development of public service. The consolidation of democracy and its institutions attempted to eradicate this archaic and unjustifiable way of thinking. Today, transparency is the main principle on which a good deal of the democratic reason and its values are based, and it can not be reduced to a mere unimportant instrument, whatever the alleged motivations are for its oblivion.

Especially in the defence sector, the matter revolves around the balance - or unbalance - between the need for transparency and the need for secrecy. Through the analysis of the Peruvian case, Arlette Beltrán and other researchers point out, precisely, the low information availability as a limiting factor for the adequate analysis of the national defence budget.<sup>2</sup> In fact, many military issues have a reputation for secrecy, something that should not be uncared for. Even so, transparency is something essential to guarantee efficacy and efficiency in the use of public money, so reserved expenses goes against that longed for evolution.

The first and severer damage due to reserved expenses is the liability of the principle of efficiency of the public expenditure. There is an established idea that efficiency – the generation of results at the lowest possible cost – has an umbilical link to transparency. This is so because the continual improvement in the use of public resources, with its ensuing attainment of better results, is a direct consequence of the constructive criticism only seen in an institutional atmosphere where the continual supervision and successive assessments predominate. Reserved expenses, as not being exposed to the criticism from specialized bodies and, chiefly, to social control criticism, tends to be corrupt with squandering, aside from being earmarked by a doubtful legitimacy.

From the point of view of foreign relations, reserved expenses has the awful potential to generate international distrust. Neighbouring countries in particular, are the most affected by this collateral effect of the military spending under a blanket of secrecy. In an atmosphere where the growth of mutual trust measures increasingly prevails, the existence of reserved expenses emerges as an important hurdle to overcome. For no other reason the diplomatic representatives, in the 2006 meetings held by the Organization of American States Committee on Hemispheric Security, came to the conclusion that the lack of transparency in military spending in the continental countries is one of the main barriers to the full development of trust among the American countries.

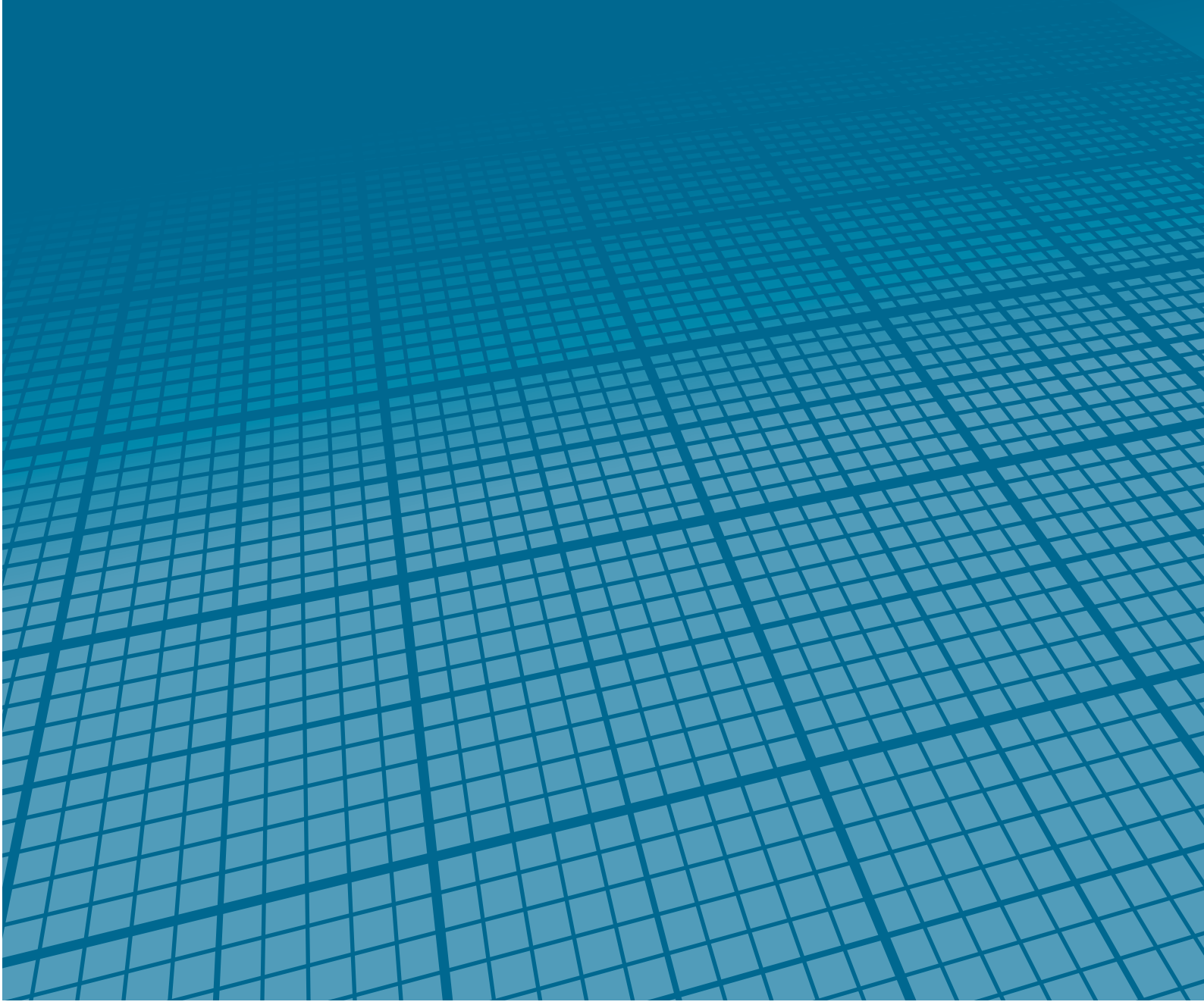
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<sup>2</sup> BELTRÁN, Arlette et al. "The fiscal budget in Peru", in PATTILLO, Guillermo (org.), *Gasto y transparencia fiscal: Argentina, Chile y Perú*. Universidad de Santiago de Chile, Santiago de Chile, 2001.



Chapter 3:

# Political Definitions





### Security and Defence Concepts

Country	What is Defence?	What is Security?
<b>Argentina</b>	National defence means the integration and coordinated action all of the Nation's forces aimed at solving those conflicts which may demand the use of the Armed Forces, in a dissuasive or effective way in order to face external aggressions. Its purpose is to guarantee sovereignty and independence of the Argentine Nation on a permanent basis; protect life and freedom of its inhabitants. <i>(Ley de Defensa Nacional, N° 23.554 - 1998/05/05, Sec. 2)</i>	Internal security is the actual situation based on the rule of law in which freedom, life and assets of its inhabitants, their rights and guarantees, and the full force of the institutions of the representative, republican and federal system established by the National Constitution, are safeguarded. <i>(Ley de Seguridad Interior, N° 24.059 - 1992/01/17, Sec. 2)</i>
<b>Bolivia</b>	The State, through the Armed Forces, shall organise national security and defence, as an integrated system in order to neutralize, repel or destroy any action which is aimed at infringing them. <i>(Ley Orgánica de las Fuerzas Armadas de la Nación, N° 1.405 - 1992/12/30, Sec. 3)</i>	Internal security: it is closely related to threats which can hinder the development and internal security, such as corruption, delinquency, political instability, arms trafficking, drug trafficking and terrorism. External security: it is supported by the institutional mechanisms provided by defence and diplomacy. It is related to national independence, territorial integrity and national sovereignty. <i>(Libro Blanco de la Defensa, 2004)</i>
<b>Brazil</b>	National defence is the set of State's measures and actions with focuses on the military expression, aimed at defending the territory, sovereignty and national interests against threats mainly arising from external, potential or evident sources <i>(Política de Defesa Nacional, Decree N° 5.484 - 2005/07/01)</i>	In general, security is a condition which allows the country to maintain its sovereignty and territorial integrity, the realization of its national interests, free of pressure and threats of any nature, and guarantees to the citizens the exercise of their constitutional rights and duties. <i>(Política de Defesa Nacional, Decree N° 5.484 - 2005/07/01)</i>
<b>Chile</b>	It is one of the essential responsibilities of the State, whose purpose is to protect population, preserve national territory, and protect the capacity of the State to exercise its sovereignty against external threats to those fundamental elements; as well as support the achievement of national objectives within the international sphere. Defence must be considered as a public good in an integral sense. It has a basic social function for the existence of society and cannot not be provided by any other institution than the State. As part of the security which is necessary for the country, defence helps make society development possible. <i>(Libro de la Defensa Nacional, 2002)</i>	Security consists of a desirable condition for the realization of the purposes of the State and the Nation, particularly those related to the social and economic development. <i>(Libro de la Defensa Nacional, 2002)</i>
<b>Colombia</b>	The Consolidation of Democratic Security Policy is the national defence policy of Colombia for the term 2006-2010. Its implementation principles are: achieve security and peace, perform duties legally, have a permanent presence, promote security as a guarantee for the work of justice, be flexible and adaptable, apply coordination among the Forces and with other State agencies. The strategic objectives are set as follows: - Consolidate the territorial control and strengthen the rule of law in all national territory. - Protect inhabitants, by keeping the strategic initiative against all threats to their security. - Increase the cost of engaging in drug-trafficking activities. - Keep a legitimate, modern and effective Public Force, supported by the trust and backing of the people. - Keep the decreasing tendency of all crime indicators in all urban centers of the country. <i>(Política de Consolidación de la Seguridad Democrática, 2007)</i>	
<b>Dominican Republic</b>	For the development of the security and defence policy at the national scope, the following guidelines have been established: - Definition and identification of national objectives. - The approval of a National Security Act. - Modification of the Organic Law of the Armed Forces. - Publication of the White Book of Defence and the Manual of the Joint Doctrine of the Armed Forces. - Creation of the National Intelligence System. - Strengthening of the Permanent Committee of Reform and Modernization of the Armed Forces. - Definition of the Armed Forces model. - Foster the Armed Forces transformation. - Develop a new institutionalization and professionalization model. - Reform the military career. - Improve the equipment. - Foster research, development and innovation in order to maintain a proper technological level. <i>(Directiva de Seguridad y Defensa Nacional, Decree N° 189-07 - 2007/04/03, Sec. 3)</i>	
<b>Ecuador</b>	The defence policy is based in the protection to population, natural resources, national patrimony and the effective control of its territory. The Ecuatorian State maintains the principle of non intervention in internal affairs of other States, rejects the threat and use of force within international relations, according to the ruling principles framed under the foreign policy and the defence policy, promoting the peaceful resolution of conflicts. It promotes the resolution of internal and international conflicts based in political, diplomatic, legal and other non military mechanisms established in international law. Ecuador shall abstain from participating in combined, coordinated or joint military operations with Colombia. <i>(Plan Ecuador, 2007)</i>	The national security of Ecuador is the responsibility of the State. The State ensures the continued existence of the community, the defence of the national assets and the achievement and maintenance of national objectives. Its fundamental responsibility is to enhance national unity, ensure the full effect of fundamental human rights and promoting the economic, social and cultural progress of its inhabitants, reversing the adverse internal and external factors through political, economic, social and military provisions and actions. <i>(Ley de Seguridad Nacional, N° 275 - 1979/08/09, Sec. 1 and 2)</i> Human security is the result of peace and development. <i>(Plan Ecuador, 2007)</i>

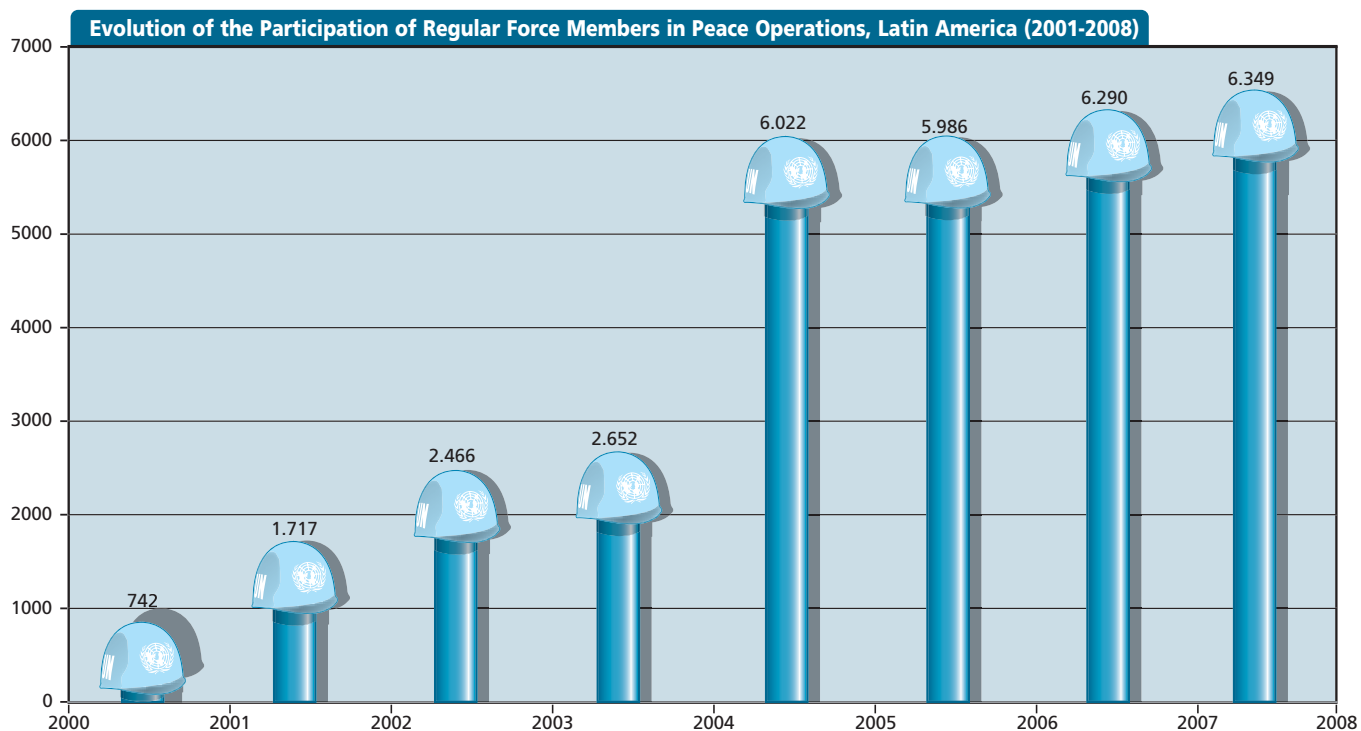
Country	What is Defence?	What is Security?
<b>El Salvador</b>	National defence: set of resources and activities that the State develops on a permanent basis, in all fields of action, through coordinated actions, in order to face threats to national sovereignty and integrity of the territory. <i>(Ley 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>
<b>Guatemala</b>	The external security field belongs to the defence of independency and sovereignty, integrity of the territory, peace, and the maintenance and strengthening of international relations. It works under the responsibility of the President through the ministries of Foreign Affairs and Defence. Within the performance and coordination of the external security field, the content of the international treaties and agreements to which Guatemala belongs shall be considered. Regarding foreign policy, it is aimed at preventing and counteracting threats and risks which could politically affect the country and are produced by external factors. As regards national defence, it develops the Nation's defence policy and guarantees the summon and mobilization of civil defence. <i>(Ley Marco del Sistema Nacional de Seguridad, Decree N° 18-2008, 2008/04/15, Sec. 20)</i>	The internal security field includes, in a preventive and direct manner, the set of risks and threats from organized crime and common delinquency, in defence of the democratic State under the rule of law. It works under the responsibility of the President through the Ministry of Government. <i>(Ley Marco del Sistema Nacional de Seguridad, Decree N° 18-2008, 2008/04/15, Sec. 19)</i>
<b>Honduras</b>	Defence is defined as a set of actions and capacities aimed at guaranteeing territorial integrity, sovereignty and independence of the country. National defence is focus on preventing and neutralizing external threats which jeopardize national interests. <i>(Libro de la Defensa Nacional, 2005)</i>	Security is a multidimensional concept which encompasses several aspects of the national reality. It is a guarantee for development as long as it generates the adequate conditions for productive investment and the creation of employment. Security is responsibility of the State and it creates co-responsibility, participation and public appropriation of the society in the defence and maintenance of common security. <i>(Libro de la Defensa Nacional, 2005)</i>
<b>Mexico</b>	The Mexican State has the inalienable responsibility and objective to protect the integrity of the territory and preserve the sovereignty of the Nation. The long fight for becoming a free nation, a nation ruled by law, could not be considered as so without the Armed Forces. Guaranteeing the integrity of the national territory is a key imperative for Mexico's progress. The national borders, seas and coasts of the country must not become a channel for the operation of criminals. Actions against life, health, physical integrity and the patrimony of Mexicans must not be allowed in the national territory. <i>(Plan Nacional de Desarrollo, 2007-2012)</i>	National security refers to the actions destined, in an immediate and direct manner, to maintaining the integrity, stability and permanence of the Mexican State, which entails: the protection of the Mexican Nation against threats and risks the country might face; the preservation of national sovereignty and independence and the defence of the territory; maintenance of the constitutional order and empowerment of the democratic institutions of the government; maintenance of the unity of the parties which form the Federation; the legitimate defence of the Mexican State regarding other States or subjects of international law, and the preservation of democracy, founded on the economic, social and political development of the country and its inhabitants. <i>(Ley de Seguridad Nacional, DOF 2005/01/31. Last Reform: DOF 2005/12/26, Sec. 3)</i>
<b>Nicaragua</b>	National defence is the means whose goal is to guarantee security of the State, through the execution of a set of measures and actions aimed at preventing or prevailing threats and risks. This implies that national defence is the capacity of the State to provide protection to its national interests and goals, by having all moral and material powers and forces of the Nation available and working in coordinated action. <i>(Libro de la Defensa Nacional de Nicaragua, 2005)</i>	National security is a permanent condition of sovereignty, independence, territorial integrity, peace and social justice, which in the institutional framework of a social, legal State, provides the Nation with the necessary guarantees for the force of its interests and national objectives, against any threat, risk or aggression, as well as the exercise of individual freedoms and political rights, in accordance with the law. Although in itself it does not constitute a purpose, national security is a generic objective of the State which involves all of the forces of the Nation, expressed in the national power. <i>(Libro de la Defensa Nacional de Nicaragua, 2005)</i>
<b>Paraguay</b>	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. <i>(Ley de Defensa Nacional y de Seguridad Interna, N° 1.337 - 1999/04/14, Sec. 2)</i>	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. <i>(Ley de Defensa Nacional y de Seguridad Interna, N° 1.337 - 1999/04/14, Sec. 37)</i>
<b>Peru</b>	The national defence and security system is the set of interrelated elements of the State whose functions are aimed at guaranteeing national security by means of conception, planning, management, preparation, execution and oversight of national defence. <i>(Ley del Sistema de Seguridad y Defensa Nacional, N° 28.478 - 2005/03/23, Sec. 3)</i>	
	National defence is the set of measures, plans and actions created, adopted and executed by the State on an integral and permanent basis, both internally and externally. <i>(Libro de la Defensa Nacional, 2005)</i>	Security is the situation of the State whose independence sovereignty and integrity are guaranteed as well as the inhabitants' fundamental rights established in the Constitution. This situation contributes to the consolidation of peace, integral development and social justice, based on democratic values and the respect for human rights. <i>(Libro de la Defensa Nacional, 2005)</i>



Security and Defence Concepts

Country	What is Defence?	What is Security?
<b>Uruguay</b>	National defence is one of the means by which national security is achieved. It consists of the set of bodies, laws and rules exercised to that end by the Executive Power through the military commands to repeal, neutralize or reject agents who may infringe such security. <i>(Decreto Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07, Sec. 5)</i>	National security is the condition when the national assets of all kinds and the development process towards the national objectives are safeguarded against internal and external interference or aggression. <i>(Decreto Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07, Sec. 4)</i>
<b>Venezuela</b>	Integral defence: the set of defence systems, methods, measures and actions, whichever their nature and intensity, actively formulated, coordinated and executed by the State, with the participation of public and private institutions and natural and legal persons, national or foreign, aimed at protecting independence, freedom, democracy, sovereignty, territorial integrity and the integral development of the Nation. <i>(Ley Orgánica de Seguridad de la Nación, GO N° 37.594 - 2002/12/18, Sec. 3)</i>	Security of the Nation: It is fundamented in the integral development and it is the condition, state or situation which guarantees the full exercise of the rights and guarantees in the economic, social, political, cultural, geographical, environmental and military areas of the constitutional principles and values of the inhabitants, the institutions and each one of the persons who are part of the State and the society, with a generational approach, within a democratic, participatory and prominent system, free of threats to its survival, sovereignty and integrity of its territory and other geographical spaces. <i>(Ley Orgánica de Seguridad de la Nación, GO N° 37.594 - 2002/12/18, Sec. 3)</i>

Source: Compilation based on the above mentioned documents and legislation.



Source: Compilation based on documents from the United Nations Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/index.asp>).

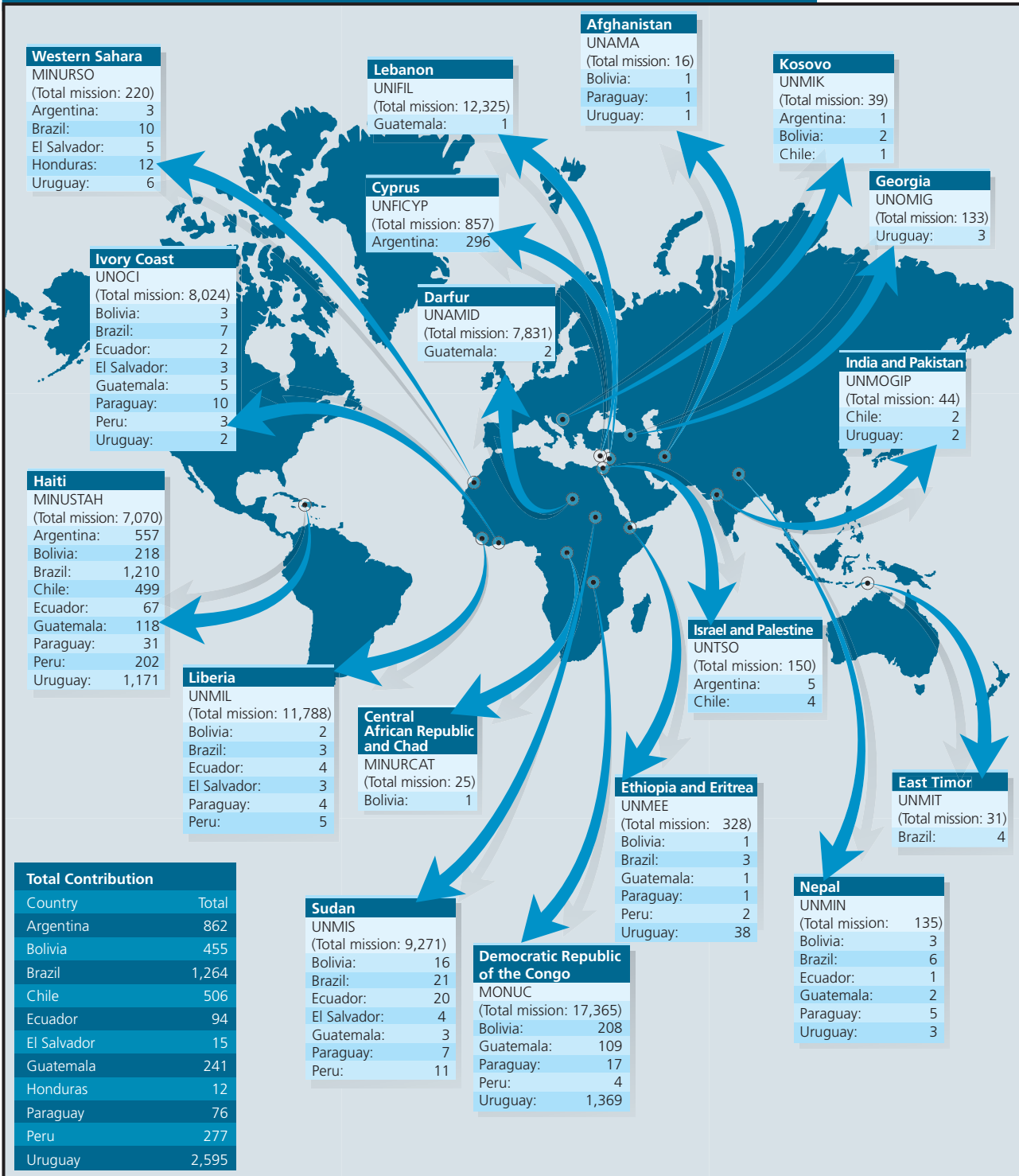
**Increase of Participation in Peace Operations (2001-2008 %)**

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	Total Increase 2001-2008
Latin America	131.4%	43.6%	7.5%	127.1%	-0.6%	5%	0.9%	755.7 %
Rest of the World	29%	-6.2%	8.9%	34.8%	9%	15.5%	2.3%	128.5 %

The percentages represent growth compared to the last period. Baseline date, December 31, 2000 (742 Latin American active troops). Closing date, December 31, 2007 (6,349 Latin American active troops).

Source: Compilation based on documents from the United Nations Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/index.asp>).

Regular Force Members from Latin American Troop Contributing Countries. UN Peace Operations



Source: Compilation based in documents from the UN Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/index.asp>). Information as of June 30 2008. Troops and military observers are taken, while contributions of Civil Police are excluded. Countries which do not appear on the table, do not contribute troops or military observers to peace operations under the UN. Colombia has been part of the Multinational Peace Force and Observers (MFO), in the Sinai since 1982. The MFO is an independent mission founded as the result of peace in 1979. Uruguay is also part of that mission.

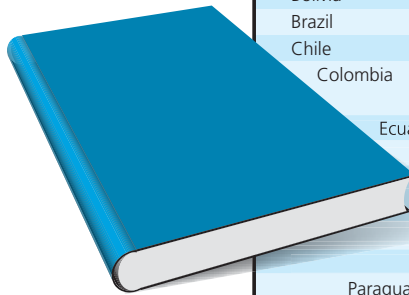


**Peacekeeping Operations Training Centres in Latin America**

Country	Name of the Centre	Date of Foundation
Argentina	Centro Argentino de Entrenamiento Conjunto para Operaciones de Paz (CAECOPAZ)	June 27, 1995
Bolivia	Centro de Operaciones de Mantenimiento de Paz del Ejército de Bolivia (COMPEBOL)	January 23, 2007
Brazil	Centro de Instrução de Operações de Paz (CI OP PAZ)	February 23, 2005
Chile	Centro Conjunto para Operaciones de Paz de Chile (CECOPAZ)	July 15, 2002
Ecuador	Unidad Escuela de Misiones de la Paz "Ecuador" (UEMPE)	November 10, 2003
Guatemala (office)	Centro Regional de Entrenamiento de Operaciones de Mantenimiento de la Paz (CREOMPAZ) (Guatemala, El Salvador, Honduras and Nicaragua)	June 8, 2005
Paraguay	Centro de Entrenamiento Conjunto de Operaciones de Paz (CECOPAZ)	October 8, 2001
Peru	Centro de Entrenamiento Conjunto de Operaciones de Paz (CECOPAZ)	November 11, 2003
Uruguay	Escuela de Operaciones de Paz del Ejército "Mayor Juan Sosa Machado" (EOPE)	December 22, 1998

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

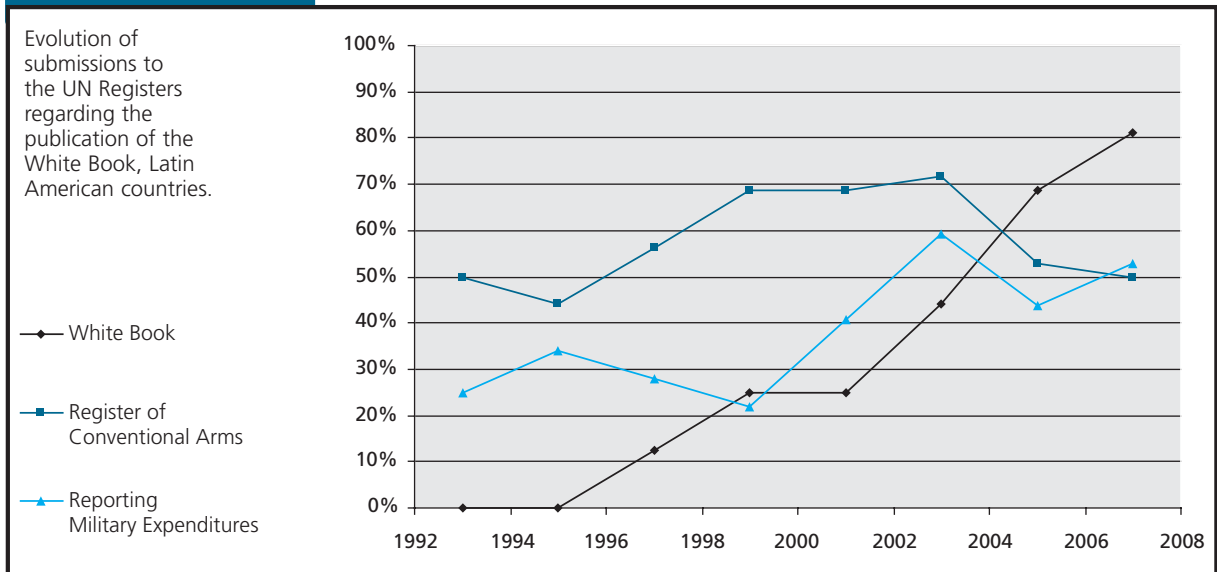
**White Books**



Country	Document
Argentina	Libro Blanco de la Defensa Nacional 1999. Revisión de la Defensa 2001
Bolivia	Libro Blanco de la Defensa 2004
Brazil	Política de Defensa Nacional, 1996 and 2005
Chile	Libro Blanco de la Defensa Nacional de Chile 1997. Libro de la Defensa Nacional 2002
Colombia	Política de Defensa y Seguridad Democrática 2003.
Ecuador	Política de Consolidación de la Seguridad Democrática 2007
El Salvador	Política de la Defensa Nacional del Ecuador, 2002 and 2006.
Guatemala	Libro de la Defensa Nacional 2006
Guatemala	Libro de la Defensa Nacional de la República de Guatemala 2003. Política de la Defensa Nacional 2005
Honduras	Libro de la Defensa Nacional 2005
Nicaragua	Libro de la Defensa Nacional de Nicaragua 2005
Paraguay	Política de Defensa Nacional de la República del Paraguay 1999
Peru	Libro Blanco de la Defensa Nacional del Perú 2005

Source: Compilation based on the above mentioned documents.

**Transparency Measures**



Source: Compilation based on White Books and documents of national defence of each country along with reports submitted by the States to the United Nations Register of Conventional Arms and the United Nations Instrument for Reporting Military Expenditures from 1992 to 2008. Register/Instrument: shows the average of the reporting forms delivered in years corresponding to each period. White Books: cumulative frequency of countries which published White Books.

Analysis:

## Defence and Security

### Héctor Saint-Pierre\*

In essence, the term “security” indicates a state or feeling produced by the perception of absence of threats that put life, property, interests, values or the particular way of being of who perceives it at risk. In effect, we feel safe when we do not perceive threats to our peace, that is to say, when nothing we care about is at risk.

However, this conceptual approach directs us towards negation: security is an absence, a lack of something, the negation of the threat. In this sense, we can say that the concept of “security” is negative, not from the pragmatic point of view – as it is a term conveying positive values –, but from the denotative point of view. In spite of being frequently used in strategic planning, the concept indicates, strictly speaking, a static condition of things, though not an activity.

The activity, which is finally the guarantee of security, is normally referred to as “Defence”.

On the one hand, we can feel safe when nothing threatens us; on the other hand we feel “defended” when we are sure to have done our best to keep our attention on the alert in the face of emergent threats; when we know we made good use of the resources around, and the circumstances. All that to diminish our vulnerabilities, hinder the coming of opportunist dangers, and increase our capacity and power to find new threats, drive them back, or lessen their effects if nothing of the latter is possible.

Even though this perception may come from an individual, a group, an ethnicity, a nation, a people, and so on, since the Treaty of Westphalia<sup>1</sup> it is the

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<sup>1</sup> This 1648 treaty put an end to the religious wars that devastated Europe, split the Church from the State in the field of international relations and, positioned the national State as the only full right subject in the international sphere. The international sphere became a world of States, and the international relations became statocentric.



national State that emerges as the preferred target of threats, as the pre-eminent subject perceiving these threats, and as the legitimate link between its diplomatic representation and its defence, even an armed one.

The Westphalian universe is conformed by the States, as the only subjects with the capacity to declare war and sign peace. They constitute themselves as international subjects, by mutual reference and acknowledgement. They eventually choose their own friends and enemies. That is why that sphere, in Carl Schmitt's words, is not a universe, but a *pluriverse*.

If then security was primarily a State duty, and the means of the threat is basically military, the concept of security has broadened so as to include other perceived subjects and threat targets, and has extended its scope to comprise other forms and means of threat. Now, threats could focus on ethnicity, human groups, individuals, institutions, nature, etcetera; and they could become evident through various means, such as the military, the economic, the political, the social, the environmental, and so on and so forth. It is what was called "Multidimensional Security". This conceptual expansion cast some shadows over the organizational and operative aspects of the force.

In fact, the multidimensionality of security has also been perceived as "an old acquaintance" in the American continent; it had already been considered in the National Security Doctrine (DSN) that led the actions of the Latin-American repressive apparatuses - still too present in the regional social memory. In a sort of macabre paradox, citizens were considered in the doctrine as a threat to the State itself, who, instead of guaranteeing their security, treated and fought them as enemies.

Thus, the significance of the Armed Forces (the national defence within the international sphere, as the specific instrument of the foreign policy of the nations) released the State violence, legitimate up to that moment, against the population itself, bursting on the domestic politics and giving birth to a conceptual haze amidst defence, international security and public security, that brought about these lines. With them, we expect to encourage the debate on these issues.

■ The concept of security has broadened so as to include other perceived subjects and threat targets, and has extended its scope to comprise other forms and means of threat.

## International Security

Even though the States receive threats, they are also perceived by other States as the main source of those threats. From this mutual relation and reference to threat, the States seek their own security through prevention and diplomacy, but it is the preparation for war that prevails as a guarantee of security and peace among them. However, if military strength can convince other States that an aggression can turn out to be a disaster for them, the excessive care leading to excessive armament can be perceived as a threat, thus triggering a regional arms race.



The search for a good deterrent capacity that is not perceived as a threat engenders the debate between tension and peace in the international sphere: the strategic alertness. This is what is known as “balance of power” and constitutes the subject matter of international security. The appearance of any cluster in this system, with a tense international balance, be it economic, social or military - within a State or among them - is seen as a threat to international security.

■ Defence is the administrative, organizational and operative structure that the States design in order to be secure within the international sphere

## Defence

It is the administrative, organizational and operative structure that the States design in order to be secure within the international sphere. All the national potentials concur in it, but the specific element – though not the only one – is the organized legitimate violence, through the permanent armed forces as an integral part of the State. The latter counts on the necessary laws to organize, operate and command that structure.

In a general sense, the duty of the Executive Branch in most countries is to formulate the defence policy, where the basic definitions on national defence and the structure, organization, objective and use of its specific instrument – the armed forces – are established. Those forces are a part of the monopoly of force content, which defines and belongs to the State. Although they can be used within the internal sphere, its significance is given – and they specifically fulfill it – by its performance in the free concurrence regime, in the “self-help” system that characterizes and defines the international sphere. It is in this exercise that the international balance tightens, and international security is built.

## Public Security

Public security, also called “domestic” security, is a perceptive phenomenon, just as international security is. Unlike the latter, it is the citizenry who perceives the threat in the realm of public security. Their protection takes place within the monopoly of violence regime. Internally, the State holds that legitimate monopoly conformed by the police forces, and it can be exercised by the Executive Branch through the ministries of the Interior, Governance or Justice. The exercise of the monopoly of violence allows guaranteeing the univocal nature of law within a country through punishment (or its threat). The specificity of this force lies in its exclusively internal use, which is manifested through investigation, prevention, display and repression. The force devotes itself to guarantee tranquility for the citizenry, and keep them free from crime and disorder, within the certainty of a single legal order across the whole country.

The conceptual debate hereby proposed is neither superfluous nor point-

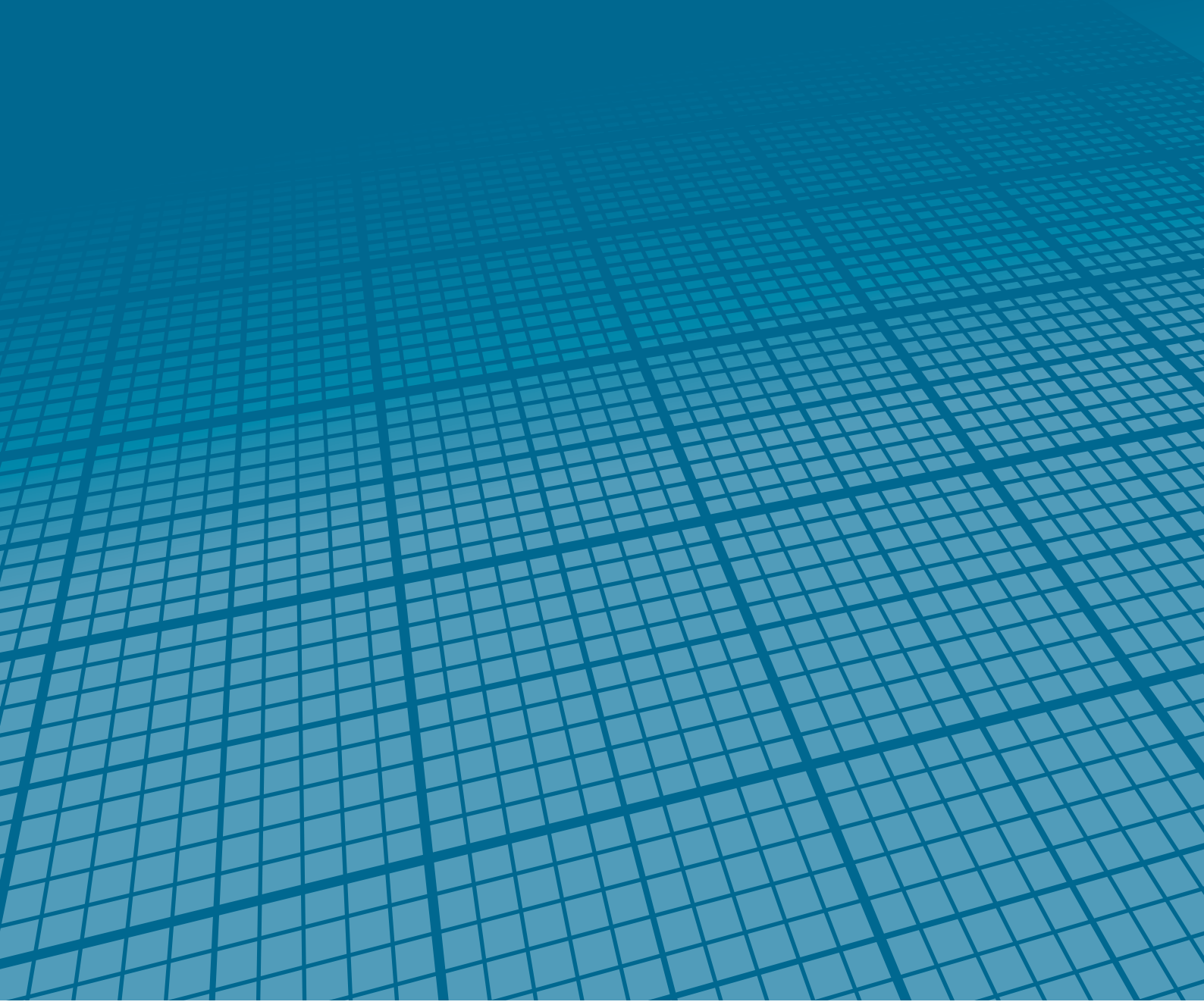


■ The conceptual debate hereby proposed is neither superfluous nor pointless, but rather necessary and urgent.

less, but rather necessary and urgent. Because of the recent history, the constitutional limitations, the diverse doctrines of use in the internal and external spheres of the State, the preparation and specific training for these different missions, the specificity of the means of violence for each mission, the specific and differentiated systems of intelligence, the security of the citizenry, the prestige of the Armed Forces, or the preservation of the democratic regime in our continent, there are reasons to carry it out.

Chapter 4:

# Congressional Powers





## Constitutional Powers

### Related to War and Peace

Country	Can it declare war?	Is a congressional authorization required to declare war?	Can it make peace?	Is a congressional authorization necessary to make peace?	Is a congressional authorization necessary for the entry of foreign troops?	Is a congressional authorization necessary for the deployment of national troops outside the country?
Argentina	No	Yes	No	Yes	Yes	Yes
Bolivia	No	Yes	No	Yes	Yes	Yes
Brazil	No	Yes	No	Yes	Yes	N/R
Chile	No	Yes	No	Yes	Yes	Yes
Colombia	No	Yes <sup>(1,2)</sup>	No	Yes	Yes <sup>(1)</sup>	N/R
Dominican Republic	No	Yes <sup>(3)</sup>	No	Yes	Yes <sup>(4)</sup>	Yes <sup>(4)</sup>
Ecuador	No	Yes <sup>(5)</sup>	No	Yes	N/R	N/R
El Salvador	Yes	Yes <sup>(4)</sup>	No	Yes	Yes	N/R
Guatemala	Yes	Yes <sup>(4)</sup>	No	Yes	Yes	N/R
Honduras	Yes	Yes <sup>(4)</sup>	Yes	Yes <sup>(4)</sup>	Yes	Yes
Mexico	Yes	Yes	No	Yes <sup>(1)</sup>	Yes <sup>(1)</sup>	Yes <sup>(1)</sup>
Nicaragua	No	Yes <sup>(6)</sup>	No	Yes	Yes	Yes
Paraguay	No	Yes	No	Yes	Yes	Yes
Peru	No	Yes	No	Yes	Yes	N/R
Uruguay	Yes	Yes	No	Yes	Yes	Yes
Venezuela	No	Yes <sup>(7)</sup>	No	Yes	Yes	Yes

N/R: No reference.

(1) Corresponds to the Senate.

(2) Does not require authorization to repel foreign attacks.

(3) The Congress can declare the national state of emergency in case the national sovereignty is exposed to a grave and imminent danger.

(4) It is the Legislative Power itself which has the referred power.

(5) The President declares the state of emergency in case of external aggression and international war informing the Congress, which has the authority to revoke the decree.

(6) The Assembly can approve, modify or extend the state of emergency due to national security reasons.

(7) The President can declare the state of external commotion in cases of extreme conflict. Its extension requires the consent of the National Assembly.

Source: Compilation based on the Constitution of each country.

### Related to Control

Country	Is its approval required to appoint senior officers of the Armed Forces?	Can it accuse officers of the Armed Forces?	Can it try officers?	Does it participate in the election of officials for institutions of external control?	Can it modify the national budget?
Argentina	Yes <sup>(1)</sup>	No	Yes <sup>(1)</sup>	Yes	Yes
Bolivia	Yes <sup>(1)</sup>	No	Yes <sup>(1)</sup>	Yes	Yes
Brazil	No	No	Yes	Yes	Yes
Chile	No	Yes <sup>(2)</sup>	Yes <sup>(1)</sup>	Yes	Yes
Colombia	Yes <sup>(1)</sup>	No	Yes <sup>(1)</sup>	Yes	Yes
Dominican Republic	No	No	Yes	Yes	Yes
Ecuador	No	No	Yes	Yes	Yes
El Salvador	No	Yes <sup>(3)</sup>	Yes	Yes	Yes
Guatemala	No	No	N/R	Yes	Yes
Honduras	Yes	No	Yes	Yes	Yes
Mexico	Yes <sup>(1)</sup>	No	Yes <sup>(4)</sup>	Yes	Yes <sup>(4)</sup>
Nicaragua	N/R	No	Yes	Yes	Yes
Paraguay	Yes <sup>(1)</sup>	No	Yes	Yes	Yes
Peru	No	No	Yes	Yes	Yes
Uruguay	Yes <sup>(1)</sup>	No	Yes <sup>(4)</sup>	Yes	Yes
Venezuela	No	No	No	N/R	Yes

\* N/R: No reference.

(1) Corresponds to the Senate.

(2) Generals and Admirals

(3) 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.

(4) Corresponds to the Chamber of Deputies.

Source: Compilation based on the Constitution of each country.

## States of Exception

Country	Name	Cause	Participation of the Legislative Power
Argentina	State of siege	Internal commotion	Declared by the Congress and by the President if the latter were not in session (with a subsequent report).
		Foreign attack	Requires the approval of the Senate.
Bolivia	State of siege	Internal commotion International war	Requires the approval of the Congress <sup>(1)</sup> .
Brazil	State of defence	Grave or imminent institutional instability Natural calamities of great proportions. Grave commotion of national impact	Requires the approval of the Congress.
	State of siege	Situations which prove the inefficiency of the state of defence Declaration of the state of war Response to an armed foreign attack	
Chile	State of assembly	External war	Requires the approval of the Congress.
	State of siege	Internal war Grave internal commotion	
	State of catastrophe	Public calamity	The President shall inform the Congress of the measures adopted. Requires the approval of the Congress in case they are extended for more than a year.
	State of emergency	Grave disturbance of the public order Grave damage to national security	The President shall inform the Congress of the measures adopted. Requires the approval of the Congress in case they are extended for more than fifteen days.
Colombia	State of external war	External war	Requires the approval of the Senate except when it is necessary to repel aggression. The declaration of a third consecutive period requires the approval of the Senate.
	State of internal commotion	Grave disturbance of the public order	
	State of emergency	Situations which disturb or seriously threaten to imminently disturb the economic, social and ecological order or which constitute public calamity.	The Congress shall examine the causes and measures which determined it and those adopted, and shall expressly rule on the convenience and timeliness of such measures.
Dominican Republic	State of siege	Disturbance of the peace Public calamity	Declared by the Congress and by the President if the latter were not in session (with a subsequent report).
	State of national emergency	Grave danger or imminent to national sovereignty	
Ecuador	State of emergency	Imminent foreign attack International war Grave internal commotion Natural catastrophes	The Congress can revoke the state of emergency decree.
El Salvador	Exception regime	War Invasion of the territory Rebellion Sedition Catastrophe Epidemics or general calamity Grave disturbances of the public order	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.
Guatemala	State of prevention State of alarm State of public calamity State of siege State of war	Invasion of the territory Grave disturbance of the peace. Activities against the security of the State Public calamity	The Congress can ratify, modify or dismiss it.
Honduras	State of siege	Invasion of the national territory Grave disturbance of the peace. Epidemics or any general calamity	The Congress can ratify, modify or dismiss the decree sent by the President within thirty days.
Mexico	Suspension, in all the country or in a specific place, of the guarantees which could constitute an obstacle to cope with the situation in a quick and easy manner	Invasion Grave disturbance of the public peace Any other issue which could put the society in grave danger Conflict	Requires the approval of the Congress.
Nicaragua	State of emergency	When required by: National security Economic conditions National catastrophes	The Assembly can approve, modify or dismiss it.
Paraguay	State of exception	Armed conflict Grave internal commotion which puts the Constitution or the bodies established in it in imminent danger	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.
	State of defence	External aggression	Requires the approval of the Congress.
Peru	State of emergency	Disturbance of the peace or internal order Catastrophe or grave circumstances which affect the life of the Nation	Decreed by the President with the consent of the Council of Ministers. The Congress must be informed about it.
	State of siege	Invasion External war Civil war Imminent danger of the above mentioned situations	Decreed by the President with the consent of the Council of Ministers. The Congress must be informed about it. The extension beyond forty five days requires the consent of the Congress.
Uruguay	Quick security measure	Foreign attack Internal commotion	Requires a resolution from the General Assembly.
Venezuela	State of alarm	Catastrophes and public calamities which seriously endanger the security of the Nation, or its citizens	The extension requires the approval of the National Assembly.
	State of economic emergency	Extraordinary economic circumstances which seriously affect the economic situation of the Nation	
	State of internal or external commotion	Internal or external conflict which seriously endangers the security of the Nation, its citizens or institutions	

(1) Corresponds to the Chamber of Deputies to consider the report on the state of siege presented by the Executive, if it were declared during legislative recess.

Source: Compilation based on the Constitution of each country.



### Scope of the Defence Committee

Security	Defence	External Relations
	Argentina	
	Bolivia (Deputies)	
Bolivia (Senate)		
		Brazil
	Chile	
	Colombia	
Dominican Republic		
		Ecuador (in recess) <sup>(1)</sup>
	El Salvador	
	Guatemala	
	Honduras	
	México	
Nicaragua		
Paraguay		
Perú		
	Uruguay	
Venezuela		

Source: Compilation based on the information supplied by the web pages of the Legislative Powers of each country.

The graphic shows the range of issues considered by the committees which address defence issues. The countries with bicameral legislative powers have counterpart commissions in both chambers, except in the specified countries.

<b>Argentina</b>	National Defence Committee (Deputies/Senators)
<b>Bolivia</b>	Deputies, Defence and Armed Forces Committee. Senators, Committee on Government, Defence, National Police and Fight Against Illegal Drug Trafficking
<b>Brazil</b>	Foreign Affairs and National Defence Committee (Deputies/Senators)
<b>Chile</b>	National Defence Committee (Deputies/Senators)
<b>Colombia</b>	Second Committee (Representatives/Senators)
<b>Dominican Republic</b>	Deputies, Security and National Defence Committee. Senators, Defence and National Security Committee
<b>Ecuador</b>	In recess <sup>(1)</sup>
<b>El Salvador</b>	Defence Committee (Unicameral)
<b>Guatemala</b>	National Defence Committee (Unicameral)
<b>Honduras</b>	National Defence Committee (Unicameral)
<b>Mexico</b>	National Defence Committee (Deputies/Senators)
<b>Nicaragua</b>	Committee on Peace, Defence, Government and Human Rights (Unicameral)
<b>Paraguay</b>	Deputies, Committee on National Defence, Security and Internal Order. Senators, Committee on Constitutional Affairs, National Defence and Public Force.
<b>Peru</b>	Committee on National Defence, Internal Order, Intelligence, Alternative Development and Fight Against Illegal Drug Trafficking (Unicameral)
<b>Uruguay</b>	National Defence Committee (Representatives/Senators)
<b>Venezuela</b>	Defence and Security Committee (Unicameral)

Source: Compilation based on the information supplied by the web pages and Internal Regulations of the Legislative Powers of each country.

(1) For further information see Ecuador chapter in section "The Countries".

Analysis:

## Political Parties and Defence in Latin-America

Luis Tibiletti\*

■ Several years ago, when we proposed to RESDAL that we should work on the issue of Parliament and Defence, we knew after so many years of experience as parliamentary advisors, that we were facing an even greater debate, as the role of political parties in Latin America is in these matters.

From a historical point of view, it is evident that the relevance of Congress in our region does not bear similarities with others. Our political tradition, as from the independence wars, has been much more focused in the different forms of expression of the Executive Branch than in parliamentary concerns. Nevertheless, it can be traced, along the different stages of the construction of the Modern State back in the late 19th and even the early 20th century, times when Parliaments – bearing an even more strictly legitimating function as to the initiatives of the Executive than that of formulating proposals – had certain participation in matters of security and defence almost in every country. .

This role was much less during the decades of the second half of the 20th century. This can be understood if we consider that in most countries the government remained in the hands of the military institutions, and in other cases fulfilled definite arbitration functions in political life. It was precisely the proximity of transition processes towards democracy – in the mid eighties – when the necessary conditions emerged for the parliamentary representatives to start having a more significant role, always considering the different ways and paces every country had.

Certainly, the undertaking of these faculties was not an easy process, as a

■ Our political tradition, since the independence wars, has been much more focused on the various forms of expression of the Executive Branch.

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\* President, *SER en el 2000*.



series of limitations had to be surmounted. The first of them involved the process known as transference of prerogatives between military and political institutions during transition times.

When this obstacle started in some way to be surpassed due to the reinforcement of the Rule of Law, a second difficulty arose: the extremely poor preparation of politicians to understand the issues concerning security and defence. This difficulty, common to all the regional countries, permits various types of analysis. Some people think it has a direct connection with the insufficient political leaders training processes, what in turn, responds to the particularities of each political background. Some others consider that it is a natural consequence of the lack of concern seen in societies about defence issues, as they do not pressure their representatives to take a stance on the issue. We will focus on the question of political leaders.

When analyzing the institutional background of our countries, the first arising fact that comes to us, is the strong interweave that has always existed between the political parties (even before their modern structure towards the late 19th century) and the military.

Getting back to the issue of the independence wars, clearly they had an ideological component (if we do not want to call the *Logia Lautaro* a party) that nurtured the patriots throughout the length and breadth of Latin-America. That made no difference between the scarce professional military men that participated in them (like General San Martín) and the self-made “generals”, in the haste of battles, like Bolivar, Sucre, Sandino and so many other national heroes. From this initial symbiosis between men at arms and political, social and even religious leaders, a new political-military conception was derived and arrived at our modern State structure, which no doubt is still present in the region nowadays, in cases like those of the “Commanders” Castro, Chávez or Ortega, or the Colonels Gutierrez or Humala.

The arrival –since the second half of last century- of the military who incarnated the social inclusion of the excluded masses era (such as Peron in Argentina or Vargas in Brazil, via the civic-military movement and later, the massive legitimization through the ballot boxes; the subsequent military reform in Peru and Ecuador and its load of popular expectations; the case of General Liber Seregni, founder of the currently ruling *Frente Amplio* (*Wide Spectrum*) in Uruguay, or the historical union between the *Colorados* (Reds) and the military in Paraguay, reinforced this symbiosis, now adding a new component: the modern political parties, created through the management of a military chief.

Hence, almost every political party in Latin America tried always to have a military wing, that is to say, active and retired military personnel that were “*propia tropa*” (insiders), using the same military jargon to define them. Naturally, the military institutions fulfilled a political role all through the XX century. Any version is valid when trying to explain that role, be the very European conception of political balance as Alain Rouquié posed it, or the instrumental function within the North American imperialism, as our leftist movements have always maintained. It is evident that, if military institutions were at least capa-

■ The first fact arising when analyzing the institutional background of our countries, is the strong interweave that has always existed between the political parties and the military.



ble of regulating the access and exit of the State power, the political parties had to make sure of having a “military branch” in order to possibly aspire to exercise it.

In this same logic, when we talk about managing, we refer to the limited meaning of “how can we avoid being ousted again”. This is a distinctive symptom of, for instance, the *Unión Cívica Radical* (Civic Radical Union) in Argentina, frequently subjected to military coups (and an active participant when these coups were meant to strike others). The very odd chances of armed conflicts between States (but not within States, which is certainly a more usual scenario) did not generate amidst society any demands as to what to do about national defence. The treatment of the issue was a debate itself among the military experts, who most of the time used the argument of defencelessness only as a political trick. In fact, when in many countries the military “institutionally” took power, without using the action of a political-military national hero, better defence conditions were not created either. On the contrary, in a case like Argentina’s, the last military dictatorship was the worst example of “defencelessness”, after embarking the country on conflicts with all the neighbours, to finally lose an insane war against NATO.

That is to say – returning to more theoretical positions -, parties were only concerned about the “military politics” in a narrow sense (how to avoid being ousted, what can we do to entertain them, what missions can we assign them with). Or, in a broader and newer sense, they were concerned about “the military subordination to the rule of law”, in the way of civil-military relations, the paramount issue in the last regional democratizing wave started in the last two decades of the last century.

Therefore, there is little room left for the defence issues, if we bear in mind that they are not part of the subordination, but something much more complex, such as the political leadership of the military is; the military seen not as political actors, but as a part of the State power (as they hold the monopoly of the force and the foreign relations). Obviously, that implies a level of knowledge similar to that required to formulate any other public policies such as economy, education or health. Economists, teachers or physicians swarm from young age to the political arena, but, where should all those who elaborate the partisan doctrinal conceptions of defence matters be trained?

Now, one of the major flaws in our Hispanic and Luso-American world replicates what occurs even today in the old metropolises. The validity of an obsessed anti-militarism of 19<sup>th</sup> century origin - worsened by the political roles of institutions throughout history- determines, unlike the rest of the world, the absence of current superior studies for national defence regarding issues. Let us think that, for instance, around three hundred graduate and post-graduate studies can be found in France, in relation to both political and technological issues connected to national defence. Not to mention the fact that it is hard to imagine a graduate from the renowned *École Nationale d’Administration* (ENA, where the leading State officials come from) who can not debate in equal terms with a French General on Raymond Aron’s thesis on war and peace.

■ The political management of the area implies a level of knowledge similar to that required to formulate any other public policies.

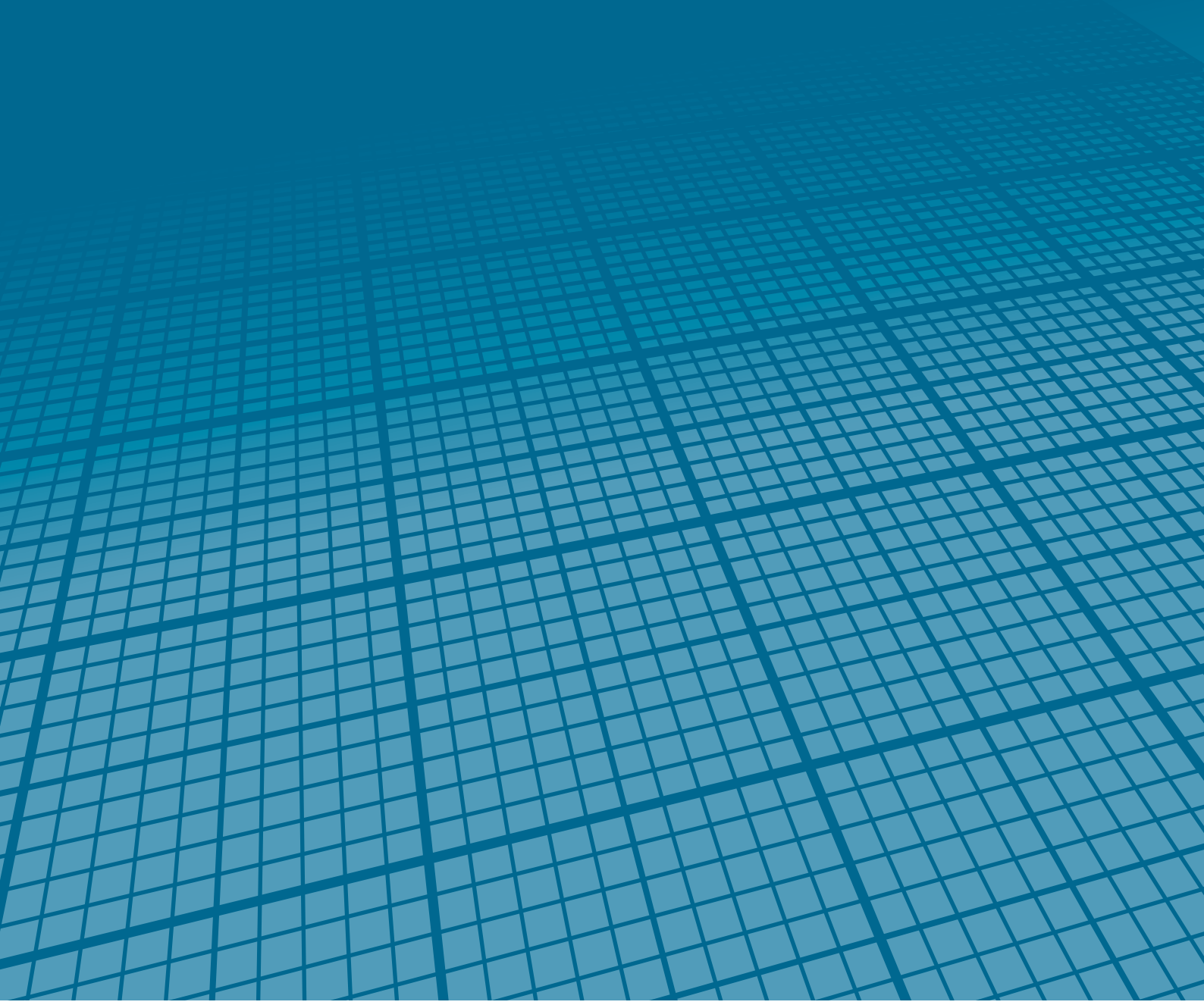


■ It is paramount that state universities assume the commitment of creating studies that are linked to the international security and defence issues.

That is why the necessity to promote military and civil joint studies in “real” academic spheres instead of in mere military schools which try to co-opt civilians for their subsequent political-military adventure, or to, in turn, have their own politicians as *propia tropa* (insiders) within their “military party”. It is paramount that state universities assume the commitment of creating studies that are linked to the international security and defence issues, where the prospective political leadership acquire along with the young military officers, if possible, the necessary knowledge conduct the defence policy matters.

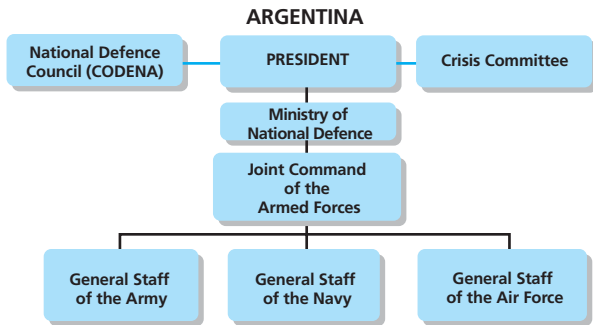
Chapter 5:

# System Organization



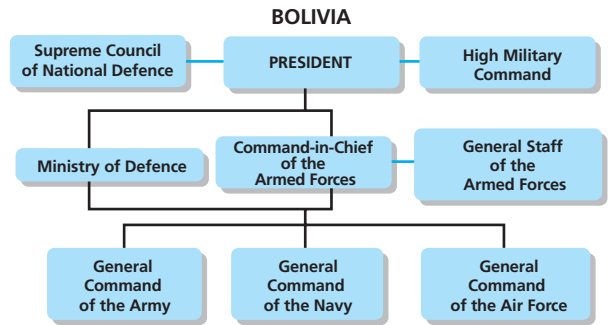


### Defence System Structure

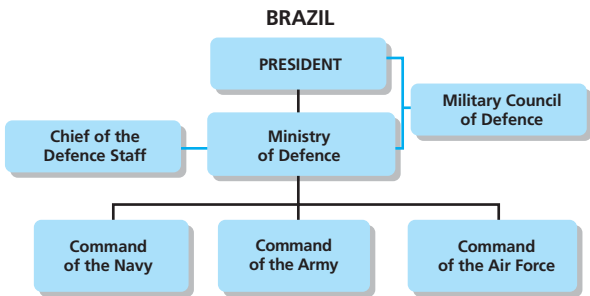


Source: Compilation based on *Ley de Defensa Nacional* (N° 23.554 - 1988/05/05) and *Reglamentación de la Ley de Defensa Nacional* (Decree N° 727/2006 - 2006/06/13).

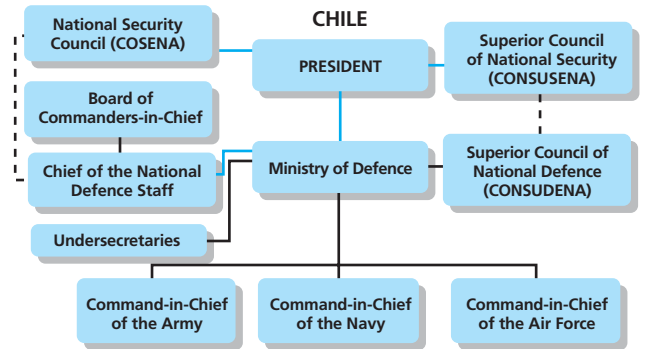
———— Functional relation of advice and assistance  
 ———— Command relationship



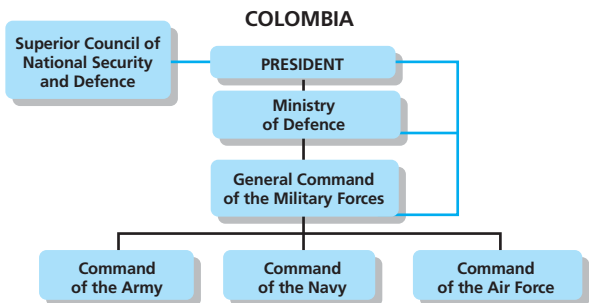
Source: Compilation based on *Ley Orgánica de las Fuerzas Armadas* (N° 1.405 - 1992/12/30).



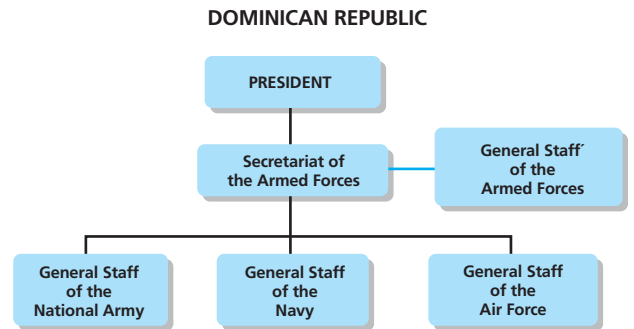
Source: Compilation based on the Constitution, *Lei sobre as Normas Gerais para a Organização, o Preparo e o Emprego das Forças Armadas, para Estabelecer Novas Atribuições Subsidiárias* (Complementary Act N° 117 - 2004/09/02; modifies Complementary Act N° 97/1999) and *Estrutura Regimental do Ministério da Defesa* (Decree N° 6.223 - 2007/10/04).



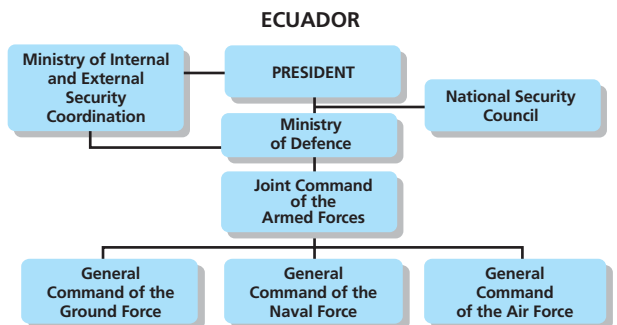
Source: Compilation based on the *Libro de la Defensa Nacional* (2002).



Source: Compilation based on the *Decreto por el cual se modifica parcialmente la Estructura del Ministerio de Defensa Nacional* (N° 3.123 - 2007/08/17) and *Decreto por el cual se fusionan el Consejo Nacional de Seguridad, el Consejo Superior de la Defensa Nacional y la Comisión creada por el Decreto N° 813 de 1983* (N° 2.134 - 1992/12/31).



Source: Compilation based on *Ley Orgánica de las Fuerzas Armadas* (N° 873 - 1978/08/08).

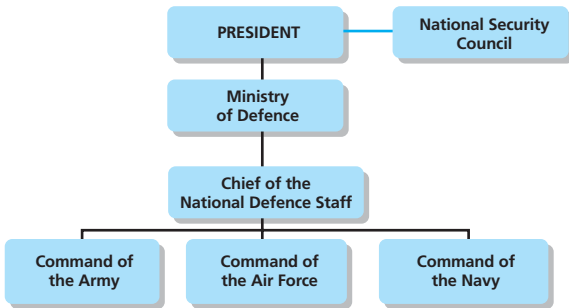


Source: Compilation based on *Ley Orgánica de la Defensa Nacional* (N° 74 - 2007/01/19) and *Política de la Defensa Nacional* (2006).



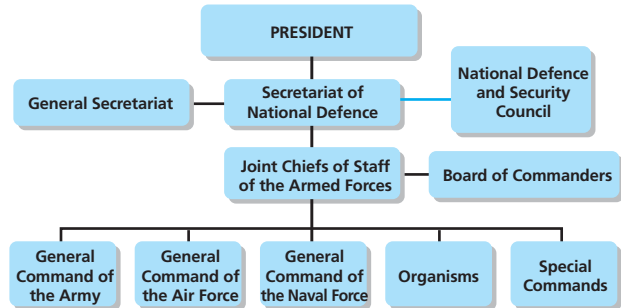
Source: Compilation based on the Constitution, *Ley Orgánica de la Fuerza Armada* (DL N° 353, 1998/07/09) and *Ley de Defensa Nacional* (DL N° 948 - 2002/10/03).

**GUATEMALA**



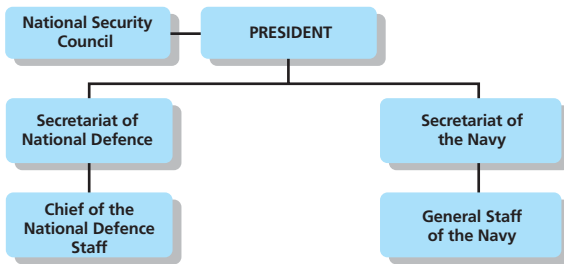
Source: Compilation based on *Ley Marco del Sistema Nacional de Seguridad* (Decree N° 18-2008 - 2008/04/15) and *Libro de la Defensa Nacional* (2003).

**HONDURAS**



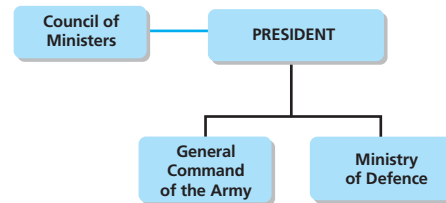
Source: Compilation based on *Ley Constitutiva de las Fuerzas Armadas* (Decree N° 39-2001 - 2001/10/29) and *Libro Blanco de la Defensa Nacional* (2005).

**MEXICO**



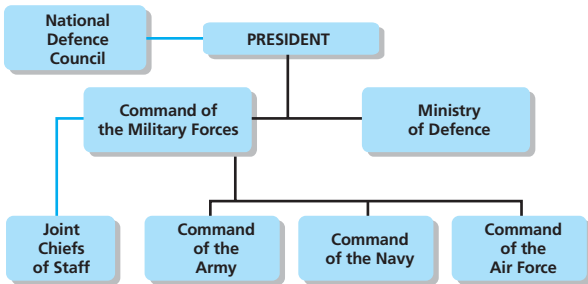
Source: Compilation based on the Constitution, *Ley Orgánica de la Administración Pública Federal* (DOF 1976/12/29. Last Reform: DOF 2007/10/01), *Ley Orgánica de la Marina de México* (DOF 2002/12/30), *Ley Orgánica del Ejército y la Fuerza Aérea Mexicanos* (DOF 1986/12/26. Last Reform: DOF 1998/01/23) and *Ley de Seguridad Nacional* (DOF 2005/01/31. Last Reform: DOF 2005/12/26).

**NICARAGUA**



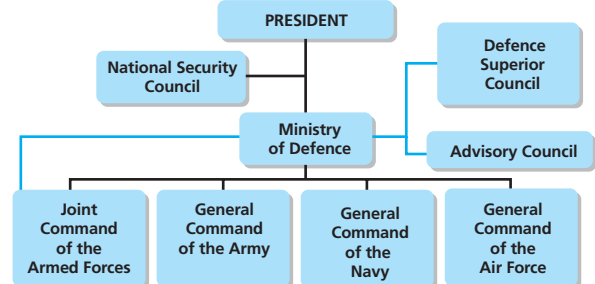
Source: Compilation based on *Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo* (N° 290 - 1998/06/03. Last Reform: Act N° 612 - 2007/01/29).

**PARAGUAY**



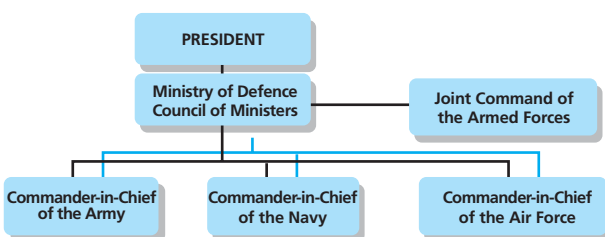
Source: Compilation based on the Constitution, *Ley de Defensa Nacional y de Seguridad Interna* (N° 1.337 - 1999/04/14) and *Ley de Organización General de las Fuerzas Armadas de la Nación* (N° 74 - 1991/11/20. Last Reform: Act N° 244 - 1993/12/21).

**PERU**



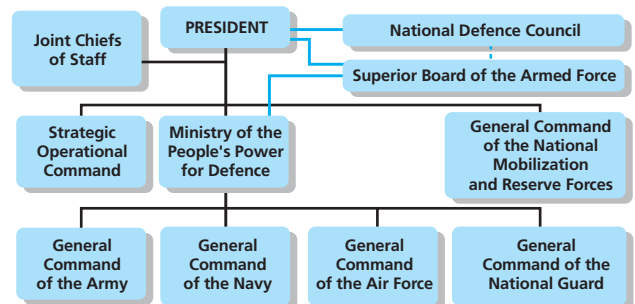
Source: Compilation based on *Ley que establece la Naturaleza Jurídica, Función, Competencias y Estructura Orgánica Básica de Ministerio de Defensa* (N° 29.075 - 2007/08/01) and *Ley del Sistema de Seguridad y Defensa Nacional* (N° 28.478 - 2005/03/23).

**URUGUAY**



Source: Compilation based on the Constitution and *Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07)

**VENEZUELA**



Source: Compilation based on *Ley Orgánica de Seguridad de la Nación* (GO N° 37.594 - 2002/12/18) and *Ley Orgánica de la Fuerza Armada Nacional Bolivariana* (GO N° 5.891 - 2008/07/31).



## Analysis:

# The Advances in the Defence Sector

**Jaime García Covarrubias\***

■ The important world changes and the transition of military governments to democratic regimes in Latin American countries, which took place at the end of the last century, triggered the changes prompted by the defence sector.

The willingness to undertake the necessary political and strategic changes is expressed in the meetings of the Ministers of Defence, which started to be held in 1995 (Williamsburg) and continue to this date. In such meetings they established the importance of the Ministers of Defence in leading the sector, the need to adequately define the security and defence, the importance of the White Books of defence, the new roles of the Armed Forces, the defence economical aspects, and cooperation and peace missions.

The definition of this agenda converged and widened the pre-existing situation: the effective subordination of the Armed Forces to civilian control, and the processes of institutional modernisation.

■ The willingness to undertake the necessary political and strategic changes is expressed in the meetings of the Ministers of Defence, which started to be held in 1995.

## A Regional Balance

However, this general situation requires a certain degree of precision, since there is not a unique reality in defence matters in the region.

A balance of what happened in the last years must not only take into consideration the advances, setbacks or stagnation which might have occurred, but also the political scenario of each country (which represents the most influential

\*Professor, Center for Hemispheric Defence Studies (CHDS). The analysis represents a personal position but does not involve such institution.

variable in the process analysed here). Below, we revise the situation of the region, beginning with the countries in the Southern Cone.

Argentina is under an important process of military reform. This process is focused on organisational aspects which include infrastructure, educational affairs, growing participation in peace operations, an emphasis on budgetary issues, and the execution of an effective disengagement of the current members of the Armed Forces, with its recent past. The Argentine process is initially based on the publication of its Book of Defence in 1999, and the law which eliminated obligatory military service in 1994<sup>1</sup>. It is still impossible to evaluate if this process of military reform responds to an integral plan or if it is a set of specific measures which are not necessarily articulated in a process of transformation, modernisation or adaptation. However, it is worth considering that Argentina has recently increased its defence budget, and that the Army has introduced a new military doctrine called the “war for resources”<sup>2</sup>.

Brazil, in turn, has focused its actions on the creation of an integrated Ministry of Defence, which replaced the previous defence administration, based on independent ministries of each branch. Likewise, in 2005 Brazil approved the new national defence policy. This country has not issued, to this date, any document announcing the reform processes of the Armed Forces. Recently, the national political debate has been focused on the challenges against organised violence, expressed in mutinies, and bloody attacks on policemen and public transport. In this context, the function of the Armed Forces in the internal order brought about popular pleas for the Armed Forces to undertake auxiliary police tasks. By the end of 2006 and the beginning of 2007, the strikes in the air transport service revealed the insufficient degree of investment in the Brazilian air space, as well as the issues on the effectiveness of the Armed Forces regarding its responsibility in the handling and supervision of the civil aviation system. On the external front, the rotation programmed for MINUSTAH troops continues. However, doubts have arisen among members of the military and specialists, regarding the viability of the institutional and economical reconstruction purposes in Haiti, including the question of how long the troops would remain on the island. These arguments have also been observed in political sectors of Argentina and Chile.

Chile has published two Defence Books since 1990 to this date (1997-2002), and has began the analyses of the third one. This country has carried out an important process of rationalisation of the defence, accompanied by a renovation of the war equipment. It has also led the obligatory military system towards a program which, though it is still obligatory, is heading towards a higher level of voluntarism. The Chilean process regarding defence has been double-edged: the changes which involve political and strategic aspects have been carried out “from the top to the bottom”, whereas the specific changes of institutional modernisa-

■ There is not unique reality in defence matters in the region.

1 Argentina and Uruguay are the only countries in the Southern Cone which have professional military forces.

2 This strategic challenge is not new and was intensely analysed in the nineties. For example, it was the subject of many analyses in the seminars of Ceppro (Paraguay). GARCÍA COVARRUBIAS, Jaime, “Las contradicciones estratégicas” in *Archivos del Presente*, N° 20, Buenos Aires, April-June 2000.



tion have been done from “bottom to the top”<sup>3</sup>. Chile is the classic model where there is a Minister of Defence but not a Ministry, an anomaly which would be corrected in the Act on the National Ministry of Defence currently under way, which will also lead Chile to a joint organisation.

Paraguay and Uruguay have not carried out substantial reforms in the defence area. For example, the passing of the organisation laws of defence and the Armed Forces created in Paraguay at the end of the nineties were suspended years ago. A basic aspect which will surely arise at some moment, when the time for new definitions comes, is the one referred to the addition of the Minister of Defence to the chain of command, since at the moment he is at the same level of authority as the Commander of the Armed Forces.

From the moment the Uruguayan government took office, it started to organise seminars to analyse various aspects of the security and defence areas, while it faced an integral revision of the national defence system. At the present, the gravity centre is the participation in international peace operations. When we look at the country situation, it is possible to see that the historical political agenda (cases of violations to human rights in the seventies) has progressively imposed over those which are related to the purely military aspects. It is worth observing this process in the future, particularly, if there is a separation of both agendas, focusing on the structural changes of the Armed Forces.

On the other hand, Peru and Bolivia present a complex scenario. In Bolivia, the thoughts expressed by some of the current members of the government before taking office lead us to think that there is a real diagnosis of the situation of security, defence and of the Armed Forces<sup>4</sup>, although it is worth considering the possibilities of reform at the present moment. Among the most important problems detected are the ones referred to the institutional development, strategic design and doctrine, as well as the weak ability to direct the policies connected to the lack of interest of politicians in these matters.

Peru presented its White Book of Defence in 2005, and since that moment it seemed to develop a strong impulse in terms of modernisation. Among the most relevant facts of that period is the initiative of reform of military justice and the creation of the Fund for the Armed Forces and National Police (which came into effect on January 1, 2005 and which determines the resources of such Fund shall be destined to the acquisition, maintenance and renovation of equipment).

When President García took office, he introduced a ninety day plan to reorder the defence administration. Within this framework, they created commissions which included the issues of military justice reform and promotions. In addition to this, efforts have been made to redefine priorities, with a budgetary definition, basically emphasising the issues of maintenance and training. A law has been developed and ratified concerning the Ministry of

■ One of the issues for analysis of the reforms is the position of the Ministry in the system structure.

<sup>3</sup> Since 1990 the compilation of the defence book was directed and coordinated by the Ministry of National Defence, as well as the reform of the military service, the standardised methodology between Chile and Argentina to measure expenses, and other measures. The institutional modernisation processes were the initiative of the institutions themselves, and were reflected in the plans Tridente (Navy), Alcazar (Army) and FACH (Air Force 2000).

<sup>4</sup> *A Comparative Atlas of Defence*, RESDAL, Pp. 117-123. Buenos Aires, April 2007.



Defence. Nevertheless, neither in the case of the military justice reform or regarding promotions have there been concrete results.

A third group of countries has common aspects. From a geo-strategic perspective both are Andean countries; from the point of view of political history, its military governments were not necessarily focused on the logic of Cold War, as is the case of Ecuador, Colombia and Venezuela. In Ecuador, a central idea has been to put an emphasis on the connection between Ministers of Government, Foreign Affairs and National Defence, to articulate the three components of security (public security, external policies and defence policies).

Colombia is the exceptional case of the region, since it is the only country at internal war. President Uribe has recovered the concept of Democratic Security<sup>5</sup>. In this context, there is a full conviction that the conflict is not only solved through the use of military instruments. For this reason, a more integral strategy is being adopted. Regarding the military aspect, there has been a strong attack to the guerrilla. In a more political dimension, the focus has been placed on considering the military solution as part of *the* solution to the conflict, where other agencies of the State also have to participate. Although the Colombian conflict is complex and difficult to predict, since drug trafficking produces a multiplier effect in the action of the guerrilla, recent important casualties of the *FARC* (Colombian Revolutionary Armed forces) are encouraging.

The future of the defence sector in Venezuela is inscribed in the political project of the President Hugo Chávez. The formulation of the hypothesis of war is expressed in two different levels: firstly, with the United States (featured as the strategic enemy to defeat); secondly, against the United States allies. With this geopolitical and strategic conception, a process of new institutionalisation of the Armed Forces has been developed: changes in the direction of the military statute, and in the organisational structure of the Armed Forces; conceptual changes in the military educational system; the creation of a new doctrine of military employment; and the acquisition of arms systems which respond to the political and ideological conception and to the geopolitical situation described above.

Defence matters, in the Central American region, are related with the military as well as the political scope. Since the end of the Cold War, the advances were consolidated in the Esquipulas Agreements (mid 80's), which later allowed the end of internal armed conflicts. Thus, a progressive process of demilitarisation of the security and defence institutions began, which has not advanced in accordance with the transformations and challenges internationally perceived. The new threats, concerns and particularly the issues referred to gangs or "*maras*", have recently worsened the division of security and defence matters. Within this environment, Guatemala has undertaken an active role in the organisation of seminars on security and defence. Nicaragua, in turn, keeps the Minister of Defence outside the line of command.

Meanwhile, in México, the Armed Forces approved in 2006 an institutional position regarding the legally constituted power. This was manifested in the posi-

■ Modern designs for the Arm Forces imply the definition of adaptation, modernization, or transformation processes.

<sup>5</sup> This concept was originated in the eighties, in the heart of the South American Peace Commission. On June 10, 1988 this commission, gathered in Montevideo, issued the declaration of principles of the Regional Democratic Security. SOMALIA, Juan and INSULZA, José Miguel (Comps.), *Seguridad Democrática Regional, Una Concepción Alternativa*. Editorial Nueva Sociedad, Caracas, 1990.



tion taken in an eventual electoral tie, when they avoided any kind of public expression, limiting their role to what the Federal Electoral requested (safeguard electoral documents). The scheme which supports the organic operation remains; that is to say, the existence of a Secretary of Defence and a Secretary of Marine persists. The legislative discussion has mainly drifted towards the analysis of the possibility to unify preventive police forces and the discussion regarding the decision of the Executive Power to involve the Armed Forces in the fight against drug trafficking. In 2006, a coordinated war against drug trafficking began. The President determined that the investigative police, the Federal Justice Department, the Governors of the States (as well as preventive police forces), act and complement each other in this effort. The results to this date indicate that it has dismantled drug trafficking operations and obtained a more detailed map of drug flow to the United States. All this has meant much more efficiency in pursuing these gangs by the Justice Department and State Police, in an unprecedented operation, where the Mexican Armed Forces continue to lead the action.

In the Caribbean, the situation of Haiti remains the focus. As it is known, several Armed Forces and other institutions from countries in the region are involved in such operation. These countries see their participation in this kind of operations as posture of their external policies, beyond a purely humanitarian behaviour. This year will surely be a time of definitions regarding the future of this operation.

### The analysis of the future

To sum up, the panorama shows that political contingency and instability are a negative influence on the development of the formulated process in the defence sector. The main issues which can be observed for future analyses are:

- The tendencies of Defence Ministers to be inside the line of command. Likewise, the issue of how to organise an adequate ministerial structure that allows for the integral direction of the sector.
- Homogenisation of the free economy processes of the country with the economic administration of the Armed Forces. This refers to the countries which adopt these economic processes and goes hand in hand with the definition of budgetary systems and efficient as well as realistic controls.
- The work on modern designs for the Armed Forces, which involves the definition of adaptation, modernisation or transformation processes for such Forces.
- The revision of educational processes for the Armed Forces, adapting them to the needs of a century with an emphasis on technology.
- The need to connect defence policies to external policies of the country.
- The appearance of new books of defence
- The emphasis on the participation in humanitarian operations.
- The position regarding the use of the Armed Forces against terrorism.
- The development of the “Consolidation Plan” in Colombia and the “Integral Defence Plan” in Venezuela.

■ Educational processes can be received taking into account the actual emphasis on technology.

Chapter 6:

# The Ministries of Defence



### Institutional Guidance

Country	Can the military members be Ministers of Defence?	Number of military members who were Ministers of Defence	Number of civilians who were Ministers of Defence	Were there women in charge of the Ministry of Defence?	Date of creation of the Ministry	
<b>Argentina</b>	Yes (if they have retired)	4	33	Yes (Nilda Garré current Minister performed functions as Defence Minister in the former administration)	1958	
<b>Bolivia</b>	Yes (if they have retired)	38	41	No	1933	
<b>Brazil</b>	Yes (if they have retired)	None	5	No	1999	
<b>Chile</b>	Yes (if they have retired)	18	29	Yes (Michelle Bachelet, 2002-2004 and Vivianne Blanlot, 2006-2007)	1932	
<b>Colombia</b>	Yes (if they have retired)	11	11	Yes (Marta Lucía Ramírez de Rincón, 2002-2003)	1965	
<b>Dominican Republic</b> (Secretariat of the Armed Forces)	Yes	34	3	No	1930	
<b>Ecuador</b>	Yes (if they have retired)	34	20	Yes (Guadalupe Larriva, 2007 and Lorena Escudero Durán, 2007)	1935	
<b>El Salvador</b>	Yes	24	None	No	1939	
<b>Guatemala</b>	Yes <sup>(1)</sup>	11 <sup>(2)</sup>	None	No	1945	
<b>Honduras</b> (Secretariat of National Defence)	Yes (if they have retired)	None <sup>(3)</sup>	3 <sup>(3)</sup>	No	1954	
<b>Mexico</b>	Secretariat of National Defence	Yes	13	None	No	1937
	Secretariat of the Navy	Yes	15	3	No	1940
<b>Nicaragua</b>	Yes (if they have retired)	None <sup>(4)</sup>	7 <sup>(4)</sup>	No <sup>(4)</sup>	1968	
<b>Paraguay</b>	Yes (if they have retired)	17	5	No	1943	
<b>Peru</b>	Yes	11	3	No	1987	
<b>Uruguay</b>	Yes (if they have retired)	15	20	Yes (Azucena Berruti, 2005-2008)	1935	
<b>Venezuela</b>	Yes	35 <sup>(5)</sup>	1 <sup>(5)</sup>	No	1946	

(1) According to the Constitution of the Republic, civilians cannot be Ministers of Defence.

(2) Since 1996, year of the Lasting and Consistent Peace Agreements.

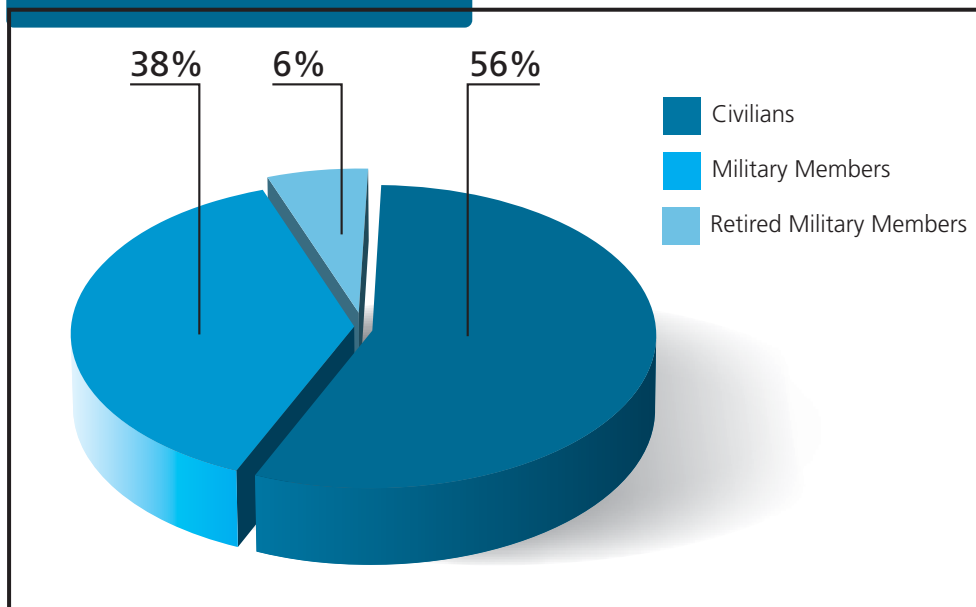
(3) Since 1998, year of the constitutional reform

(4) Since 1998, year of the Act on the Organization, Competence and Procedures of the Executive Power (N° 290 - 1998/06/03).

(5) Since year 1958.

**Source:** Compilation based on information provided by the Ministries and Departments of Defence of each country. The Ministers and Secretaries currently in charge are not considered (August 2008). The creation date is related to the moment in which the term "Defence" becomes part of the Institution's name (except of the Secretariat of the Navy from Mexico and the Secretariat of the Armed Forces from Dominican Republic).

### Condition of Current Ministers



Source: Compilation based on information provided by the Ministries and Departments of Defence of each country. Currently, Nicaragua does not have a Minister of Defence. In the case of Mexico, both the Secretary of National Defence (including the Ground and Air Force) and the Secretary of the Navy were considered.

### Main Offices within the Ministerial Structures\*

Country	Does it have a political planning office?	Does it have a budget office?	Does it have an internal control office?
<b>Argentina</b>	Yes. With a civilian in charge.	Yes. With a civilian in charge.	Yes. With a civilian in charge.
<b>Bolivia</b>	Yes. With a military member in charge.	Yes. With a military member in charge.	Yes. With a civilian in charge.
<b>Brazil</b>	Yes. With a military member in charge.	Yes. With a civilian in charge.	Yes. With a civilian in charge.
<b>Chile</b>	No	No	No
<b>Colombia</b>	Yes. With a civilian in charge.	Yes. With a civilian in charge.	Yes. With a civilian in charge.
<b>Dominican Republic</b>	Yes. With a military member in charge	Yes. With a military member in charge.	Yes. With a military member in charge.
<b>Ecuador</b>	Yes. No Director in charge	Yes. With a military member in charge.	Yes. With a civilian in charge.
<b>El Salvador</b>	Yes. With a military member in charge.	Yes. With a military member in charge.	Yes. With a civilian in charge.
<b>Guatemala</b>	Yes. With a military member in charge.	Yes. With a military member in charge.	Yes. With a military member in charge.
<b>Honduras</b>	Yes. With a military member in charge.	Yes. With a military member in charge.	Yes. With a military member in charge.
<b>Mexico</b>	Secretariat of National Defence	No	Yes. With a military member in charge.
	Secretariat of the Navy	No	Yes. With a military member in charge.
<b>Nicaragua</b>	Yes. With a civilian in charge.	Yes. With a civilian in charge.	Yes. With a civilian in charge.
<b>Paraguay</b>	Yes. With a military member in charge.	Yes. With a military member in charge.	Yes. With a civilian in charge.
<b>Peru</b>	Yes. With a military member in charge.	Yes. With a civilian in charge.	Yes. With a military member in charge.
<b>Uruguay</b>	No	Yes. With a civilian in charge.	Yes. With a civilian in charge.
<b>Venezuela</b>	Yes. With a military member in charge.	Yes. With a military member in charge	Yes. With a military member in charge.

\*At a General Directorate level, at an equivalent or at a lower category.

Source: Compilation based on the information provided by the Ministries and Departments of Defence of each country. The mentioned powers have been placed within the structure, regardless of the exact name or hierarchical position of the respective office.



## Inter-ministerial Relations in Latin America



Analysis:

## The Ministries of Defence in the Americas: the Time for Transformation

**Guillermo Pacheco Gaitán\***

In order to be able to analyze the evolution of the Ministries of Defence, we should understand its links with the State modernization process, which must be perceived from a multidimensional perspective. Then acknowledging the economic and institutional aspects that are common to the studies on the reform of the State, but also other less frequent issues related to the social welfare the State is capable to generate, or to its ability to solve - through democratic means - the conflicts on distribution presented in societies subjected to fast and intense economic and political changes.

The State modernization sources are diverse but not necessarily complementary within the rationales they inspire. Some reforms come from the minimalist-inspired economic policies environment, some others from political processes that are part of the democratization and appeasement dynamics. All of them merge within the State capacities transformational process, showing the advances and setbacks the last decade has seen.

We can not lose track of the current challenges in this context. The former model was based on a centralized and militarized State; today's model has to respond to a decentralized and political (civilian) one in its decision-making. Where propitious fields prevail for the development of political-military relations (generated through the various State and Armed Forces instances), and civil-military relations (seen as the way Armed Forces place in society).

The shift has gone from a repression-centred State - as a distorted answer to social demands, during the authoritarian period - towards a model based on keeping the fiscal balance and promoting the private sector, during the reforming

To analyze the evolution of the Ministries of Defence, we should understand its link with the State modernization processes.

\* Professor at the Centre for Hemispheric Defence Studies (CHDS). This analysis represents a personal position; it does not entail the institutional stance.



period of the reform. In both cases, the development of institutional means for transparent and responsible decision-making and, the administrative mechanisms for the promotion of citizen participation-oriented activities, remained downgraded.

### The political leadership

The political leadership of the defence constitutes in essence, the exercise of its governing faculty, incumbent to an administrative authority to attain public issues, applied to the defence sector and its respective function. It is, besides, the central core of the political-military relations organization. The leadership of defence has an “intermestic” nature, as it should be executed at the highest levels of domestic and international politics and its legal endorsement is the final step in its formal structuring process.<sup>1</sup>

The Ministries of Defence are the institutions in charge of the political leadership of defence, as they formulate, implement and execute the pertinent public policy. This includes, among other matters, advising on the different ways to employ the defence means: deterrence, cooperation or the coercive use of the military force and, the transformational processes of the Armed Forces. However, the current structures in most countries are far-off from being the most appropriate for that purpose. These structures derive from a succession of legal instruments that drew on tendencies of different times, and refer to partial aspects of them.

First, the political leadership of the defence needs to have a real hierarchical position, in order to attain its purpose. Secondly, it needs to have material and legal decision-making capacity, and third, a structure that enables to endure the sector's liabilities. Current ministerial structures show significant flaws in all these fields. Despite the great progress made in State modernization matters, over the last years, through the endowment to the ministries of the necessary capacities and procedures to administer, execute and assure the fulfilment of the public policies, this has not happened in the defence sphere. Although the Armed Forces have carried out modernization processes in their administrations and structures, this process has not been taken to the political level. Moreover, the political leadership of the defence does not only involve management and administration; it should also represent a field that organically articulates the political-military relations. Therefore, it is evident that the current organization should be transformed, so as to embrace the individual disparities of each country subscribing to democracy.

■ The Ministries of Defence are the institutions in charge of the political leadership of the defence.

### Decision-making

It is necessary to underscore the importance of decision making and execution in matters of defence policies. It is important, because a process of bureaucratic and individual negotiations is required and, because formulated objectives can be altered or not fulfilled at the moment of carrying out the decision, and above all,

<sup>1</sup> NAVARRO MEZA, Miguel, *La conducción política de la defensa: una aproximación conceptual*, on the ANEPE Portal, Chile, July 16th, 2003.



because this reflects the state of the political-military relations in a country.

The adoption of any decision is established within a decisional framework that fosters and conditions the process. It is conformed by three elements: the stimulus and the external and domestic conditionings (“intermestic” nature); the domestic macro-political context that embraces both the general characteristics of the political system of a country under study and, the particular features of its defence policy; and the specific micro-political context of the decision in particular. In this sense it is important to determine the current state of the Ministries of Defence in the decision-making process as regards to the policy of defence: Are these decisions within the sphere of the line of command? Are they carried out by the Armed Forces in direct association with the President of the Republic?

Most of the countries show a high level of centralization (given their strong presidentialism), though a more pronounced tendency towards decentralization has been revealed lately, through the development and formulation of the White Books of Defence, and the development of some legal regulations in certain countries, pursuing to grant the Ministry of Defence a better institutionalization, so that the political decisions bear the required technical support.

Another aspect to take into consideration is the influence of Congress on the decision-making process, given that the Legislative Branch can modify the primary will of the Executive Branch or, prevent the final decision from complying with the original guidelines planned by the latter. The main role of the Congress is to influence the decision-making process of the defence policy.

Given the “intermestic” nature of numerous questions - the rupture or weakening of pre-existent consensuses, the multiplication of transnational relations and, the proliferation of non-governmental actors that can legitimate the decision making process, higher participation and influence of the political parties, business sector, academic and intellectual circles and, public opinion in general, is one of the outcomes of these changes. These actors have had a significant influence on decision-making processes, through, for instance, the stages (defence communities) created by some countries for the formulation of defence policies.

## The future evolution

Considering the current number of Ministries of Defence directed by a political leadership, we can perceive a substantial change in the political leadership of the defence. Only five ministers are active military (Mexico<sup>2</sup>, Guatemala, El Salvador, Dominican Republic and Venezuela). But if we could make a meticulous analysis of the institutional structures bearing that leadership, this still has a high military meddling. This fact reflects both the lack of political determination to carry out changes in the context of State modernization, and the lack of qualified or knowledgeable civil servant who can assume the tasks corresponding to a ministry, which should also aim at improving the relation with the Armed Forces.

The question of the State capacities offers then an analytical horizon, in view

<sup>2</sup> Mexico should be counted twice, as it refers to the Secretariat of the National Defence and the Secretariat of the Navy.

■ New actors have had a significant influence on decision-making processes.



of the development of potentialities. The State capacity depends on its skill to establish and keep technical, administrative, institutional and political functions, mainly in all defence matters.

We should understand the progress of the regional Ministries of Defence, grounded on those four issues. The **technical** functions – which should be associated with the economic administration and the technocratic and operational capacity –; the **administrative** functions – related to the administrative capacity and the efficient performance of the defence instances; the **institutional** capacities that regard to the establishment of regulatory parameters meant for political, technical and administrative interactions, and the **political** capacities, which can be associated to what in other contexts is known as Good Governance and are related to the preparation of conditions for decision-making; more precisely, the exercise of the leadership of the defence to strengthen the political-military relations within each country.

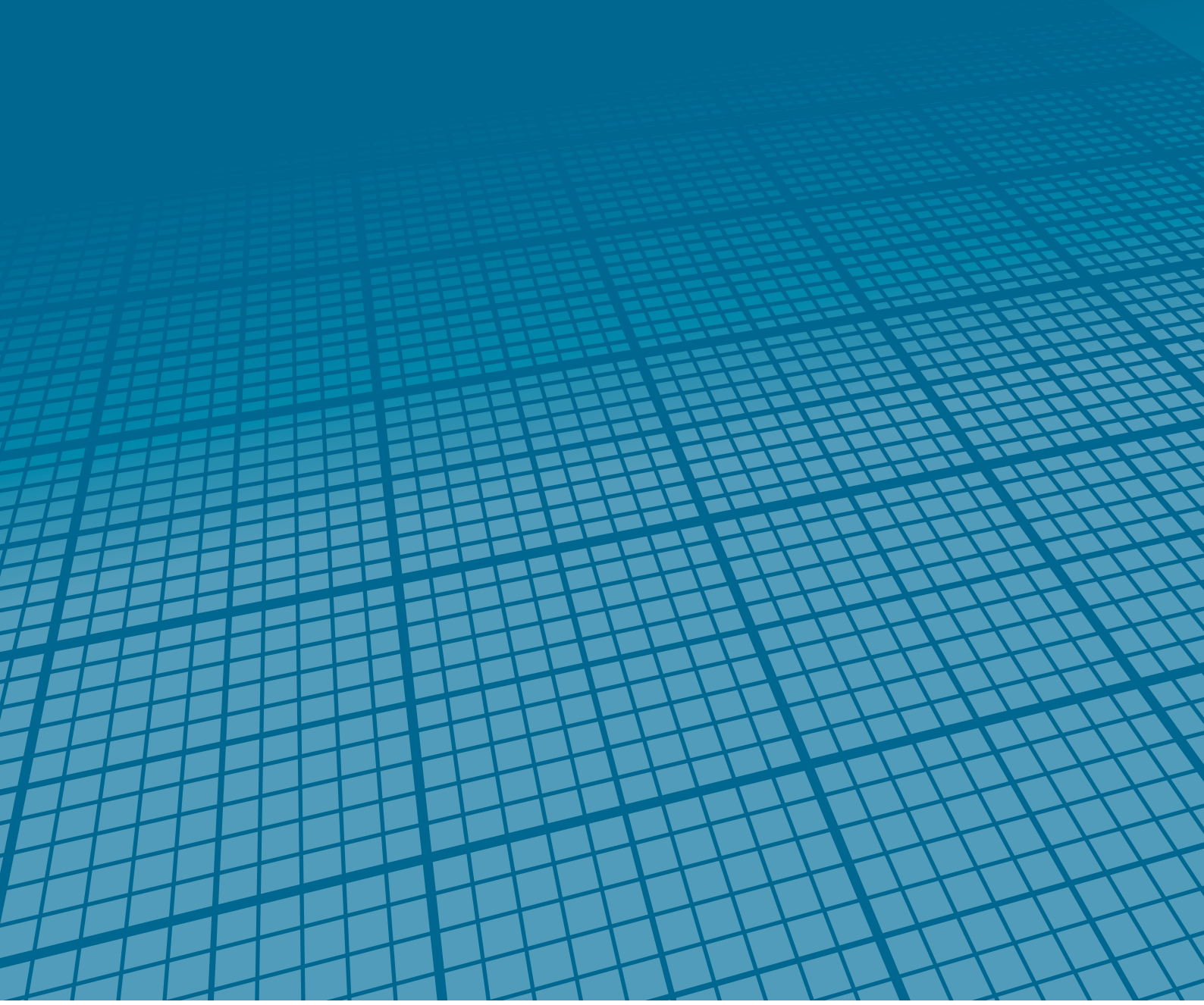
In this context, the query to be cleared is: Is a civilian leadership based on the supremacy bestowed by law to the Chief of State enough? Is it also necessary to exercise a substantive (political) leadership in several decision spheres, relevant to the defence and Armed Forces? If so, how do civilians prepare to exercise that substantive leadership?

That is why defence educational programs should be launched in order to allow civilians and military within the defence community to have a good management of to the defence policies implementation related problems, even when the responsibility still lies in the Armed Forces hands. Likewise, important innovations should be introduced in the defence institutionalization, which are in turn sustainable and consistent with the evolution of the sector and, above all, institutionalize a group of current newly developed good practices that have proved efficient within the defence sector within the realm of democracy. The leadership of the national defence should consolidate as a State policy area, above partisan rationale, and based upon a wide national consensus; a spirit that should be respected and consolidated through the initiatives of each country.

■ The State capacity depends on its skill to establish and keep technical, administrative, institutional and political functions.

Chapter 7:

# Defence Education





### Main Training Courses in the Area

Country	Training Course and Institution
Argentina	<p><b>National Defence School:</b></p> <ul style="list-style-type: none"> <li>- Masters in National Defence</li> <li>- Advanced Training Course on National Defence</li> <li>- Special Course on National Defence</li> </ul> <p><b>Superior War School "Teniente General Luis María Campos":</b></p> <ul style="list-style-type: none"> <li>- Masters in Strategy and Geopolitics</li> <li>- Masters in the History of War</li> <li>- Recognition of the Bachelor Degree on Strategy and Organization</li> <li>- Course on Doctrinarian Update</li> <li>- Information Management for Strategic Decision Making</li> <li>- Planning and Military Education Management</li> </ul> <p><b>Naval War College:</b></p> <ul style="list-style-type: none"> <li>- Masters in Strategic Studies</li> </ul> <p><b>Argentine Centre for Joint Training in Peace Operations(*):</b></p> <ul style="list-style-type: none"> <li>- Training course on Human Rights and International Humanitarian Instructor</li> <li>- International Course on Humanitarian Assistance in the Context of United Nations Peace Operations</li> <li>- Course on Civil Military Coordination in Complex Operations</li> <li>- Course on Civil Personnel in Conflict Zones and Humanitarian Assistance "White Helmets"</li> <li>- Training Course for Journalists in Hostile Areas</li> </ul> <p><b>University of La Plata:</b></p> <ul style="list-style-type: none"> <li>- Masters in National Strategic Intelligence "XXI Century"</li> </ul> <p><b>Torcuato Di Tella University:</b></p> <ul style="list-style-type: none"> <li>- Masters in International Studies. Specialization on Politics and International Security</li> </ul>
Bolivia	<p><b>University for Strategic Research in Bolivia (UPIEB)-Ministry of the Presidency-Ministry of Defence and Ministry of Government</b></p> <ul style="list-style-type: none"> <li>- Master in Research of Security and Defence Public Policies</li> </ul> <p><b>National School of Higher Education Studies "Coronel Eduardo Avaroa":</b></p> <ul style="list-style-type: none"> <li>- Masters in Security, Defence and Development</li> </ul> <p><b>Centre for Peacekeeping Operations of the Bolivian Army (COMPEBOL) (*):</b></p> <ul style="list-style-type: none"> <li>- Training Course for Journalists in Peace Operations</li> </ul>
Brazil	<p><b>Superior War School:</b></p> <ul style="list-style-type: none"> <li>- Advanced Studies in Politics and Strategy</li> <li>- Advanced Course on Strategic Intelligence</li> <li>- Course on Logistics and National Mobilization</li> <li>- Course on Management of Defence Resources</li> </ul> <p><b>Universidad Estadual Paulista, Universidad Estadual of Campinas, Catholic University of São Paulo:</b></p> <ul style="list-style-type: none"> <li>- Post-graduate studies on International Relations. Specialization area in "Peace, Defence and International Security"</li> </ul> <p><b>Centre for Peacekeeping Operations of the Brazilian Army(*):</b></p> <ul style="list-style-type: none"> <li>- Course for Journalists in Conflict Areas</li> </ul>
Chile	<p><b>Pontifical Catholic University of Chile:</b></p> <ul style="list-style-type: none"> <li>- Masters on Political Science, specializing on Defence Studies.</li> </ul> <p><b>National Academy of Political and Strategic Studies:</b></p> <ul style="list-style-type: none"> <li>- Degree on Political and Strategic Studies</li> <li>- Masters on Security and Defence, specializing on Defence Economics.</li> <li>- Masters on Security and Defence, Policies on Defence</li> <li>- Introduction to Security and Defence Studies</li> <li>- The Policy of Defence and Social Media</li> <li>- Foreign Policy and Defence of Chile (together with the Diplomatic Academy Andrés Bello)</li> <li>- Negotiation in complex situations</li> <li>- International Security and Peace Operations</li> </ul> <p><b>Diplomatic Academy Andrés Bello:</b></p> <ul style="list-style-type: none"> <li>- Bachelor in Business Administration, specialized in Defence</li> <li>- Graduate in Defence Projects Management</li> </ul> <p><b>Army War College:</b></p> <ul style="list-style-type: none"> <li>- Masters on Military History and Strategic Thinking</li> <li>- Defence Correspondent Degree</li> <li>- Degree on Security and Defence Studies</li> <li>- Masters on Military Sciences, specializing on Security and Defence Studies.</li> </ul> <p><b>Joint Centre for Peace Operations (*):</b></p> <ul style="list-style-type: none"> <li>- Course of Peace Operation for Civilians and Officers, specializing on Civil/Military Cooperation</li> </ul>
Colombia	<p><b>Superior War School:</b></p> <ul style="list-style-type: none"> <li>- Masters in National Defence and Security.</li> <li>- Orientation Course on Defence</li> </ul> <p><b>Military University Nueva Granada:</b></p> <ul style="list-style-type: none"> <li>- Degree on National Defence and Security Management</li> <li>- High Management of National Defence</li> </ul>

Country	Training Course and Institution
Dominican Republic	<p><b>Institute of High Studies for Security and Defence:</b></p> <ul style="list-style-type: none"> <li>- Masters on Defence and National Security</li> </ul> <p><b>Military Institute of Human Rights and Humanitarian International Law:</b></p> <ul style="list-style-type: none"> <li>- Superior Course of Human Rights and Humanitarian International Law.</li> <li>- Intermediate Course on Human Rights and Humanitarian International Law.</li> <li>- Women and Armed Conflicts.</li> <li>- Post-graduate on Specialization of Human Rights and Humanitarian International Law.</li> </ul>
Ecuador	<p><b>Institute of National High Studies:</b></p> <ul style="list-style-type: none"> <li>- Masters on Security and Development, specializing on Public Administration and Management.</li> </ul>
El Salvador	<p><b>College of High Strategic Studies:</b></p> <ul style="list-style-type: none"> <li>- Course on Security and Development</li> <li>- Course on National Defence</li> </ul>
Guatemala	<p><b>ESTNA Centre (Foundation for the Institutional Development of Guatemala):</b></p> <ul style="list-style-type: none"> <li>- Degree of National Strategic Studies</li> </ul> <p><b>Minister of Defence (with the guarantee of San Carlos University, University Francisco Marroquín and Panamerican University):</b></p> <ul style="list-style-type: none"> <li>- Degree on Security and Regional Defence</li> </ul> <p><b>Security in Democracy:</b></p> <ul style="list-style-type: none"> <li>- Basic course on Democratic Security</li> </ul> <p><b>Superior Command of Education of the Army:</b></p> <ul style="list-style-type: none"> <li>- Course of High Strategic Studies</li> </ul>
Honduras	<p><b>National Defence College:</b></p> <ul style="list-style-type: none"> <li>- Superior course of National Defence</li> <li>- Masters on Central American Defence and Security (together with the University of El Salvador - Argentina)</li> </ul>
Mexico	<p><b>Centre for Superior Naval Studies:</b></p> <ul style="list-style-type: none"> <li>-Masters on National Security</li> </ul> <p><b>National Defence College:</b></p> <ul style="list-style-type: none"> <li>- Masters on Military Administration for National Security and Defence</li> </ul>
Nicaragua	<p><b>Nicaraguan Army:</b></p> <ul style="list-style-type: none"> <li>- Course on National Defence and Security</li> </ul>
Paraguay	<p><b>Institute of High Strategic Studies:</b></p> <ul style="list-style-type: none"> <li>- Masters on Planning and Strategic Management</li> </ul> <p><b>Metropolitan University of Asunción:</b></p> <ul style="list-style-type: none"> <li>- Masters on Security and National Defence</li> <li>- Doctorate on Development and National Defence</li> </ul>
Peru	<p><b>Centre for High National Studies:</b></p> <ul style="list-style-type: none"> <li>- Masters on Development and National Defence</li> <li>- Masters on Public Administration and Management specializing on National Defence and Development.</li> <li>- Degree on Development and National Defence</li> <li>- Degree on Administration and Management</li> <li>- Degree on Regional and Local Government Administration</li> <li>- Course on High Studies on Politics and Strategy</li> </ul> <p><b>University Alas Peruanas:</b></p> <ul style="list-style-type: none"> <li>- Masters on National Reality, Defence and Development</li> </ul> <p><b>Catholic University of Peru:</b></p> <ul style="list-style-type: none"> <li>- Degree on Political Science specializing on Security Policies</li> </ul>
Uruguay	<p><b>High National Studies Centre</b></p> <ul style="list-style-type: none"> <li>- Masters on National Strategy</li> <li>- Course on High National Studies</li> <li>- Course on Strategic Exercises</li> <li>- Course on Scientific Investigation applied to National Strategy</li> </ul>
Venezuela	<p><b>Institute for High National Defence Studies:</b></p> <ul style="list-style-type: none"> <li>- Masters on National Security</li> <li>- Special Course on Security and Defence</li> <li>- Special Course on Security and Integral Defence for Legislators.</li> <li>- Course on Geopolitics and Borders</li> <li>- Specialization on Negotiation and Conflict Solution in Security and Integral Defence.</li> </ul>

(\*) In the case of the training centres, the courses open to civilians are referenced.

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



### Number of Applicants and Admitted Candidates to Officers Academies (Year 2008)

Countries	Candidates			Admitted Candidates		
	Army	Navy	Air Force	Army	Navy	Air Force
<b>Argentina</b>	795	682	445	439	167	145
<b>Bolivia</b>	n/a	400	498	300	120	198
<b>Brazil</b>	500	767	n/a	452	240	89
<b>Chile</b>	1,260	539	630	207	166	120
<b>Colombia</b>	2,500	1,141	1,500	750	128	120
<b>Dominican Republic</b>	222	55 <sup>(1)</sup>	n/a	62	20 <sup>(1)</sup>	59
<b>Ecuador</b> <sup>(2)</sup>	1,545	523	522	166	111	60
<b>El Salvador</b>	550			130		
<b>Guatemala</b>	459			187		
<b>Honduras</b>	354	170	523	173	122	64
<b>Mexico</b>	2,787 <sup>(3)</sup>	4,036	2,557 <sup>(3)</sup>	350 <sup>(3)</sup>	420	277 <sup>(3)</sup>
<b>Nicaragua</b>	219			125		
<b>Paraguay</b>	379			101		
<b>Peru</b>	1,339	664	524	240	100	63
<b>Uruguay</b>	160	76	65	85	44	36
<b>Venezuela</b> <sup>(4)</sup>	1,401	321	134	n/a	n/a	n/a

n/a: no available data.

- (1) Year 2007. As for August 2008, the 2008 admission process was in its final stage. 72 candidates applied to the Naval School.
- (2) Year 2007. As for August 2008, the 2008 admission process was in its final stage. 1,020 candidates applied to the Military Superior School; 582 to the Naval Superior School; and 415 to the Military Aviation School.
- (3) Year 2007. As for August 2008, the 2008 admission process was in its final stage. 2,503 candidates applied to the Heroic Military College, and 2,557 to the Air College.
- (4) Candidates for the National Guard: 1,447.

#### Sources:

- Argentina: Ministry of Defence.
- Bolivia: Ministry of Defence and Naval Military School.
- Brazil: Ministry of Defence and Brazilian Navy.
- Chile: Ministry of Defence.
- Colombia: Ministry of Defence.
- Dominican Republic: Secretary of the Armed Forces and Military Academy.
- Ecuador: Superior Military School, Superior Naval School and Military Aviation School.
- El Salvador: Ministry of Defence.
- Guatemala: Ministry of Defence.
- Honduras: Military Academy, Faculty of Naval Sciences and Military Aviation Academy.
- Mexico: Secretary of National Defence and Secretary of the Navy.
- Nicaragua: Army of Nicaragua.
- Paraguay: Ministry of Defence.
- Peru: Ministry of Defence.
- Uruguay: National Army, National Navy and Uruguayan Air Force.
- Venezuela: Military Academy, Naval School, Military Aviation School and Training School of the National Guard.

Analysis:

## A Democratic Defence Education

Rut Diamint\*

■ It has been said, on many occasions, that the armies are better prepared to fight the previous war. That idea wants to convey a common practice in the Armed Forces, which consists in studying the past conflicts in order to elaborate future strategies. Reforms designed at the political level can rarely cater to this shortcoming. Especially nowadays when a wide consensus exists about the notion that international scenarios are extremely fluctuant and inter-connected. That is how globalization – in all its diverse manifestations – also affects the universality of conflicts, which makes us participants of distant scenarios – and nevertheless close to our security concerns. Today, more than ever, the armed forces have to be imbued with the universal values and with a major conceptual flexibility.

The U.S. General Richard B. Myers, who was Chairman of the Joint Chiefs of Staff, assured in 1999: “As much as we can not expect to fight successfully in our next war with the equipment used in the last one, in fact we can not either witness a victory in the next war by using the same policies of the former war. In order to be better prepared for the future, we should also activate our thoughts. We need a national debate on the existing policies (...)”<sup>1</sup>.

This extremely interpenetrated planet, where a climate catastrophe in Southeast Asia affects the stock markets in the southern extreme of the Western Hemisphere, compels us to have openness of mind and to pursue professional diversification that can hardly be understood from a superior military college classroom. This world of uncertainties demands us to develop a joint work among diverse actors. The inter-

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\* Universidad Torcuato Di Tella

<sup>1</sup> Speech given during the United States Air Force Symposium on War for General Richard B. Myers (USAF), Orlando, Florida, February 4th, 1999.



national democratic commitment increasingly demands us to provide answers to conflicts that take place outside our frontiers. These global demands, urge us to think of new ways of crisis management, and they in turn lead to the elaboration of renewed concepts.

For instance, the term CIMIC (Civic-Military Co-Operation) is a different challenge from the concept of civic-military relations that we traditionally handle in Latin-America, in order to refer to the essential democratic prerequisite for the civilian management of the Armed Forces. In the case of CIMIC, the military are humanitarians, diplomats, political advisors, who aim at the community development and share the fieldwork with public and private actors. Both have the same legitimacy to seek solutions for conflicts and design novel answers to crises, which now are not exclusively military. Officers do not only have to know how to make war. They also have to know how to make peace: reinstate or establish the rule of law, set institutions to work and, support economic reconstruction. Reinforcing the training of the uniformed staff for these CIMIC tasks does not involve dismissing the traditional training of men at arms, nor discharge the principles of democratic civil control of the military Forces. However, this aims at a more complex formation and to a ceaseless debate between civil and military specialists.

Therefore, it is evident that the officers training should be different, as we demand today the traditional military action plus these new external functions. Given that we are dealing with community-oriented work – many of them having evident social, political and economic shortcomings – the importance of a solid social studies foundation becomes evident, where experience with conceptual knowledge of human rights is indisputable.

These new military functions hold full legal status as they derive from the uppermost legitimate organization worldwide – the United Nations -, which still having rights and wrongs, depends on the contribution of the Armed Forces to institute peace. Re-establishing the bases for public life in harmony is an urgency, for which the support from countries sustaining concord and reciprocal tolerance values is needed. In these missions, there is a lot of reconstruction of the social fabric, and for that the “weapon” is dialogue, tolerance, information and the creation of an atmosphere of trust and mutual commitment. How could the military possibly make this happen if they did not have a solid democratic education in their formation, that is, an education based upon the idea of a State ruled by law, the respect of human, social and political rights, as well as the respect for minorities?

■ Therefore, it is evident that the officers training should be different, as we demand today the traditional military action plus these new external functions.

Aristotle said in his book - *Politics* - that “the nature of things rejects the power of one over all citizens, as the State is nothing but an association of equal beings, and prerogatives and rights must necessarily be identical among equal natural beings.” This ground has not always been correctly translated in our political activity, and this democratic truth has to be the foundation of every citizen’s education. To have a deep knowledge of human rights principles is not only a duty of military education, but of any basic and professional education. In the military sphere, though, it plays a fundamental role, as the lives of inhabitants are at stake.

By the way, these operations require a traditional military training that brings about the safeguarding of people by fighting the enemies, providing logistics and



creating such a peaceful field that humanitarian and political organizations find an adequate means to develop their tasks. Consequently, the Armed Forces – as a traditional State tool - need to continue training for war. But, as was mentioned before, not for a past war, but for an unknown scenario where enemies do not always portray a definite sense of nationality. The military training cannot hold on to dogmas, definitions, ranks or path methods, because reality defies our knowledge on a daily basis.

The strategists tend to agree on the idea that it is more important to have trained human resources in the use of war technologies than to have the most modern equipment, as that instrumental sophistication loses efficacy if there is no qualified staff to make good use of it. Of course, the ideal is to have both things, but in our countries we have got used to accepting reality and not desires. It takes a long time to gather an organized force to learn how to use the new armaments - which we might acquire in the long run – though it takes much more time to gather a specialist team with the abilities to understand and protect against the oncoming challenges.

Faced to this scene, we can admit that our worst shortage lies in the educators instruction. The higher state education system is, for instance, a system of prizes and punishments that compels to a continual instruction, as teacher competitions are highly competitive. The military systems tend to be restricted, and still keep a considerable share of distrust. Military education professors teachers are the first link of the educational reform process.

Training should be critical, deliberative, dynamic, and flexible, to be able to grasp the fast and interdependent changing world. Globalization settled along with its positive effects and its negative consequences, this is the reality we are enduring. The States associate and break down at the same time, competence sharpens and conflicts swell. But at the same time, co-operation grows, regional integration deepens, and social and environmental responsibility becomes more aware and active. We are going through times of tension between the logic of war and the logic of humanity. If our interest shows repeatedly in pursue of the logic of peace and tolerance, it deserves to be reflected in the educational process of our defence systems.

Drawing on another classic, Nicholas Machiavelli's - *The Prince* - , taught the forthcoming leaders the idea that the military “should train more rigorously in peaceful times than in warfare, which can be done in two different ways: through actions and through study.” In that scenario, training pays more attention to civic education and political knowledge. Partisanship should be left aside, with the purpose of understanding our democracy in a better way, and developing the significance of co-operation among nations. The objective is to foster a profound sense of civic responsibility.

On the one hand, it has been marked that the military activity is hierarchical, and on the other hand, that it is a democratizing experience. In the latter, it refers to the experience of sharing daily life events with other citizens from different vicinities, customs and social sectors. That happens to a greater extent in the cases where the experience expands to multinational peacekeeping missions. In order

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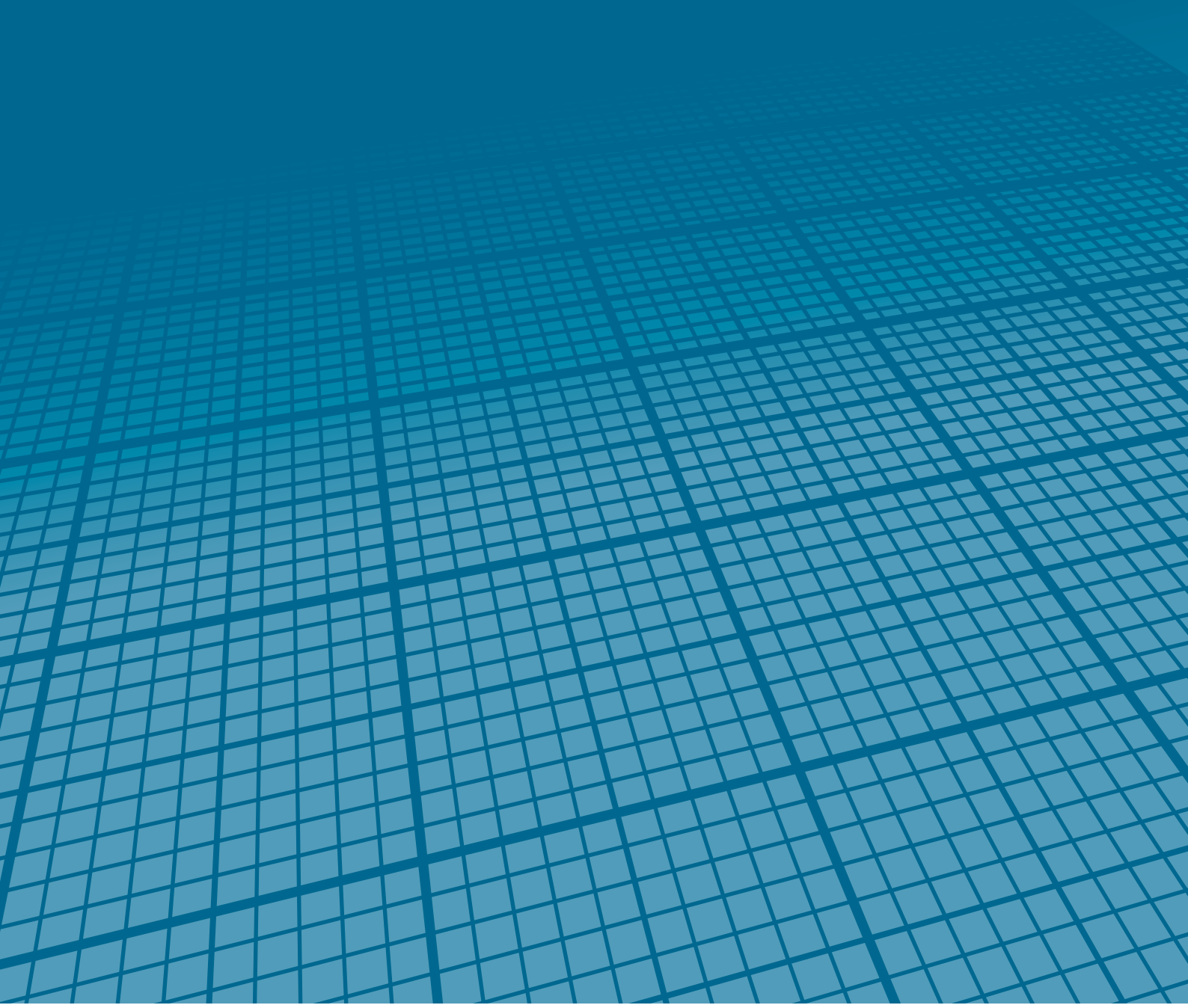
■ The adjustment of security institutions to the new times must be directed by the recovery of democracy, the regional integration processes and the peaceful settlements of conflicts.

to carry out a good integration of such different people, it is necessary to rule out prejudice. This is not going to happen automatically, but needs of the pedagogy that makes us understand that the others have the same rights, weaknesses and wishes than us.

Today we have the challenge of adjusting the security institutions to the new times, directed by the recovery of democracy, the regional integration processes and the peaceful settlements of conflicts. The Armed Forces are a part of this process and cannot be formed in channels that diverge from that reality. The interpenetration of the civil and the military worlds emerges with different characteristics from the past, but pressing for a co-operative work. Military education will only adapt to this changes if it permanently intertwines these two worlds. A high officer that merely rambles through the barracks and the military college will lack of the cultural and mind openness to efficiently cater for the unceasing dynamics of the 21<sup>st</sup> century.

Chapter 8:

# The Armed Forces





### Mission of the Armed Forces

Country	What is the Mission of the Armed Forces?
<b>Argentina</b>	<p>The Armed Forces, military instrument of the national defence, will be used in case of external aggressions perpetrated by armed forces belonging to other/s State/s, without detriment of the Act on Internal Security and the Act on Restructuring of the Armed Forces regarding the scenarios foreseen for the use of military instrument, and the regulations defining the scope of such intervention in support operations to the internal security.</p> <p><i>(Reglamentación de la Ley de Defensa Nacional N° 23.554, Decree N° 727/2006 - 2006/06/13, Sec. 1)</i></p>
<b>Bolivia</b>	<p>The Armed Forces have the fundamental mission to defend and maintain national independence, the security and stability of the Republic and national honour and sovereignty; ensure the rule of the Political Constitution, guarantee the stability of the legally constituted government and cooperate in the integral development of the country.</p> <p><i>(Constitution, Sec. 208)</i></p>
<b>Brazil</b>	<p>They are aimed at defending the Fatherland and guaranteeing constitutional powers and, on the initiative of any of them, the law and order</p> <p><i>(Constitution, Sec. 142)</i></p> <p>Participate in peace operations.</p> <p>Cooperate in national development and civil defence.</p> <p><i>(Lei sobre as Normas Gerais para a Organização, o Preparo e o Emprego das Forças Armadas, para Estabelecer Novas Atribuições Subsidiárias, Complementary Act N° 117 - 2004/09/02, Sec. 15)</i></p>
<b>Chile</b>	<p>The Armed Forces' fundamental mission is the defence of the Fatherland; they are essential for the national security. The safeguard of public order during elections and plebiscites shall be their responsibility.</p> <p><i>(Constitution, Sec. 101 and 18)</i></p>
<b>Colombia</b>	<p>The Military Forces shall defend the sovereignty, independence, integrity of the national territory and the constitutional order.</p> <p><i>(Constitution, Sec. 217)</i></p>
<b>Dominican Republic</b>	<p>The purpose of creating the Armed Forces is to defend the independence and integrity of the Republic, maintain the public order and respect the Constitution and the laws. They shall intervene, when the Executive Power requires so, in programs of civic action and plans devoted to promoting the social and economic development of the country.</p> <p><i>(Constitution, Sec. 93)</i></p>
<b>Ecuador</b>	<p>The Armed Forces shall have the fundamental mission to preserve national sovereignty, defend the integrity and independence of the State, and guarantee its legal order.</p> <p><i>(Constitution, Sec. 183)</i></p> <p>Cooperate with the social and economical development of the country.</p> <p><i>(Ley Orgánica de la Defensa Nacional, N° 74 - 2007/01/19, Sec. 2)</i></p>
<b>El Salvador</b>	<p>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.</p> <p>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.</p> <p><i>(Constitution, Sec. 212)</i></p>
<b>Guatemala</b>	<p>The Guatemalan Army is an institution devoted to maintaining the independence, sovereignty and honour of Guatemala, the integrity of the territory, peace and internal and external security. The Army shall cooperate in emergency situations or public calamity.</p> <p><i>(Constitution, Sec. 244 and 249)</i></p>
<b>Honduras</b>	<p>The Armed Forces are formed to defend territorial integrity and sovereignty of the Republic, maintain the peace, public order and the respect for the Constitution, the principles of free suffrage and the rotation of the Presidents of the Republic.</p> <p>They shall cooperate with the National Police to keep the public order.</p> <p>They shall cooperate with the Secretaries of the State and other institutions, at their request, in tasks of literacy, education, agriculture, protection of the environment, road systems, communications, health and agricultural reform. They shall participate in international peace missions, based on international treaties; provide logistical support on technical advice, communications and transportation in fighting drug trafficking.</p> <p>They shall cooperate with personnel and means to face natural disasters and emergency situations which affect people and assets; as well as in protection and conservation programs for the ecosystem, and academic and</p>

Country	What is the Mission of the Armed Forces?
<b>Honduras</b>	<p>technical training of their members, and other matters of national interest.</p> <p>They shall also cooperate with the public security institutions, at the request of the Secretary of Security, to fight terrorism, arms trafficking and organized crime, as well as in the protection of the powers of the State and the Elections Tribunal, at the request of these, in their installation and operation.</p> <p>(Constitution, Sec. 272 and 274)</p>
<b>Mexico</b>	<p>Defend the integrity, independence and sovereignty of the Nation, guarantee internal security and external defence.</p> <p>Help civil citizens in cases of public needs; carry out civic and social works aimed at the country's progress and in case of disaster, provide help for order maintenance, assistance to the people and their assets as well as with the reconstruction of affected areas.</p> <p>Make use of the Federation's naval power for external defence, and render assistance for the country's internal security.</p> <p>(<i>Ley Orgánica del Ejército y Fuerza Aérea Mexicanos</i>, DOF 1986/12/26 - Last Reform: DOF 1998/01/23, Sec. 1; <i>Ley Orgánica de la Armada de México</i>, DOF 2002/12/30, Sec 1)</p>
<b>Nicaragua</b>	<p>The Army of Nicaragua is the armed institution which defends sovereignty, independence and territorial integrity. Only in exceptional cases the President, in a Council of Ministers, shall be entitled to order the intervention of the Army of Nicaragua in support of the National Police, if the stability of the Republic were threatened by severe internal disorders, calamity or natural disasters.</p> <p>(Constitution, Sec. 92)</p>
<b>Paraguay</b>	<p>The mission of the Armed Forces is to safeguard the territorial integrity and to defend the legitimately constituted authorities.</p> <p>(Constitution, Sec. 173)</p>
<b>Peru</b>	<p>The Armed Forces have as fundamental mission to guarantee the independence, sovereignty and integrity of the Republic. In state of emergency, the Armed Forces take control of the internal order if the President of the Republic requires so. Participate in the economic, social development and civil defence in accordance with the law.</p> <p>(Constitution, Sec. 137, sub. 1, 165 and 171)</p>
<b>Uruguay</b>	<p>The Armed Forces have the fundamental mission to defend the honour, independence and peace of the Republic, the integrity of the territory, its constitution and laws, always acting under the supreme command of the President, in agreement with the corresponding Minister and section 168, subsection 2º, of the Constitution.</p> <p>Without detriment of its primary mission, the Armed Forces shall support and undertake the development programs assigned, carrying out works of public benefits, particularly developing the military factor, depending on the requirements or planning for the fulfilment of their fundamental mission.</p> <p>(<i>Decreto-Ley Orgánica de las Fuerzas Armadas</i>, Nº 14.157 - 1974/03/05; modified by Act Nº 15.808 - 1986/04/07, Sec. 2 and 3)</p>
<b>Venezuela</b>	<p>The Bolivarian National Armed Force has the mission of guaranteeing the independence and sovereignty of the Nation and ensure territorial integration, through military defence, cooperation in maintaining internal order, and the active participation in the national development.</p> <p>(<i>Ley Orgánica de la Fuerza Armada Nacional Bolivariana</i>, GO 5.891 - 2008/07/31)</p>

Source: Compilation based on the above mentioned legislation.



**Total Armed Forces**

Country	Army	Navy	Air Force	Total
Argentina	38,804	18,494	14,120	71,418
Bolivia	29,679	6,404	7,254	43,337
Brazil	221,788	43,708	69,247	334,743
Chile	39,911	19,675	11,331	70,917
Colombia	257,629	38,404	14,534	310,567
Dominican Republic	24,801	9,896	10,144	44,841
Ecuador	24,135	7,258	6,055	37,448
El Salvador	15,150	620	660	16,430
Guatemala	12,425	897	871	14,193
Honduras	6,077	884	2,112	10,263 <sup>(1)</sup>
Mexico	198,697 <sup>(2)</sup>	49,444		248,141
Nicaragua <sup>(3)</sup>		9,412		9,412
Paraguay	8,644	1,728	1,283	11,655
Peru	53,275	20,590	11,118	84,983
Uruguay	16,234	5,403	2,984	24,621
Venezuela <sup>(4)</sup>		163,364		163,364
				<b>1,496,333</b>

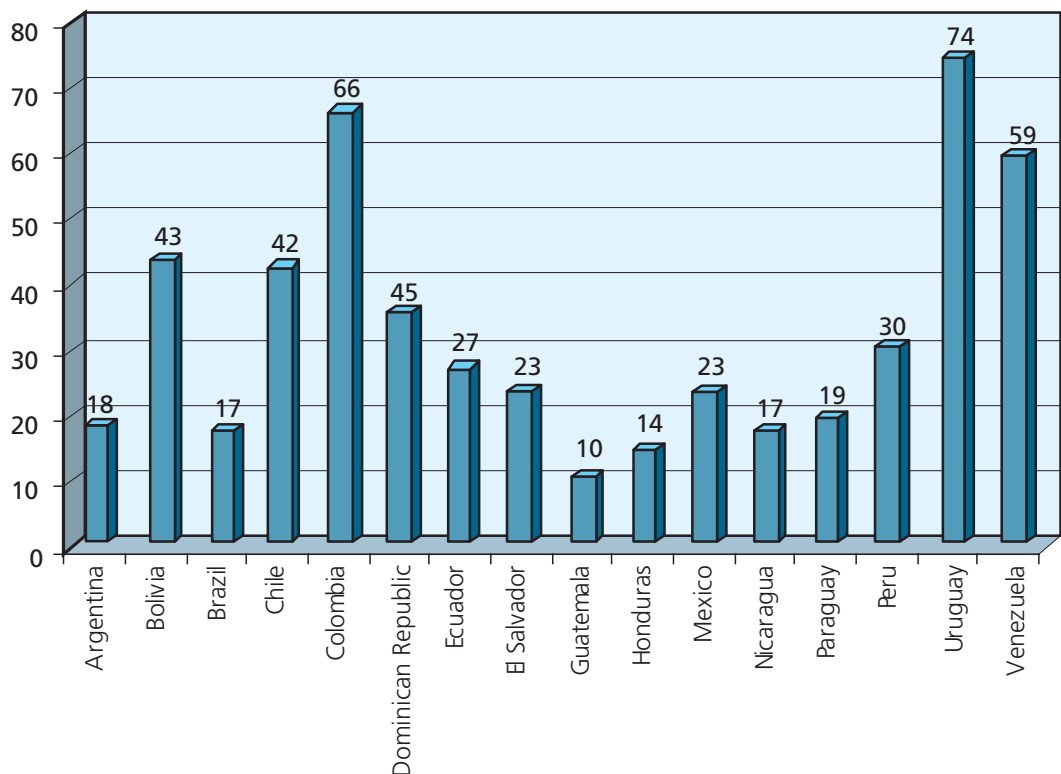
(1) Includes 1,236 members of the military in the Secretary of National Defence, Joint Chiefs of Staff and other offices.

(2) Includes Air Force.

(3) No disaggregated data available.

(4) No disaggregated data available. Includes the National Guard.

**Number of Regular Force Members every 10,000 Inhabitants\***



Source: Bodies and official documents as explained in section "The countries" of this publication. Information on the population provided by the Statistical Yearbook for Latin America and the Caribbean, 2007, CEPAL (population forecast 2008).

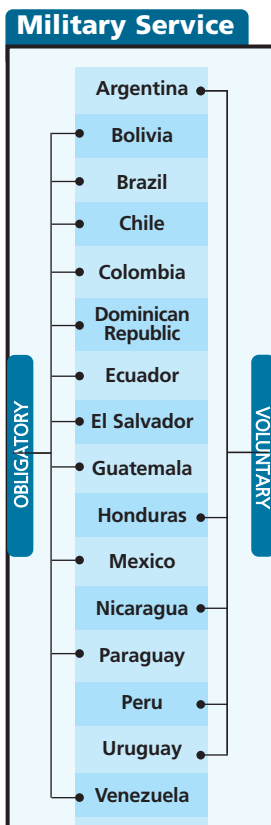
\* The number of active troops includes the combat personnel as well as the members of the troops who perform other services. Venezuela includes the National Guard.

**Offices of the Latin American Defence/Military Attachés in the Region**

IC RC	Argentina	Bolivia	Brazil	Chile	Colombia	Dominican Republic	Ecuador	El Salvador	Guatemala	Honduras	Mexico	Nicaragua	Paraguay	Peru	Uruguay	Venezuela
Argentina		●	●	●	●		●				●		●	●	●	●
Bolivia	●		●		●		●						●	●	●	●
Brasil	●	●		●	●		●		●		●		●	●	●	●
Chile	●		●		●	●	●	●		●	●		●	●	●	●
Colombia	●		●	●			●	●	●	●	●			●	●	●
Dominican Republic					●											●
Ecuador	●		●	●	●						●			●		●
El Salvador				●	●				●	●	●	●				
Guatemala			●			●		●		●	●					
Honduras					●			●	●		●	●				
Mexico	●		●	●	●			●	●	●		●				●
Nicaragua								●	●	●	●					
Paraguay	●	●	●	●									●		●	
Peru	●	●	●	●	●		●				●			●		●
Uruguay	●		●	●							●		●			
Venezuela	●	●	●	●	●	●	●	●			●		●			●

IC: Issuer Country/ RC: Receiver Country

Source: Organisms and official documents as detailed in section "The Countries" in this publication. The country to which the attaché is posted is considered here as the office, beyond other cross accreditations to one or many countries. Attachés in Latin America deal with defence matters (Defence Attachés) or may represent services (Military Attachés). The indistinct presence of any of them is considered as Office. Only the countries analyzed in this publication were included in the Table.



**Year of Admission of Women as Officers**

Country	Staff Corps			Line Corps		
	Army	Navy	Air Force	Army	Navy	Air Force
Argentina	1982	1981	1982	1997	2001	2001
Bolivia	1982	—	2004	1979	—	2007
Brazil	1992	1980	1982	1998	1998	2001
Chile	1974	2003	1974	1995	2007	2000
Colombia	1982	1984	1977	s/d	1977	1977
Ecuador	1956	1977	2000	2003	2003	2003
El Salvador	s/d	s/d	s/d	2000	2000	2000
Guatemala	1967	1967	1967	1997	2000	2001
Honduras	1970	1975	1970	1998	1998	1996
Mexico	1938	1938	1938	2007	2008	2007
Paraguay	1970	s/d	s/d	2003	2003	2003
Peru	1997	1997	1997	1997	1998	1998
Uruguay	1996	1998	1994	1998	2000	1997
Venezuela*	1980	1979	1980	2002	2002	2002

\* National Guard, 1970 (Staff), and 2002 (line).

Source: Organisms and official documents according to section "The Countries" in this publication.



## Analysis:

# Cooperation and Collaboration in the Hemisphere: Lessons Noted in Peace Missions

■ **Margaret Daly Hayes, PhD\***

■ For nearly two decades the countries of the Western Hemisphere have been discussing whether and how the regional security architecture might be reconstituted and renovated.<sup>1</sup> Much of this discussion has taken place in the venue of Summits of the Americas, the bi-annual meetings of Defence Ministers of the Americas, and in the Organization of American States. No clear vision, no agreed upon route has yet emerged from these talks. Nevertheless, on the ground we continue to see considerable cooperation and collaboration between countries and among Armed Forces. This cooperation and collaboration begins to define an emerging security framework that is sub-regionally focused, flexible, and built, in the best of cases, on information sharing, agreed-upon standards for equipment, training, and doctrine, collaboration and coordination among services, with civilian government and non-government agencies and a capacity to collaborate and coordinate in ways that best exploit the capabilities of countries and institutions in the hemisphere.

■ Cooperation and collaboration begin to define an emerging security framework in the region.

## Cooperation and Confidence Building Measures

In 1991 the OAS General Assembly called for a meeting of experts to discuss confidence building measures and mechanisms of security in the region. Pursuant to this, the 1995 Meeting of Experts urged members to commit to prior notification of military exercises, participation in the UN Register of Conventional Arms, exchanges of information on defence policies, and presence of foreign observers

\* Professor of Security Studies, Georgetown University.

<sup>1</sup> This summary is based on DALY HAYES, Margaret, *Operaciones de Paz: Experiencias Latinoamericanas y Oportunidades*. A briefing presented to the Inter-American Defence Board, August 28, 2007.



at military exercises. This list was expanded upon in 1998 and in 2003 when a list of “illustrative confidence building measures” was issued which included:

- **Diplomatic and Political Measures** such as Joint planning for issues of common concern; promotion of legislative contacts for discussion of security questions; high-level bi-lateral meetings; closer cooperation in combating transnational crime and in preparation and response to natural disasters, exchanges of experience in the organization and strengthening of Ministries of Defence, and legal cooperation and harmonization of legislation in areas of security concern.
- **Educational and Cultural Measures** such as development of school curricula promoting democratic values and a culture of peace, support for regional studies on peace and development, seminars on the role of the media in shaping public opinion in the security area, seminars on the human rights observance in the military and police, promotion of courses in foreign service institutes on disarmament, arms limitation and related topics, exchanges among personnel in ministries of foreign affairs, and among personnel in foreign services training institutes, and finally, sports encounters among security and police serves at the national, regional and internal levels.
- **Military Measures** including those measures enumerated in Santiago and San Salvador such as prior notification of exercise, information and personnel exchanges, sharing experience in peace operation, analysis of specific problems of interest, and exchanges of manuals and procedures for forces operating in border areas, exchanges of information and personnel in training and education and finally, development of cooperative measures for verification of activities and issues.
- **Other Measures** referenced the need to develop cooperative measures in various areas related to new threats, concerns and other challenges to security in the region, and the experts recommended that the OAS task competent bodies in the organization and in other regional and national institutions to develop measures related to terrorism, illegal drug trafficking, illegal trafficking in chemical substances, in persons, or in weapons as well as corruption, money laundering, the environment, HIV-AIDS and other issues.

Over the years we have seen some examples of most of these actions. However, military forces often have been at the forefront in the move towards cooperation and collaboration. Examples include the frequent bi-lateral military exercises, Argentina and Chile’s move to create a Combined Battalion for peace operations, the Conferences of armed Forces in Central America (CFAC) and the Regional Security System in the Caribbean. The recent experience of many countries in the UN Stabilization Mission in Haiti, MINUSTAH, provides a wealth of experience and lessons to guide further collaboration in the future. This essay summarizes some of the lessons “noted” and draws upon the reporting of Latin-American participants in the mission.<sup>2</sup>

The UN authorized MINUSTAH under Chapter VII of the Charter and gave it the military mission to maintain a secure environment; to collaborate with UN Police and with the Haitian National Police, to assist in the reform and restructuring the police, Demobilization, Disarmament and Reintegration (DDR) and

■ Military forces often have been at the forefront in the move towards cooperation and collaboration.

<sup>2</sup> Report of the Panel on United Nations Peace Operations, United Nations, 2000 in [http://www.un.org/spanish/peace/operations\\_report/](http://www.un.org/spanish/peace/operations_report/).



finally to maintain public order through support for the police. From the start, the military force was obliged to participate in a much wider set of activities, including extensive public security and humanitarian activities.

Perhaps the most important lesson learned is that peace support missions should not be improvised. Brazilian General Heleno noted that from the start the MINUSTAH mission was hampered by the slow deployment of forces. Countries were not familiar with UN systems, particularly with their civilian contracting procedures. Peace operations require that both the Armed Forces and civilian leaderships stay up to date with standardized procedures for planning, conduct of operation and logistics. While 10 of 34 countries in the Hemisphere have signed the Memorandum of Understanding to support UN Stand-by arrangements, few are in compliance and able to deploy units in 15, 30 or 90 days to which they are committed. While Chile was able to deploy 300 troops to Haiti in days, other countries required a year to prepare their forces.

### Planning

The best planning is possible when it is conducted as joint (inter-service) and combined (multinational) and a permanent combined staff is established to communicate with a single voice to the different forces in the mission. Deconflicted command and control is less effective than coordinated or collaborative command and control. It is often useful to be able to combine the capabilities of different units from different countries. In Haiti, Ecuadorian and Chilean engineers combined to create a single effort, an experience praised by both. MINUSTAH veterans recognize that successful peace missions require that individual countries reconcile their command and control doctrine with UN procedures. Rules of Engagement must reflect the agreed upon rules of the peace operation, and troops must be made aware of the difference. Similarly, disciplinary rules should be uniform throughout the mission force.

The most effective units in peace missions are those that are formed in advance, that have trained together, and that come with their own equipment, designed for the mission.

Preparation for peace missions needs to be expanded and deepened to include coverage of urban operations, negotiation techniques, standardized communications (radio) and procedures. Clothing for troops must be appropriate for the climate of mission (something noted by those from the southern cone). Troops may require special vaccinations and medical personnel should be aware of the standard schedules. English, the language of peace operations, should be stressed in general preparation for forces.

### Logistics

Logistics -equipment and supplies- present special challenges to peace and stabilization forces. Differences among equipment used by different units and national forces pose special challenges, and given the variety of inventory present

■ The most effective units in peace missions are those that are formed in advance, that have trained together, and that come with their own equipment, designed for the mission.

among Latin American forces, these differences are serious. A MINUSTAH lesson is that the best practice is that to the extent possible, all equipment should use the same type of fuel, thus simplifying supply. The presence of a variety of different types of equipment and models, whether helicopters, trucks or other, makes it difficult to conduct repairs and to insure the availability of spare parts. Planning needs to take these issues into account. In the future, countries may wish to think of standardizing the equipment that they plan to dedicate to peace missions. In Haiti, for example, the ideal vehicle was small, light weight, armored, with high chassis and lateral and overhead protection.

The MINUSTAH experience alerted participants to the need to understand UN contracting procedures better. Leaders must understand how to coordinate and synchronize activities with UN Police (UNPOL) the Red Cross, local authorities and other forces, and forces need to incorporate both legal and media relations personnel into their standard deployment force packages.

MINUSTAH was largely conceived as a ground operation, and ground forces patrolled throughout the country. The coastal and maritime approaches to the country were not covered nearly as well, and this, as noted by one naval officer, was one of the reasons that illegal traffic in drugs, persons and contraband became so difficult to control. The experience underscores the need for more robust joint (army, navy, air force) planning in the design of peace, stabilization and humanitarian missions.

Another lesson from Haiti is that military forces will often have to work with police forces. They have to establish security first, and must be prepared to be both soldier and policeman and know when to change roles. They must also be able to work with humanitarian groups and know that they will almost certainly become involved in some delivery of humanitarian services, especially in the early days of an operation. Often they will want to do more to help the populations they encounter. However, it is important to know that the best way to assist is often by guiding local authorities in the reconstruction of their own systems. These systems include police, the judiciary, health, education and agriculture, all of which were found to be in extremely poor state in Haiti and “almost without attention from the government.” To address these systemic development issues, countries contributing the peace force must also understand the complex nature of development and of the actor providing long term development assistance.

■ The MINUSTAH experience alerted participants to the need to understand UN contracting procedures better.

## Building upon the Lessons Noted

In 2000 the UN Secretary General Kofi Annan named a panel to make recommendations for strengthening the UN's permanent capacity for peace building and peace support. The resulting Brahimi Report<sup>3</sup> called for, among other things, a strengthening of the system of Stand-by<sup>4</sup> units that are ready, trained and able to deploy on short notice. The Report urged consideration of regio-

3 Report of the Panel on United Nations Peace Operations, United Nations, 2000, in [http://www.un.org/spanish/peace/operations\\_report/](http://www.un.org/spanish/peace/operations_report/).

4 The UN Stand-by system was created in 1990. Under a Stand-by agreement a country agrees to provide a brigade size force able to deploy on 15, 30 or 90 days notice. Forces should arrive prepared, with their own equipment and logistics, with language capabilities, their own mobility, and be trained according to UN Standards.



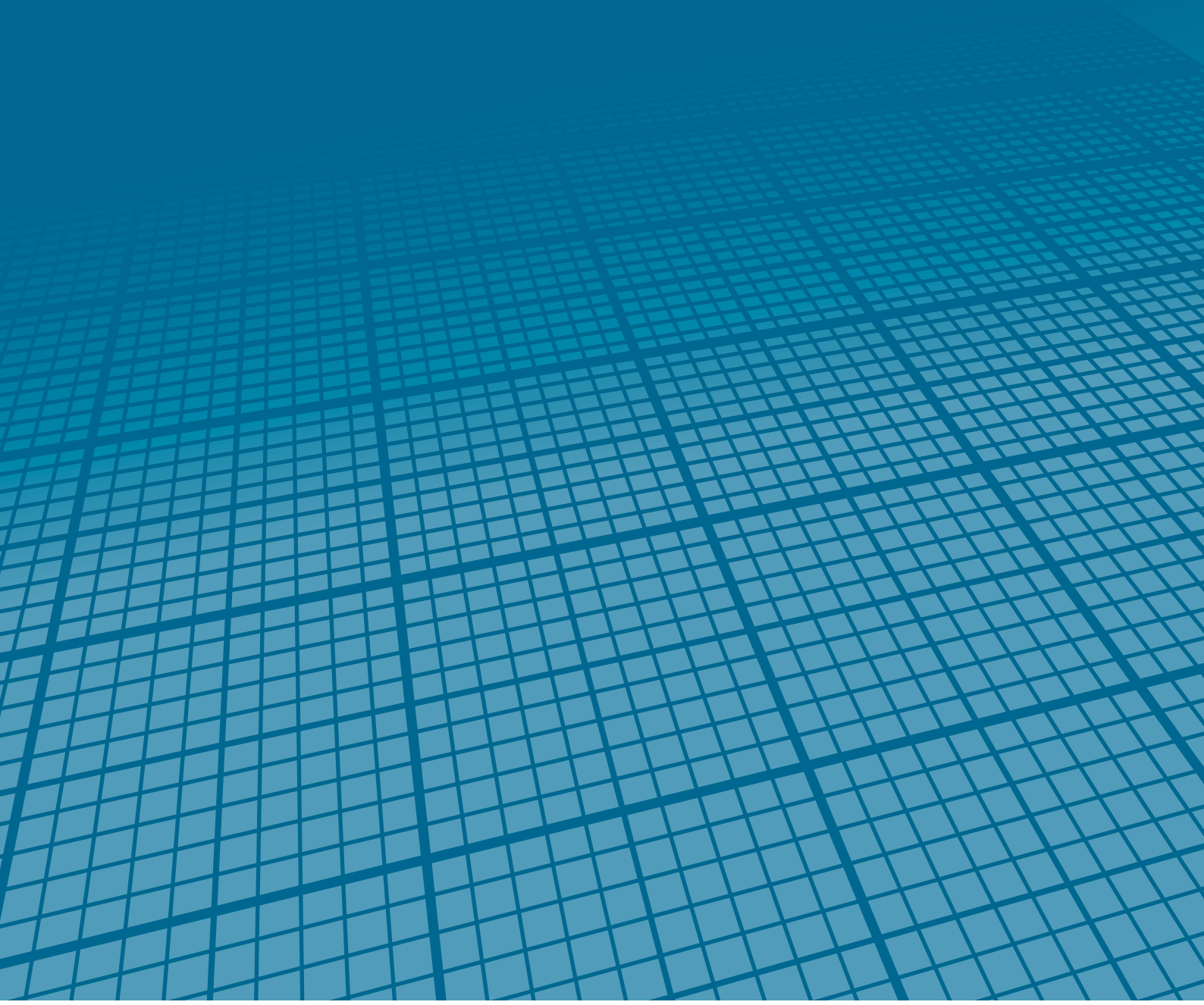
nal combined (multi-country) coalition brigades or “task forces” that could provide high capacity, coherent, well trained units, with their equipment, that would operate under common UN standards. Argentina and Chile are in process of developing a combined Battalion that will deploy beginning in 2009. A number of Latin American forces have joined the Argentine Mission in Cyprus (UNFICYP) since 1993, and as noted, Ecuadorian engineers combined with Chilean engineers in service in Haiti. The armies of Central America cooperate and coordinate in regional response via CFAC, and have recently put in place a civilian-military network for rapid response to disaster in the region. The network includes a regional information sharing and stockpiling of shared materiel for disaster response. The Caribbean countries are implementing a similar collaborative effort for disaster response, and have demonstrated their ability to coordinate complex security operations in the Cricket World Cup, a capability they do not want lose. Cooperation across the internal borders in South America is increasing as countries seek to stop transnational criminal organization trafficking in drugs, arms, humans and goods.

The lessons noted in Haiti and in these other efforts provide numerous examples of steps that can be taken to improve the response capacity of the region and of individual countries. The lessons are eminently practical, but they imply updating practices and procedures in a number of ways. Many have implications for policy, such as the need for greater standardization of doctrines, including incorporation of UN doctrine; greater interoperability among national forces, and, ideally, greater synchronization of capacities among nations. They also have implications for policy in the areas of acquisition and modernization of equipment. The replacement of outdated equipment may allow forces to be more effective and operate at lower cost. They imply a need for more coordinated and integrated logistical support, including greater integration of planning between armies, navies and air forces, between civilian and military planners, and with agencies of government that are focused on specialized functions in health, education and agriculture development, for example.

As our region becomes truly a region of peace, opportunities to work together, exploiting the combined resources of multiple partners increase. Collaboration, cooperation and adoption of policies and practices that increase interoperability permit the whole forces to be more effective than the simple sum of individual parts. The lessons of Haiti and other collaborative operations have been noted. In some countries they are being learned and acted upon; in others they are still being studied. They provide an informed framework for beginning to think how nations and forces can better collaborate and cooperate in the future to provide a more robust, effective and sustainable response to challenges that confronts the region and the world.

■ As our region becomes truly a region of peace, opportunities to work together, exploiting the combined resources of multiple partners increase.

# THE COUNTRIES





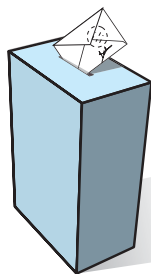
# Argentina

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- National Defence Act (N° 23.554 - 1998/05/05)</li> <li>- Internal Security Act (N° 24.059 - 1992/01/17)</li> <li>- Ministerial Law (N° 22.520 - 1992/03/20)</li> <li>- Act on the Restructuring of the Armed Forces (N° 24.948 - 1998/04/08)</li> <li>- National Intelligence Act (N° 25.520 - 2001/12/06)</li> </ul>	<ul style="list-style-type: none"> <li>- Code of Military Justice (N° 14.029 - 1951/08/06. Last Reform, Act N° 23.049 - 1984/02/15)*</li> <li>- Military Service Act (N° 17.531 - 1967/11/16)</li> <li>- Military Personnel Act (N° 19.101 - 1971/07/19)</li> <li>- Voluntary Military Service Act (N° 24.429 - 1995/01/10)</li> <li>- Act on the Entry of Foreign Troops and the Deployment of National Troops outside the Country (N° 25.880 - 2004/04/23)</li> </ul>

\* The replacement of this Code was approved by the Chamber of Deputies in November 2007. As of August 2008 the reform was under consideration of the Senate.  
 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 and *Ley para el Personal Militar* (N° 19.101 - 1971/07/19).

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1950/08/21
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Unratified

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/09/27 Deposit: 1994/01/18
- Treaty on the Non-Proliferation of Nuclear Weapons: Accession: 1995/02/10
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/13 Deposit: 1995/10/02
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/04 Deposit: 1999/09/14
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Signature: 1972/08/01 Deposit: 1979/11/27
- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Accession: 1987/03/20
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Signature: 1981/12/02 Deposit: 1995/10/02
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2001/10/09
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2004/03/02
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 1998/12/04

### On Human Rights and Justice

- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1984/02/02 Deposit: 1984/09/05
- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/10 Deposit: 1996/02/28
- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/02/10 Deposit: 1989/03/31
- Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife: Signature: 1957/08/08 Deposit: 1957/10/24
- International Criminal Court: Signature: 1999/01/08 Deposit: 2001/02/08

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1956/04/10
- Antarctic Treaty: Signature: 1959/12/01 Deposit: 1961/06/23

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	161,486,462,174	Local currency	8,357,539,573
US\$	50,781,906,344	US\$	2,628,157,098
		GDP's %	0.81
<b>2008 GDP (in US\$)</b>	<b>323,800,000,000</b>	<b>% of the State Budget</b>	<b>5.18</b>

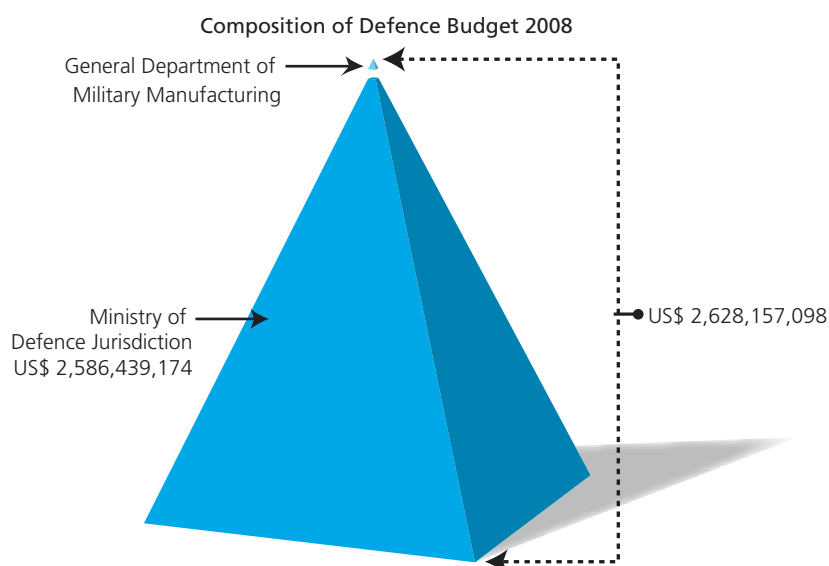
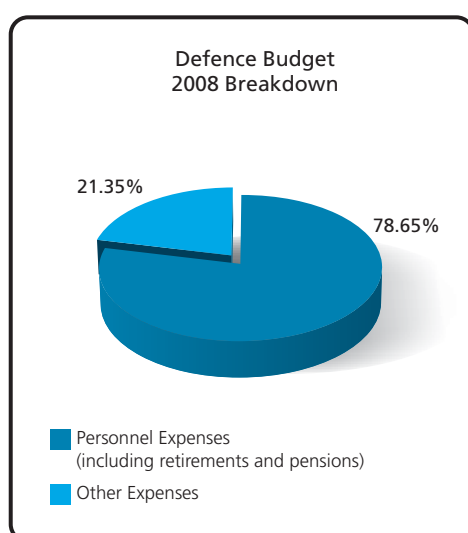
### Defence Budget 2008 (in Local Currency)

Jurisdictions and Entities	Personnel Expenses	Consumer Goods and Non-personal Services	Fixed Assets	Others*	TOTAL
<b>Ministry of Defence</b>					
Mimistry of Defence	69,462,985	32,218,927	91,880,000	1,593,000	195,154,912
General Staff of the Army	2,176,932,333	375,250,320	50,071,000	228,000	2,602,481,653
General Staff of the Navy	1,280,634,857	236,221,792	59,043,368	420,000	1,576,320,017
General Staff of the Air Force	1,105,317,680	479,360,450	145,626,948	17,273,942	1,747,579,020
Joint Command of the Armed Forces	11,883,000	108,290,081	73,477,229	31,000	193,681,310
Military Geographic Institute**	11,195,000	15,489,600	6,881,400	619,000	34,185,000
National Weather Service**	24,091,000	14,846,000	1,619,000	1,394,000	41,950,000
Institute for the Financial Support to the Payment of Military Retirements and Pensions***	9,985,000	2,086,000	282,000	1,821,171,661	1,833,524,661
<b>General Department of Military Manufacturing</b>	<b>62,709,000</b>	<b>66,934,000</b>	<b>3,000,000</b>	<b>20,000</b>	<b>132,663,000</b>
<b>TOTAL</b>	<b>4,752,210,855</b>	<b>1,330,697,170</b>	<b>431,880,945</b>	<b>1,842,750,603</b>	<b>8,357,539,573</b>

\* Includes Transferences, Financial Assets, Figurative Expenses, Debt Service, and Decrease of Other Liabilities.

\*\* Decentralized organization.

\*\*\* Social security organization.



Source: Compilation based on the National Administration General Budget 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. The exchange rate average is 3.12 pesos, based on the information provided by the Central Bank of Argentina. 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

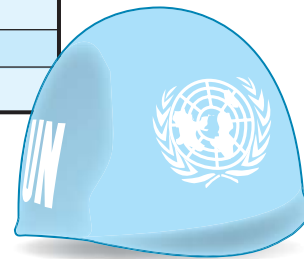
### Concepts

What is Defence?	What is Security?
<p>National defence means the integration and coordinated action of all of the Nation's forces aimed at solving those conflicts which may demand the use of the Armed Forces, in a dissuasive or effective way in order to face external aggressions. Its purpose is to guarantee sovereignty and independence of the Argentine Nation on a permanent basis; protect life and freedom of its inhabitants.</p> <p>(<i>Ley de Defensa Nacional</i>, Nº 23.554 - 1998/05/05, Sec. 2)</p>	<p>Internal security is the actual situation based on the rule of law in which freedom, life and assets of its inhabitants, their rights and guarantees, and the full force of the institutions of the representative, republican and federal system established by the National Constitution, are safeguarded.</p> <p>(<i>Ley de Seguridad Interior</i>, Nº 24.059 - 1992/01/17, Sec. 2)</p>

## Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURSO (Western Sahara)	3	—
MINUSTAH (Haiti)	—	557
UNFICYP (Cyprus)	—	296
UNMIK (Kosovo)	1	—
UNTSO (Israel and Palestine)	5	—

■ The Argentine Center for Joint Training in Peacekeeping Operations (CAECOPAZ), was founded on June 27, 1995.

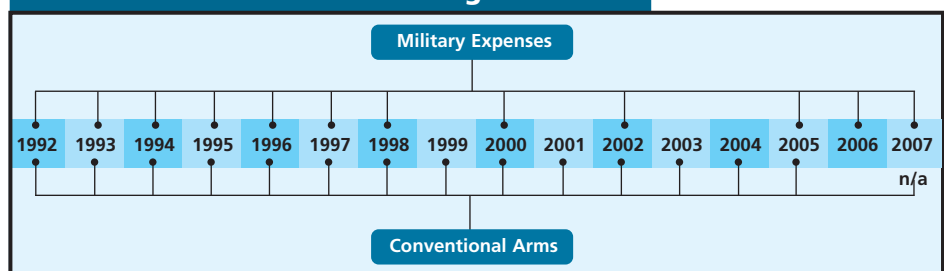


MO: Military Observers - CT: Contingent Troop.

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.

■ Argentina provides 862 military members to UN peace operations, which represents a 13,58% of the total amount of the Latin American contribution and a 1,12% 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.

■ Argentina published the *Libro Blanco de la Defensa Nacional* (White Book of National Defence) in 1999 and the *Revisión de la Defensa* (Defence Review) in 2001.



### 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 (1)
- 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

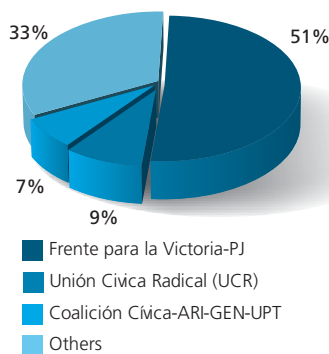
Name: State of siege  
Cause: Internal commotion  
Participation of the Legislative Power: Declared by the Congress and by the President if the latter were not in session (with a subsequent report).

Name: State of siege  
Cause: Foreign attack  
Participation of the Legislative Power: Requires the approval of the Senate.

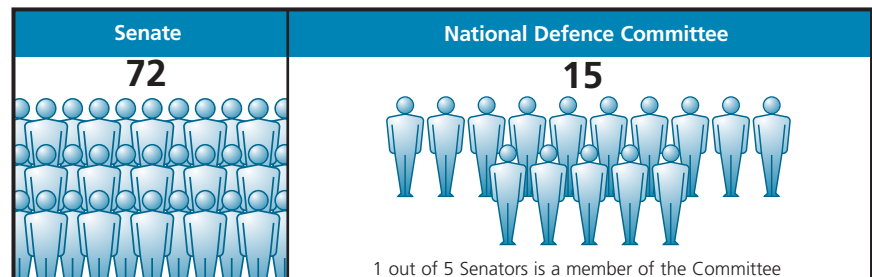
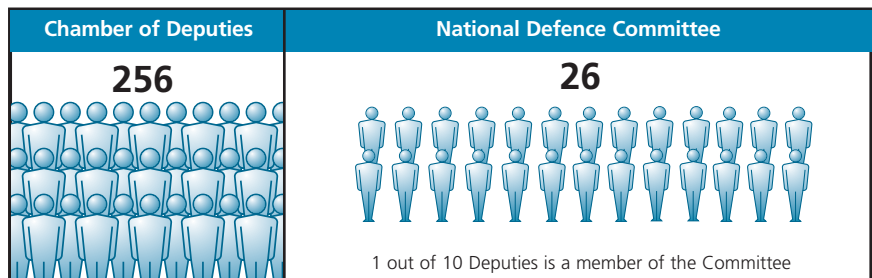
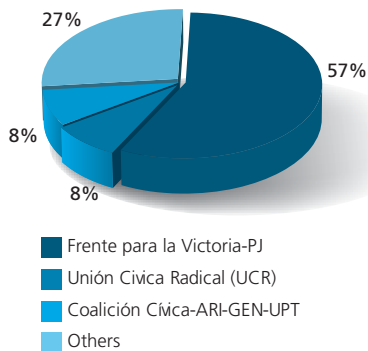
Source: Compilation based on the Constitution.

#### Breakdown of Parties

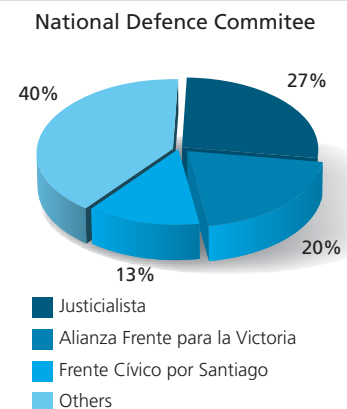
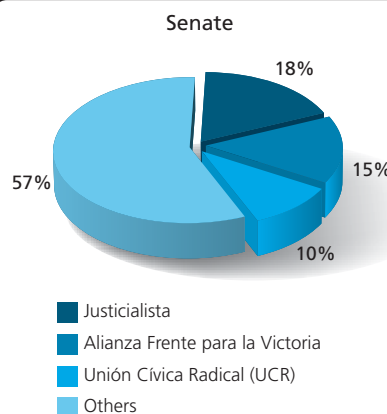
Chamber of Deputies



National Defence Committee



#### Breakdown of Parties



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



## System Organization

## Functions

### State Powers Sphere

As Chief of State and Chief Executive, and as Commander-in-Chief of the Armed Forces, the President of the Nation exercises the command of the national defence.

The President states, counting on the advice and assistance from the National Defence Council (CODENA), the content and guidelines for making the national defence planning, through monitoring its creation and direction. The CODENA is headed by the President and composed of the Vice President, the Ministers, the person in charge of the Intelligence Area, and the Presidents of the Congressional Defence Committees.

The President will exercise the whole command of the war, with the assistance and advice of the CODENA and the Ministry of Defence, the Chairman of the Joint Command of the Armed Forces, and the Chiefs of Staff of all the Armed Forces, all of them set up as a Crisis Committee.

The Congress of the Nation permanently monitors the defence related issues through defence committees in both chambers.

### Ministerial Sphere

The Ministry of Defence will exercise the direction, organization and coordination of the activities that are proper to the national defence. Such Ministry should assist and advise the President of the Nation on the military command of the war.

### Military Sphere

The Armed Forces are the military instrument of the national defence and are made up of human and material resources, organically structured in order to allow their use in a deterrent and effective way. They are composed of the Argentine Army, the Navy of the Argentine Republic and the Argentine Air Force. The Joint Command of the Armed Forces is responsible for the design of the Military Instrument, the formulation of the joint military doctrine, and the encouragement of its renewal; the elaboration of the joint military planning, the direction of the joint military training, the control of the operational strategic plan and the efficacy of the joint military action. The Joint Command of the Armed Forces secures the maximum integration and standardization of the set of rules, processes, procedures, functions, services and activities related to the efficient use of the military resources, as well as the strengthening and consolidation of the operational capacities. Its Chairman is responsible for the use of military resources in peace times, holding the functional control over the Armed Forces, with the authority to give orders. The Chairman keeps a functional relation with the Chiefs of Staff of the Armed Forces, who will advise him on the joint military plan. The Chairman should establish a permanent bureau - answerable to him- which will be in charge of directing and coordinating the operational activity. That bureau will count on a responsible person. The President of the Nation will appoint this Operational Commander, on the recommendation of the Ministry of Defence; the Commander will be selected from among the Generals, Admirals or Brigadier Generals from the Line Corps in activity.

Source: Compilation based on the *Ley de Defensa Nacional* (Nº 23.554 - 1988/05/05) and *Reglamentación de la Ley de Defensa Nacional* (Decree Nº 727/2006 - 2006/06/13).

#### Date of Foundation

1958

#### Current Minister (August 2008)

Nilda Garré

#### Can the military members be Ministers of Defence?

Yes (if they have retired)

#### Number of military members who were Ministers of Defence

4

#### Number of civilians who were Ministers of Defence

33

#### Have there been any women in charge of the Ministry of Defence?

Yes (the current Minister of Defence performed functions as Defence Minister in the former administration)

[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]

Average permanence in the Minister of Defence position

**1 year and 3 months**

## The Ministry of Defence

### Mission:

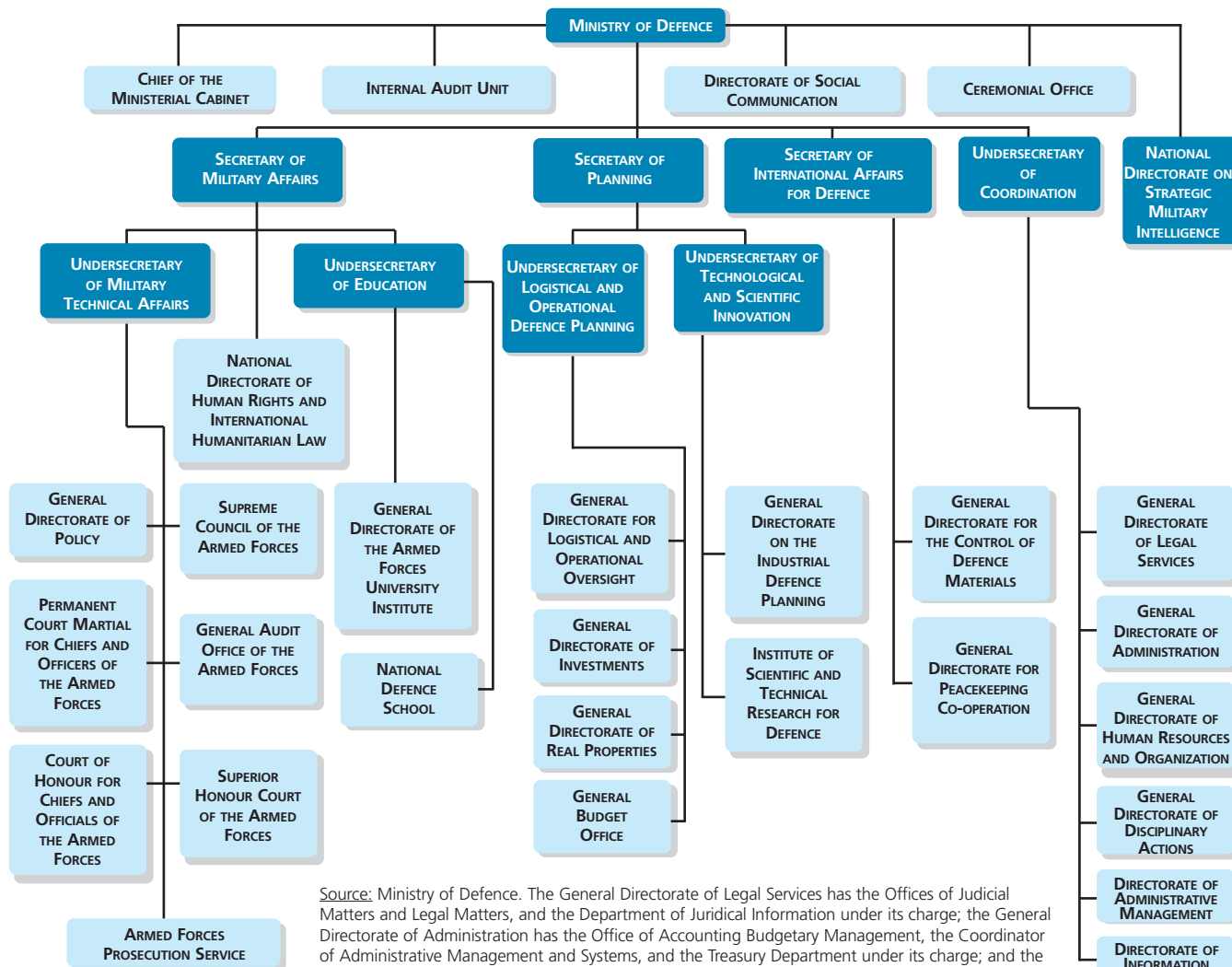
To advise the Nation's President and the Chief of the Ministerial Cabinet within its sphere of action, on all national defence matters and relations with Armed Forces within the existing institutional framework.

### Specific Responsibilities:

- Have responsibilities in setting the goals, policies and requirements of national defence.
- Execute area plans, programs and projects of his sphere of action.
- Be involved in the preparation of the Armed Forces budget and in the coordination and allocation of the corresponding credits.
- Take part in the coordination of the Armed Forces' logistic activities.
- Be involved in the planning, management and execution of research and development activities relevant to the national defence.
- Be involved in the formulation and execution of the policy and plan of mobilization in the event of war.
- Have responsibilities on the enrollment, classification and allocation of human capital, assigned to the Reserve forces and on the promotion of activities and skills to be developed within the defence sphere.
- Take part in activities concerning strategic military intelligence.
- Take part in the coordination of the Armed Forces common issues, particularly in administrative, legal and logistic areas.
- Perform a joint coordination with the Secretary of Internal Security regarding common Armed and Security Forces issues.
- Be involved in the assignments of recruits of contingents sent abroad to perform peace operations.
- Take part in the management of joint Armed Forces agencies under its responsibility.
- Take part in nominations of senior positions in subordinate joint agencies.
- Be involved in the administration of justice and military discipline through Courts under its responsibility.
- Take part in the nomination and allocation process of Armed Forces personnel.
- Be involved in planning, managing and executing production activities where the State's participation is recommendable due to the fact that national defence is involved.
- Be involved in technical research and works and in the formulation and execution of national policies regarding national defence.
- Intervene for establishing policies regarding the defence production system.
- Take part in the creation and proposals aimed at reaching national defence goals at frontiers, along with its management and execution.
- Have responsibilities along with the Foreign Affairs and Foreign Trade Ministry, for planning, managing and executing activities in the Antarctic area.
- Be involved in the joint military planning and its requirements, and in the oversight of its fulfillment.
- Take part in the formulation and application of principles and rules for the operation and use of the Armed Forces.
- Have responsibility in the registry, licensing, oversight and technical management of navigation and aerial navigation actions and activities within his jurisdiction.
- Intervene in the implementation and communication of International Humanitarian Law and International Human Rights Law rules, along with the pertaining training programs within the Armed Forces.

Source: Compilation based on information provided by the Ministry of Defence, *Ley de Ministerios* (Nº 22.520 - 1992/03/20) and Decree 825/05 (2005/07/13).

ORGANIZATION CHART



Source: Ministry of Defence. The General Directorate of Legal Services has the Offices of Judicial Matters and Legal Matters, and the Department of Juridical Information under its charge; the General Directorate of Administration has the Office of Accounting Budgetary Management, the Coordinator of Administrative Management and Systems, and the Treasury Department under its charge; and the General Directorate of Human Resources and Organization is responsible for the Offices of Human Resources Policy and Personnel Administration.

Defence Education

Main Training Courses of Specialization in the Area

Training Course	Institution
<ul style="list-style-type: none"> <li>- Masters in National Defence</li> <li>- Advanced Training Course on National Defence</li> <li>- Special Course on National Defence</li> </ul>	National Defence School*
<ul style="list-style-type: none"> <li>- Masters in Strategy and Geopolitics</li> <li>- Masters in the History of War</li> <li>- Recognition of the Graduate Degree on Strategy and Organization</li> <li>- Course on Doctrinary Update</li> <li>- Information Management for Strategic Decision Making</li> <li>- Planning and Military Education Management</li> </ul>	Superior War School "Teniente General Luis María Campos"
<ul style="list-style-type: none"> <li>- Masters in Strategic Studies</li> </ul>	Naval War School
<ul style="list-style-type: none"> <li>- Training Course on Human Rights and International Humanitarian Instructor</li> <li>- International Course on Humanitarian Assistance in the Context of United Nations Peace Operations</li> <li>- Course on Civil Military Coordination in Complex Operations</li> <li>- Course on Civil Personnel in Conflict Zones and Humanitarian Assistance "White Helmets"</li> <li>- Training Course for Journalists in Hostile Areas</li> </ul>	Argentine Centre for Joint Training in Peace Operations (CAECOPAZ)
<ul style="list-style-type: none"> <li>- Masters in National Strategic Intelligence "XXI Century"</li> </ul>	University of La Plata
<ul style="list-style-type: none"> <li>- Masters in International Studies. Specialization on International Politics and Security</li> </ul>	Torcuato Di Tella University

\* In July 2008, the Ministry of Defence signed an agreement with the Tres de Febrero National University.

Source: Compilation based on the information supplied by the above mentioned institutions. In the case of CAECOPAZ, the courses open to civilians are referenced.



**Military Career**

**ARMY**

**National Military College**

Duration: 4 years  
 Graduation Title: Graduate in Operation Management  
 Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 First Lieutenant

**Staff College**

**Superior War School**

Captain  
 Major  
 Lieutenant-Colonel  
 Colonel  
 Colonel Major  
 Brigade General  
 Division General  
 Lieutenant-General

**Entry to the National Military College - 2008 -**

Candidates: 795  
 Admitted Candidates: 439  
 2 out of 3 candidates were admitted

**NAVY**

**Naval Military School**

Duration: 5 years  
 Graduation Title: Graduate in Navy Resources Management for the Defence  
 Graduation Rank: Midshipman

**Academies of Intermediate Education**

Lieutenant  
 Frigate Lieutenant

**Staff College**

**Naval War School**

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

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

Candidates: 682  
 Admitted Candidates: 167  
 1 out of 4 candidates was admitted

**AIR FORCE**

**Military Aviation School**

Duration: 4 years  
 Graduation Title: Graduate in Air and Aerospace Systems  
 Graduation rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 First Lieutenant

**Staff College**

**Air War Superior School**

Captain  
 Major  
 Vice-Commodore  
 Commodore  
 Brigadier  
 Major Brigadier  
 Brigadier-General

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

Candidates: 445  
 Admitted Candidates: 145  
 1 out of 3 candidates was admitted

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

## The Armed Forces

### General Mission

The Armed Forces, military instrument of the national defence, will be used in case of external aggressions perpetrated by armed forces belonging to other/s State/s, without detriment of Act N° 24.059 of Internal Security and Restructuring of the Armed Forces Act N° 24.948 regarding the scenarios foreseen for the use of military instrument, and the regulations defining the scope of such intervention in support operations to the internal security.

(Reglamentación de la Ley de Defensa Nacional N° 23.554, Decree N° 727/2006 - 2006/06/13, Sec. 1)

Their primary mission is to unite and repel all external state military aggression to guarantee and permanently protect the sovereignty, independence and self-determination of the Nation, territorial integrity and the life and freedom of its inhabitants.

Their secondary missions involve participating in multinational operations in the framework of the United Nations; participating in internal security missions, in accordance with the Internal Security Act N° 24.059; support the national community and friend countries; participating in the construction of a subregional defence system.

(Directiva de Organización y Funcionamiento de las Fuerzas Armadas, Decree N° 1691/2006 - 2006/11/22)

### Specific Missions

#### Army

The Argentine Army shall serve the Fatherland in order to contribute to the national defence to protect its vital interests: independence and sovereignty, the capacity of self-determination, territorial integrity; natural resources, protection of the assets, the life and freedom of its inhabitants. Likewise, it shall also contribute to maintaining the representative, republican and federal system of government.

#### Navy

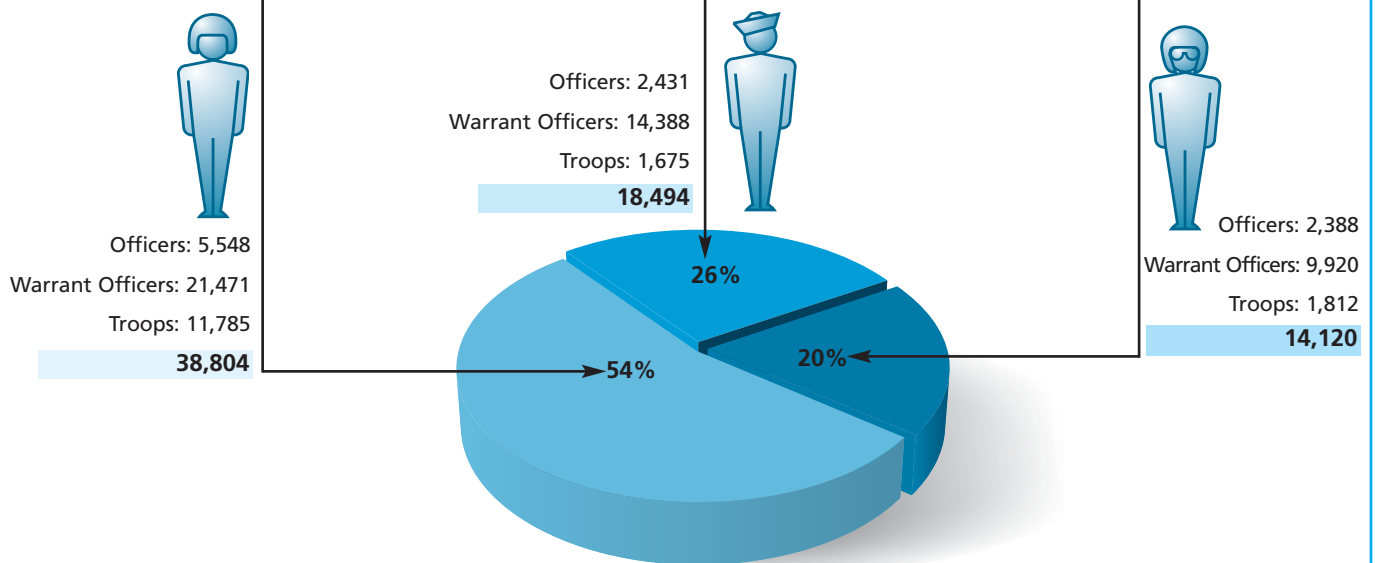
Primary mission: contribute to the national defence acting as a deterrent or using its means in an effective way to protect and permanently guarantee the vital interests of the Nation against external aggression.

Complementary missions: participation in peace operations and/or multinational coalitions under the command of international organizations; maritime and fluvial tasks and of nautical security maritime, fluvial tasks and nautical security tasks; maritime search and rescue; support to activities carried out in Antarctica; humanitarian assistance; community support; contribution to the preservation of the environment; participation in the development of measures of military cooperation, confidence building measures and the like in the regional and international regional framework to prevent situations of conflict; and participation in internal security in accordance with Act N° 24.059.

#### Air Force

Contribute to the national defence acting effectively as a deterrent in the aerospace, to permanently guarantee and protect the vital interests of the Nation.

### Total Armed Forces: 71,418



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



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1982	1981	1982
	Line Corps	1997	2001	2001
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.

Source: Compilation based on information supplied by the Ministry of Defence and the Forces.

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



Source: Information supplied by the Ministry of 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:

## Human Rights and Defence in Argentina

■ Jaime Garreta\*

■ The reflection upon the human rights issue within the sphere of the Ministry of Defence has been a long pending matter throughout all constitutional Argentine governments, since the recovery of democracy in 1983. Beyond the trials of the military juntas conducted during Raul Alfonsín's administration, the idea of generating a human rights policy to be applied to defence had never arisen.

Since the very beginning of Kirchner's administration, the issues of human rights and the collective memory have gained support and importance, and also permeated public policies related to the socio-economic, educational, legal and public security fields.

Even when the primary liability in this issue – within the State jurisdictions – rests upon the Secretariat of Human Rights of the Nation (subordinated to the Ministry of Justice), it was considered necessary and important to create a special space within the Ministry of Defence, which would be in charge of this issue and its specific application to the Armed Forces existing concerns.

Thus, through Presidential Decree N° 825, July 13, 2005, the Secretariat of Military Affairs of the Ministry of Defence was empowered to:

- Take part in the implementation and spreading of the rules of the International Humanitarian Law and the International Human Rights Law, within its area of competence.
- Take part in the guidance and formulation of training plans that should be carried out within the Armed Forces sphere, in order to consolidate and develop the International Humanitarian Law and the International Human Rights Law.

■ Reflection upon the issue of human rights, within the sphere of the Ministry of Defence, was a pending matter.

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\*Advisor, Senate of Argentina.



- Take part in advising tasks and in the elaboration of military staff related reports, processed before the Inter-American Commission on Human Rights or any other committees or commissions created in accordance with the International Human Rights treaties.
- Take part in human rights matters when related to the Armed Forces.

The Secretariat interventions regarding human rights are carried out in coordination with the faculties corresponding in this regard to the Secretariat of Human Rights within the Ministry of Justice and Human Rights, and the Ministry of Foreign Affairs, International Trade and Worship.

Concurrently with the creation of this new sphere of action within the Ministry, the reformulation of the military justice system started, with the aim of revoking the old 1951 Code of Military Justice – considered incompatible with the National Constitution and the international treaties that were incorporated in its 1994 reform. Since 2005, the Argentine State had made a commitment – before the Inter-American Commission on Human Rights - to revoke the old Code. The Ministry of Defence started a research on the issue at that moment, which included enquiries to specialists and members of civil society.

The debate focused on the incorporation of new types of offences (such as sexual harassment and discrimination); and on the eradication of dungeons and confinement, due to their obsolescence. It was posed, as well, that the prosecuted military have the same judicial guarantees as any citizen before the civil justice. Progress is being made on the idea of reaffirming the condition of full citizens for the Armed Forces members, who currently do not have those elemental rights due to their military condition.

In April 2007, the Government passed out to the National Congress a bill to reform the Code. The submitted bill posed, among other questions, the treatment of military crimes in the federal jurisdiction, the eradication of death penalty, the redesign of the disciplinary system and the creation of a service of justice common to all the Forces, in order to allow the force of identical rights and guarantees for every citizen (in this case militaries), as it is established by the National Constitution.

The reform of the military justice system includes the survey of ordinary crimes and offences that appear in the old Code, comprising them with other similar offences and crimes already established in the Ordinary Criminal Code. It incorporates in some cases an aggravating circumstance for certain crimes and offences due to the military condition of the doers. In procedural matters, the procedures are those of the ordinary justice, and special processes are established in the case of armed conflicts circumstances that hinder the submission of crimes committed by the military, to the ordinary justice. The project of the Executive Branch did not establish the issue of Courts of Honour, but their treatment in the Chamber of Deputies added an article to rule out its existence.

In matters of discipline, the reform creates a new code of conduct, and sets up the possibility for courts to uphold disciplinary sanctions (and also penalties).

The Armed Forces have, in turn, understood the need to approach the human

■ The new military justice system sets up that the criminal procedure is that of the ordinary justice.



rights issue regarding their officers and intermediate ranks, and set off the organization of courses and seminars to foster deeper reflection on the matter. An example of this has been the training courses that the Argentine Navy has recently organized, also aimed at chief officers from the South American Armed Forces.

All of these initiatives, which promote and support the civil management of the defence, favour a change of mind within the Armed Forces, furthering that way their inclusion in our country's democratic system. Another especially important issue is the inclusion of the human rights issue in the curricula of military training institutes – a process that has been going on for some years now. The Ministry of Defence has set off a rigorous review of the curricula in the three Forces, with the purpose of applying curricular adjustments in accordance with the new contents.

The Argentine State is responsible for, among other obligations, generating the necessary policies that seek the purging of all kinds of discrimination within society. In the case of women, their discrimination has been a constant feature within the Armed Forces; this issue has been off the Ministry of Defence's agenda until recent years.

This scenario has begun to evolve favourably; along with the integration of new Defence policies that enhance women's access to diverse Armed Forces areas. Along these lines, within the reform of the military justice system, the figure of sexual harassment has been incorporated into the Military Justice bill as a misconduct and gross misconduct, in proportion to the hierarchical situation of the doer. Conditions for entrance and permanence in the military training institutes have also been modified, now allowing for pregnant-women access.

As a final point, another area that has gained interest in the civilian management of the defence is the promotion of the Armed Forces training in the International Humanitarian Law and the International Human Rights law. This training is of special importance to develop a responsible action in officers and soldiers being part of peace operations, as in the field of the MINUSTAH (Peace Operation in Haiti), where Argentina has been actively participating for several years.

■ A rigorous review of the curricula in the Armed Force has been set off.



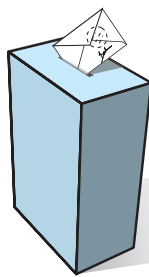
# Bolivia

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Organic Law of the Armed Forces (N° 1.405 - 1992/12/30)</li> <li>- Organization of the Executive Power Act (N° 2.446 - 2003/03/19)</li> <li>- Citizen Security System Act (N° 2.494 - 2004/08/04)</li> </ul>	<ul style="list-style-type: none"> <li>- Decree-Law of Organization of Military Justice (N° 13.321 - 1976/04/02)</li> <li>- Manual on the Use of Force in case of Internal Conflict (Supreme Decree N° 27.977 - 2005/01/14)</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	Yes
Are they entitled to become candidates for elections	Yes	No

Source: Constitution.

## International Treaties

#### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1950/09/26
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Unratified

#### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1969/02/18
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1970/05/26
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1998/08/14
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1998/06/09
- 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: 1975/10/30
- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Signature: 1977/05/18 Unratified
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2001/09/21
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1999/04/29
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Unratified
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 1999/10/04

#### On Human Rights and Justice

- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Accession: 1977/07/19
- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/09/14 Deposit: 1999/05/05
- Inter-American Convention to Prevent and Punish Torture: Signature: 1985/12/09 Deposit: 2006/11/21
- International Criminal Court: Signature: 1998/07/17 Deposit: 2002/06/27

#### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/10/18

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	80,554,139,517
US\$	11,203,635,538
<b>2008 GDP (in US\$)</b>	<b>16,699,000,000</b>

### Defence Budget 2008

Local currency	1,937,972,935
US\$	269,537,265
<b>GDP's %</b>	<b>1.61</b>
<b>% of the State Budget</b>	<b>2.41</b>

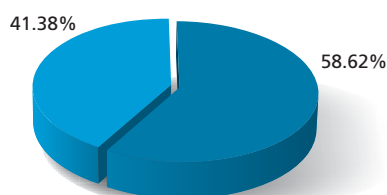
### Defence Budget 2008 (in Local Currency)

Institutions	Personnel Services	Non Personnel Services	Materials and Supplies	Others*	TOTAL
<b>Ministry of Defence</b>	1,030,268,154	153,701,315	250,890,118	61,520,299	1,496,379,886
Corporation of the Military Social Security**	44,821,724	22,462,605	28,761,226	213,454,619	309,500,174
Military School of Engineering**	3,980,027	17,857,364	3,257,975	27,006,519	52,101,885
Engineering Command of the Army**	943,200	27,586,717	35,757,563	11,507,433	75,794,913
National Service of Naval Hydrograph**	106,466	106,786	73,891	267,500	554,643
National Aerophotogrametric Service **	210,390	848,719	1,006,426	604,650	2,670,185
Geodesic Service of Maps**	302,458	233,020	61,465	0	596,943
<b>Supreme Council of National Defence</b>	239,515	39,880	94,911	0	374,306
<b>TOTAL</b>	<b>1,080,871,934</b>	<b>222,836,406</b>	<b>319,903,575</b>	<b>314,361,020</b>	<b>1,937,972,935</b>

\* Includes Real Assets, Financial Assets, Public Debt Services, Transferences, Taxes, Royalties, and Other Expenses.

\*\* Institutions under the responsibility of the Ministry of Defence.

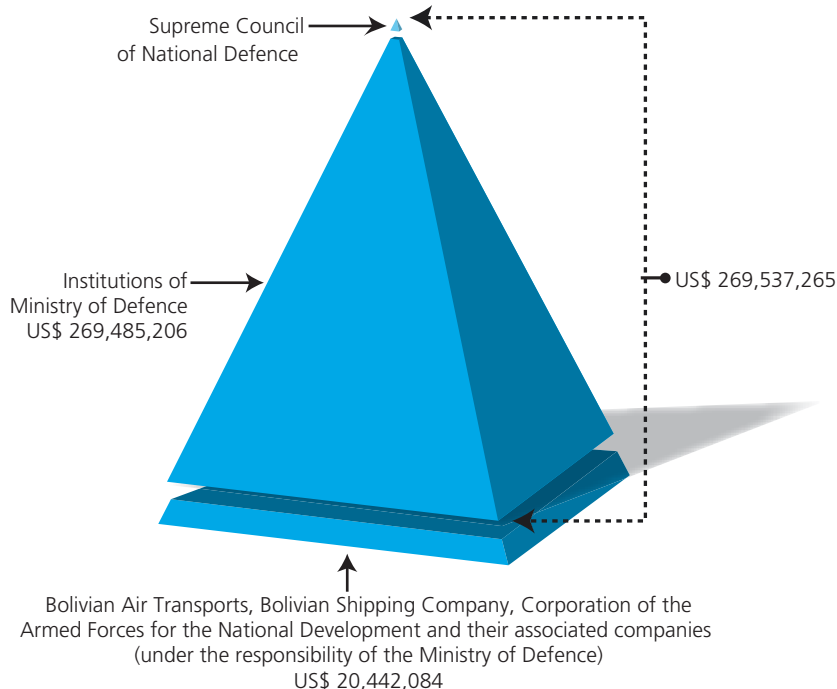
### Defence Budget 2008 Breakdown



■ Personnel Expenses  
(including retirements and pensions)

■ Other Expenses

### Composition of Defence Budget 2008



Source: Compilation based on General Budgetary Law of the Nation – 2008 Administration. 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 7.67 Bolivianos, based on the information provided by the Central Bank of Bolivia. 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>The State, through the Armed Forces, shall organise national security and defence, as an integrated system in order to neutralize, repel or destroy any action which is aimed at infringing them.</p> <p><i>(Ley Orgánica de las Fuerzas Armadas de la Nación, Nº 1.405 - 1992/12/30, Sec. 3)</i></p>	<p>Internal security: it is closely related to threats which can hinder the development and internal security, such as corruption, delinquency, political instability, arms trafficking, drug trafficking and terrorism.</p> <p>External security: it is supported by the institutional mechanisms provided by defence and diplomacy. It is related to national independence, territorial integrity and national sovereignty.</p> <p><i>(Libro Blanco de la Defensa, 2004)</i></p>

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURCAT (Central African Republic and Chad)	1	-
MINUSTAH (Haiti)	-	218
MONUC (Dem. Rep. of Congo)	10	198
UNAMA (Afghanistan)	1	-
UNMEE (Ethiopia and Eritrea)	1	-
UNMIK (Kosovo)	2	-
UNMIL (Liberia)	1	1
UNMIN (Nepal)	3	-
UNMIS (Sudan)	16	-
UNOCI (Ivory Coast)	3	-

■ The Center for Peacekeeping Operations of the Bolivian Army (COMPEBOL) was founded on January 23, 2007.

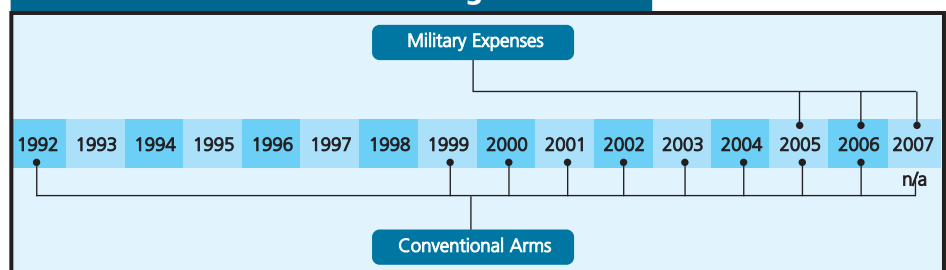


MO: Military Observers - CT: Contingent Troop.

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.

### Submissions to the UN Registers

■ Bolivia provides 455 military members to UN peace operations, which represents a 7.16% of the total amount of the Latin American contribution and a 0.59% of the world total.



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.

■ Bolivia published the *Libro Blanco de la Defensa* (White Book on Defence) in 2004.

### 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 <sup>(1)</sup>
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes <sup>(1)</sup>
- 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

Name: State of siege

Cause: Internal commotion

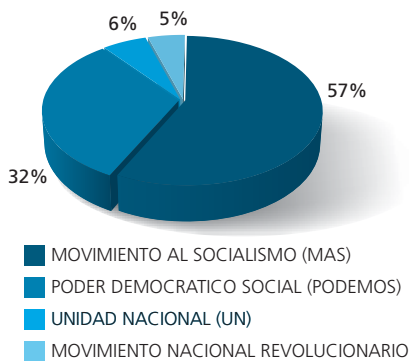
International war

Participation of the Legislative Power: Requires the approval of the Congress. If it were declared during legislative recess, corresponds to the Chamber of Deputies to consider the report on the state of siege presented by the Executive.

Source: Compilation based on the Constitution.

#### Breakdown of Parties

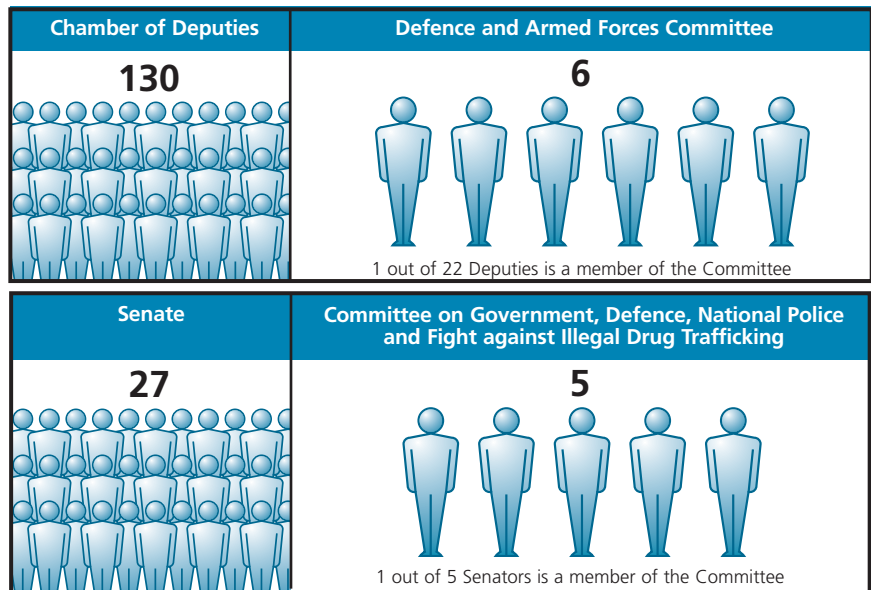
Chamber of Deputies



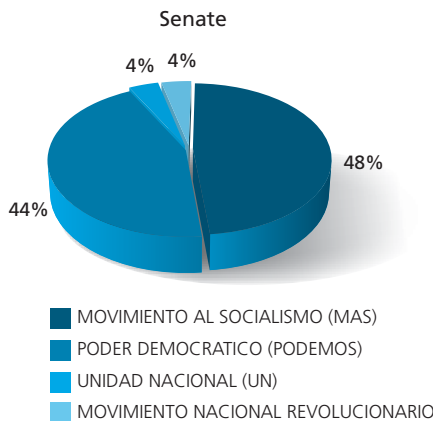
Defence and Armed Forces Committee



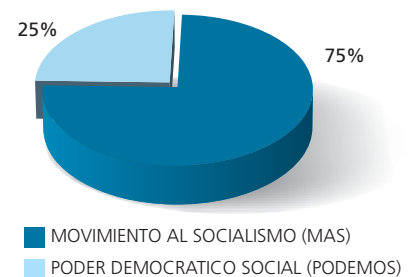
Source: Compilation based on information provided by the Legislative Power.



#### Breakdown of Parties



Committee on Government, Defence, National Police and Fight against Illegal Drug Trafficking





**System Organization**

**Functions**

**State Powers Sphere**

The President of the Republic and General Captain of the Armed Forces, in full use of the faculty bestowed by the Constitution, will determine the use of the military forces. The President will set the national security and defence policy, together with the advice of the Supreme Council of National Defence and the Military High Command.

The Supreme Council of National Defence is the highest advising body regarding the comprehensive security and defence of the Nation. The Military High Command is the highest decision-making organism of the Armed Forces. It is composed of the President of the Republic; the Ministry of National Defence, the Commander-in-Chief of the Armed Forces, the Chairman of the General Staff of the Armed Forces, and the General Commanders of the Armed Forces. The Congress of the Nation exercises the faculties conferred by the National Constitution and permanently monitors those issues related to the Armed Forces through specific commissions in both chambers.

**Ministerial Sphere**

The Ministry of National Defence is the political and administrative body of the Armed Forces. The Minister of Defence is the legal representative of the armed institution before the public powers. The Ministry plans the total or partial use of the Armed Forces in coordination with the Commander-in-Chief.

**Military Sphere**

The Command-in-Chief of the Armed Forces is the highest commanding and decision-making technical-operative body; it coordinates and directs the Armed Forces in a permanent manner. In case of war, the operations shall be headed by the Commander-in-Chief.

The General Staff of the Armed Forces is the Commander-in-Chief's counselling, coordinating, planning, supervising and controlling body. The General Command of the Army, Air Force and Naval Force are the commanding bodies of the Armed Forces. The Armed Forces of the Nation are subsidiary to the President of the Republic and receive their orders through the Ministry of Defence as to administrative matters, and through the Commander-in-Chief, as to technical matters.

Source: Compilation based on *Ley Orgánica de las Fuerzas Armadas* (N° 1.405 - 1992/12/30).

**Date of Foundation**  
1933

**Current Minister (August 2008)**  
Walker San Miguel Rodríguez

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

**Number of military members who were Ministers of Defence**  
38

**Number of civilians who were Ministers of Defence**  
41

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

**The Ministry of National Defence**

**Specific Responsibilities:**

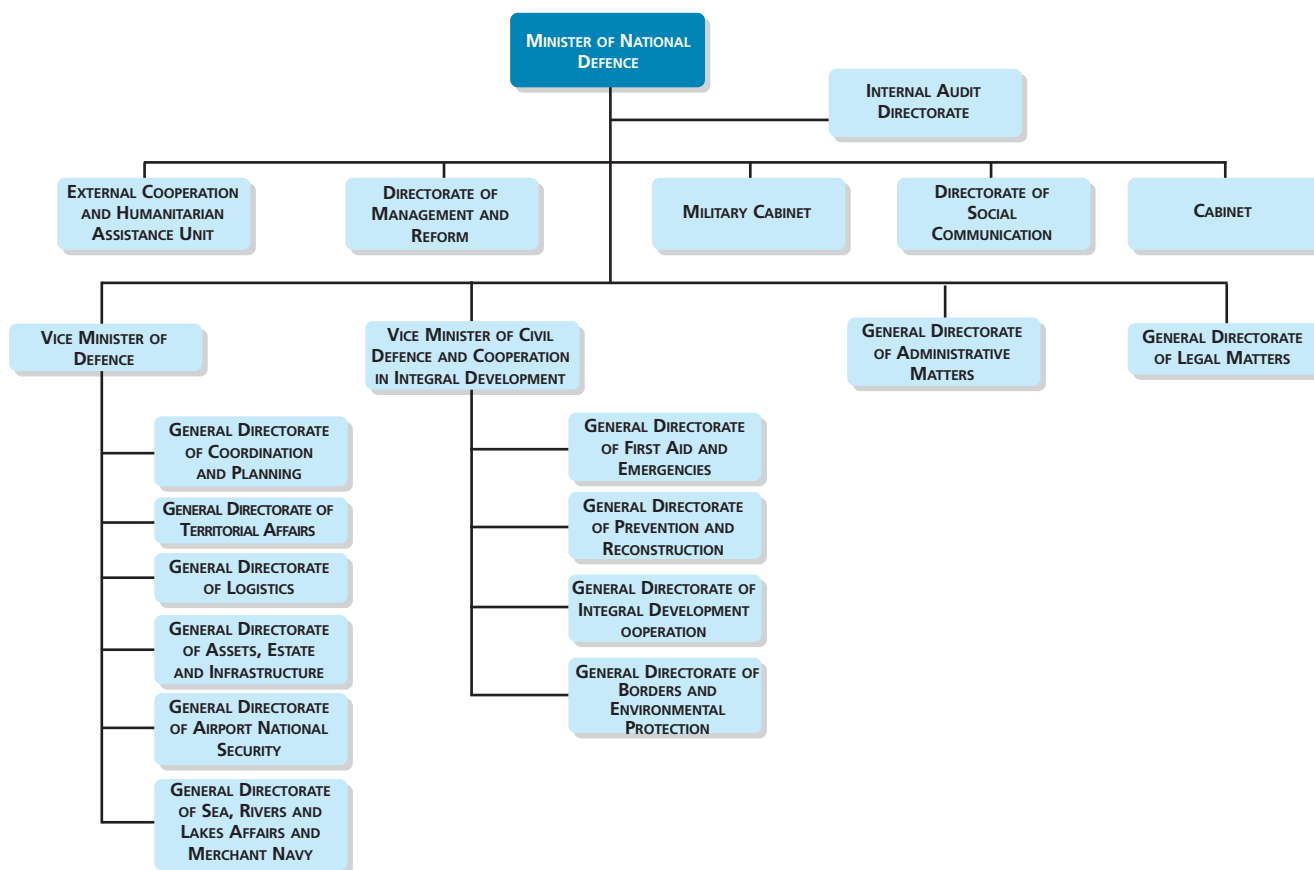
- Inform the Armed Forces the presidential decisions regarding the administrative field and coordinate their fulfillment with the Command-in-Chief, the Army, the Air Force, and the Naval Force.
- Elaborate and manage the budget of the Armed Forces and represent them in front of the public powers.
- Be in charge of the discipline and military justice, through the pertaining courts, as well as the integral development of its human resources.
- Foster the country's integral development.
- Supervise air, river and lake navigation, along with the Ministry of Public Works and Services and foster the Nation's maritime rights.
- Perform civil defence, risk reduction, disaster and emergency-aid actions, as well as actions aimed at protecting the environment in coordination with the Ministry of Sustainable Development.

**Average permanence in the Minister of Defence position**  
**11 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 *Ley de Organización del Poder Ejecutivo* (N° 2.446 - 2003/03/19) and information supplied by the Ministry of National Defence.

## ORGANIZATION CHART



Source: Ministry of National Defence.

## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
-Training Course for Journalists in Peace Operations	Centre for Peacekeeping Operations of the Bolivian Army (COMPEBOL)
- Masters in Security, Defence and Development	National School of Higher Education Studies "Coronel Eduardo Avaroa"
- Masters in Research of Security and Defence Public Policies	University for Strategic Research in Bolivia (UPIEB)-Ministry of the Presidency-Ministry of Defence and Ministry of Government

Source: Compilation based on the information supplied by the above mentioned institution. In the case of COMPEBOL, the courses open to civilians are referenced.



**Military Career**

**ARMY**

**Military School of the Army**

Duration: 5 years

Graduation Title: Graduate in Land Sciences and Arts

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

Army General

**Entry to the Military School of the Army – 2008 –**

Admitted Candidates:  
300

**NAVY**

**Naval Military School**

Duration: 5 years

Graduation Title: Graduate in Naval Sciences and Arts

Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Frigate Lieutenant

Navy Lieutenant

**Staff College**

**Naval War School**

Corvette Captain

Frigate Captain

Navy-Captain

Rear-Admiral

Vice-Admiral

Admiral

**Entry to the Naval Military School – 2008 –**

Candidates:  
400

Admitted Candidates:  
120

1 out of 3 candidates was admitted

**AIR FORCE**

**Military Aviation College**

Duration: 5 years

Graduation Title: Graduate in Military Air Arts

Graduation rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant

Captain

**Staff College**

**Air War School**

Major

Lieutenant-Colonel

Colonel

Brigade General

Division General

Air Force General

**Entry to the Military Aviation College – 2008 –**

Candidates:  
498

Admitted Candidates:  
198

2 out of 5 candidates were admitted

Source: Compilation based on *Ley Orgánica de las Fuerzas Armadas* (Nº 1.405 – 1992/12/30). Entry to Academies: Ministry of National Defence and Naval Military School. The table strictly follows the order and hierarchy of the ranks shown on each country.



## The Armed Forces

### General Mission

The Armed Forces have the fundamental mission to defend and maintain national independence, the security and stability of the Republic and national honour and sovereignty; ensure the rule of the Political Constitution, guarantee the stability of the legally constituted Government and cooperate in the integral development of the country. (Constitution, Sec. 208)

### Specific Missions

#### Army

- Defend the sovereignty and the integrity of the national territory.
- Guarantee land security and cooperate with maintaining the public order carrying out the orders of the Commander-in-Chief.
- Take part in the integration of the national territory by means of building and opening roads, motorways and other access systems.
- Occupy, protect and support the development of the national borders.
- Protect vital areas and cities of the country.
- Carry out specific missions with the support of the Air Force and/or the Navy.
- Actively participate in the integral development of the Nation, according with the orders of the Commander-in-Chief.
- Contribute to the empowerment of the country in coordination with other Forces, enhancing, fostering and protecting the national development.
- Create and edit maps and politics of the national territory.
- Protect the sources of production and legally constituted services, as well as the natural resources and ecological preservation within the national territory.

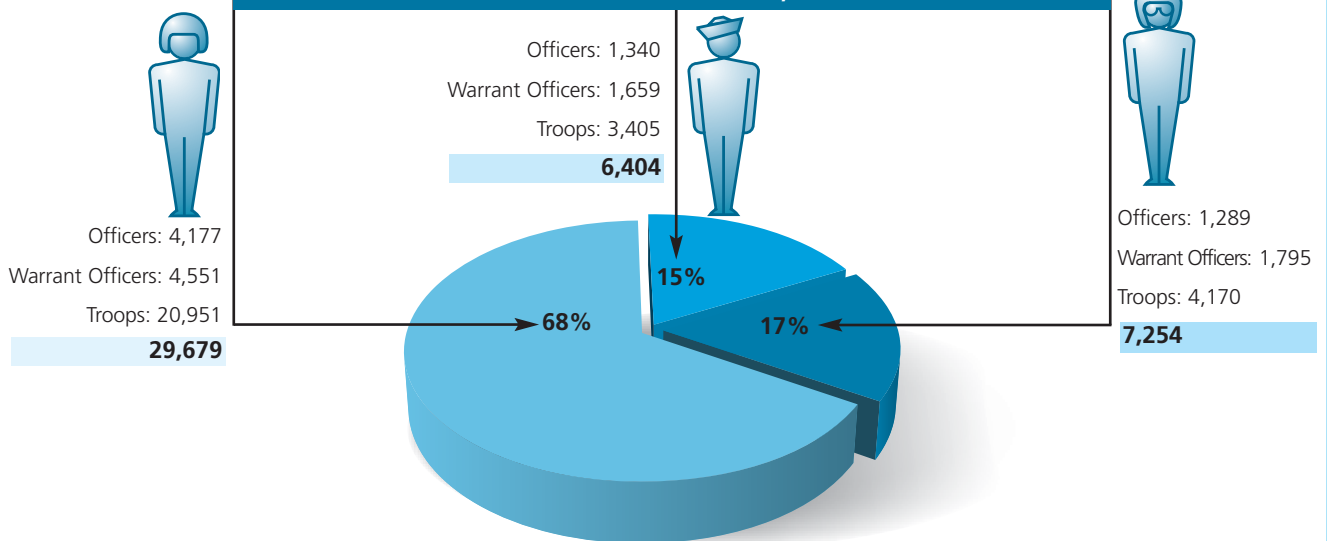
#### Navy

- Ensure the sovereignty and defence of the fluvial, marine and lacustrean interests of the Nation.
- Guarantee the free navigation of the Merchant Navy in seas, rivers and lakes controlling the right to use the territorial sea, adjacent areas, the continental platform and seabeds.
- Contribute to the empowerment of the Nation in coordination with the other Forces, enhancing, fostering and protecting military and merchant navigation as well as others of private nature.
- Create the national hydrographical map.
- Prevent and repress acts of piracy in navigation, trade and fishing.
- Carry out specific missions supporting the Army and/or Air Force.
- Actively participate in the integral development of the Nation in accordance with the orders of the Commander-in-Chief.
- Exercise competence and jurisdiction on patrimonial waters, ports and naval installations in accordance with the regulations established in the Fluvial, Maritime, and Lacustrean Navigation Act.

#### Air Force

- Ensure the sovereignty and defence of the national air space.
- Reach and maintain a position of supremacy in the aerospace, which allows the execution of a dissuasive action on any enemy.
- Contribute to the integration of the national territory by means of air transport services.
- Carry out the necessary and timely air transportation to support all the military operations for national defence.
- Execute specific missions to support the Army and/or Navy.
- Actively participate in the integral development of the Nation, in accordance with the directives issues by the Commander-in-Chief.
- Permanently surveil and repress acts of piracy in the military and civil air navigation.
- Protect and foster the development of military and civil aviation, infrastructure, aerospace industry and institutes of aerospace scientific investigation of the Nation.

### Total Armed Forces: 43,337



Source: Ley Orgánica de las Fuerzas Armadas (N° 1.405 – 1992/12/30) (missions) and Ministry of National Defence (Regular Force).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1982	—	2004
	Line Corps	1979 <sup>(1)</sup>	—	2007
Rank reached		All ranks	—	All ranks

(1) The first opening extended until 1985. In 2001 the access to women was opened again.

“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

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:

## The Armed Forces in Bolivia: the Challenge of Change

**Loreta Tellería Escobar\***

The democratization period carried out by most Latin American countries some decades ago, has set the defence and security institutions aside. This has happened in such a way that only since some years ago, institutions as the police and the Armed Forces have been adapted to the institutional changes pertaining to democratic governments. Respect for human rights, transparency in the administration, and especially political control, are the main principles which are core to all models of institutional modernization.

In the case of Bolivia, the Armed Forces have not been away from these challenges. However, their authoritarian past and traditional structure were easy prey to manipulation by democratic governments which used the institution according to the situation and pragmatically, thus worsening their institutional crisis and making the challenge for change more difficult.

During the nineties, several governments of the region showed clear initiatives towards modernization and professionalism of their military institutions. The enhancement and respect for human rights, by bringing into trial several military members who were part of dictatorial governments, became the main step to begin with a whole set of changes aimed at recovering, if ever had, the political control over the Armed Forces.

This political control had to be expressed through a series of institutional changes, such as the way the institution showed certain openness towards so-

■ During the nineties, several governments of the region showed clear initiatives towards modernization and professionalism of their military institutions.

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\* Director of the Observatory of Democracy and Security.



ciety- by accountability, transparency and social participation policies- replacing bureaucratic structures by more professional ones as well as its openness towards external relations mechanisms which could reflect the transition of traditional security policies towards those ones which could foster mutual co-operation and confidence.

The long authoritarian past which resulted in the foundation of autonomous institutions, showed the military resistance towards significant changes, such as its complete subordination to political power, which implied the beginning of a long modernization and professionalization process for the military. Despite all the obstacles, there currently are significant advances in the democratization of military institutions. The presence of a higher number of civil Ministers of Defence in comparison to military ministers in the region, sum up to the fact that there are several women in the charge of the position, implies a clear sign of change. If we also consider the attempts by several governments to elaborate White Books of Defence, including transparency and social participation principles, and the creation of a budgetary transparency model carried out by Argentina and Chile, then, those changes are clearly in progress.

In the case of Bolivia, the military institution has not been subject to any institutional reform along the whole democratic process. This means that at present, the military institution does not have a democratic agenda on security including urgent issues such as military modernization and professionalism policies, effective civil control through a Ministry of Defence, not pending on bureaucracy, effective budget management, change of military rules and regulations and finally, defined roles for the Armed Forces action, in accordance with the new security concepts as well as the new internal and external threats.

The lack of strategic definition has made the Bolivian military institution perform roles which are not incumbent to its military nature. This option was the result of national (and international) government interests, trying to solve situational problems threatening the political, economic and social stability of the country. The Armed Forces participation in tasks such as the fight against drug trafficking<sup>1</sup>, public order and civic security, have contributed in blurring the real function of the military and it has also increased its legitimacy crisis.

In short, the Bolivian democratic process maintain the problematic military issues unresolved, acting more as a catalyser of its lack of strategic definition than a guide towards a democratic policy on security, covering national and international aspects.

■ In the case of Bolivia, the military institution has not been subject to any institutional reform along the whole democratic process.

<sup>1</sup> The consequences of this policy have not been good for Bolivia, as there have been conflicts regarding the lack of respect for human rights, increase of social conflict, government legitimacy crisis and hindrance to national sovereignty.

## Under an indigenous government

The new political approach brought to Bolivia by the election of an indigenous president like Evo Morales since January 2006 was undoubtedly the beginning of a new stage for all democratic institutions in the country. A President who won the elections garnering a 54% share of the vote, thus obtaining a parliamentary majority, and who after a one year government nationalized hydrocarbons without any traumatic effect, against all predictions, represents the beginning of a popular oriented government willing to make a fundamental turn regarding the traditional way of managing the State's institutions.

If we analyze the process undergone by the Armed Forces along the first years of government, we can find important elements to assert and foresee a dramatic change within the institution. The National Development Plan submitted at the beginning of the government, includes for the first time, a section about the military institution, empowering it to take part in national security and defence issues, civil defence and development support.

In December 2006, the approval rating of the Armed Forces in all Bolivian cities reached 68%<sup>2</sup>, a historic level during the democratic process, which showed a better perception of the institution by society. This approval level could be due to various factors. However, none of them could set apart the military actions carried out since 2006:

- In January of that year, the new President Evo Morales left two military graduate courses out, due to the missile case<sup>3</sup>, and appointed the Military High Command instead.
- On May 3, 139 military members watched over 56 oil facilities as a result of the decree of hydrocarbon nationalization
- Under Morales' management, a new boost was given to the program "Equal Opportunities" for native applicants who were willing to apply for a military career.
- The Armed Forces have taken part in the literacy plan "*Yo sí puedo*" (Indeed I can) in the rural communities of the country.
- The Ministry of Defence boosted an active policy to strengthen international relations with Ministries of Defence of several countries such as Argentina, Chile, Venezuela, the Popular Republic of China and Peru. Thanks to this policy, mutual confidence measures could be widened and implemented with these governments as well as important help in equipment and training.
- Civil defence worked in mobile health campaigns in many departments and in contingency plans to stop the effects of natural disasters caused by "*El niño*" and "*La niña*" as well.

■ The National Development Plan submitted at the beginning of the government, includes for the first time, a section about the military institution.

<sup>2</sup> Group APOYO S.A., December 2006.

<sup>3</sup> This case refers to the deactivation of Bolivian missiles by U.S. military members, where several high officials of the Armed Forces were involved. This deactivation did not have the authorization of the Parliament and apparently, neither the permission of the former President Rodríguez Veltze.



- A program for strengthening the borders was designed by improving living conditions in the military units operating there, along with the construction of development modules, in order to preserve sovereignty and defend natural resources.
- The Armed Forces have collaborated operatively with the “*Juancito Pinto*” allowance for children who attend the first five years at public schools.<sup>4</sup>
- Finally, the project for the construction of 25 technological institutes throughout the country was finished. There, the soldiers under military service will receive technical training in more than 40 specialities, for them to find, within the Armed Forces, technical education besides military training, so as they will be able to find more qualified job opportunities.

Clearly, since the first year of the new government, the Armed Forces took part in social, inclusive, humanitarian, sovereignty care and support of development issues. The priority was given to the fight against drug trafficking and social conflicts, led to a series of activities reflecting a trend of reconfiguring their roles. The information available shows that the Armed Forces have been unburdened from their repressive role, giving way to an active role which took them closer to society. Revaluing their role as guardians of national sovereignty through a more leading role in the hydrocarbon nationalization process, and a strong campaign to guard the borders (along with the reform of the traditional compulsory military service towards one which adapts to the needs on training and education that Bolivian youth have) have placed the institution in a more open position towards society which resulted in a higher degree of approval.

Although this is not the result of a wide process of institutional reform, it reflects the trend towards a new functional configuration. All this implies signals of change which could only be consolidated through the design of an institutional reform strategic plan, where moving from a more traditional organization to a modern one, adaptable to the new roles of international security and aligned to the new national and international threats are considered. Issues such as respect for human rights, transparency, and the execution of a real political control must be the cornerstone of any reform, which, in the case of Bolivia implies that the Armed Forces role should be re-considered together with their regulatory framework, educational structure modification, re-adaptation of their actions in accordance to new threats and a full openness to society.

There are certain weaknesses that the Armed Forces have in order to project a new strategic horizon, which can not be left out. Undoubtedly, the lack of resources is a considerable hindrance to reach this objective. However, political power and the will of the military members themselves are the ones to

■ Changes are not the result of a wide process of institutional reform, but they reflect the trend towards a new functional configuration.

<sup>4</sup> Origins of the incomes were from hydrocarbon nationalization.

design the “critical route” towards change, especially if faced with a possible new constitutional framework as a result of the Statutory Assembly.

Currently, the power of the Armed Forces should not mean the power of its military arsenal but its capacity to adapt to the democratic context in a better way. Their strength in countries like Bolivia should lie in the development of methods to fully adapt to the changes of its society and to the regional scenario, in a professional way.

■ The political power and the will of the military members themselves are the ones to design the “critical route” towards change.



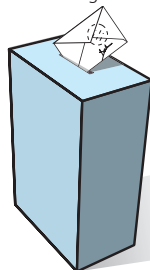
# Brazil

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Act which establishes the Deployment of Brazilian Troops Overseas (Nº 2.953 - 1956/11/20)</li> <li>- Act which determines the Cases when Foreign Armed Forces Can Transit or Remain Temporarily in National Territory (Complementary Act Nº 90 - 1997/10/02)</li> <li>- Act which institutes the Brazilian System of Intelligence, creates the Brazilian Agency of Intelligence - ABIN, and Other Providences (Nº 9.883 - 1999/12/09)</li> <li>- Act on the Organization of the Presidency of the Republic and the Ministers, and Other Providences (Nº 10.683 - 2003/05/28)</li> <li>- Act which rules over National Mobilization and creates the National System of Mobilization (Nº 11.631 - 2007/12/28)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Service Act (Nº 4.375 - 1964/09/03)</li> <li>- Military Penal Code (Decree-Law Nº 1.001 - 1969/10/21. Last reform: Act Nº 9.764 - 1998/12/17)</li> <li>- Code of Military Penal Procedure (Decree-Law Nº 1.002 - 1969/10/21. Last reform: Act Nº 9.299 - 1996/08/07)</li> <li>- Act on the Statute of the Members of the Armed Forces (Nº 6.880 - 1980/12/11)</li> <li>- Act which regulates Section 143, §§ 1º e 2º of the Federal Constitution, which rules over rendering Alternative Service to the Obligatory Military Service (Nº 8.239 - 1991/10/07)</li> <li>- Act on the Organization of Military Justice (Nº 8.457 - 1992/09/04. Last reform: Act Nº 10.445 - 2002/05/07)</li> <li>- Act on General Regulations for the Organization, Preparation and Use of the Armed Forces, to Establish New Subsidiary Powers (Complementary Act Nº 117 - 2004/09/02; modifies Complementary Act Nº 97 -1999/09/06)</li> </ul>

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



Source: Constitution.

### Political Participation of Military Members

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

(1) With less than ten years of service, the individual shall retire; if he had more than ten years of service he shall be separated by his superior authority; if elected, he shall automatically be discharged.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance  
Signature: 1947/09/02  
Deposit: 1948/03/25
- American Treaty on Pacific Settlement (Pact of Bogota):  
Signature: 1948/04/30  
Deposit: 1965/11/16

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)  
Signature: 1967/05/09  
Deposit: 1968/01/29
- Treaty on the Non-Proliferation of Nuclear Weapons  
Accession: 1998/09/18
- Convention on the Prohibition of Chemical Weapons  
Signature: 1993/01/13  
Deposit: 1996/03/13
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention)  
Signature: 1997/12/03  
Deposit: 1999/04/30
- 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: 1973/02/27
- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques  
Signature: 1977/11/09  
Deposit: 1984/10/12
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons  
Accession: 1995/10/03
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials  
Signature: 1997/11/14  
Deposit: 1999/09/28
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions  
Signature: 1999/06/07  
Deposit: 2006/12/14
- Nuclear-Test-Ban Treaty (CTBT)  
Signature: 1996/09/24  
Deposit: 1998/07/24

### On Human Rights and Justice

- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica)  
Accession: 1992/09/25
- Inter-American Convention on Forced Disappearance of Persons  
Signature: 10/06/1994  
Unratified
- Inter-American Convention to Prevent and Punish Torture  
Signature: 1986/01/24  
Deposit: 1989/07/20
- Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife  
Signature: 1957/05/01  
Unratified
- International Criminal Court  
Signature: 2000/02/07  
Deposit: 2002/06/20

### On the Hemispheric System

- Charter of the Organization of American States  
Signature: 1948/04/30  
Deposit: 1950/03/13
- Antarctic Treaty  
Accession: 1975/05/16

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	1,424,390,706,030
US\$	832,977,021,070
<b>2008 GDP (in US\$)</b>	<b>1,621,274,000,000</b>

### Defence Budget 2008

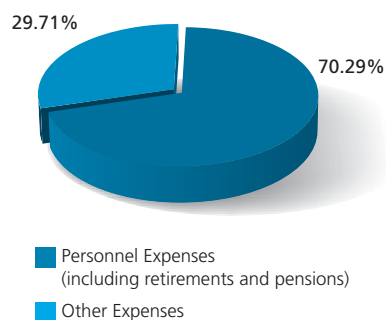
Local currency	44,806,633,780
US\$	26,202,709,813
<b>GDP's %</b>	<b>1.62</b>
<b>% of the State Budget</b>	<b>3.15</b>

### Defence Budget 2008 (in Local Currency)

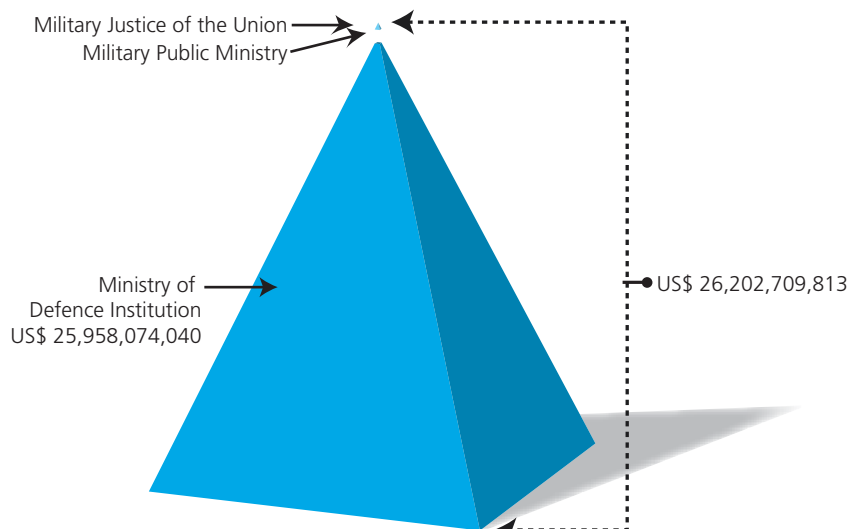
Fiscal and Social Security Budget	Personnel and Benefits	Other Current Expenses	Others*	TOTAL
<b>Ministry of Defence</b>				
Ministry of Defence	29,621,655	262,551,482	1,355,778,845	1,647,951,982
Air Force Command	7,075,051,787	1,074,839,801	1,869,848,986	10,019,740,574
Command of the Army	16,076,156,909	1,427,100,236	489,498,231	17,992,755,376
Command of the Navy	7,772,194,302	1,073,014,918	1,230,710,127	10,075,919,347
Directorate of the Interministerial Commission for the Maritime Resources	0	18,279,646	3,381,702	21,661,348
National Agency of Civil Aviation	146,708,752	178,468,047	41,523,463	366,700,262
Real Estate Fund of the Air Force	433,152	1,497,757	11,492,000	13,422,909
Osório Foundation	4,823,565	3,690,443	225,000	8,739,008
Fund of the Ministry of Defence	0	1,403,372	1,015,021	2,418,393
Administration Fund of the Armed Forces Hospital	44,329,612	37,265,025	7,114,449	88,709,086
Military Service Fund	0	4,551,271	1,505,695	6,056,966
Fund of the Air Force	0	546,225,986	864,317,274	1,410,543,260
Fund of the Army	0	483,217,402	122,987,974	606,205,376
Fund of the Navy	0	238,552,228	135,696,217	374,248,445
Fund for the Maritime Professional Education	0	66,939,651	27,564,774	94,504,425
<b>Military Justice of the Union</b>	<b>238,675,993</b>	<b>39,340,902</b>	<b>7,439,700</b>	<b>285,456,595</b>
<b>Military Public Ministry</b>	<b>105,645,121</b>	<b>13,205,456</b>	<b>14,020,000</b>	<b>132,870,577</b>
<b>Subtotal</b>	<b>31,493,640,848</b>	<b>5,470,143,623</b>	<b>6,184,119,458</b>	<b>43,147,903,929</b>
<i>Investment Budget</i>				
<b>Ministry of Defence</b>				<b>1,658,729,851</b>
<b>TOTAL</b>				<b>44,806,633,780</b>

\* Includes Interests and Debt Payments, Investment, Public Investment, Debt Recovery/repayment and Contingency Reserve.

Defence Budget  
2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the Act of Incomes and Outcomes of the Union 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 1.95 Reales, based on the information provided by the Central Bank of Brazil. 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 set of State's measures and actions with focuses on the military expression, aimed at defending the territory, sovereignty and national interests against threats mainly arising from external, potential or evident sources</p> <p><i>(Política de Defesa Nacional, Decree Nº 5.484 - 2005/07/01)</i></p>	<p>In general, security is a condition which allows the country to maintain its sovereignty and territorial integrity, the realization of its national interests, free of pressure and threats of any nature, and guarantees to the citizens the exercise of their constitutional rights and duties.</p> <p><i>(Política de Defesa Nacional, Decree Nº 5.484 - 2005/07/01)</i></p>

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURSO (Western Sahara)	10	—
MINUSTAH (Haiti)	—	1,210
UNMEE (Ethiopia and Eritrea)	3	-
UNMIL (Liberia)	-	3
UNMIN (Nepal)	6	-
UNMIS (Sudan)	21	-
UNMIT (East Timor)	4	-
UNOCI (Ivory Coast)	4	3

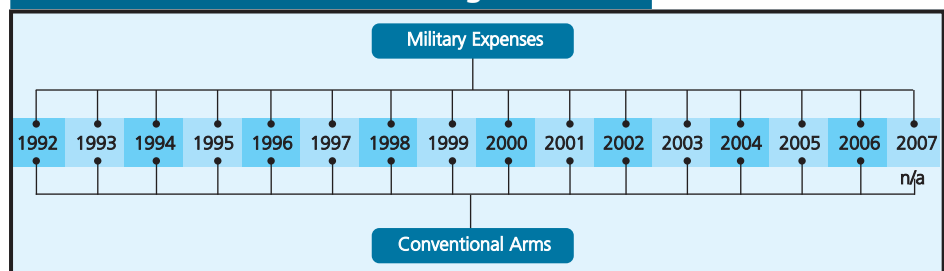
■ The Centre for Peacekeeping Operations of the Brazilian Army (CI OP PAZ) was founded on February 23, 2005.



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.

### Submissions to the UN Registers



■ Brazil provides 1,264 military members to UN peace operations, which represents a 19.91% of the total amount of the Latin American contribution and a 1.64% of the world total

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.

■ Brazil published the *Política de Defesa Nacional* (National Defence Policy) in 1996 and 2005.

## 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?: N/R

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?: 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

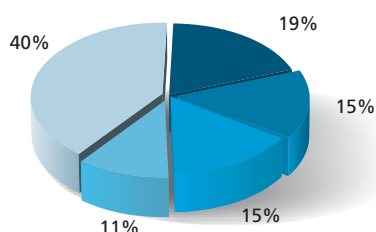
### States of Exception

- Name:** State of defence
- Cause:** Grave or imminent institutional instability  
Natural calamities of great proportions.  
Grave commotion of national impact
- Participation of the Legislative Power:** Requires the approval of the Congress.
- Name:** State of siege
- Cause:** Situations which prove the inefficiency of the state of defence
- Declaration of the state of war**
- Response to an armed foreign attack**
- Participation of the Legislative Power:** Requires the approval of the Congress.

Source: Compilation based on the Constitution.

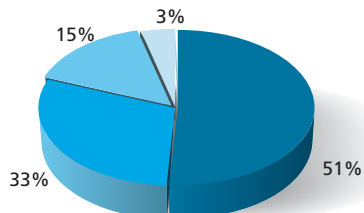
## Breakdown of Parties

### Chamber of Deputies



- P MDB, P TC
- P T
- P SB, P DT, P CdoB, P MN, P RB
- P SDB
- OTHERS

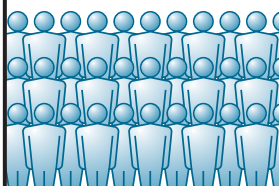
### Foreign Affairs and National Defence Committee



- P MDB, P T, P P, P R, P TB, P SC, P TC, P TdoB
- P SDB, D EM, P PS
- P SB, P DT, P CdoB, P MN
- P V

### Chamber of Deputies

513



### Foreign Affairs and National Defence Committee

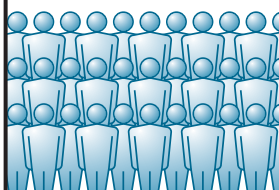
30



1 out of 17 Deputies is a member of the Committee

### Senate

81



### Foreign Affairs and National Defence Committee

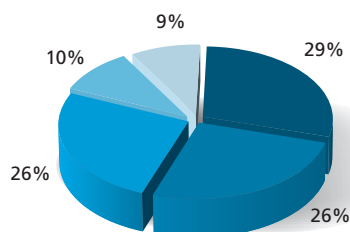
19



1 out of 4 Senators is a member of the Committee

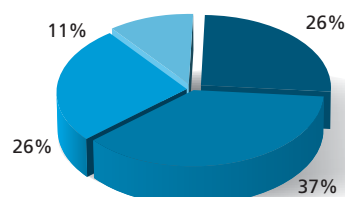
## Breakdown of Parties

### Senate



- D EM, P SDB
- P T, P R, P SB, P C do B, P RB, P P
- P MDB
- P TB
- P DT

### Foreign Affairs and National Defence Committee



- P T, P R, P SB, P C do B, P RB, P P
- D EM, P SDB
- P MDB
- P TB
- OTHERS

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



## System Organization

## Functions

### State Powers Sphere

The President of the Republic is the High Commander of the Armed Forces.

Regarding the use of the military resources, the President is advised by the Military Council of Defence, composed of the Commanders of the three Armed Forces and the Chief of the Defence Staff, the Ministry of Defence being its chairman

The Congress of the Nation exercises its faculties conferred by the National Constitution and permanently monitors the issues related to the defence through the defence commission in both chambers.

### Ministerial Sphere

The Ministry of Defence exercises the high command of the Armed Forces, counting on the permanent advise of the Military Council of Defence.

The Defence Staff is the advising body of the Ministry of Defence, as to the combined use of the Armed Forces.

### Military Sphere

The Commanders of the Armed Forces exercise the government and administration of their respective forces. In particular, they direct the war preparation for their respective operational elements and logistical support.

**Date of Foundation**  
1999

**Current Minister (August 2008)**  
Nelson Jobim

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

**Number of military members who were Ministers of Defence**  
None

**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]

**Average permanence in the Minister of Defence position**  
**1 year and 7 months**

*Source:* Compilation based on the Constitution, *Lei sobre as Normas Gerais para a Organização, o Preparo e o Emprego das Forças Armadas, para Estabelecer Novas Atribuições Subsidiárias* (Complementary Act Nº 117 - 2004/09/02) and *Estrutura Regimental do Ministério da Defesa* (Decree Nº 6.223 - 2007/10/04).

## The Ministry of Defence

### Mission:

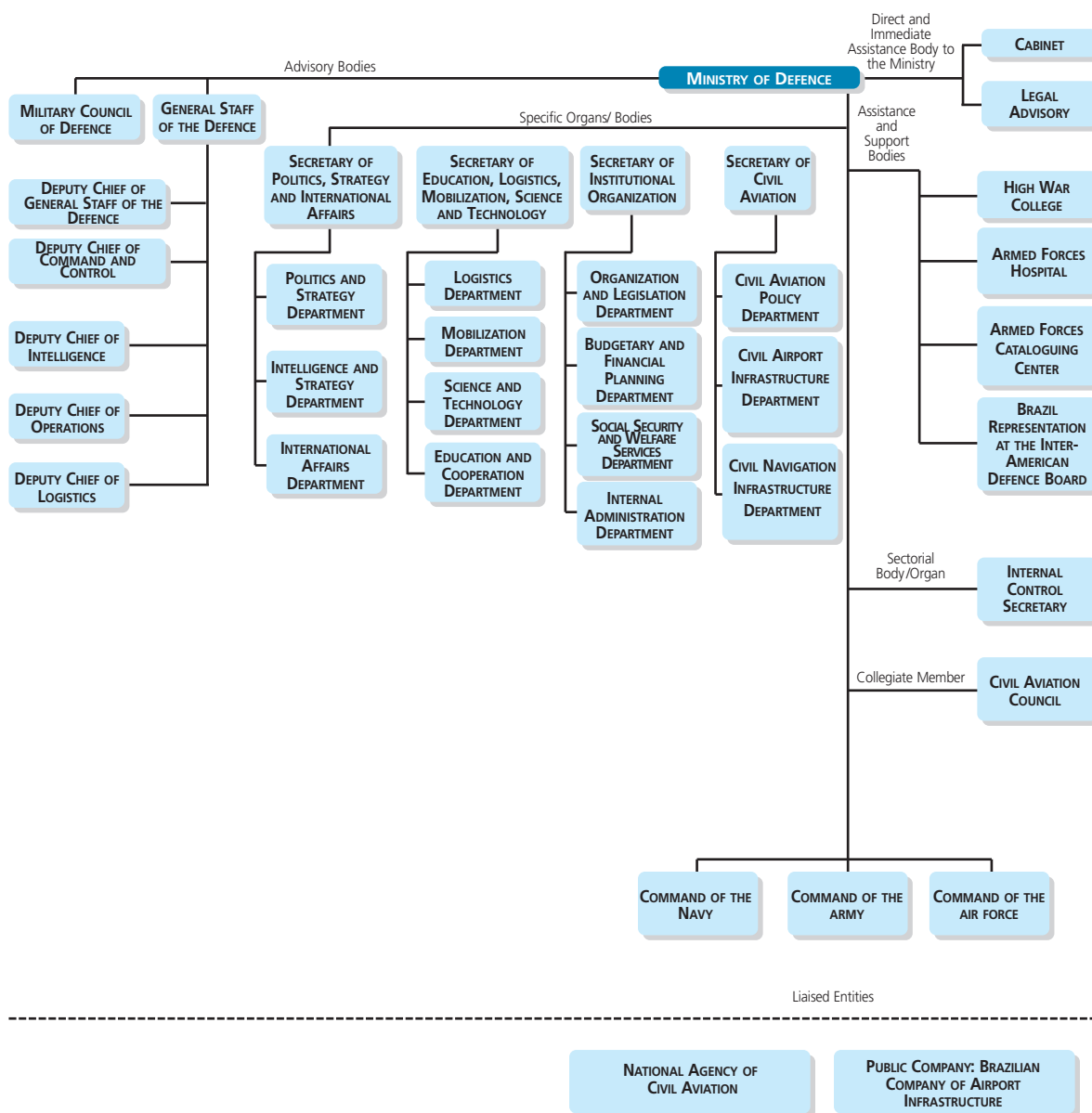
- Perform the executive management of the Armed Forces, in order to comply with their constitutional objective and subsidiary powers.

### Specific Competences:

- The national defence policy.
- The military policy and strategy.
- The doctrine and planning of the use of the Armed Forces.
- The planning, management and execution of special projects concerning national defence.
- The planning, management and execution of strategic and operational intelligence, relevant to defence.
- Military operations of the Armed Forces.
- The international relations of the Armed Forces.
- The defence budget.
- The formulation of military legislation.
- The national mobilization policy.
- The science and technology policy within the Armed Forces.
- The social communication policy within the Armed Forces.
- The formulation and execution of military personnel and pensioners remuneration policy.
- The national policy on military material exportation.
- Fostering research and development activities, production and exportation in areas relevant to defence.
- The control over conventional war material exportation.
- The management of the Armed Forces action while guaranteeing peace and order, as well as while it is acting in cooperation towards national development and civil defence, and in providing support on fighting cross-border and environmental crimes.
- The military logistics.
- The military service.
- The health, social and religious care of the Armed Forces.
- Creation, organization, nomination of military members, training and preparation of the Armed Forces.
- The national maritime policy.
- The national aeronautical policy and action in national policy for the development of aerospace activities.

*Source:* Compilation based on the information provided by Brazil's Ministry of Defence web page and *Estrutura Regimental do Ministério da Defesa* (Decree Nº 6.223 - 2007/10/04).

ORGANIZATION CHART



Source: Compilation based on *Estrutura Regimental do Ministério da Defesa* (Decree N° 6.223 – 2007/10/04).

**Defence Education**

**Main Training Courses of Specialization in the Area**

Training Course	Institution
<ul style="list-style-type: none"> <li>- Advanced Studies in Politics and Strategy</li> <li>- Advanced Course on Strategic Intelligence</li> <li>- Course on Logistics and National Mobilization</li> <li>- Course on Management of Defence Resources</li> </ul>	Superior War School
<ul style="list-style-type: none"> <li>- Post-graduate studies on International Relations. Specialization area in "Peace, Defence and International Security"</li> </ul>	University Estadual Paulista, University Estadual of Campinas, Catholic University of São Paulo
<ul style="list-style-type: none"> <li>- Course for Journalists in Conflict Areas</li> </ul>	Centre for Peacekeeping Operations of the Brazilian Army (CI OP PAZ)

Source: Compilation based on the information supplied by the above mentioned institutions. In the case of CI OP PAZ, the courses open to civilians are referenced.



**Military Career**

ARMY
<b>Military Academy</b>
Duration: 4 years
Graduation Title: Graduate in Military Sciences
Graduation Rank: Officer Cadet
Academies of Intermediate Education
Second Lieutenant
First Lieutenant
Captain
Staff College
<b>Superior War School</b>
Major
Lieutenant Colonel
Colonel
Brigade General
Division General
Army General
Marshal
<b>Entry to the Military Academy - 2008 -</b>
Candidates: 500
Admitted Candidates: 452
9 out of 10 candidates were admitted

NAVY
<b>Naval School</b>
Duration: 4 years
Graduation Title: Graduate in Naval Sciences
Graduation Rank: Midship
Academies of Intermediate Education
Second Lieutenant
First Lieutenant
Captain Lieutenant
Staff College
<b>Naval War School</b>
Corvette Captain
Frigate Captain
Sea and War Captain
Rear-Admiral
Vice-Admiral
Squadron Admiral
Admiral
<b>Entry to the Naval School - 2008 -</b>
Candidates: 767
Admitted candidates: 240
1 out of 3 candidates was admitted

AIR FORCE
<b>Air Force Academy</b>
Duration: 4 years
Graduation Title: Graduate in Air Sciences
Graduation rank: Officer Cadet
Academies of Intermediate Education
Second Lieutenant
First Lieutenant
Captain
Staff College
<b>Command and General Staff School</b>
Major
Lieutenant Colonel
Colonel
Brigadier
Major Brigadier
Lieutenant Brigadier
Air Marshal
<b>Entry to Air Force Academy - 2008 -</b>
Admitted Candidates: 89

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

## The Armed Forces

### General Mission

They are aimed at defending the Fatherland and guaranteeing constitutional powers and, on the initiative of any of them, the law and order (Constitution, Sec. 142)  
 Subsidiary Powers:  
 - Participate in peace operations.  
 - Cooperate with the national development and civil defence.  
 - Participation in institutional campaigns of public and social interest.  
 (Lei sobre as Normas Gerais para a Organização, o Preparo e o Emprego das Forças Armadas, para Estabelecer Novas Atribuições Subsidiárias, Complementary Act Nº 117 - 2004/09/02, Sec. 15 and 16).

### Specific Missions

#### Army

Subsidiary Powers:  
 -Participate in the national development and civil defence, in accordance with the law.  
 -Contribute to making and carrying out national policies on the land military power.  
 -Cooperate with public federal organizations, with state, municipal and exceptionally with private companies, in the execution of engineering works and services, which are the resources provided by the petitioner organization.  
 -Cooperate with federal organizations when necessary to repress crimes of national impact, as logistical support, intelligence, communication and training.  
 - Act, through preventive and repressive action, in land border zones, against cross-border and environmental crimes, individually or in coordination with other bodies of the Executive Power, carrying out, within hours: patrolling; requisition of people, of land vehicles, ships and aircrafts; arrests in cases of flagrant crimes.

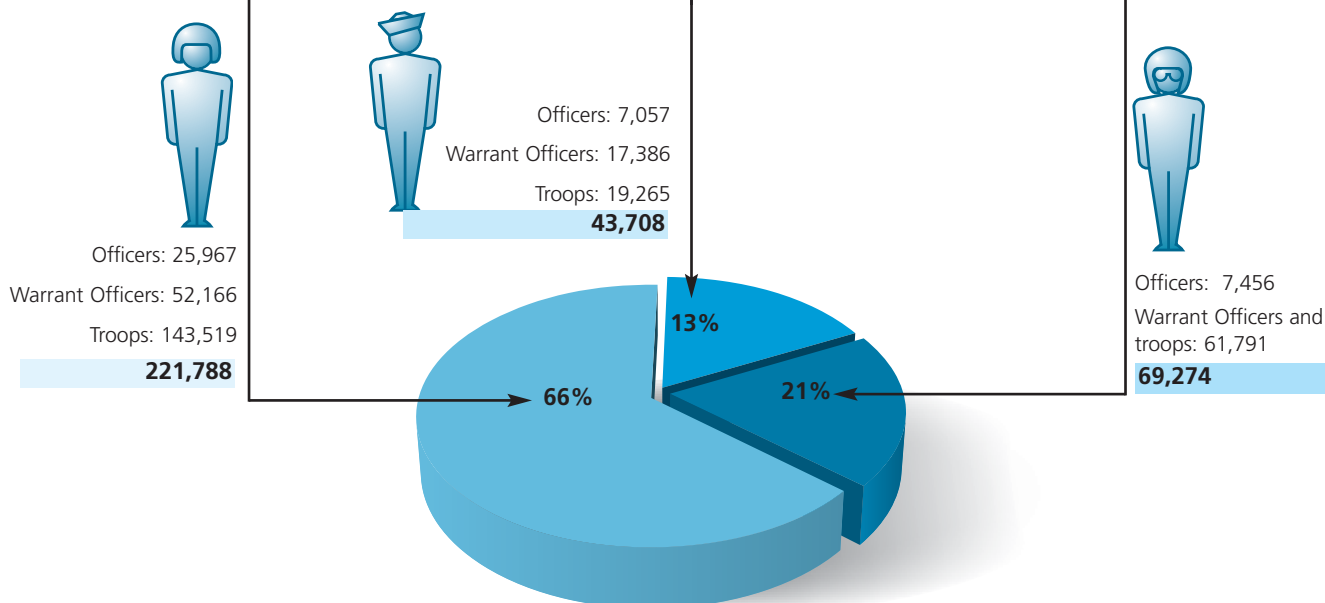
#### Navy

Subsidiary Powers:  
 -Guide and control the Merchant Navy and its related activities, regarding national defence.  
 -Provide security for water navigation.  
 -Contribute to making and carrying out national policies related to water navigation.  
 -Implement and supervise the compliance with the laws and regulations of the sea and inland waters, in coordination with other bodies of the Executive Power, federal or state, when necessary, related to specific competencies.  
 -Cooperate with federal bodies, when necessary, in repressing crimes of national or international impact, regarding the use of the sea, inland waters and port areas, as logistical intelligence, communications and training support.

#### Air Force

Subsidiary Powers:  
 -Guide, coordinate and control activities of the Civil Aviation.  
 - Provide security to the air navigation.  
 -Contribute to making and carrying out national policies related to aerospace navigation.  
 -Establish, equip and operate aerospace, aviation and airport infrastructure, directly or by means of a concession.  
 -Operate the national air mail.  
 -Cooperate with federal bodies, when necessary, in repressing crimes of national or international impact, regarding the use of air space and airport areas, as logistical support intelligence, communications and training support.  
 -Act continuously and permanently, through actions of control of the Brazilian air space, against all kinds of illegal air traffic, with emphasis on drug, arm and ammunition trafficking and illegal passengers acting in coordination with the competent supervising bodies which will force the aircrafts involved in illegal air traffic to land.

### Total Armed Forces: 334,743



Source: Lei sobre as Normas Gerais para a Organização, o Preparo e o Emprego das Forças Armadas, para Estabelecer Novas Atribuições Subsidiárias (Complementary Act Nº 117 - 2004/09/02) (missions); Ministry of Defence and Navy of Brazil (Regular Force).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1992	1980	1982
	Line Corps	1998	1998	2001
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.

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

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



Source: Compilation based on information supplied by the Forces. The country to which the Attaché is posted is considered here as the Office, beyond other cross accreditations to one or many countries.



Analysis:

## National Defence: Actors and Policy

**Eliezer Rizzo de Oliveira\***

■ This article will approach structural and contextual aspects of the national defence in Brazil, as well as the positive changes and current tensions within the Brazilian strategic field.

Although the Armed Forces and national defence areas have never been of great interest to the civilian governments, the most relevant factor in this sense today is the adjustment - by President Luis Ignacio Lula da Silva -, of national defence to the economic, political and strategic integration projects in South America.

The national defence structure is compatible with the democratic Rule of Law. Armed Forces subordination to the democratic regime is based on the law authorizing the creation of the Ministry of Defence (1999), which ruled out the old military ministries. Up until then, the high degree of autonomy of the Armed Forces had been conveyed through five military ministries. Today, the political behaviour of the military is consistent with the democratic regime, though it can be said that the regime - erroneously - silenced the voice of the military, even when important national interests were at stake, in the face of which they could have made a relevant contribution, in proportion to their specialization.

Before the adoption of the National Defence Policy (1996) – an essential reference for the strategies and training of the Armed Forces – Navy, Army and Air Force directed their strategies in accordance with their own interests, values, characteristics and strategic perspectives. The current version of the Defence Policy (2005) is inspired on the United Nations security and defence outlines, linking up

■ National defence is adapted to economic, political and strategic integration projects in South America.

\* Researcher, Strategic Studies Nucleus, UNICAMP.



security with the state perception of threats, and seeing the national defence as a benchmark in state actions – mainly military – as to the recovery or increase of certain security levels.

The measures adopted over the last twelve years (the publication of the National Defence Policy, and the creation of the Ministry of Defence) took into consideration the growth of social interest in national defence, once considered an almost military monopoly field.

The defence policy considers that, within the international sphere, an intense political instability prevails. This is not the case of South America (despite the existing tensions between Colombia and Ecuador), with Brazil feeling itself in economic, diplomatic, territorial and military conditions that allow it to positively contribute to regional peace. In this sense, Brazil does not perceive threats or, constitute itself in a threat to its neighbouring countries, being among its strategic objectives the respect for sovereignty preservation, the defence of national interests and unity of the Nation; and the preservation of regional stability, peace and international security beyond its frontiers. Besides, its intentions to achieve a wider participation in the international decision-making processes and to generate a higher cooperation with its neighbouring countries are reinforced, rejecting in turn wars of conquest, but supporting peaceful solutions to frontier zone conflicts.

Within the contextual sphere, the national defence reform processes are progressively strengthened, while recurrent matters (as for instance, military pay and war material investments) are approached very sluggishly. President Lula da Silva's first administration (2003-2006) did not differ from former administrations, which did not allocate resources for armaments, technology or wages - as considered necessary by the Armed Forces. In his second administration though, President Lula radically changed his attitude, by assigning the Ministry of Defence an unprecedented importance, determining the investment plan for military equipment and, more noticeably, proposing the creation of the South American Defence Council. This is going through today a consultation stage with neighbouring countries, and its principal aim is to prevent the occurrence of regional war conflicts. Still, some characteristics about the Council have not been defined yet, though the initiative is being considered by various South American countries.

These changes were set off by the defence crisis generated by failures in commercial aviation air control, in charge of the Air Force, which coincided with a serious diplomatic and military tension in the Andean-Amazonian region. The Minister of Defence, Nelson Jobim, solved the air crisis; and he is currently adapting the national defence to Brazil's strategic profile within the regional and world contexts.

These innovative processes entail new tensions, given the evidence of foreign interests - sometimes directed against Brazil – and of the perception of threats against national sovereignty. As a matter of fact, within the field of energy and territorial sovereignty, Brazilian interests are confronted by the Bolivian government, whereas Paraguay demands new contract conditions regarding the Itaipú Dam, and the review of diplomatic accords over a Brazilian area.

Therefore, the Brazilian national security and defence diplomatic agenda is duty-bound to embrace issues that – from the Brazilian State perspective – have been overcome for a long time now. Such factors impinge on the perception of

■ Brazil does not perceive threats or constitute a threat to its neighbouring countries.

security (even on national defence, at times) mostly at the level of society, the Ministry of Defence and the Armed Forces, rather than at level of the Presidency of the Republic or the Ministry of External Relations. This is a case of military dissatisfaction regarding the demarcated indigenous lands in the Amazon's frontier areas, with scarce presence of governmental institutions, and political obstacles to the military units. There, the Armed Forces identify serious risks for sovereignty, while civil ministries and social organizations perceive the military uneasiness as a tardy expression of values from the authoritarian regime.

The acquisition of armament, aircrafts and ships, along with the transference of technology, has been subject to the consideration of the Ministry of Defence and European countries. At the same time, the adopted economic measures favour the national armament industry – which is probably connected with neighbouring countries defence industries. Paradoxically, in unison with the improvement of the typical defence functions, the Army has been used in public security tasks. Such performance is increasingly frequent and serious, as the Federal Government has put the recently created National Security Force into action, so as to support the State Police Forces.

The military action in Haiti, where Brazil commands the UN's military force, is endorsed as a relevant factor with the purpose of achieving a permanent membership in the Security Council. On the other hand, the Federal Government has seemingly raised the national defence to the country's strategic and economic profile. It is in fact an essential necessity, as the pathetic view of stalled ships in their bases; military aircraft lined up on the runways instead of into the air; and the Army equipment getting old and deteriorating, still remains.

As the military pay issue has been solved ( a key factor in the relation with the Armed Forces) it is expectable that the President of the Republic defines the new Defence Strategic Plan on the next September 7, 2008, when the country will be celebrating its Independence Day. Thus, Brazil will have included in its political and strategic agenda a new essential reference for its national defence.

Despite these positive changes, the country still lacks a Book on National Defence, an appropriate instrument for the enhancement of the internal legitimacy of national defence and the Armed Forces, as well as for increasing confidence about the Brazilian strategic purposes at the regional and international levels.

■ The changes in the defence policy show the assignment of an unprecedented importance to the Ministry of Defence, the investment plan for military equipment and the proposal of the South American Defence Council.



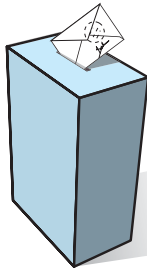
# Chile

## The Legal Framework

### National Legislation

Systems and Concepts	National Legislation
<ul style="list-style-type: none"> <li>- Act which creates the Superior Council of National Defence (N° 7.144 - 1942/01/05)</li> <li>- Decree which creates the Superior Council of National Security and the Board of Commanders-in-Chief (DFL N° 181 - 05/04/1960. Last reform: DFL N° 2 - 1967/16/09)</li> <li>- Act which dictates Regulations on Mobilization (N° 18.953 - 1990/03/09)</li> <li>- Decree-Law which establishes the Redrafted, Coordinated and Systematized Text of Act N° 18.575, Organic Constitutional Law on General Terms and Conditions of the State Administration (N° 19.653 - 2001/11/17. Last reform: Act N° 19.882 - 2003/06/23)</li> <li>- Act on the National Intelligence System; creates the National Intelligence Agency (N° 19.974 - 2004/10/02)</li> </ul>	<ul style="list-style-type: none"> <li>- Code of Military Justice (Decree-Law N° 806 - 1925/12/23. Last reform: Act N° 20.084 - 2005/12/07)</li> <li>- Reserved Copper Law (N° 13.196 - 1958/11/29)</li> <li>- Decree-Law on the Recruiting and Mobilization of the Armed Forces (N° 2.306 - 1978/09/12. Last reform: Act N° 20.045 - 2005/03/10)</li> <li>- Decree Law of the Military Public Ministry (N° 3.425 - 1980/06/14)</li> <li>- Decree which establishes Regulations on the Constitution, Mission, Dependency and Responsibilities of the Armed Forces (DS N° 272 - 1985/03/16)</li> <li>- Constitutional Organic Act of the Armed Forces (N° 18.948 - 1990/02/27. Last reform: Act N° 19.806 - 2002/05/31)*</li> <li>- Act which modernizes the Obligatory Military Service (N° 20.045 - 2005/09/10)</li> </ul>

\* A reform to this legislation, creating a professional troop, was approved by the Chamber of Deputies in July 2008. As for August 2008, the definitive approval was under consideration.



### Political Participation of Military Members

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

(1) One year after retiring.  
Source: Constitution.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1949/02/09
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1974/04/15

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1974/10/09
- Treaty on the Non-Proliferation of Nuclear Weapons: Accession: 1995/05/25
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1996/07/12
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 2001/09/10
- 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: 1980/04/22
- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Accession: 1994/04/26
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2003/10/15
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2003/10/23
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2006/01/30
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2000/07/12

### On Human Rights and Justice

- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1990/08/21
- Inter-American Convention on Forced Disappearance of Persons: Signature: 10/06/1994/06/10 Unratified
- Inter-American Convention to Prevent and Punish Torture: Signature: 1987/09/24 Deposit: 1988/09/30
- International Criminal Court: Signature: 1998/09/11 Unratified

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1953/06/05
- Antarctic Treaty: Signature: 1959/12/01 Deposit: 1961/06/23

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	20,212,461,394,137	Local currency	2,441,284,175,450
US\$	37,017,804,099	US\$	4,471,052,664
		<b>GDP's %</b>	<b>2.63</b>
<b>2008 GDP (in US\$)</b>	<b>169,919,000,000</b>	<b>% of the State Budget</b>	<b>8.49*</b>

\* Without extra-budgetary resources

### 2008 Defence Budget (in Local Currency)

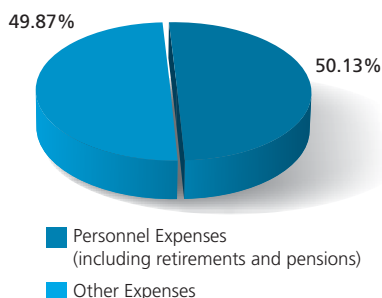
Items	Personnel*	Consumer Goods and Services	Others**	TOTAL
<b>Ministry of Defence</b>				
Army of Chile	246,888,876,450	61,396,660,000	5,617,641,450	313,903,177,900
Superior Management	1,889,611,000	1,919,285,050	18,410,508,400	22,219,404,450
Health Organisms	20,327,964,000	15,106,307,000	4,012,908,000	39,447,179,000
Military Industry Organisms	1,701,883,000	618,495,000	396,740,000	2,717,118,000
Navy of Chile	159,495,158,950	73,689,192,000	7,225,700,350	240,410,051,300
Undersecretary of the Navy	581,718,000	272,684,000	20,288,000	874,690,000
General Directorate of Maritime Territory	7,425,781,000	22,604,601,000	13,989,836,000	44,020,218,000
Directorate of Health Services	13,318,781,000	26,213,700,000	4,806,244,000	44,338,725,000
Air Force of Chile (FACH)	99,934,009,150	48,061,710,800	4,849,651,850	152,845,371,800
Undersecretary of Aviation	392,203,000	214,587,000	71,026,000	677,816,000
General Directorate of National Mobilization	739,223,000	1,357,613,000	1,348,227,000	3,445,063,000
FACH Health Organisms	7,443,559,000	8,574,713,000	1,822,186,000	17,840,458,000
Ministry of Defence Administrative Directorate	903,757,000	558,357,000	34,953,000	1,497,067,000
Military Geographic Institute	1,386,214,000	1,136,243,000	410,721,000	2,933,178,000
Hydrograph and Oceanography Service of the Navy	1,165,457,000	1,417,505,000	694,205,000	3,277,167,000
General Directorate of Civil Aviation	43,554,045,000	17,276,838,000	31,881,163,000	92,712,046,000
FACH Aerophotogrametric Service	493,567,000	564,425,000	449,693,000	1,507,685,000
<b>Ministry of Labour and Social Services</b>				
Retirement Funds of the National Defence	616,219,021,000	1,976,116,000	113,406,623,000	731,601,760,000
	<b>Subtotal</b>	1,223,860,828,550	282,959,031,850	209,448,315,050
Extra-budgetary funds				
<b>Codelco-Reserved Copper Law***</b>				725,016,000,000
<b>TOTAL</b>				2,441,284,175,450

\* Includes supply of social services.

\*\* Current and capital transfers, tax refund, other current expenses, acquisition of financial and non financial assets, investment initiatives, loans and final cash balance.

\*\*\* Source: *Status of Government Operations 2007*. Directorate of Budget, Ministry of Economy of the Republic of Chile. The pertaining values for 2007 sales have been considered.

#### Defence Budget 2008 Breakdown



Source: Compilation based on the Budgetary Law for the Public Sector for the Year 2008.

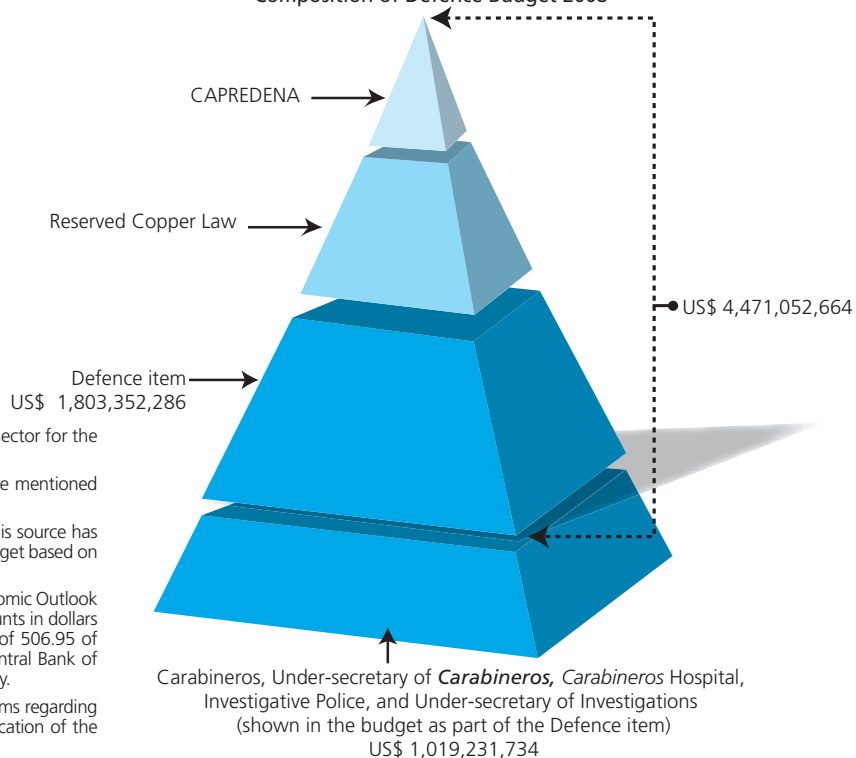
The State budget passed by the Congress by means of the above mentioned Act is considered herein.

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. In the case of the local currency table, for the amounts in dollars shown on the budget, the type of currency is the average value of 506.95 of the month in which the budget was made, as of values from Central Bank of Chile. 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.

#### Composition of Defence Budget 2008





## Political Definitions

### Concepts

What is Defence?	What is Security?
<p>It is one of the essential responsibilities of the State, whose purpose is to protect population, preserve national territory, and protect the capacity of the State to exercise its sovereignty against external threats to those fundamental elements; as well as support the achievement of national objectives within the international sphere.</p> <p>Defence must be considered as a public good in an integral sense. It has a basic social function for the existence of society and cannot be provided by any other institution than the State. As part of the security which is necessary for the country, defence helps make society development possible.</p> <p><i>(Libro de la Defensa Nacional, 2002)</i></p>	<p>Security consists of a desirable condition for the realization of the purposes of the State and the Nation, particularly those related to the social and economic development.</p> <p><i>(Libro de la Defensa Nacional, 2002)</i></p>

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINUSTAH (Haiti)	—	499
UNMIK (Kosovo)	1	—
UNMOGIP (India and Pakistan)	2	—
UNTSO (Israel and Palestine)	4	—

The Joint Peacekeeping Operations Centre (CECOPAC) was founded on July 15, 2002.

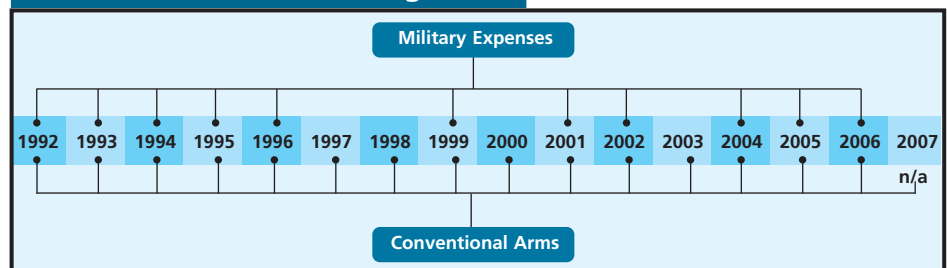


MO: Military Observers - CT: Contingent Troop.

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.

Chile provides 506 military members to UN peace operations, which represents a 7.97% of the total amount of the Latin American contribution and a 0.65% 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.

Chile published the *Libro de la Defensa Nacional* (Book of National Defence) in 1997 and 2002.

## 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?: No
- Can it accuse officers of the Armed Forces?: Yes <sup>(1)</sup>
- Can it try officers?: Yes <sup>(2)</sup>
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

(1) Generals and Admirals.  
(2) Corresponds to the Senate.

### States of Exception

**Name:** State of assembly  
**Cause:** External war  
**International war**  
**Participation of the Legislative Power:** Requires the approval of the Congress.

**Name:** State of siege  
**Cause:** Internal war  
**Grave internal commotion**  
**International war**  
**Participation of the Legislative Power:** Requires the approval of the Congress.

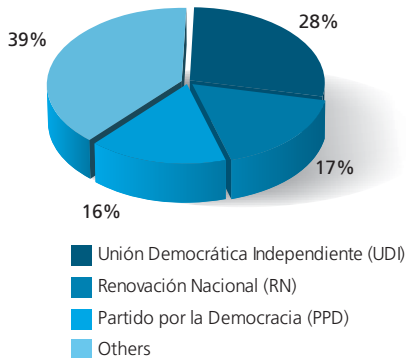
**Name:** State of calamity  
**Cause:** Public calamity  
**Participation of the Legislative Power:** The President shall inform the Congress of the measures adopted. It requires the approval of the Congress if extended for more than a year.

**Name:** State of emergency  
**Cause:** Grave disturbance of the public order  
**Grave damage to national security**  
**Participation of the Legislative Power:** The President shall inform the Congress of the measures adopted. It requires the approval of the Congress if extended for more than fifteen days.

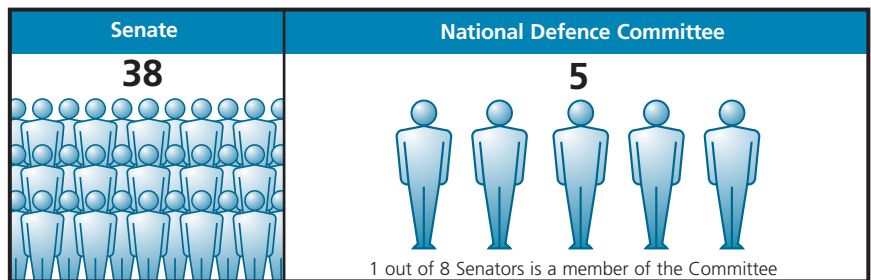
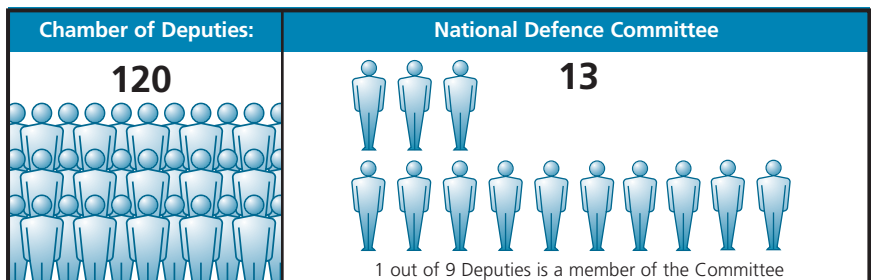
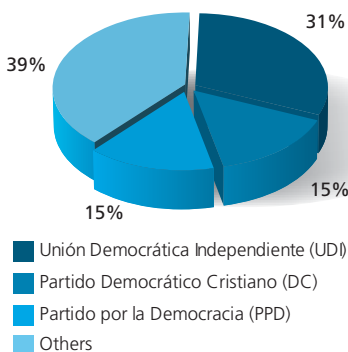
Source: Compilation based on the Constitution.

### Breakdown of Parties

Chamber of Deputies



National Defence Committee

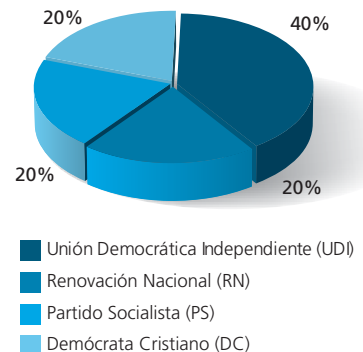


### Breakdown of Parties

Senate



National Defence Committee



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



**System Organization**

**Functions**

**Date of Foundation**  
1932

**Current Minister (August 2008)**  
José Goñi Carrasco

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

**Number of military members who were Ministers of Defence**  
18

**Number of civilians who were Ministers of Defence**  
29

**Have there been any women in charge of the Ministry of Defence?**  
Yes (Michelle Bachelet, 2002-2004 and Vivianne Blanlot, 2006-2007)

[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]

■ Average permanence in the Minister of Defence position  
**1 year and 6 months**

**State Powers Sphere**

The President of the Republic holds the following attributions: determines, organizes and distributes the air, ground and sea forces; takes office as Supreme Chief of the Armed Forces in the case of war; declares war -with prior authorization by law- and has to attest having heard the National Security Council, and declares, in concurrence with the other State bodies, the states of exception, assembly and siege.

The National Security Council (COSENA) is a body that, at the request of the President of the Republic, advises on any security matters, and has the faculty to present the President, the National Congress or the Constitutional Tribunal with its opinion about any fact or matter that in its view, seriously attempts against institutional foundations or can put national security at risk. This council can be summoned by the President, or by request of two of its members, and their accords are adopted by absolute majority of the incumbent members with a right to vote (President of the Republic, President of the Senate, President of the Supreme Court, Controller General's Office of the Republic, Commanders-in-Chief of the Armed Forces and Director General of Carabineros).

The Superior Council of National Security (CONSUSENA) is a body that advises the President of the Republic on everything concerning the security of the Nation and keeping the territorial integrity of the country. Besides, it holds the responsibility of analyzing and advancing the measures that, in fulfilling the decisions and orientations of the President, aim at coordinating the labour of the various ministries. It is composed of the President of the Republic, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of Finance, the Commanders-in-Chief of the Armed Forces, the Director of Frontiers and Borders, and the Chief of the National Defence Staff.

The defence committees of the Congress fulfill the functions of analyzing and reporting to the plenary body on all the draft bills related to the national defence in general, and the Armed Forces in particular.

**Ministerial Sphere**

The Minister of National Defence is in charge of the planning and general direction of the Ministry's activities, and of rendering direct and immediate assistance to the President as to the conduction of the national defence, both in peace and war times.

In order to fulfill its functions, the Ministry counts on the advice of the Board of Commanders-in-Chief on all matters related to the Armed Forces. It is made up of the three Commanders-in-Chief, chaired by the Ministry of Defence in peace times, and by a military official appointed by the President in wartime.

Its permanent acting body is the National Defence Staff, which is the permanent advisory, working and co-ordination agency of the Minister of Defence, in all issues related to the preparation and use of the Armed Forces.

It is composed of the Commanders-in-Chief of the Armed Forces, under the command of the Chief of the National Defence Staff (position taken in turns by the three armed institutions).

The Under-Secretariats of War, Navy, Air Force, Carabineros and Investigations are advisory and contributing bodies to the Ministry of Defence. Beyond the specific tasks determined by the Minister, the function of each of these agencies is to analyse and address the administrative matters related to the institution they serve for, as well as prompting all the initiatives and projects that may result beneficial in those areas.

The Superior Council on National Defence (CONSUDENA) controls the investments made with charge to the Reserved Copper Law. It is presided by the Ministry of Defence and it is composed of the Ministries of Foreign Affairs, of Finance, the Commanders-in-Chief of the Armed Forces, the Under-Secretaries of War, Navy and Air Force, the Chiefs of the General Staffs of the Armed Forces and the Chief of the National Defence Staff.

**Military Sphere**

The Commanders in-Chief-of the Armed Forces exercise the government and administration of their respective Forces. In particular, they direct the preparation for war of their respective operational elements and their logistical support

Source: Compilation based on the Constitution and *Libro de la Defensa Nacional* (2002).

**The Ministry of National Defence**

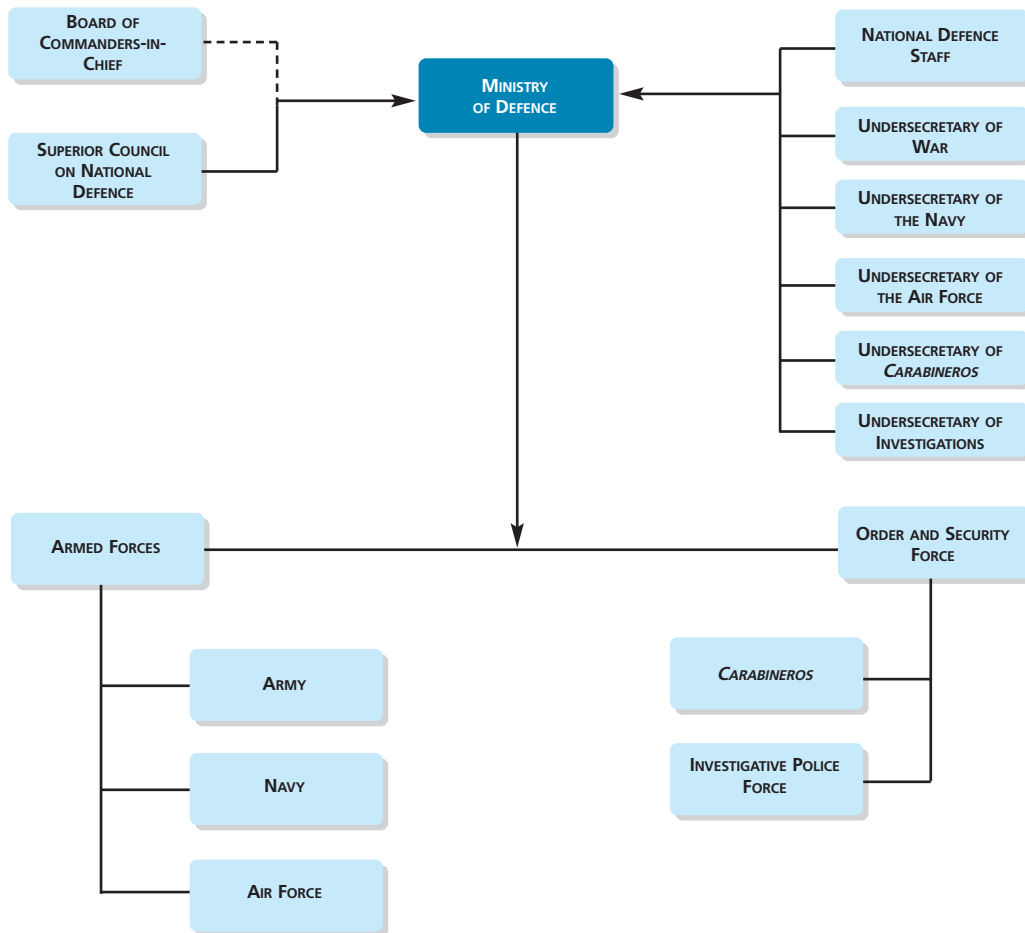
**Mission:**

The Ministry of National Defence is the President's highest cooperation body regarding powers of government and administration of national defence sector. It is the public agency through which the Head of State frames and directs country's defence. For those purposes, and pursuant to Act Nº 18.575, Organic Constitutional Law on general Terms and Conditions of the State Administration, its Head is in charge of projecting the national defence policy and specific policies and plans derived from it.

Source: Compilation based on *Libro de la Defensa Nacional* (2002) and information provided by the Ministry of National Defence.



ORGANIZATION CHART



Source: Compilation based on *Libro de la Defensa Nacional* (2002).

Defence Education

Main Training Courses of Specialization in the Area

Training Course	Institution
<ul style="list-style-type: none"> <li>- Masters on Military History and Strategic Thinking</li> <li>- Defence Correspondent Degree</li> <li>- Degree on Security and Defence Studies</li> <li>- Masters on Military Sciences, specializing on Security and Defence Studies.</li> </ul>	Army War College
<ul style="list-style-type: none"> <li>- Bachelor in Business Administration, specialized in Defence</li> <li>- Graduate in Defence Projects Management</li> </ul>	Diplomatic Academy Andrés Bello
<ul style="list-style-type: none"> <li>- Course of Peace Operation for Civilians and Officers, specializing on Civil/Military Cooperation</li> </ul>	Joint Centre for Peace Operations (CECOPAC)
<ul style="list-style-type: none"> <li>- Degree on Political and Strategic Studies</li> <li>- Masters on Security and Defence, specializing on Defence Economics and Defence Policy</li> <li>- Introduction to Security and Defence Studies</li> <li>- Defence policy and Social Communication</li> <li>- Foreign and Defence Policies of Chile (together with the Diplomatic Academy Andrés Bello)</li> <li>- Negotiation in Complex Situations</li> <li>- International Security and Peace Operations</li> </ul>	National Academy of Political and Strategic Studies (ANEPE)
<ul style="list-style-type: none"> <li>- Masters on Political Science, specializing on Defence Studies</li> </ul>	Catholic University of Chile

Source: Compilation based on the information supplied by the above mentioned institutions. In the case of CECOPAC, the courses open to civilians are referenced.



**Military Career**

**ARMY**

**Military School**

Duration: 5 years
Graduation Title: Graduate in Military Sciences
Graduation Rank: Officer Cadet

**Academies of Intermediate Education**

Second Lieutenant
Lieutenant
Captain

**Staff College**

**Army War Academy**

Major
Lieutenant-Colonel
Colonel
Brigade General
Division General
Army General

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

Candidates	1,260
Admitted Candidates	207

1 out of 6 candidates was admitted

**NAVY**

**Naval School**

Duration: 4 years
Graduation Title: Graduate in Sciences
Graduation Rank: Midshipman

**Academies of Intermediate Education**

Second Lieutenant
First Lieutenant
Lieutenant

**Staff College**

**Naval War Academy**

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

**Entry to the Naval School - 2008 -**

Candidates	539
Admitted Candidates	166

1 out of 3 candidates was admitted

**AIR FORCE**

**Aviation School**

Duration: 4 years
Graduation Title: Graduate in Air Branch, Aeronautical Engineering, Air Defence Execution Engineering
Graduation rank: Officer Cadet

**Academies of Intermediate Education**

Second Lieutenant
Lieutenant
Squad Captain

**Staff College**

**Air War Academy**

Squad Commander
Group Commander
Aviation Colonel
Air Brigade General
Aviation General
Air General

**Entry to the Aviation School - 2008 -**

Candidates	630
Admitted Candidates	120

1 out of 5 candidates was admitted

Source: Compilation based on information supplied by the above mentioned institutions and *Ley Orgánica Constitucional de las Fuerzas Armadas* (Nº 18.948 – 1990/02/27). 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 Armed Forces' fundamental mission is the defence of the Fatherland; they are essential for the national security. The safeguard of public order during elections and plebiscites shall be their responsibility. (Constitution, Sec. 101 and 18)

The general mission of the Armed Forces is to dissuade and combat any external threat to maintain the sovereignty and territorial integrity. The Forces also cooperate with the military forces from other countries in bilateral or multilateral initiatives, always respecting the national interest. (Libro de la Defensa Nacional 2002)

### Specific Missions

#### Army

The mission of the Army is to contribute to maintaining national integrity and national sovereignty. Therefore, it is their mission to defend the land of the country against any external action which threatens or attempt against it.

Its specific mission is aimed at preventing conflict by discouraging any potential opponent and if necessary, neutralizing it, in order to safeguard sovereignty and keep territorial integrity of our country. It takes part and contributes by several means and diverse intensity, to the economic and social development of the country, within the juridical order and without denaturing its essential duties. Likewise, it performs safeguard and support works during the internal emergency cases and natural catastrophes in accordance to specific constitutional rules regulating their execution.

It must take part, pursuant to the Constitution of the Republic (Sec 41) in those activities aimed at keeping public order during election events and the constitutional states of exception in order to provide stability to national right development, assure the normal course of people's lives and the free exercise of its most relevant institutions.

Within the international sphere, and according to the foreign and defence policy from Chile, it takes part in the safeguard of international peace and security under the directives of UN.

#### Navy

The primary mission of the Chilean Navy is to participate permanently in external security and military defence of the country to maintain sovereignty and territorial integrity.

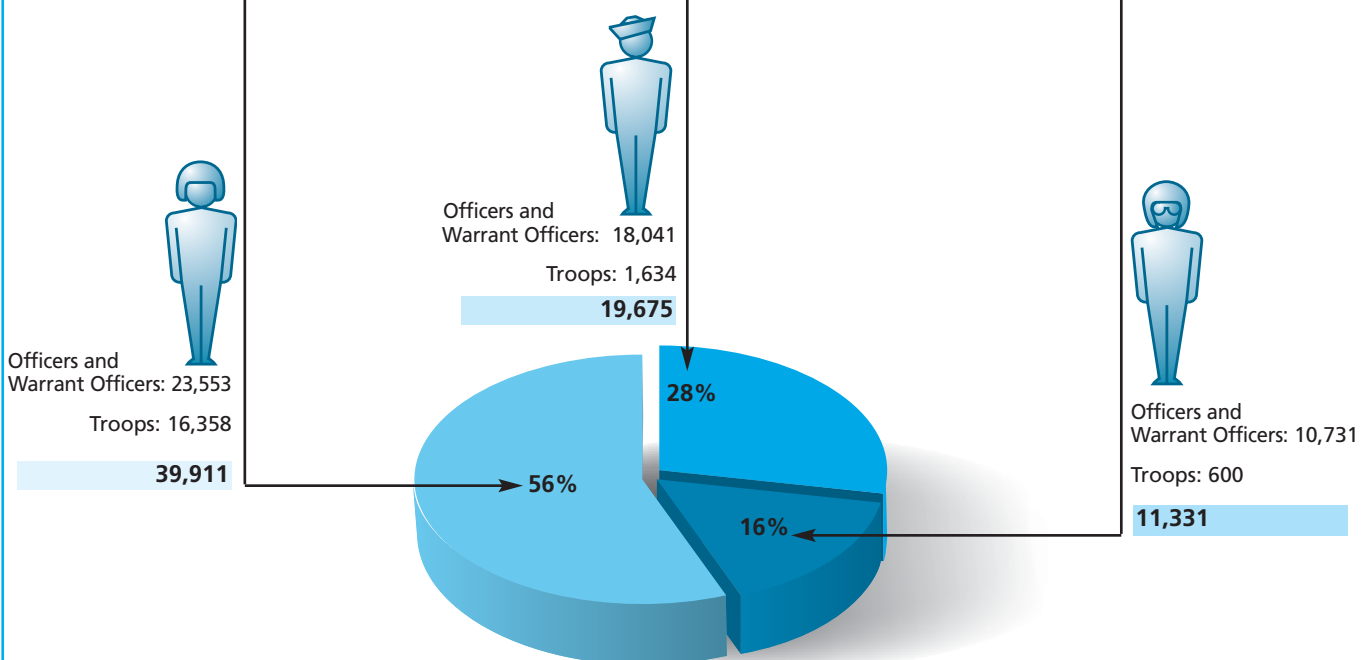
In times of peace: help in the development of maritime power of Chile, providing navigation security, fostering maritime activities and port development, keeping maritime cartography and signalling and carrying out inspection and surveillance activities aimed at providing security to human life in the sea. Guard national maritime territory. Support national development, communicating by the sea, the isolated areas and providing help to those who live there. Fulfill maritime surveillance, search, rescue and security tasks within the maritime area under national responsibility, in accordance to the international instruments regulating this matter.

In times of war: develop operations aimed at allowing Chile to make free use of the sea as a communication means at all times, in order to support the effort of war and safeguard international commerce. Help to project the military power of the Nation throughout the adversary's territory and in turn impede the projection of the adversary's military power from the sea. Support the war effort of other branches of the Armed Forces.

#### Air Force

The mission of the Chilean Air Force is to defend the country by means of the control and exploitation of the air space, the participation in surface battle and to provide support to their own as well as to friend forces to contribute to the strategic objectives that the national policy establish for the Armed Forces.

### Total Armed Forces: 70,917



Source: Compilation based on information supplied by the web pages of the above mentioned institutions and Libro de la Defensa Nacional (2002) (missions); Ministry of National Defence (Regular Force).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1974	2003	1974
	Line Corps	1995	2007	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.

Source: Compilation based on information supplied by the Ministry of National Defence.

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



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

Analysis:

## Modernization of the Ministry of Defence

**Claudio Ortiz Lazo\***

■ One of the main aspects of the democratic process experimented by the defence sector since the return of democracy in 1990, has been the quest for an adequate framework for the decision making processes in the Ministry. Since the mid nineties there have been discussions in this public body regarding the need to have new structures prepared to give the adequate answers to face threats and opportunities which have arisen since the end of the Cold War. Nevertheless, not until September 2005 was a bill of law for the National Ministry of Defence introduced in the National Congress.

This project has several characteristics to consider, among them a proposal of a new ministerial structure. At the moment there is an organizational structure with a ministerial head, five undersecretaries which represent the armed institutions and order and security (Police Forces), a Chief of the Defence Staff, an Administrative Directorate (in charge of the operations of the building where the Ministry is located), as well as several dependent organizations such as the General Directorate of National Mobilization (in charge of the conscription system), the National Academy of Political and Strategic Studies (the academic centre of the Ministry), and the Chilean Joint Centre for Peacekeeping Operations (it trains the troops which are sent to the peacekeeping operations), among the main ones.

The purpose of the bill of law is to provide a superior organisation with a structure and adequate tools for the decision making process. The legal framework in effect is scattered in several legal bodies, which not only constitute dif-

■ In September 2005 a Bill of Law reforming to reform the National Ministry of Defence was introduced in the National Congress.

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\* Ministry of Defence. The analysis represents a personal position and does not involve such institution.



ferent kinds of regulations but also respond to historical situations barely connected to one another. Thus, its objective is for the legislation by which the Ministry of Defence is ruled, to be coherent with the rest of the regulations ruling the Chilean State, in accordance with the Constitutive Law of General Bases for the Administration of the State.

On the other hand, the project not only aims at improving the structure of the Ministries but also at improving the military-political relations. It emphasises the complementarity of the work between civilians and members of the Forces and it opens spaces for civil and military professionals with defence studies, who have the right knowledge as well as the experience to improve the administrative processes of the institution.

In this sense, the project poses significant changes for the future of the Ministry:

- a) The first of which, and perhaps the deepest, is the creation of two “functional” undersecretaries to replace the five “institutional” or “administrative” existing ones. In this way, the Undersecretaries of Defence and of the Armed Forces would be born. The Undersecretary of Defence would be in charge of all the processes and procedures of the defence policy, its creation and execution. The Undersecretary of the Armed Forces would be in charge of the administrative actions of the armed institutions. In case the Minister is absent, would be covered first by the Undersecretary of Defence and secondly by the Undersecretary of the Armed Forces. At present, the Minister of Defence only can be covered by another Minister.
- b) The Superior National Security Council, created by the Decree 181 (1960) would disappear. Among the many reasons, we can mention that as an institution it has not been very relevant, besides of the fact that in the administration of the State there are enough instances for inter-ministerial coordination. Despite the proposal for abrogating the abovementioned decree, the Board of Commanders-in-Chief, would remain in the new regulation as it is a consultation body of the Ministry of Defence, which has demonstrated to be useful regarding the opinions that the commanders-in-chief give to the Minister.
- c) The post of a Joint Chief of Staff would be created in replacement of the current Chief of the Defence Staff (military consultation body of the Minister), with an emphasis on the development of joint actions and doctrine of the Armed Forces. Despite the fact that the development of the joint Armed Forces appears as a superior concept, it is not written or in the spirit of a bill, as an intention to eliminate the current commands of the Armed Forces, but as to generate an ad hoc synergy for the needs of the operations.
- d) The post of the Strategic Leader would be created. The President would choose a general officer to prepare the operations to be carried out in a situation of crisis. Although the denomination “Strategic Leader” is not used in the text of the bill, what we understand is that this figure would cooperate in the joint actions organised in the theatre of operations.

■ The bill aims at improving the structure of the Ministry and the political-military relations.

- e) Another essential aspect of the bill makes reference to the institutionalisation in matters of personnel, and it is connected with the development of civilian as well as military personnel, trained and specialised to serve in the Ministry of Defence in the same conditions of public administration, in accordance with the Constitutive Law of General Bases.

■ Though there are high levels of agreement the debate at the Congress has not been easy.

Despite the existence of levels of agreement, the debate in the Congress has not been easy. One of the main issues taken into consideration by the members of the parliament is the fact that in a more general sense the bill restructures and transforms the entire defence sector. That means that its design does not only affect the Defence Ministry structure. That is one of the reasons of the delay in its treatment. Another difficulty implicit in the development of the debate has been the fact that the defence does not constitute a main topic in the agenda since it's not urgent or does not make reference to a clear threat.<sup>1</sup>

The bill of law which modernises the Ministry of Defence can be considered the biggest institutional advance in the Chilean defence in the last years and it is the first time an innovation is promoted without the existence of direct threats or pressure. It can be considered as an advance, not only in the development of the defence sector but also in the evolution of the creation of public policies in the Chilean State.

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<sup>1</sup> In July 2008 the bill was passed in the Chamber of Deputies and the Senate. When this edition closed the final approval was pending (Note of the Editor).



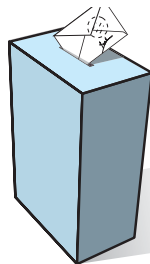
# Colombia

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>-Decree by which the National Security Council merges with the Superior Council of National Defence and the Commission created by the Decree 813 of 1983 (N° 2.134 - 1992/12/31)</li> <li>- Act which rules over the Organization and Operation of the National Entities, it issues Regulations, Principles and General Rules for the Exercise of the Powers specified in Subsections 15 and 16 of Section 189 of the Political Constitution, as well as other Regulations (N° 489 - 1998/12/29)</li> <li>- Decree by which the Bylaw which regulates the Civil Personnel Administration Regime of the National Ministry of Defence is modified (N° 1.792 - 2000/09/14)</li> <li>- Act on Regulations on the Reincorporation of Members of Irregular Armed Groups which contribute effectively to National Peace, and Humanitarian Agreements (N° 975 - 2005/07/25)</li> <li>- Act on the Special Administrative System for Civilian Public Employees at the Service of the National Ministry of Defence, for the Military Forces, the National Police and its Decentralised Entities (N° 1.033 - 2006/07/19)</li> <li>- Decree which regulates the Special System of Promotions in the Defence Sector and dictates some Rules on Personal Administration (N° 091 - 2007/01/17)</li> <li>- Decree which modifies and determines the Nomenclature and Classification System of the Posts within the Entities Jobs which are part of the Defence Sector (N° 092 - 2007/01/17)</li> <li>- Decree on Basic Wages of Public Employment of Civilian Employees of the National Ministry of Defence, of its Decentralised Entities, related to the Military Forces and National Police (N° 093 - 2007/01/17)</li> </ul>	<ul style="list-style-type: none"> <li>-Decree which reorganizes the Military Industry (N° 2.346 - 1971/12/03)</li> <li>- Obligatory Military Service Act (N° 48 - 1993/03/03)</li> <li>- Military Penal Code Act (N° 522 - 1999/08/12)</li> <li>- Decree modifying the Decree which regulates the Rules for the Promotion of Officers and Warrant Officers of the Military Forces (N° 1.790 - 2000/09/14)</li> <li>- Act by which the Rules for Promotions of Officers, Executives, Warrant Officers and National Police Officers are modified (N° 1.791 - 2000/09/14. Reforms: Act N° 1.092 - 2006/09/13 and Act N° 1.168 - 2007/11/21)</li> <li>- Act on the Assessment of the Psychophysical Capacity and the Decline of the Laboral Capacity, and other Disability Aspects (N° 1.796 - 2000/09/14)</li> <li>- Act which dictates Regulations on the Evaluation and Classification for Officers and Warrant Officers of the Military Forces (N° 1.799 - 2000/09/14)</li> <li>- Decree on the Promotions and Statute of Professional Soldiers (N° 1.793 - 2000/09/14)</li> <li>- Decree on the Wages and Benefits of Professional Soldiers (N° 1.794 - 2000/09/14)</li> <li>- Act on the Unique Disciplinary Code (N° 734 - 2002/02/05)</li> <li>- Act on the Statute of Promotions (N° 775 - 2002/12/09)</li> <li>- Act which rules over the Armed Forces Disciplinary Regime (N° 836 2003/07/16)</li> <li>- Act on Regulations, Objectives and Criteria for Pensions and Retirement Benefits for the Members of the Public Force (N° 923 - 2004/12/30)</li> <li>- Act which issues Rules on Requirements on the Appointment of Positions within the Military Penal Jurisdiction (N° 940 - 2005/01/05)</li> <li>- Act on Decrees related with Wage System and Benefits (N° 987 - 2005/09/09)</li> <li>- Act on a Special Procedure in the Penal Military Code (N° 1.058 - 2006/07/26)</li> <li>- Act on Acquisition of Assets and Services (N° 1.089 - 2006/09/01)</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) One year after retiring.  
Source: Constitution.

## International Treaties

On Hemispheric Security	On Disarmament	On Human Rights and Justice	On the Hemispheric System
<ul style="list-style-type: none"> <li>- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1948/02/03</li> <li>- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1968/11/06</li> </ul>	<ul style="list-style-type: none"> <li>-Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1972/08/04</li> <li>- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1986/04/08</li> <li>- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/13 Deposit: 2000/04/05</li> <li>-Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 2000/09/06</li> <li>- 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: 1983/12/19</li> <li>- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2000/03/06</li> <li>- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2003/02/05</li> <li>- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Unratified</li> <li>- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2008/01/30</li> </ul>	<ul style="list-style-type: none"> <li>-Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1973/07/31</li> <li>- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/08/05 Deposit: 2005/04/12</li> <li>- Inter-American Convention to Prevent and Punish Torture: Signature: 1985/12/09 Deposit: 1999/01/19</li> <li>- International Criminal Court: Signature: 1998/12/10 Deposit: 2002/08/05</li> </ul>	<ul style="list-style-type: none"> <li>- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1951/12/31</li> <li>- Antarctic Treaty: Accession: 1989/01/31</li> </ul>

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	125,715,234,306,174
US\$	64,578,637,852
<b>2008 GDP (in US\$)</b>	<b>202,437,000,000</b>

### Defence Budget 2008

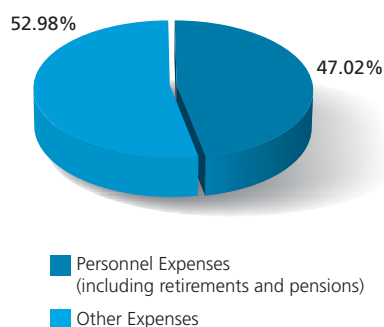
Local currency	11,689,850,000,000
US\$	6,004,957,107
<b>GDP's %</b>	<b>2.97</b>
<b>% of the State Budget</b>	<b>9.30</b>

### Defence Budget 2008 (in Local Currency)

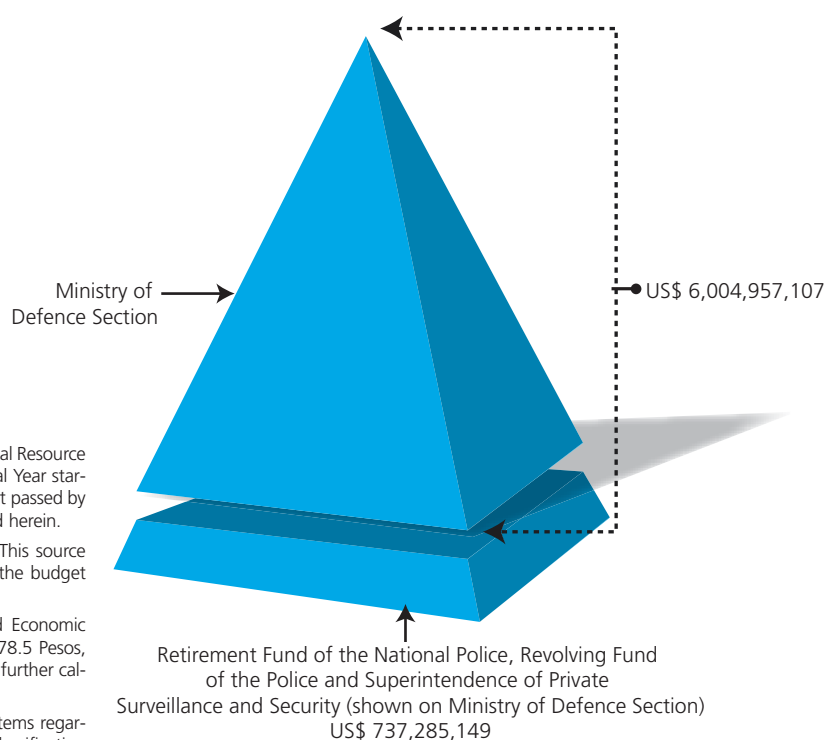
Ministry of Defence Section	Personnel Expenses	Other Operational Expenses*	Investment	TOTAL
<b>Ministry of Defence</b>				
General Management	70,250,100,000	823,197,900,000	14,427,000,000	907,875,000,000
General Command	10,506,000,000	20,499,000,000	42,633,000,000	73,638,000,000
Army	3,052,874,000,000	1,142,456,000,000	1,173,518,000,000	5,368,848,000,000
Navy	488,868,000,000	228,897,000,000	732,976,000,000	1,450,741,000,000
Air Force	270,678,000,000	436,251,000,000	943,980,000,000	1,650,909,000,000
Health	53,977,000,000	441,743,000,000	39,188,000,000	534,908,000,000
General Maritime Directorate	14,415,000,000	21,654,000,000	7,462,000,000	43,531,000,000
Retirement Fund of the Military Forces	3,730,000,000	1,118,052,000,000	1,500,000,000	1,123,282,000,000
Institute <i>Casas Fiscales</i> of the Army	1,595,000,000	18,473,000,000	10,170,000,000	30,238,000,000
Colombian Civil Defence	4,192,000,000	8,230,000,000	1,294,000,000	13,716,000,000
Officers Military Club	5,001,000,000	17,851,000,000	6,621,000,000	29,473,000,000
Military Hospital	40,966,000,000	111,442,000,000	4,781,000,000	157,189,000,000
Logistics Agency of the Military Forces	8,120,000,000	292,430,000,000	4,952,000,000	305,502,000,000
<b>TOTAL</b>	<b>4,025,172,100,000</b>	<b>4,681,175,900,000</b>	<b>2,983,502,000,000</b>	<b>11,689,850,000,000</b>

\* Includes General Expenses, Current Transferences, Capital Transferences, Commercialization and Production Expenses.

Defence Budget 2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on Law by which the Income and Capital Resource Budget is decreed, as well as the Appropriations Law for the Fiscal Year starting January 1 and finishing December 31, 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 seller's exchange rate average is 2,078.5 Pesos, based on the information provided by the Bank of Colombia. 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.



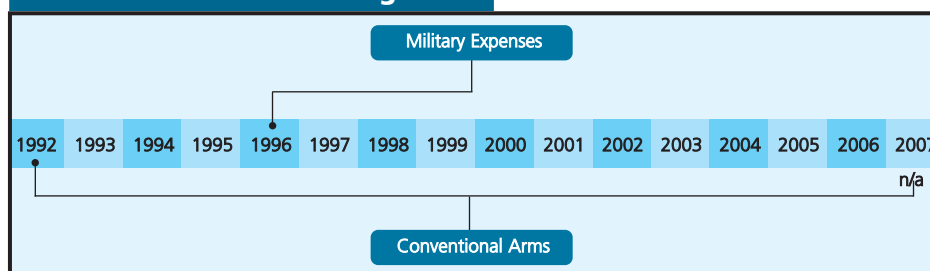
## Political Definitions

### Concepts

What is Defence?	What is Security?
<p>The Consolidation of Democratic Security Policy is the national defence policy of Colombia for the term 2006-2010. Its implementation principles are: achieve security and peace, perform duties legally, have a permanent presence, promote security as a guarantee for the work of justice, be flexible and adaptable, apply coordination among the Forces and with other State agencies.</p> <p>The strategic objectives are set as follows:</p> <ul style="list-style-type: none"> <li>-Consolidate the territorial control and strengthen the rule of law in all national territory.</li> <li>-Protect inhabitants, by keeping the strategic initiative against all threats to their security.</li> <li>-Increase the cost of engaging in drug-trafficking activities.</li> <li>-Keep a legitimate, modern and effective Public Force, supported by the trust and backing of the people.</li> <li>-Keep the decreasing tendency of all crime indicators in all urban centers of the country.</li> </ul> <p>(<i>Política de Consolidación de la Seguridad Democrática</i>, 2007)</p>	<p>Security is not initially understood as security of the State or citizen's security without the participation of the State, but as the State's protection to citizen and democracy, with the whole cooperation and commitment of all society.</p> <p>(<i>Política de Defensa y Seguridad Democrática</i>, 2003)</p>

Colombia has been part of the Multinational Peace Force and Observers (MFO), in the Sinai since 1982. The MFO is an independent mission founded as the result of peace in 1979.

### 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.

Colombia published the *Política de Defensa y Seguridad Democrática* (Policy of Defence and Democratic Security) in 2003 and *Política de Consolidación de la Seguridad Democrática* (Democratic Security Consolidation Policy) in 2007

### Constitutional Powers of the Congress

#### Related to War and Peace

- Can it declare war?: No
- Is a congressional authorization required to declare war?: Yes (1,2)
- 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 <sup>(1)</sup>
- Is a congressional authorization necessary for the deployment of national troops outside the country?: N/R

(1) Corresponds to the Senate.

(2) It does not require authorization to repel foreign attacks.

N/R: No reference.

#### Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: Yes <sup>(1)</sup>
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes <sup>(1)</sup>
- 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.

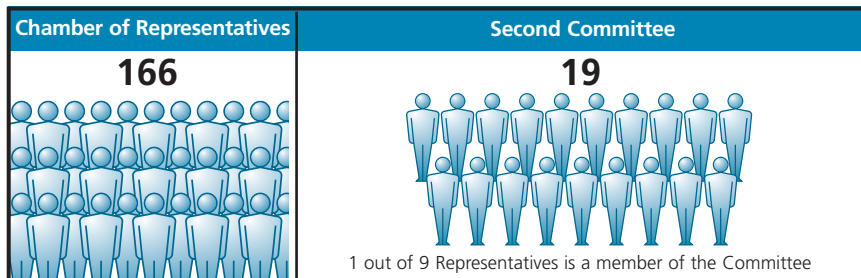
#### States of Exception

Name: State of external war  
Cause: External war  
Participation of the Legislative Power: Requires the approval of the Senate except when it is necessary to repel aggression.

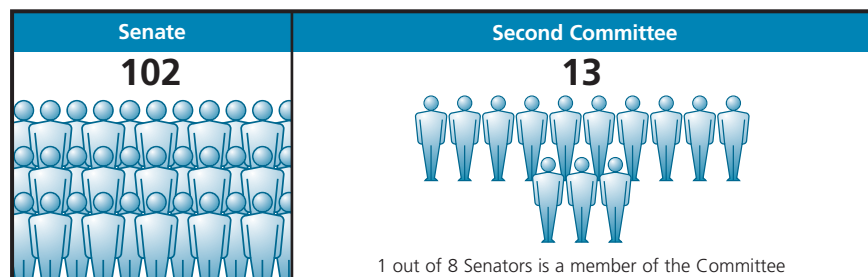
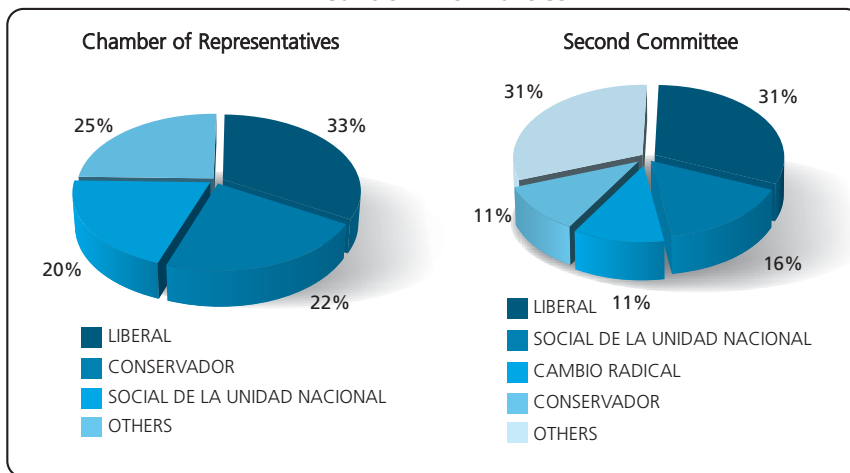
Name: State of internal commotion  
Cause: Grave disturbance of the public order  
Participation of the Legislative Power: The declaration of a third consecutive period requires the approval of the Senate.

Name: State of emergency  
Cause: Situations which disturb or seriously threaten to imminently disturb the economic, social and ecological order or which constitute public calamity  
Participation of the Legislative Power: The Congress shall examine the causes and measures which determined it and those adopted, and shall expressly rule on the convenience and timeliness of such measures.

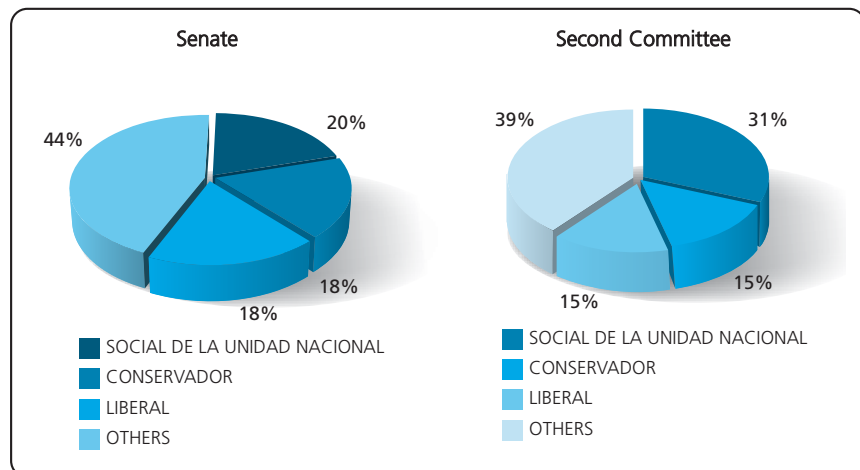
Source: Compilation based on the Constitution.



**Breakdown of Parties**



**Breakdown of Parties**



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



**System Organization**

**Functions**

Source: Compilation based on Decreto por el cual se modifica parcialmente la Estructura del Ministerio de Defensa Nacional (N° 3.123 - 2007/08/17) and the Decreto por el cual se fusionan el Consejo Nacional de Seguridad, el Consejo Superior de la Defensa Nacional y la Comisión creada por el Decreto N° 813 de 1983 (N° 2.134 - 1992/12/31).

**Date of Foundation**  
1965

**Current Minister (August 2008)**  
Juan Manuel Santos Calderón

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

**Number of military members who were Ministers of Defence**  
11

**Number of civilians who were Ministers of Defence**  
11

**Have there been any women in charge of the Ministry of Defence?**  
Yes (Marta Lucía Ramírez de Rincón, 2002-2003)

**Average permanence in the Minister of Defence position**  
1 year and 11 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]

**State Powers Sphere**

The President of the Republic directs the Public Force and arrange as the High Commander of the Armed Forces, in a direct manner or via the Ministry of National Defence.  
The Superior Council of National Security and Defence is the highest governing body within the system. It is in charge of advising the President on the direction of national security and defence, recommending the policies in that respect, coordinating - along with other State agencies - the national security and defence policies, analyzing the national security and defence scenario, advancing specific security and defence plans in order to face internal public unrest triggers and external security conflict. It is composed of the President of the Republic, the Ministry of Government, the Ministry of Defence, the General Commander of the Military Forces, the General Director of the National Police, the Director of the Administrative Department of the Presidency, the Director of the Administrative Department of Security and the Presidential Counsellor for the National Defence and Security.  
The Congress of the Nation exercises the faculties conferred by the National Constitution and permanently overviews all the matters concerning the defence, through specific commissions in both chambers.

**Ministerial Sphere**

The coordination and orientation of policy-making for the defence of sovereignty, independence, territorial integrity, public security and peace, as well as the keeping of the constitutional order and democratic coexistence guarantees, are functions belonging to the realm of the Ministry of National Defence Office.

**Military Sphere**

The command of the Military Forces is in charge of the President of the Republic, who exercises it directly or via the Ministry of National Defence, through the Commander General of the Military Forces, who in turn, has command over the Forces.  
The Commander General of the Military Forces and the Commanders of the Army, the Navy and the Air Force will determine the composition and organization of the integral parts of the Command General of the Military Forces and each of the Forces, within the faculties settled by the law and by means of the Table of Organization and Equipment, approved by the Commander General of the Military Forces and the Ministry of National Defence.

**The Ministry of National Defence**

**Mission:**

The Ministry of Defence leads the Military Forces and National Police through the formulation, design and execution of defence and security policies and the legitimate use of force, in order to maintain national sovereignty, independence, territorial integrity and constitutional order, and guarantee the necessary conditions for the exercise of rights, obligations, and public freedom.

**Vision:**

The Ministry of Defence shall be a proactive organization, provided with a highly modern and professional public force, helping to keep peace and security for Colombians. It will provide security conditions, protection and promotion of human rights, encouraging economic development and the natural resources protection and conservation.

**Objectives:**

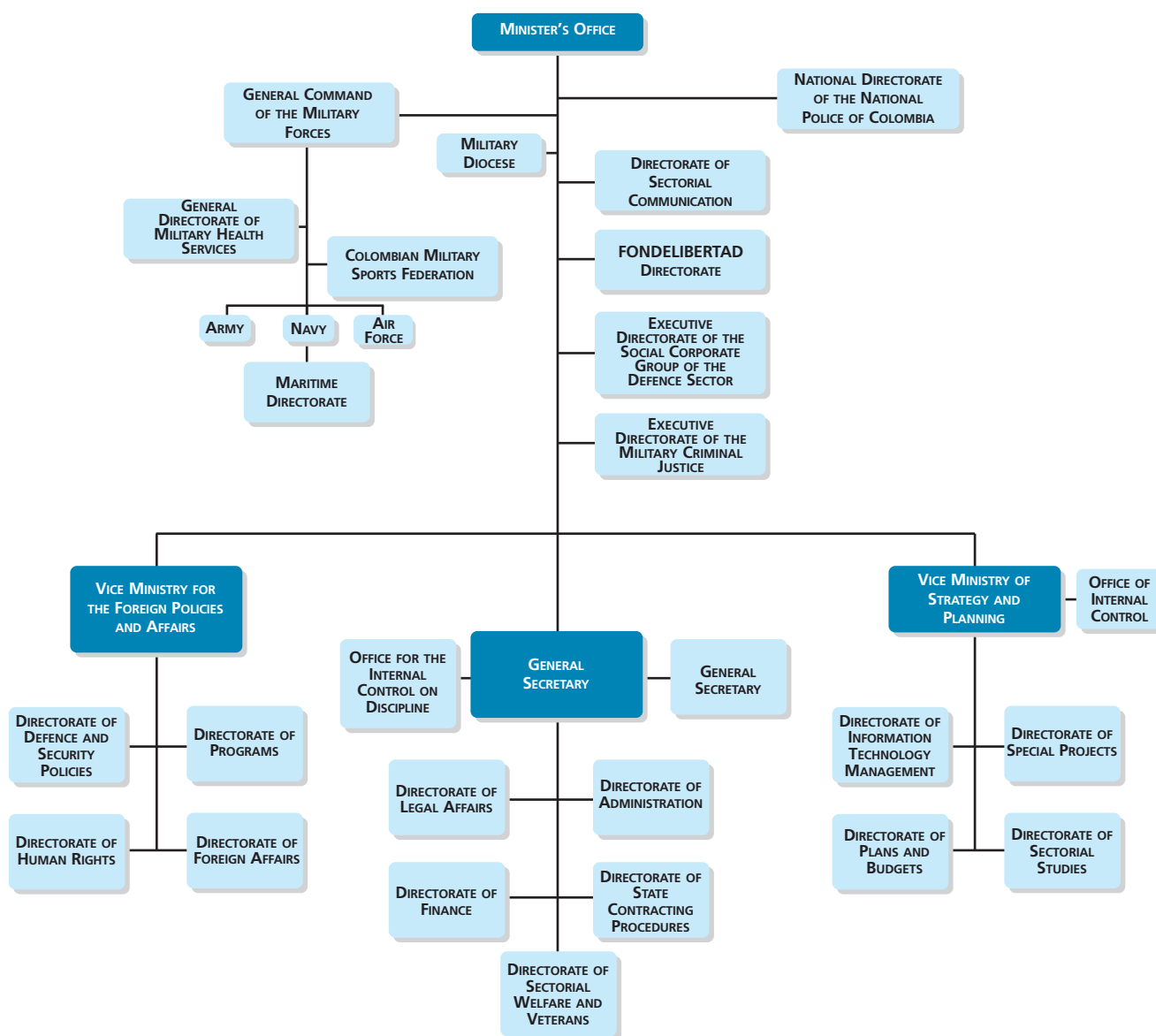
The National Ministry of Defence is mainly aimed at formulating and adopting policies, general plans, programs and projects from the national defence administrative sector, in order to defend sovereignty, independence and territorial integrity as well as keep the constitutional order and guarantee co-existence in a democratic environment.

**Responsibilities:**

- Take part in determining, developing and executing defence and national security policies, in order to guarantee national sovereignty, independence, territorial integrity and constitutional order, the maintenance of the necessary conditions to exercise public freedom, and ensure a peaceful co-existence to Colombians.
- Help other State agencies reach necessary conditions to exercise public rights, obligations and freedom.
- Contribute to peacekeeping for Colombian people in order to reach security that fosters economic development, natural resources protection and conservation, and human rights protection and promotion.

Source: Compilation based on the information provided by the Ministry of National Defence, the *Guía de Planeamiento Estratégico* (1997) and the *Decreto por el cual se modifica la Estructura del Ministerio de Defensa Nacional* (N° 1.512 - 2000/08/11).

ORGANIZATION CHART



Source: Ministry of National Defence.

**Defence Education**

**Main Training Courses of Specialization in the Area**

Training Course	Institution
-Masters in National Defence and Security -Orientation Course on Defence	Superior War School
- Degree on National Defence and Security Management - High Management of National Defence	Military University Nueva Granada

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



**Military Career**

**ARMY**

**Military School of Cadets**

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

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Superior War School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigadier General  
 Major General  
 General

**Entry to the Military School of Cadets – 2008 –**

Candidates: 2,500  
 Admitted Candidates: 250

1 out of 10 candidates was admitted

**NAVY**

**Naval School of Cadets**

Duration: 4 years  
 Graduation Title: Graduate in Naval Sciences  
 Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Frigate Lieutenant  
 Navy Lieutenant

**Staff College**

**Superior War School**

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

**Entry to the Naval School of Cadets – 2008 –**

Candidates: 1,141  
 Admitted Candidates: 128

1 out of 10 candidates was admitted

**AIR FORCE**

**Aviation School**

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

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Superior War School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigadier General  
 Major General  
 General

**Entry to the Aviation School – 2008 –**

Candidates: 1,500  
 Admitted Candidates: 120

1 out of 12 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 Military Forces shall defend the sovereignty, independence, integrity of the national territory and the constitutional order. (Constitution, Sec. 217)

### Specific Missions

#### Army

The National Army carries out military operations to defend and maintain sovereignty, independence and territorial integrity to generate a peaceful and safe environment and the development to guarantee the constitutional order of the nation.

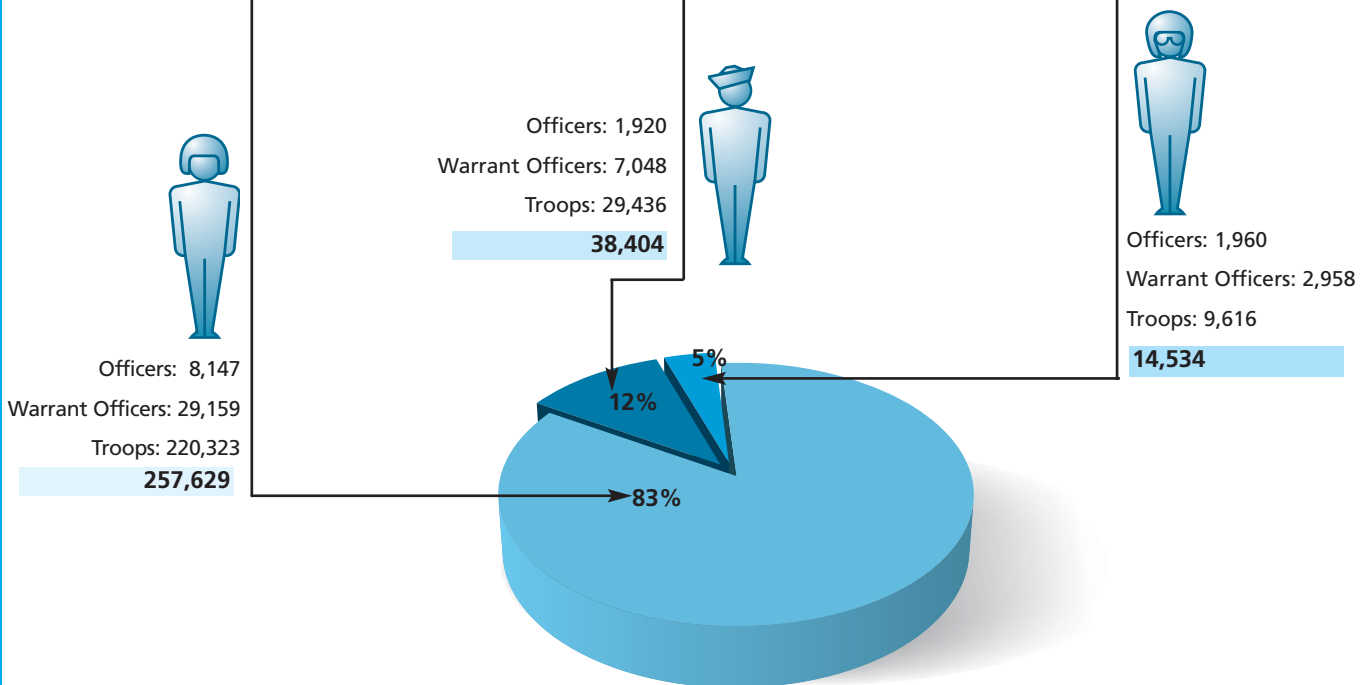
#### Navy

Contribute to the defence of the Nation through the effective use of a flexible navy power in maritime, fluvial and land spaces under its responsibility to comply with the constitutional order and participate in the development of the maritime power and the protection of the Colombian interests.

#### Air Force

The Colombian Air Force dominates and maintains the control over the air space and carries out air operations for the defence of sovereignty, independence, national integrity and constitutional order.

### Total Armed Forces: 310,567



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



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1982	1984	1977
	Line Corps	n/a	1997	1997
Rank reached		Colonel	Navy Captain	Colonel

“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 Ministry of Defence.

**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 Colombian Singularity: Armed Forces and Internal Security

**Alejo Vargas Velásquez\***

■ Colombia is a country with peculiar characteristics as to its historical development. Its study helps to adequately understand the role that Public Force has played (Armed Forces and National Police), and their current roles.

The Colombian State has never controlled the classical monopolies, which are supposed to be a State claim in any society: coercion, territorial control, justice and tolls. Throughout its history, there has been a recurring persistence of violence carried out by different actors, due to political motivations. But at the same time, this history has been marked by a great capacity – at different times – to solve violent internal confrontations through negotiation. This persistence of violence has led to consider the issue of domestic security as the main threat to stability. In turn, it has also led to the indiscrimination of roles between the Armed Forces and the Police, thus generating a “militarization” of the Police and a “policialization” of the Armed Forces.

Historically speaking, there has been a formal subordination of the military power to civilian power (in the 20th century, there was only a military coup - 1953-1958-, relatively advocated and supported by the political elites of the time). The Colombian political elites, and the whole of society, though, have been deeply untroubled about the security and defence issues, which have brought about a kind of yield to the Armed Forces, under the name of management of “internal public order”. However, Colombia has shown a great institutional endurance, expressed in the respect for administrations and the capacity of its institutions to deal with crises through institutional mechanisms.

The structuring process of the Armed Forces as a national, professionalized and unbiased institution went through several moments. A first moment - incarnated

■ Throughout the Colombian history, there has been a recurring persistence of violence carried out by different actors, due to political motivations.

\* Associate Professor, National University of Colombia. Director of the Research Group in Security and Defence.



by the Army - emerged in the post-independence period. The second one corresponds to its fragmentation, due to the 19th century civil wars. A third one, characterized by the relocation of uncertain and spontaneous armies to the National Army embryo; then professionalism began, keeping the character of an appointed or politicized army, with a governing party wanting to use the military apparatus for its own sake (a moment that extended until the arrival of the liberal-conservative violence in the middle of the 20th century). Subsequently, the time came when the de-partisanship of the Armed Forces was prioritized, and the Army started shaping out as a counter-insurgent army, to finally evolve – without losing its prior character – towards a modern professional Army. Thus, there was a permanent tension among the search for professionalism, the partisan use of the State's military apparatus and, the trends towards its transformation into a guarantee institution responsible for impartiality at the time of dealing with social differences and, therefore, a guarantee of the constitutionality and legitimacy of the political regime.

In addition, it is important to note that the Colombian Army emerged and consolidated in a domestic security function rather than in external security. The fundamental concern throughout its history (as regards risks and threats) is then focused on the domestic issue, be it about on the stigmatized social protest and the (initially) partisan disputes, the resulting liberal guerrillas, or the (more recently) self-styled revolutionary uprising. That defined a characteristic profile in the Colombian Armed Forces, especially in the case of the Army: it is oriented to domestic public order control functions, leaving a functional ambiguity between Army and Police. Consequently, it has been said that in Colombia there is a highly “policialized” Army and a highly “militarized” Police. Paradoxically, that seems to cease being problematic in the post-cold war world, when the classical separation between international and domestic is open to question and, whenever security and defence problems tend to be situated in the category of “intermestic”.

The start of bipartisan violence - halfway through the 20th century - and the upsurge and development of the liberal guerrillas progressively led the Colombian Army towards an irregular war, clearly consolidating itself as a counter-insurgent army. That strengthened the historical tendency to consider that the fundamental threats to security were situated in the domestic sphere, instead of in the external threats against the State security.

In that context the *Teatro Patria* speech of the elected president Alberto Lleras Camargo took place on May 9, 1958, where he set the parameters of the well-known *Doctrina Lleras* (Lleras Doctrine), whose core ideas can be summarized as follows: “Politics is the art of controversy par excellence. Militia is the art of discipline. When the Armed Forces go into politics, the first thing that breaks is its unity, because controversy is installed through its lines. Keeping them away from public deliberation is not a Constitutional whim, but a necessity to their functions. Therefore, the Armed Forces should not deliberate; they should not do it as to politics. Because they have been created by the whole Nation; because the entire Nation - without group, party, colour, or belief exceptions, but as a global mass - has given them the physical power and the assignment of defending the common interests (...) I do not want the Armed Forces to decide how to govern the Nation;

■ The Colombian Army emerged and consolidated in a domestic security function rather than in the external threats.

instead, I want the people to decide it; likewise, I do not want the politicians to determine, in any possible way, how to manage the Armed Forces as to their functions, discipline, regulations, and staff (...)”<sup>1</sup>. The arrival of the *Frente Nacional* (National Front) allowed the agreement on a relational model between the civil administrator and the Military Forces, based on the grounds that the military would not be involved in political parties or government matters, and that civilians would not involve in “public order” matters either, that is to say, security and defence.

During the several administrations of the *Frente Nacional* (1958-1974) the Armed Forces found themselves increasingly confronted to domestic public order problems. Hypothetical external threats were only sporadically given relevance, especially due to bordering problems with Venezuela and Nicaragua. Additionally, the various administrations of the *Frente Nacional* and the post- *Frente Nacional* (1974-1990) repeatedly delegated to the Armed Forces – via the “state of siege” – the control of conflicts and social protest, the temporary running of State areas considered to be sometimes problematic (seaports, airports, prisons) and naturally, the prosecution of civilians as a control tool and a social sanction through the mechanism of War Councils, until the late 80s.

Change processes in the Armed Forces leading towards their transformation into modern professional institutions – and closely linked to the evolution of domestic security problems – will reveal their progressive change into flexible Armed Forces, with professional troops and holding a high mobilization capacity.

The most outstanding point in the last great reform of the Public Force, carried out during the administration of Andrés Pastrana (1998-2002) and the Democratic Security policy during the administration of Alvaro Uribe (2002-2006) has been the reinforcement of the Public Force, needed for a State going through a domestic armed conflict to hold a better deterring and offensive capacity: increase of the military manpower, furtherance of troops professionalism, creation of new Mobile Brigades and new High Mountain Battalions, a program of peasant soldiers, and greater mobility and operational capacity, among other changes.

However, what seems evident in this quick tour through the slow passage towards the Colombian Armed Forces professionalization process is that the response to contextual threats seems to have guided the actions. Even when a State has the right and duty to strengthen its military capacity, as a deterrent factor both in the domestic and hypothetical external threats, that does not involve leaving aside the political dimension. That is why the quest for security, in a case like the Colombian, suitably places diplomacy in the first place in the international sphere, and negotiated conflict resolution in the domestic sphere.

■ Change processes in the Armed Forces leading towards their transformation into modern professional institutions will reveal their progressive change into flexible Armed Forces, with professional troops and holding a high mobilization capacity.

<sup>1</sup> CEPEDA ULLOA, Fernando (Ed.) *Las relaciones cívico-militares, en tiempos de conflicto armado*, Embassy of the United States–Fundación Ideas para la Paz, Caracol, El Espectador, El Tiempo, RCN, Semana, Bogota, 2003.



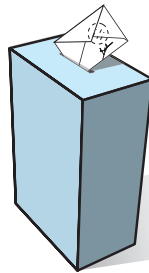
# Dominican Republic

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
- Organic Act of the Armed Forces (N° 873 - 1978/08/08)	- Code of Justice of the Armed Forces (Act N° 3.483 - 1953/02/13)

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 <sup>(1)</sup>

(1) Subsection 50 of the National Constitution establishes, as a requisite to be President, not be in active military service or in the police force, for at least during the year the election takes place. Sections 22 and 25, which refer to the conditions to be Senator or Deputy, do not mention any requisite.

Source: Constitution.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1947/11/21
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1950/09/12

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/07/28 Deposit: 1968/06/14
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1971/07/24
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/13 Unratified
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 2000/06/30
- 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: 1973/02/23
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Unratified
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/10/03 Deposit: 2007/09/04

### On Human Rights and Justice

- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1977/09/07 Deposit: 1978/04/19
- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/03/31 Deposit: 1987/01/29
- Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife: Signature: 1957/09/17 Deposit: 1958/05/21
- International Criminal Court: Signature: 2000/09/08 Deposit: 2005/05/12
- Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1924/09/30

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1949/04/22

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	300,889,210,552
US\$	8,416,481,414
<b>2008 GDP (in US\$)</b>	<b>37,698,000,000</b>

### Defence Budget 2008

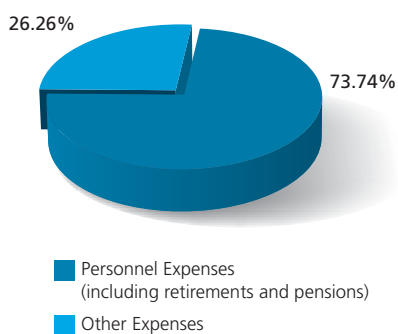
Local currency	9,621,053,328
US\$	269,120,373
<b>GDP's %</b>	<b>0.71</b>
<b>% of the State Budget</b>	<b>3.20</b>

### Defence Budget 2008 (in Local Currency)

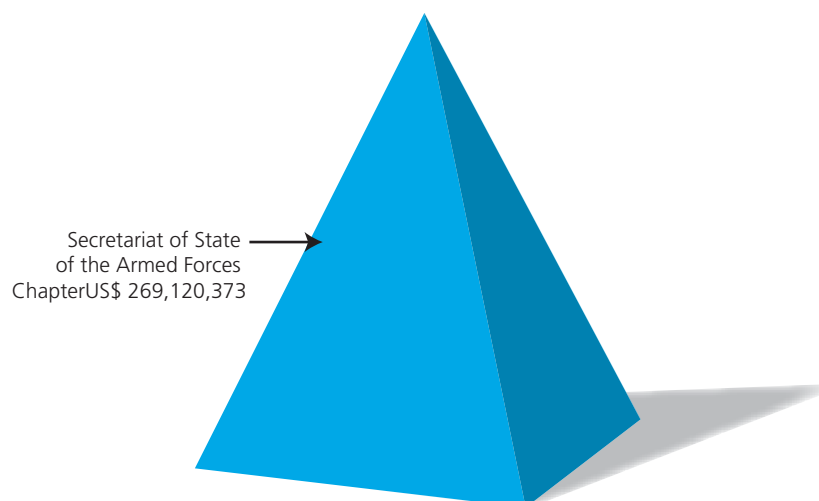
Chapters	Management and Technical Administrative Support	Obligations and Transferences	Production of Goods and Supply of Services	TOTAL
<b>Secretariat of State of the Armed Forces*</b>	854,160,132			
Secretariat of State	0	2,037,458,173	185,901,172	3,077,519,477
National Army	0	0	2,707,037,400	2,707,037,400
Navy of War	0	0	1,429,191,117	1,429,191,117
Dominican Air Force		0	2,407,305,334	2,407,305,334
	854,160,132			
<b>TOTAL</b>		<b>2,037,458,173</b>	<b>6,729,435,023</b>	<b>9,621,053,328</b>

\*Expenditure by object classification: Personnel services 5,156,336,993; Non-personal Services 291,708,826; Materials and Supplies 1,208,809,761; Current Transferences 2,129,361,772; Financial Assets 834,835,976.

Defence Budget  
2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the Public Incomes and Expenses 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. The exchange rate average is RD\$ 33.17, based on the information provided by the Central Bank of Dominican Republic. 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.

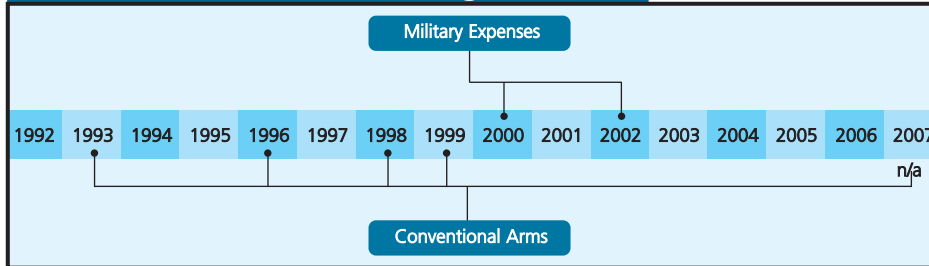


## Political Definitions

### Concepts

What is Defence?	What is Security?
<p>For the development of the security and defence policy at the national scope, the following guidelines have been established:</p> <ul style="list-style-type: none"> <li>-Definition and identification of national objectives.</li> <li>-The approval of a National Security Act.</li> <li>-Modification of the Organic Law of the Armed Forces.</li> <li>-Publication of the White Book of Defence and the Manual of the Joint Doctrine of the Armed Forces.</li> <li>-Creation of the National Intelligence System.</li> <li>-Strengthening of the Permanent Committee of Reform and Modernization of the Armed Forces.</li> <li>-Definition of the Armed Forces Model.</li> <li>-Foster the Armed Forces transformation.</li> <li>-Develop a new institutionalization and professionalization model.</li> <li>-Reform the military career.</li> <li>-Improve the equipment.</li> <li>-Foster research, development and innovation in order to maintain a proper technological level.</li> </ul> <p>(Directiva de Seguridad y Defensa Nacional, Decree Nº 189-07 - 2007/04/03, Sec. 3)</p>	

### 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.

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



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

### Constitutional Powers of the Congress

#### Related to War and Peace

- Can it declare war?: No
- 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 <sup>(2)</sup>
- Is a congressional authorization necessary for the deployment of national troops outside the country?: Yes <sup>(2)</sup>

#### Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: No
- 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

#### States of Exception

Name: State of siege  
Cause: Disturbance of the peace  
Public calamity  
Participation of the Legislative Power: Declared by the Congress and by the President if the latter were not in session (with a subsequent report).

Name: State of emergency  
Cause: State of national emergency  
Participation of the Legislative Power: Declared by the Congress and by the President if the latter were not in session (with a subsequent report).

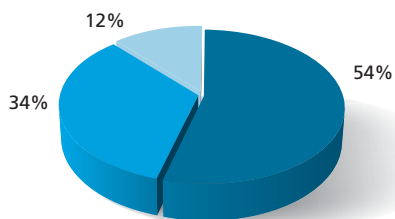
(1) The Congress can declare the national state of emergency in case the national sovereignty is exposed to a grave and imminent danger.

(2) It is the Legislative Power itself which has the referred power.

Source: Compilation based on the Constitution.

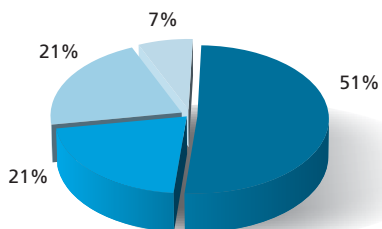
### Breakdown of Parties

Chamber of Deputies

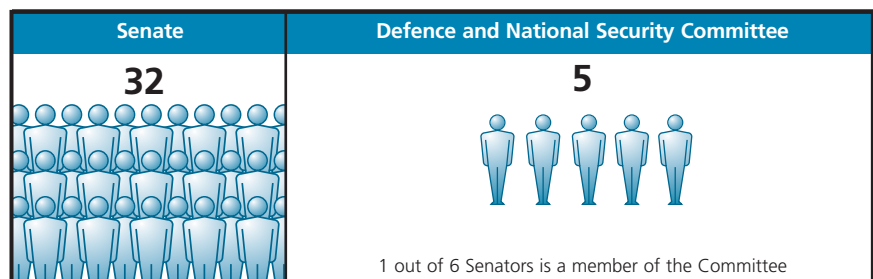
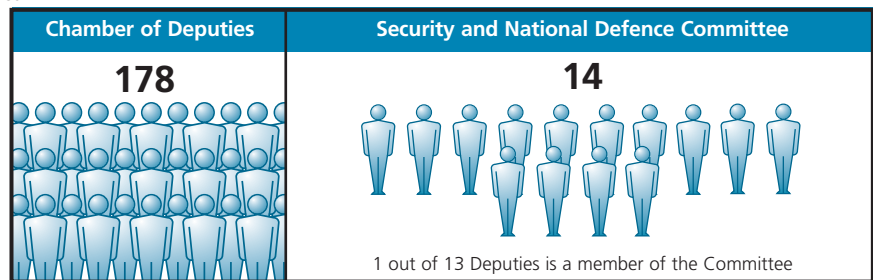


- PARTIDO DE LA LIBERACION DOMINICANO (PLD)
- PARTIDO REVOLUCIONARIO DOMINICANO (PRD)
- PARTIDO REFORMISTA SOCIAL CRISTIANO (PRSC)

Security and National Defence Committee

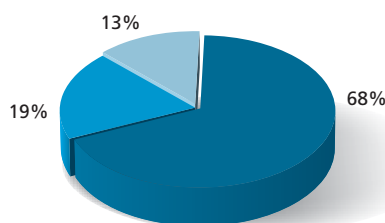


- PARTIDO DE LA LIBERACION DOMINICANO (PLD)
- PARTIDO REVOLUCIONARIO DOMINICANO (PRD)
- PARTIDO REFORMISTA SOCIAL CRISTIANO (PRSC)
- PARTIDO DE LA LIBERACION DOMINICANO (PLD) - I



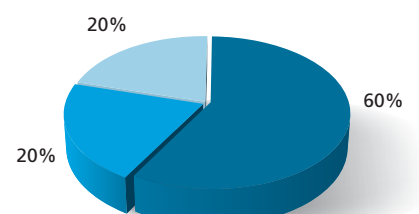
### Breakdown of Parties

Senate



- PARTIDO DE LA LIBERACION DOMINICANO (PLD)
- PARTIDO REVOLUCIONARIO DOMINICANO (PRD)
- PARTIDO REFORMISTA SOCIAL CRISTIANO (PRSC)

Defence and National Security Committee



- PARTIDO DE LA LIBERACION DOMINICANO (PLD)
- PARTIDO REVOLUCIONARIO DOMINICANO (PRD)
- PARTIDO REFORMISTA SOCIAL CRISTIANO (PRSC)

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



**System Organization**

**Functions**

**State Powers Sphere**

The President of the Republic is the supreme commander of all the Armed Forces and of the police corps. The National Congress exercises the faculties conferred by the Constitution of the Republic and permanently monitors those issues related to the defence, through the defence committees in both chambers.

**Ministerial Sphere**

The Secretariat of the Armed Forces is the highest military authority body; it works closely along with the President in all the questions related to command, organization, training and administration of the armed corps. The General Staff of the Armed Forces - which depends directly from the Secretary of State of the Armed Forces - is the advisory body on all those fundamental matters that call for prior scrutiny, and is conformed as follows: the Chief of the General Staff of the Armed Forces - who will preside it -, the Undersecretary of State of the Army, the Undersecretary of State of the Navy, the Undersecretary of State of the Dominican Air Force, the General Staff of the National Army, the General Staff of the Navy of War, the General Staff of the Dominican Air Force and the Inspector General of the Armed Forces.

**Military Sphere**

The Chiefs of Staff of the National Army, the Navy and the Dominican Air Force will hold the immediate command of each of their Forces and be responsible for their integral preparation.

*Source:* Compilation based on the Constitution and *Ley Orgánica de las Fuerzas Armadas* (Nº 873 - 1978/08/08).

Date of Foundation  
1930

Current Secretary (August 2008)  
Ramón Antonio Aquino García

Can the military members be Secretaries?  
Yes

Number of military members who were Secretaries  
34

Number of civilians who were Secretaries  
3

Have there been any women in charge of the Secretariat?  
No

[The Secretary currently in charge is not considered]

**The Secretariat of the Armed Forces**

**Mission:**  
Manage the Nation's Armed Forces.

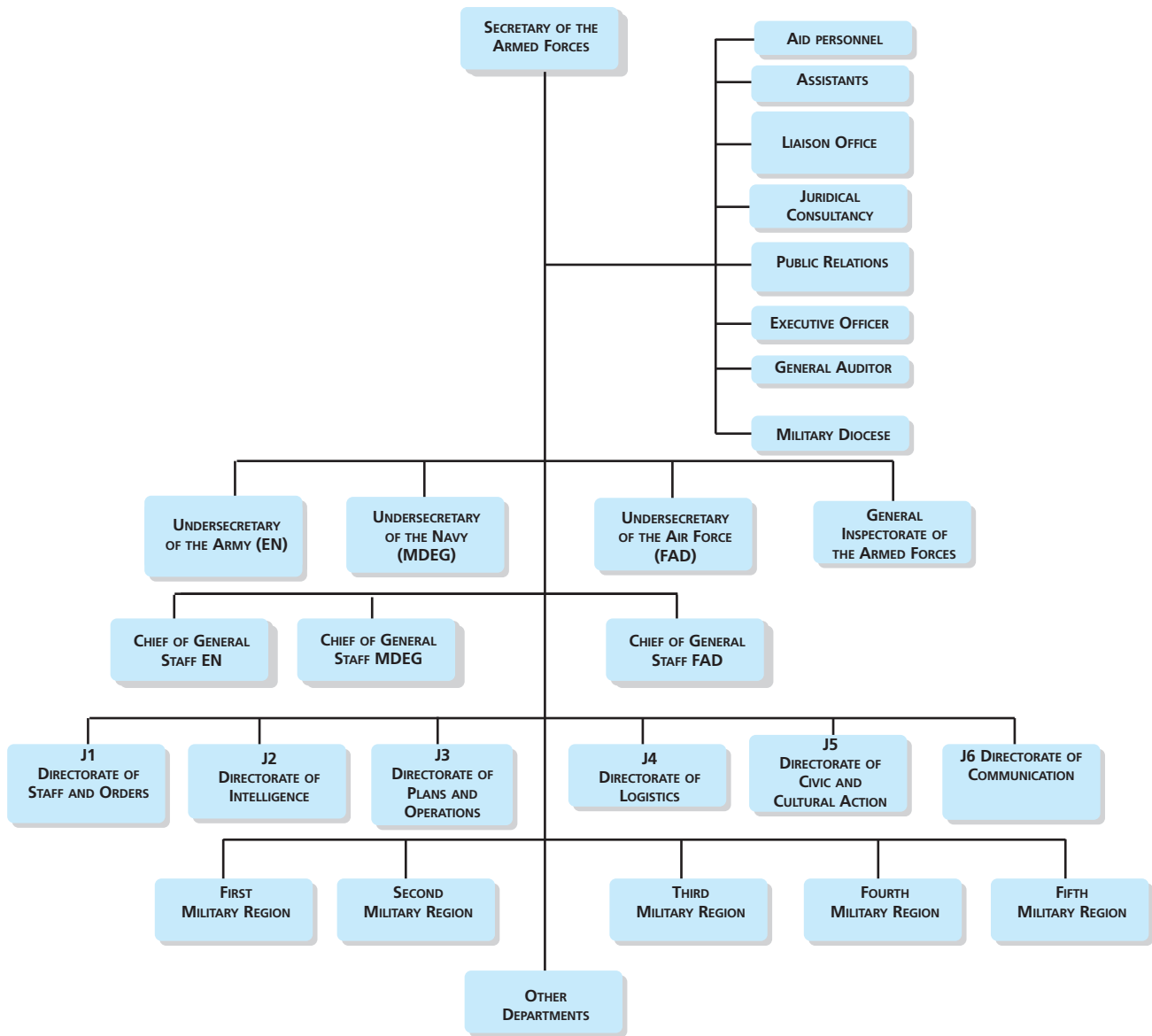
- Specific Responsibilities:**
- Fulfill and enforce orders from the President of the Republic.
  - Issue rules for the creation of tactical, administrative and technical organic rules and regulations which are necessary for the proper work of the Armed Forces and submit them to the President of the Republic who shall be in charge of their publishing.
  - Is responsible for the correct application of the Armed Forces budget.
  - Commission the analysis of records that might affect law and rules collection and reforms for their update.
  - Be responsible for proper communication bodies maintenance in order to inform and supplement the general and professional culture of the Armed Forces personnel.
  - Oversee and control all matters related to war material in possession of the police bodies and other regular armed institutions attached to the Armed Forces.

■ Average permanence in the Secretary of the Armed Forces position  
**2 years and 1 month**

*Source:* Compilation based on the *Ley Orgánica de las Fuerzas Armadas* (Nº 873 - 1978/08/08) and information provided by the web page of the Secretariat of the Armed Forces.



ORGANIZATION CHART



Source: Secretariat of the Armed Forces.

**Defence Education**

**Main Training Courses of Specialization in the Area**

Training Course	Institution
- Masters on Defence and National Security	Institute of High Studies for Security and Defence (IADESEN)
- Superior Course of Human Rights and Humanitarian International Law	Military Institute of Human Rights and Humanitarian International Law (IESFA)
- Intermediate Course on Human Rights and Humanitarian International Law	
- Women and Armed Conflicts	
- Post-graduate on Specialization of Human Rights and Humanitarian International Law	

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



**Military Career**

**ARMY**

**Military Academy**

Duration: 4 years

Graduation Title: Graduate in Military Sciences

Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

First Lieutenant

Captain

**Staff College**

**Military Institute of Superior Education**

Major

Lieutenant-Colonel

Colonel

Brigade General

Major General

Lieutenant-General

**Entry to the Military Academy - 2008 -**

Candidates

222

Admitted Candidates

62

2 out of 7 candidates were admitted

**NAVY**

**Naval Academy**

Duration: 4 years

Graduation Title: Graduate in Naval Sciences

Graduation Rank: Midshipman

**Academies of Intermediate Education**

Second Lieutenant

First Lieutenant

**Staff College**

**Naval Education Superior School**

Corvette Captain

Frigate Captain

Navy-Captain

Rear-Admiral

Vice-Admiral

Admiral

**Entry to the Naval Academy - 2007-**

Candidates

55

Admitted Candidates

20

1 out of 3 candidates was admitted

**AIR FORCE**

**Aviation Academy**

Duration: 4 years

Graduation Title: Graduate in Military Sciences, mention aviation

Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

First Lieutenant

Captain

**Staff College**

**Institute of Superior Aeronautical Studies**

Major

Lieutenant-Colonel

Colonel

Brigade General

Major General

Lieutenant-General

**Entry to the Aviation Academy - 2008-**

Admitted

59

Source: Compilation based on information supplied by the above mentioned institutions and *Ley Orgánica de las Fuerzas Armadas* (Nº 873 - 1978/08/08). Entry to Academies: Secretariat of the Armed Forces and Military Academy. The table strictly follows the order and hierarchy of the ranks shown on each country.

## The Armed Forces

### General Mission

The purpose of creating the Armed Forces is to defend the independence and integrity of the Republic, maintain the public order and respect the Constitution and the laws. They shall intervene, when the Executive Power requires so, in programs of civic action and plans devoted to promoting the social and economic development of the country. (Constitution, Sec. 93)

- Support the authorities, legally constituted officers, in accordance with the laws and military regulations.
- Protect the people and their assets.
- Perform the tasks of military service assigned by the President of the Republic. (Organic Act of the Armed Force, Sec. 6, 7 and 8)

### Specific Missions

#### Army

- Maintain the public order.
- Protect the traffic, industries and legal trade.

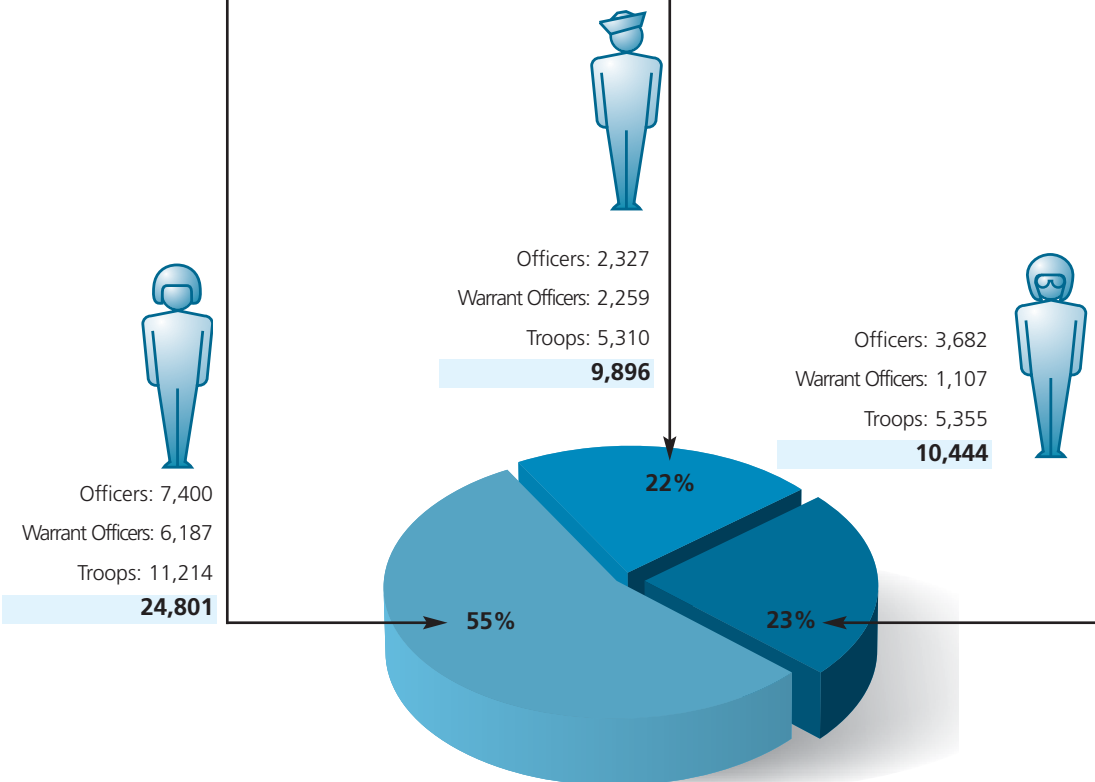
#### Navy

- Maintain the public order in the coasts and territorial waters of the Republic.
- Protect the traffic and legal maritime industries, enforcing their interests and institutions.
- Combat acts of piracy, the violation of the laws, regulations on navigation, trade, fishing and international treaties.

#### Air Force

- Maintain the public order in the air space of the Republic.
- Protect legal air traffic and trade enforcing its interests and institutions.
- Combat acts of piracy, the violations of the laws and regulations on navigation, air trade and international treaties.

### Total Armed Forces: 44,841



Source: Ley Orgánica de las Fuerzas Armadas (N° 873 - 1978/08/08) (missions); Secretariat of the Armed Forces (Regular Forces).



## Analysis

# The Armed Forces of the Dominican Republic

■ Lilian Bobea\*

■ The institutional history of the Dominican Armed Forces intersect the conformation processes of the State and the Caribbean Nation, characterized by political instability times, dictatorships and autocratic governments, which came along with several undemocratic attempts of modernization.

As it happened with most of Caribbean armies – configured as constabulary forces – the Dominican Army assumed since its very creation – conceptually and pragmatically speaking -, the aim of guaranteeing territorial integrity, as a response to the fears - mainly from political and ruling elite groups - of possible divisions, stemming from the frequent intestine strives. Later on, they became clash and counter-insurgency forces in the face of social movements, strikes and opposing movements that were assumed to attempt against the State<sup>1</sup>. From the beginning, all of those elements emphasized their role as a control mechanism towards the interior of the Republic.

During the course of over a century and a half of independence, the Dominican Nation has outlined a zigzagging history, marked by the alternating authoritarian processes until the 60's and, by an agitated democratic transition from the late 70's to its unhurried current reinforcement. Internal and external dynamics have conditioned the development of structures and state political and administrative guidelines. Among the external, the influx of the Cuban Revolution into the political opposition national movements – which competed with the concerns and interventions of the United States -; the ubiquitous “Haitian question”, traditionally seen as a challenge for national security, and more recently, the growing challenge of transnational threats. In the national sphere, the military reconfiguration processes were boosted by political ruptures and social crises, rather than by institutional constraints.

That is confirmed by the long-lasting absence of an explicit defence policy, the inexistence of a civil bureaucracy within the institution, and the sluggish updating of the military doctrine.

■ As from the middle 90's, there has been a drive towards the reform of the defence sector.

\* Profesor and researcher, FLACSO, Newlinkcorp Consultant.

<sup>1</sup> Figures vary from one author to another, but an estimated 2,000 to 3,000 opponents to Balaguer's administrations - over the twelve consecutive years of his mandate - were physically eliminated through military or paramilitary mechanisms.

Today, with approximately 9 million inhabitants, the Dominican Nation Armed Forces are fairly sizeable if compared to the rest of the Caribbean: between 40,000 and 45,000 active and uniformed men and women, distributed among the three Forces, under the command of the Secretariat of State of the Armed Forces<sup>2</sup>. The direction of the whole Force is delegated by the President to the Secretary of State of the Armed Forces; thus, there is no civil Ministry of Defence yet, or a civil bureaucracy involved with the policy planning structure - except for that within the Executive Branch. Decisions are made by a General Staff, who follows the Executive's directions; its functions being indicated in the Armed Forces Organic Law, currently under revision.

Despite the multiple hindrances in the bosom of institutions, the middle 90's provided a rush of impetus in favour of the sectorial reforms, partly under the sway of the reconfigurations amidst the hemispheric and regional spheres – mostly in Central America but also in the southern cone – and partly by the necessity (admitted by the Dominican security forces) of making articulations with their international equals, thus achieving for the first time their insertion - in more global terms - into new security scenarios. This sets off a change within the insular viewpoint, the sector being subject to an unprecedented revisionist dynamics and openness within its institutional history.

A Reform Permanent Commission was created in 1996 and endorsed by Decree 605/05 of November 2, 2005. Towards the late 90's, and by the initiative of academic and political institutions and non-governmental organizations, debates arose among civilians and military about the questions of the missions, roles and duties of the Armed Forces. In this context, the necessity to develop a Strategic Plan was posed, within a two-decade time frame, whose specific aims were:

- To design policies and strategies enabling the adjustment of the Armed Forces to the Dominican social changes, and to the national development process.
- To generate an institutional enforcement culture within the different levels of the Forces.
- To establish a juridical framework for the institutional competencies and new roles.
- To reorganize, simplify and improve the institution through the incorporation of innovative administrative procedures and computer technologies.
- To improve the national security and defence systems, in proportion to the posed threats.

The initiative lasted for two years and originated the White Book on Dominican National Defence (pending publication), which laid the foundations for subsequent debates. That was the outcome of many discussion boards and the exchange of viewpoints among military and civilians. They introduced, for the first time, a collective reflection upon the elements and parameters suggested by the security and defence policies, and their corresponding systems and structures. Without a doubt, the White Book constituted an important watershed in the democratization of the sector. However, the central idea of keeping transparent

■ The 2007 Presidential Directive on Security and Defence established the parameters for the development of the sector's policy.

<sup>2</sup> At the beginning of 2004, the recently elected President Leonel Fernández Reyna carried out an important purge (especially at high levels of the military hierarchy) and forced the retirement of around one hundred Generals.



public security policies is still lagging behind and confined to military spheres, due – to some extent - to the lack of civilian counterparts who actively participate and advance the formulation, conceptualization and operationalization of policies.

## Reform Initiatives

Recently, within the framework of a national debate on the constitutional reform fostered by the Executive Branch, some sector related issues were dealt with again. The recent Presidential Regulation for the National Directive on Security and Defence<sup>3</sup> has been an important step towards this direction.

The Directive established in Article 3, the parameters for the development of the security and defence policy, based upon the “passing of the National Security and Defence Law. This law will redefine the missions and objectives of the Armed Forces and of public security organisms, as well as the inclusion of new figures, such as the National Security Advisor. Likewise, it will lay the foundations for the national mobilization and, set the limits of the security zones within our territory (...), highlighting in turn the preventive character of our doctrine”. It also suggests “the active participation of civil society in the debate on the important security and defence policy issues, as well as the participation of the Armed Forces in the national development planning”.

In response to this mandate, the military institutions performed, for the first time since their creation, a revision of their fundamental regulations. Between 2007 and today, a National Military Strategy has been elaborated. It advocates “disciplined and motivated Armed Forces, who effectively guarantee the sovereignty, integrity and public order of the Dominican Republic, bearing a high sense of loyalty to the legally constituted civil power, and able to deter, neutralize, stop or destroy any kind of threat against the National Security and Defence”.<sup>4</sup> Similarly, the Code of Conduct and the Military Organic Law have been modernized, as a result of the doctrinal framework updating. Currently, the military justice regulations are under revision.

Aside from the development of joint doctrines, the mandate of the executive advocates the establishment of more integrated intelligence systems, the development of inter-institutional coordination mechanisms (especially in emergency situations and national crises) and the articulation with international military cooperation initiatives, military diplomacy, and the development and promotion of mutual confidence among regional and hemispheric States. In that sense, the missions have been redefined on the basis of a glossary of security challenges and threats, among which the following stand out: drug-trafficking; social and street violence; organized delinquency; environmental degradation; natural disasters; illegal immigration, illegal fishing and piracy, arms and human trafficking and terrorism.

In recent times, as part of the adaptations in the defence sector in the face of the alleged non-conventional threats, the Armed Forces have become a key factor in the sometimes undefined regional strategy against the organized crime and there-

■ The military institutions performed, for the first time since their creation, a revision of their fundamental regulations.

<sup>3</sup> Decreto Presidencial n° 189-07, *Directiva de Seguridad y Defensa Nacional*, Santo Domingo de Guzmán, Dominican Republic, April 3rd, 2007.

<sup>4</sup> *Estrategia Militar Dominicana*, Santo Domingo, Dominican Republic, November 25th, 2007

fore in the struggle – at the domestic level – against drug-trafficking. Many of these areas transcend the defence and therefore, the military institution's field of action. Thus, its intervention in crisis conditions has to be regulated and sanctioned by civil powers, which are in charge of deliberating its jurisdictional sphere.

Another increasingly controversial aspect is the ever-growing relevant role of the military in the public order control; both strategy and politics have to start from establishing the distinction among national security, domestic defence and (citizen) security and their connections. In this fashion, it is sought to undo the constabulary character that initially characterized the Armed Forces, which clashes with the current professionalization and modernization trends.

Beyond the institutional sphere, a good reason to review the recurrent involvement of the Forces as regards citizen security is the way this involvement affects the democratic system, as it establishes a civic-military-police triangle that is hard to harmonize for the sake of a wide civil control. Therefore, without ignoring the unlimited pressures that governments face due to the challenges posed by national security, it is paramount to establish the delimitation of functions and missions within the security forces, as well as the corresponding coordination between public order spheres and national security.

## Challenges and Forecast

Defence management is still a conflicting field in the Dominican Republic, especially due to the very recent incorporation of civilians to the debate on defence and security matters, and to the lack of theoretical knowledge of strategic issues by those who hold responsibilities in this field. Some areas needing quick responses are:

- 1 The development of civilian counterparts, as for instance, the strengthening of parliamentary defence and security commissions, the external audits, and the creation of civil bureaucracies, as crucial elements in the management of defence.
- 2 The establishment of binding and interstate coordination protocols, consistent with the limitation of functions and the administrative subordination. That includes the development of administrative parameters in the strategic link between the military element and the Dominican State foreign policy.
- 3 The implementation of a less introspective view of security (which focuses fundamentally on national and insular questions), through the development and implementation of the cooperative dimension of security. In this sense, the involvement in peace operations is a still unexplored scenario, which offers many professionalization and internationalization opportunities to the military Forces.
- 4 Finally, the Dominican Armed Forces are compelled to mainstream the view, dimension and gender and human rights policies, at the level of structures, regulations, principles, culture and practices that direct and enhance its modernization process and their merging into the Dominican democratic system.

■ It is paramount to establish the delimitation of functions and missions within the security forces.



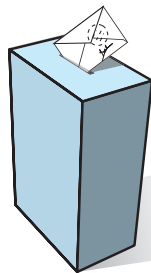
# Ecuador

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- National Security Act (N° 275 - 1979/08/09)</li> <li>- General Regulation of the National Security Act (Codification N° 2.264 - 1991/03/12)</li> <li>- Organic Act for National Defence (N° 74 - 2007/01/19)</li> </ul>	<ul style="list-style-type: none"> <li>- Penal Military Code (Codification N° 27 - 1961/11/06)</li> <li>- Code of Penal Military Procedures (Codification N° 28 - 1961/11/06)</li> <li>- Organic Act of Justice Services for the Armed Forces (Codification N° 29 - 1961/11/06)</li> <li>- Social Security Act for the Armed Forces (N° 169 - 1992/08/07. Last Reform: Act N° 82 - 2007/07/31)</li> <li>- Act on Obligatory Military Service for the National Armed Forces (N° 68 - 1994/09/15)</li> <li>- Reformatory Act to the Personnel Act of the Armed Forces (N° 75 - 2007/01/22)</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	No

Source: Constitution. As of August 2008, a Constituent Assembly process was in progress.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1949/11/10 Deposit: 1950/11/07
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 2008/03/07

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1969/02/11
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/09/07 Deposit: 1969/03/07
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1995/09/06
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/04 Deposit: 1999/04/29
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Signature: 1972/06/14 Deposit: 1975/03/12
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Signature: 1981/09/09 Deposit: 1982/05/04
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1999/06/23
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2001/05/21
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2001/11/12

### On Human Rights and Justice

- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1977/12/28
- Inter-American Convention on Forced Disappearance of Persons: Signature: 2000/02/08 Deposit: 2006/07/27
- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/05/30 Deposit: 1999/11/09
- International Criminal Court: Signature: 1998/10/07 Deposit: 2002/02/05

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/12/28
- Antarctic Treaty: Accession: 1987/09/15

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 (US\$)	15,817,954,065
2008 GDP (in US\$)	49,597,000,000

### Defence Budget 2008 (consolidated)

Local currency (US\$)	1,691,776,803
GDP's %	3.41
% of the State Budget	10.70

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

Sectors	Personnel Expenses**	Consumer Goods and Services	Others***	TOTAL
<b>National Defence</b>				
Ministry of Defence****	723,860,419.04	111,739,788.61	25,832,275.25	861,432,482.90
National Security Council*****	2,556,786.60	390,079.55	2,521,143.69	5,468,009.84
Remotely Sensed Information Gathering of Natural Resources	6,870,801.24	14,002,928.50	3,992,551.95	24,866,281.69
Remotely Sensed Integrated Information Gathering of Natural Resources	2,009,839.00	663,572.09	219,828.00	2,893,239.09
General Hospital of the Armed Forces N°1*****	13,899,627.92	9,698,485.81	964,810.50	24,562,924.23
National Defence Committee*****	1,008,487.67	23,558,297.11	74,331,313.99	98,898,098.77
Ecuadorian Institute of the Antarctic	84,488.00	529,460.00	59,500.00	673,448.00
<b>Jurisdictional</b>				
Court of Military Justice	953,336.41	15,722.99	10,000.00	979,059.40
<b>Education</b>				
Higher National Studies Institute	707,377.44	171,048.98	185,591.00	1,064,017.42
Polytechnical School of the Army	18,695,100.00	8,113,200.00	17,488,252.00	44,296,552.00
<b>Social Security</b>				
Social Services Institute of the Armed Forces	320,535,373.00	1,696,445.00	305,392,063.39	627,623,881.39
<b>TOTAL</b>	<b>1,091,181,636.32</b>	<b>170,579,028.64</b>	<b>430,997,329.77</b>	<b>1,692,757,994.73</b>

\* Information taken from the aggregated budget in order to allow the disaggregation of groups. The difference is clarified in each case.

\*\* Includes Supply of Social Services

\*\*\* Includes Other Current Expenses, Current Transferences and Donations, Reassignment Provisions, Public Works, Long Lasting Goods, Goods and Services for Investment, Financial Investment, Transferences and Donations for Investment, Expenses on Personnel for Investment, Current Liabilities and Other Investment Expenses.

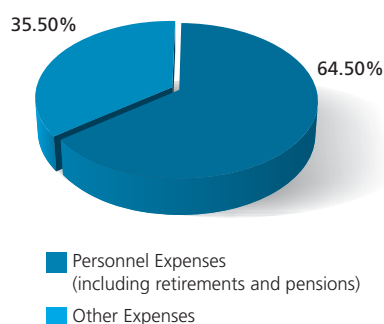
\*\*\*\* The consolidated budget is 860,811,682.63.

\*\*\*\*\* The consolidated budget is 24,866,281.69.

\*\*\*\*\* The consolidated budget is 24,484,826.23.

\*\*\*\*\* Autonomous Institution. The consolidated budget for this unit is 98,615,825.77.

Defence Budget 2008 Breakdown



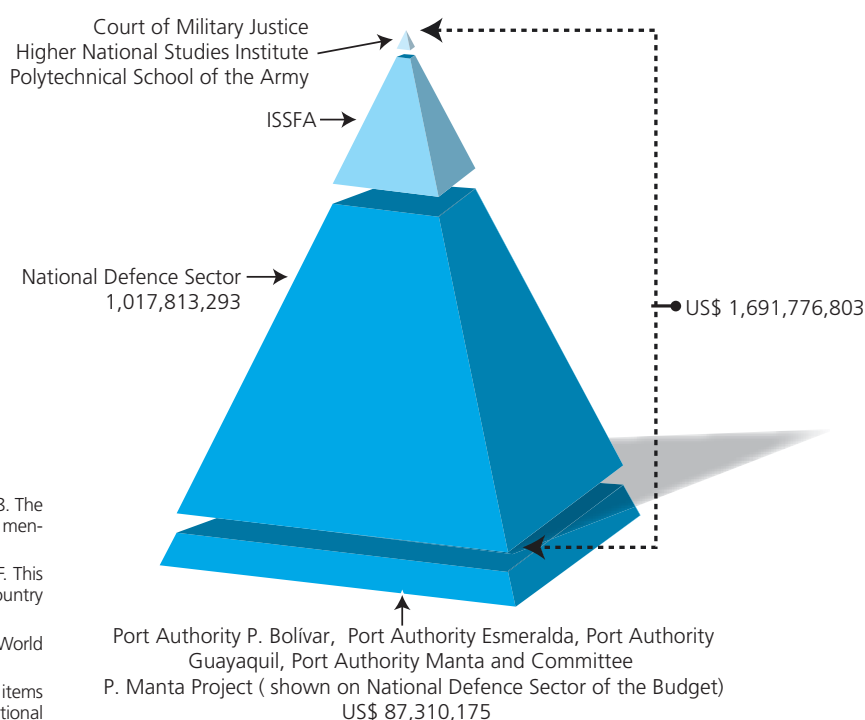
Source: Compilation based on the General Budgetary Act 2008. The State budget passed by the Congress by means of the above mentioned Act is considered herein.

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.

Composition of Defence Budget 2008





## Political Definitions

### Concepts

The Ecuadorian State maintains the principle of non intervention in internal affairs of other States, rejects the threat and use of force within international relations, according to the ruling principles framed under the foreign policy and the defence policy, promoting the peaceful resolution of conflicts. It promotes the resolution of internal and international conflicts based in political, diplomatic, legal and other non military mechanisms established in international law.

Ecuador shall abstain from participating in combined, coordinated or joint military operations with Colombia. (*Plan Ecuador, 2007*)

#### What is Defence?

Defence serves the objectives of national security, for the maintenance of sovereignty and protection of people, national borders and natural resources against any kind of aggression, through coordinated actions, in order to guarantee the peaceful coexistence of nations.

(*Política de Defensa Nacional, 2006*)

The defence policy is an instrument for the foreign policy. (*Plan Nacional de Política Exterior 2006-2020*)

#### What is Security?

The national security of Ecuador is the responsibility of the State. The State ensures the continued existence of the community, the defence of the national assets and the achievement and maintenance of national objectives. Its fundamental responsibility is to enhance national unity, ensure the full effect of fundamental human rights and promoting the economic, social and cultural progress of its inhabitants, reversing the adverse internal and external factors through political, economic, social and military provisions and actions.

(*Ley de Seguridad Nacional, N° 275 – 1979/08/09, Sec. 1 and 2*)

Human security is the result of peace and development.

(*Plan Ecuador, 2007*)

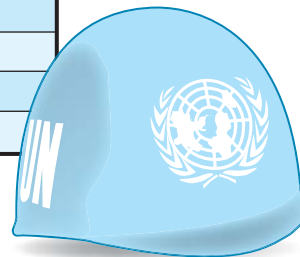
### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINUSTAH (Haiti)	—	67
UNMIL (Liberia)	3	1
UNMIN (Nepal)	1	-
UNMIS (Sudan)	20	-
UNOCI (Ivory Coast)	2	-

MO: Military Observers - CT: Contingent Troop.

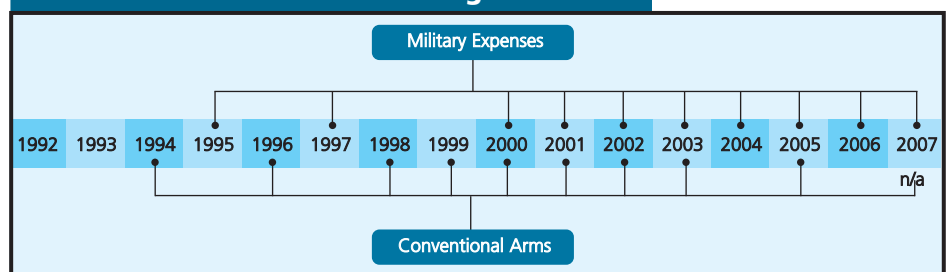
Source: Compilation based on the information supplied by the UN Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/contributors/>). Information as of June 30, 2008.

■ The Peacekeeping Unit School "Ecuador" (UEMPE) was founded on November 10, 2003.



■ Ecuador provides 94 military members to UN peace operations, which represents a 1.48% of the total amount of the Latin American contribution and a 0.12% 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.

■ Ecuador published the *Política de la Defensa Nacional del Ecuador* (National Defence Policy of Ecuador) in 2002 and 2006.

## Constitutional Powers of the Congress

### Related to War and Peace

- Can it declare war?: No
- Is a congressional authorization required to declare war?: Yes (1)
- 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?: N/R
- Is a congressional authorization necessary for the deployment of national troops outside the country?: N/R

(1) The President declares the state of emergency in case of external aggression and international war informing the Congress, which has the authority to revoke the decree.

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?: 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

### States of Exception

Name: State of emergency  
Cause: Imminent foreign attack  
International war  
Grave internal commotion  
Natural catastrophes  
Participation of the Legislative Power: The Congress can revoke the state of emergency decree.

Source: Compilation based on the Constitution. As of August 2008, a Constituent Assembly process was in progress.

- The National Congress is currently in recess due to the mandate of the Constituent Assembly <sup>(1)</sup>
- The Constituent Assembly was composed by 130 members. These were divided up in ten constituent committees. For the development of the Constitutional Text proposal, the committees that held debates on issues regarding the defence sector were Committee 3 (Structure and Institutions of the State), and Committee 9 (Sovereignty, International Relations and Latin America Integration)
- The Constituent Assembly approved a Constitutional Text proposal on July 24, 2008, delivered it to the Supreme Electoral Court to call referendum and then started recess. The tentative date for that referendum was set on September 28th of the same year. <sup>(2)</sup>

(1) On January 15, 2007, the President of the Republic called a popular poll at a national level for people to declare themselves in favour or against the call to Constituent Assembly (Executive Decree N° 2, Sec. 1, January 15, 2007). In accordance to the decision of the Supreme Electoral Court, January 15, 2007 was set as the poll date. On that date the Bylaws for Election, Creation and Work of the Constituent Assembly were to be approved.

(2) There is a Transition Scheme approved by the Constituent Assembly, establishing the steps to follow regarding legislative representation.

Source: Compilation based on information provided by the Constituent Assembly.



**System Organization**

**Functions**

**State Powers Sphere**

The President of the Republic is the supreme authority of the Public Force, exercises the political leadership of security and national defence and records in protocol the related decrees and policies. For that purpose, counts on the advice of the National Security Council, which presides, and of the Military Front. The National Security Council (COSENA) is the superior body responsible for the national defence, in charge of issuing the strategic concept of national security, which in turn constitutes the essential instrument to start the planning and decision-making process. The President of the Republic chairs the National Security Council, which is composed of the Presidents of the National Congress and the Supreme Court of Justice; the ministers in charge of National Defence, Government and Police, Foreign Affairs, and Economy and Finance; the Chief of the Joint Command, and the Chiefs of the three branches of the Armed Forces. It monitors the fulfillment of the defence policies and the strategic plans elaborated by the Joint Command of the Armed Forces, submitted by the Ministry of National Defence. The COSENA constitutes the highest ranking monitoring and crisis management body.

The National Congress exercises the faculties conferred by the Constitution of the Republic and permanently overviews the issues related to defence through the pertinent Commission.

**Ministerial Sphere**

The Ministry of National Defence is the political, strategic and administrative body of the national defence. The Coordinating Minister of Internal and External Security accords the policies and actions that will be adopted by the following institutions as regards internal and external security: the Ministry of Government and Police, the Ministry of Foreign Affairs, the Ministry of Defence, and the Secretariat General for the Public Administration.

**Military Sphere**

The Joint Command of the Armed Forces is the highest planning, preparation and strategic conduction body of the military operations, and advisory body on the military policies of war and national defence. It is conformed by the Joint Command of the Armed Forces and the Commander Generals of the Land Force, the Naval Force and the Air Force. The Chief of the Joint Command of the Armed Forces will be appointed by the President of the Republic, from among the three senior General officers in the Armed Forces.

The Land, Naval and Air Forces are branches of the Armed Forces and constitute the main operating bodies of the Joint Command of the Armed Forces. The General Commands of the Forces are the highest bodies of the operating and administrative command of each branch in the Armed Forces, through which the Commanders General of Force exercise their functions.

*Source:* Compilation based on the Constitution, *Ley de Seguridad Nacional* (N° 275 – 1979/08/09), *Ley Orgánica de la Defensa Nacional* (N° 74 – 2007/01/19), and Decree N° 117 –A (2007/02/15).

**Date of Foundation**  
1935

**Current Minister (August 2008)**  
Javier Ponce Cevallos

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

**Number of military members who were Ministers of Defence**  
34

**Number of civilians who were Ministers of Defence**  
20

**Have there been any women in charge of the Ministry of Defence?**  
Yes (Guadalupe Larriva, 2007 and Lorena Escudero Durán, 2007)

[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]

**Average permanence in the Minister of Defence position**  
**1 year and 4 months**

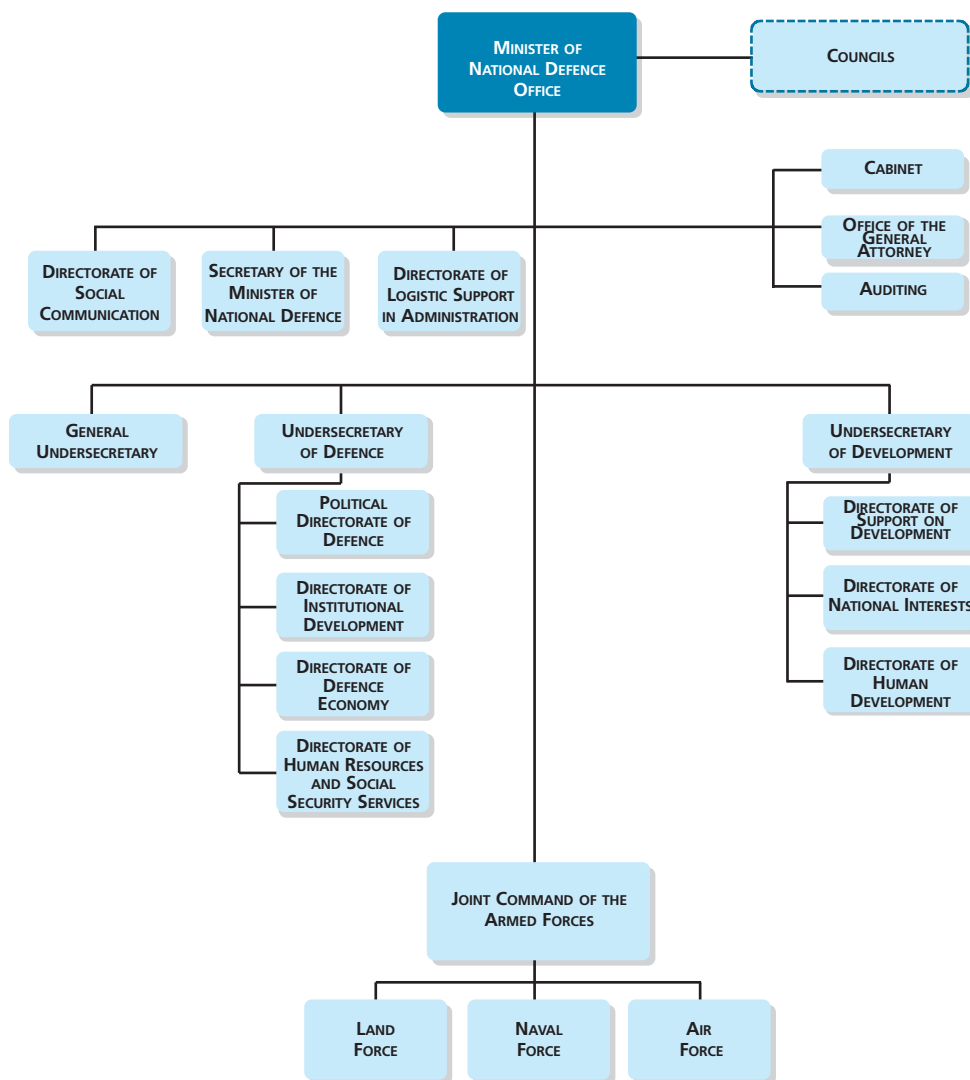
**The Ministry of National Defence**

**Responsibilities:**

- Administer the Armed Forces according to policies and instructions issued by the President of the Republic.
- Head the national defence policy
- Issue policies for the institutional strategic planning.
- Coordinate and support the security policy of the State.
- Issue the military defence directive.
- Issue rules, agreements, and internal regulations on general administration for the three Branches of the Armed Forces, as well as internal regulations on administration for each Force.
- Create and put forward for the consideration of the President the projected agreements, resolutions, arrangements, decrees and laws, aimed at allowing Armed Forces fulfill their constitutional mission as properly as possible.
- Plan and coordinate with the relevant State agencies, the Armed Forces participation in the social and economic development of the country.
- Involved in the knowledge and processing of the budget draft submitted by the Ministry of National Defence, Joint Command, Land, Air and Sea Forces and their attached and subordinate entities, which are applicable to the State's general budget.
- Submit the Armed Forces Rules and Regulations to the approval of the President of the Republic.
- Know and solve objections or claims on the decisions of the Supreme Council of the Armed Forces.
- Submit to the President of the Republic and other relevant authorities, the technical reports issued by different agencies of the Armed Forces.
- Guarantee that the Armed Forces members shall respect human rights within the fulfillment of their duties.

*Source:* Compilation based on *Ley Orgánica de la Defensa Nacional* (N° 74 – 2007/01/19) and information supplied by the Ministry of National Defence.

ORGANIZATION CHART



Source: Ministry of National Defence.

## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
- Masters on Security and Development, specializing on Public Administration and Management.*	Institute of National High Studies (IAEN)

\* During 2008, under review process.

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



**Military Career**

ARMY
<b>Military Superior School</b>
Duration: 4 years
Graduation Title: Graduate in Military Sciences
Graduation Rank: Second Lieutenant
Academies of Intermediate Education
Lieutenant
Captain
Staff College
<b>War Academy of the Land Force</b>
Major
Lieutenant-Colonel
Colonel
Brigade General
Division General
Army General
<b>Entry to the Military Superior School - 2007 – <sup>(1)</sup></b>
Candidates: 1,545
Admitted Candidates: 166
1 out of 9 candidates was admitted.

NAVY
<b>Naval Superior School</b>
Duration: 4 years
Graduation Title: Graduate in Naval Sciences
Graduation Rank: Second Lieutenant
Academies of Intermediate Education
Frigate Lieutenant
Navy Lieutenant
Staff College
<b>Naval War Academy</b>
Corvette Captain
Frigate Captain
Navy-Captain
Rear-Admiral
Vice-Admiral
Admiral
<b>Entry to the Naval Superior School - 2007 – <sup>(1)</sup></b>
Candidates: 523
Admitted Candidates: 111
1 out of 5 candidates was admitted.

AIR FORCE
<b>Military Aviación School</b>
Duration: 4 years
Graduation Title: Graduate in Military Aeronautical Science
Graduation rank: Second Lieutenant
Academies of Intermediate Education
Lieutenant
Captain
Staff College
<b>Air War Academy</b>
Major
Lieutenant-Colonel
Colonel
Brigade General
Lieutenant-General
Air General
<b>Entry to the Military Aviation School - 2007 – <sup>(1)</sup></b>
Candidates: 522
Admitted Candidates: 60
1 out of 9 candidates was admitted.

(1) As for August 2008, the 2008 admission process was in its final stage. 1,020 candidates applied to the Military Superior School; 582 to the Naval Superior School; and 415 to the Military Aviation School.

Source: Compilation based on information supplied by the above mentioned institutions. Entry to Academies: Forces, and Naval Superior School. The table strictly follows the order and hierarchy of the ranks shown on each country.

## The Armed Forces

### General Mission

The Armed Forces shall have the fundamental mission to preserve national sovereignty, defend the integrity and independence of the State, and guarantee its legal order. (Constitution, Sec. 183)

The Armed Forces, as part of the public forces, have the following mission: maintain national sovereignty, defend the integrity, the unity and independence of the State; and guarantee the legal and democratic order of the social rule of law.

Moreover, they shall collaborate with the social and economical development of the country; they can participate in economical activities exclusively related with the national defence; and, intervene in the rest of the aspects regarding national security, in accordance with the law. (*Ley Orgánica de la Defensa Nacional*, N° 74 – 2007/01/19, Sec. 2)

### Specific Missions

#### Army

Organize, train, equip and maintain the military land power, as well as participating in the processes which guarantee the national defence and its institutional development.

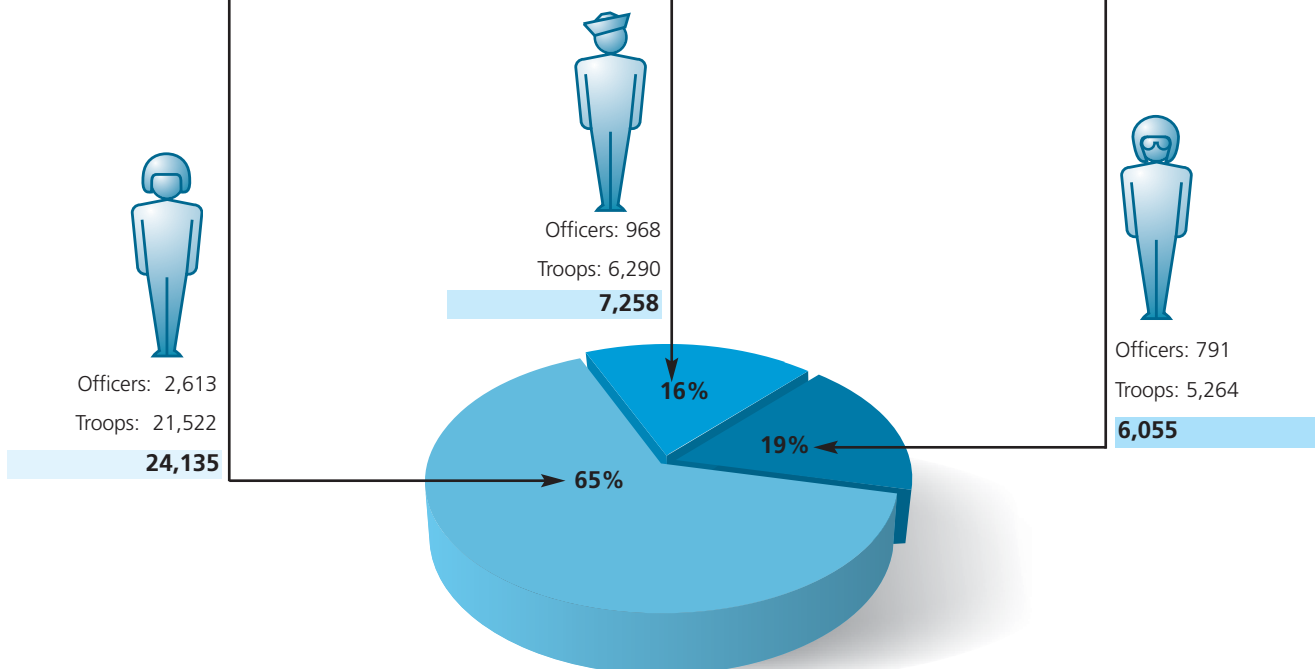
#### Navy

Organize, train, equip and maintain the naval power, as well as to participate in the processes which guarantee the security of the Nation and foster its development to contribute to the execution and maintenance of the national objectives, in accordance with the planning foreseen for times of peace, conflict and war.

#### Air Force

Maintain the air space control and guarantee, along with the other branches of the Armed Forces, the sovereignty and integrity of the Ecuadorian State and support the socio-economical development of the country, mainly in the aeronautic environment.

### Total Armed Forces: 37,448



Source: *Política de la Defensa Nacional* (2006) (missions) and Directorate of Personnel of each Force (Regular Forces). In the Ecuadorian system, the term troop includes the private rank up to the non-commissioned officer.



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1956	1977	2000
	Line Corps	2003	2003	2007
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.

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

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



Source: Directorate of Social Communication of the Land Force. The country to which the Attaché is posted is considered here as the Office, beyond other cross accreditations to one or many countries.



Analysis:

## Ecuador: Transformation of Defence and Restructuring of the Armed Forces

Pablo Celi\*

In a transitional context ranging from the decline to the renewal of the political system, the development of security and defence institutionalization in Ecuador falls within the political reform framework. This reform seeks to be defined by the Constituent Assembly, the only legislative instance in force in the country since the closure of the National Congress, endowed with a full-power mandate for restructuring the political system, and whose resolutions will be submitted to a national referendum.

Beyond this political and institutional scenario, two moments have imbued the definition of the Armed Forces missions, roles and functions: the peace accords with Peru<sup>1</sup> after the last war conflict (which wrapped up a long period of frontal crashes that conditioned the foreign policy and national defence priorities and the structure of the Ecuadorian military system for over half a century), and the growth of tensions in the Colombian frontier, as a result of the military pressure stemming from the Colombian internal conflict and its cross-border impacts.

Under the new external circumstances, Ecuador faces the necessity to harmonize security and defence policies and actions with the aims and guidelines of the country's foreign policy. In declarative terms of defence policy, the multidimensional and human security propositions have been considered as a political framework for the incorporation to a sub-regional scenario where multilateral cooperation has been affected by the use of force in the Colombian frontier. This process of sub-regional and neighbouring tensions influences the redefinitions to be implemented in the defence sector, and the orientation to be adopted by the

The development of security and defence institutionalization in Ecuador falls within the political reform framework.

\* Central University of Ecuador.

<sup>1</sup> Adopted in 1998, after the 1995 Cenepa War.



national defence system, in its political, doctrinal and regulatory aspects under current discussion and restructuring.

## The Defence Policy and the Institutional Reform - Background

As a background of the process of the defence sector reform, is the first edition of the White Book (the National Defence Policy, 2002) which was updated between 2005 and 2006. The Book posed the transformation of the defence sector and the restructuring of the Armed Forces, as well as the necessity to advance towards structural reforms embracing the judicial, intelligence, administration and economy defence systems.

Since then, the emphasis has been put on the restructuring of the Armed Forces, aimed at the professionalization of the military condition, through the improvement of the legal framework relating to leadership, missions, roles and duties. Thus, a new design in the structure was settled, the Plan of Joint Strategic Capabilities, the Plan of the Armed Forces Reinforcement, the Strategic Financial Plan and finally, a special law for the Restructuring of the Armed Forces.

Among the considered innovations regarding the organizational and operational aspects, are the establishment of simpler and direct command lines towards the operative bodies; the conformation of organically complete units with fast deployment capacity; the enhancement of joint actions; and the development of peace operations and humanitarian assistance capacities. As to defence administrative related aspects, the implementation of an integral management system was posed; also were the rationalization of staff, intelligence, operations and logistics processes; the optimization of the use of physical and technological infrastructure; and the rationalization, systematization and standardization of materials within each Force, through the use of economy of scale in the regularly used items.

At the closing stages of the administration of Alfredo Palacio and pressed by the political transition announced by the oncoming Rafael Correa administration, the National Congress persisted during the last sessions in finding an agreed solution between the dominating traditional political sectors and the military High Commands. Thus, the National Defence Organic Law (substituting the Armed Forces Organic Law, 1990) and the Armed Forces Personnel Reforming Law were issued.

The juridical corpus contained in the Defence Law established a new legal framework for the military institution, regarding its aims and missions; it rules its functioning, management and institutional structuring. The organic structure of the national defence, defined as a system, integrates the Armed Forces within an organic hierarchy that modifies the former adscription of the Ministry of Defence as an Armed Forces' body. The regulations also determine that the President of the Republic is the highest authority of the Armed Forces; those regulations determine that this constitutional function is exercised "as to the political-administrative aspects" through the Ministry of National Defence, and "as to the military-strategic aspects", along with the Joint Command of the Armed Forces.

■ The first edition of the White Book is a background of the process of the defence sector reform.

An important aspect – anticipated in the military legislation reform – is the enforcement of the military penal justice submission to its jurisdictional unit, in accordance with the constitutional rule and the Judicial Function and Public Ministry Organic Laws. Consequently, the administration of military justice would thus lose its independence and autonomy, though it would keep the military jurisdictions, through judges and courts linked to the general structure of the Judiciary Branch - to be established for the coordination of the National Judicial Council with the Ministry of Defence.

The legal order has maintained and broadened its constitutional mandate, including “the guarantee of the juridical and democratic order of the social Rule of Law”<sup>2</sup> within the scope of the Armed Forces missions. The formulation of this mission has been subject to a deep debate on the military role in current institutional crises within the Ecuadorian political system.

With regard to the military businesses, the law referred to the reorganization of the Armed Forces activities, directing them towards the purpose of the national defence, and restricting their constitutional attribution of supporting the social and economic development, on establishing that the Armed Forces “can exclusively participate in economic activities related to the national defence”<sup>3</sup>. In the same way, it prohibited the use of staff and goods in charge of the Armed Forces for private activities, remunerated or not. The implementation of this regulation would take for granted a capital disinvestment process from military businesses that are not associated with defence tasks, though the time of completion and the parameters to determine which businesses are related to security and national defence have not been established.

In concordance with the new Organic Law, the Armed Forces Personnel Law Amendment was issued, which tackled the establishment of a professional and stability system for the military institution members and their legal security. This law completed the sector’s legal framework, specifying the military personnel’s rights, categories, ranks, hierarchies, training, promotion, service times and professional stability in the military career. The Armed Forces labour regulations are completed through the salary homologation process with the public administration, which seeks to give an economic retribution to the military personnel under a salary unification system, similar to the one in force for the whole State administration.

## Governance Priorities and the Current Scenario

Under the new governance conditions, and within the context of the transformations discussed by the Constituent Assembly, many of these institutional processes and legal reforms have been deferred - subject to a renewed, never-ending debate along with the previous defence sector reform process. At the same time, security and defence issues have gained special importance, given the frontier zone tension conditions and their particular relation with the Armed Forces issue.

<sup>2</sup> *Ley de Defensa Nacional*, N°74, Sec. 2, Quito, Republic of Ecuador, January 19, 2007.

<sup>3</sup> *Ibid.*

■ The Defence Law established a new legal framework for the military institution, in 2007.



In the face of the frontier zone insecurity conditions - due to the effects of the Colombian conflict -, the Government designed the Plan Ecuador for the sake of security, thus integrating peace, security and frontier zone development components. On the basis of such a plan, a link is outlined between defence policy and a human security view, with the purpose of protecting the population, the natural resources, and the national patrimony and, of carrying out an effective territorial control.<sup>4</sup>

The Plan Ecuador, introduced as an alternative security model, without militaristic characteristics, has a preventive and multidimensional approach that is based upon human development and citizen security; its fundamental cores are: the institutional enhancement for the sake of peace and development; the economic and employment reactivation; the improvement of basic social infrastructure, the sustainable management of natural resources; the administration of justice and crime control; the human rights, humanitarian assistance and refugee protection; and the protection of the State's sovereignty and integrity.<sup>5</sup> On the basis of the Plan, the Government has announced the restructuring of the Security, Defence and Armed Forces sectors, as a consequence of critical events in the neighbouring relations with Colombia and their impact on the military performance, in areas like, for instance, intelligence (subject to a deep restructuring process).

The reforms about security and defence - originally put forward by the Armed Forces and received by the Ministry of Defence for their later presentation in the Constituent Assembly -, comprise such aspects as the inclusion of a special chapter on security in the Constitution - which defines the State's security system, the structure and functions of the Security Council, and those of the Public Force (conformed by the Armed Forces and the National Civil Police). This security system would include multiple supporting systems: Civil Defence, Red Cross, Firefighters, Transit Workers, Municipal and Metropolitan Police, Security Companies, Civil Aviation, Merchant Navy, and Port Authorities. The proposal maintains the relation between security and development, the Armed Forces function of contributing to maintaining the Rule of Law, and the specific jurisdiction of the public force. It assigns extensive functions to the state of emergency; while at the same time, proposes the voluntary military service and the military vote, through defining the military as "uniformed citizens".

■ The reforms about security and defence comprise such aspects as the inclusion of a special chapter on security in the Constitution.

### Critical Aspects of the Approach to the Sector Reform

Without a definitive statement from the constituent body, it is important to highlight some critical aspects of the defence sector reforms, due to their implications for the political leadership and the institutional structure of the Armed Forces.

<sup>4</sup> *Plan Ecuador*, Government of Ecuador, Quito, April 2007.

<sup>5</sup> *Ibid.*

Over the last years, efforts have been made for the sake of the professionalism of the Armed Forces and the National Police, through regulations that institutionalize the military and police functions within a public administration system that is accountable and democratically controlled. The attachment to the concepts of domestic and external security is a reminiscence of the old national security doctrine and its social control mechanisms. State security have to be outlined in strict correspondence with its public security and national defence particular spheres, to which the professional functions of the Armed Forces and the Civil Police have to adjust; the latter being specific institutions within public administration still causing confusion under the naming of “public force”.

The Armed Forces restructuring process – seen as an overall process – demands the overcome of the confusing transposition of security functions in several governmental levels. Under its influence, multifunctional bodies prevail - aside from the harmful confusion of roles, tending to the “policialization” of the military and the militarization of the police. Likewise, the search for an effective professionalism involves the discrimination of security and development fields. Security functions have not to intermingle or mix up with the economic development model, including the natural and strategic resources, and the public companies system. The specialization in functions inherent in the Armed Forces and the Civil Police avoids the interference in areas that denaturalize their roles, divert their attention and resources, distort their functioning and structure and, end up denaturalizing and discrediting such institutions.

From the supposition that the Armed Forces are responsible for the legal and constitutional order, serious distortions have arisen. The Armed Forces assist in maintaining the Rule of Law exclusively through the strict realization of their specific functions; therefore, it is expectable that the old tutelary formula is eliminated unequivocally, which has remained in a conservative fashion within the constitutional charter.

Nowadays it is imperative that the institutional and functional development of the national defence system is enhanced through the review of their organization, structure, strategic direction and operative control. The expectation is focused on the rationalization of the military apparatus, subject to political, doctrinarian and regulatory principles according to the national development, and to its incorporation to a sub-regional scenario of multilateral cooperation. This scenario turns out to be appropriate for the integration of a regional security system for conflict prevention, and the implementation of mutual confidence mechanisms that include transparency in the military field.

■ Nowadays it is imperative that the institutional and functional development of the national defence system is enhanced through the review of their organization, structure, strategic direction and operative control.



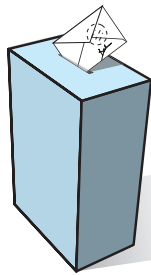
# El Salvador

## 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>

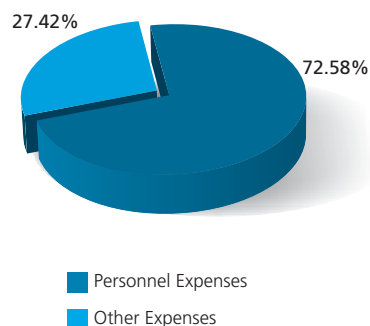
### Defence Budget 2008 (in Local Currency - US\$)

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>

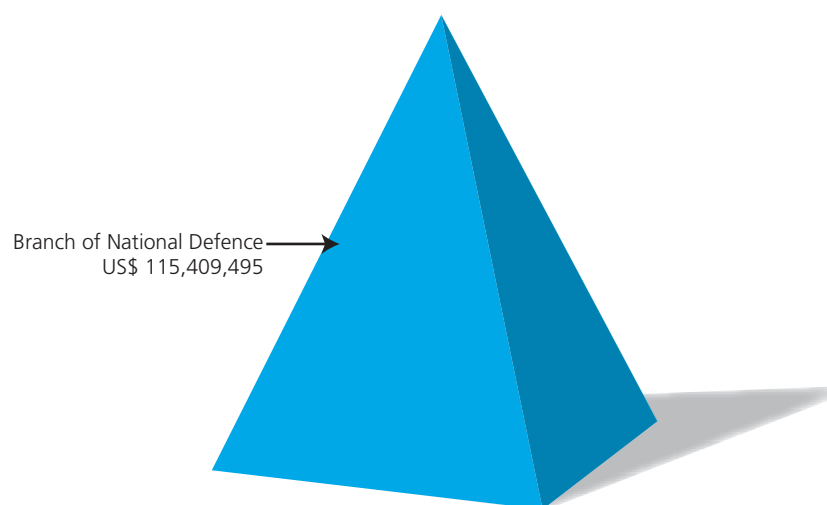
\* Budgetary Units.

\*\* 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.

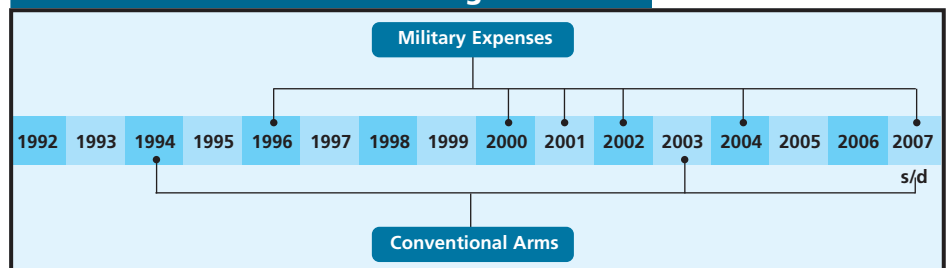
Source: Compilation based on the information supplied by the UN Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/contributors/>). Information as of June 30, 2008.

■ 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

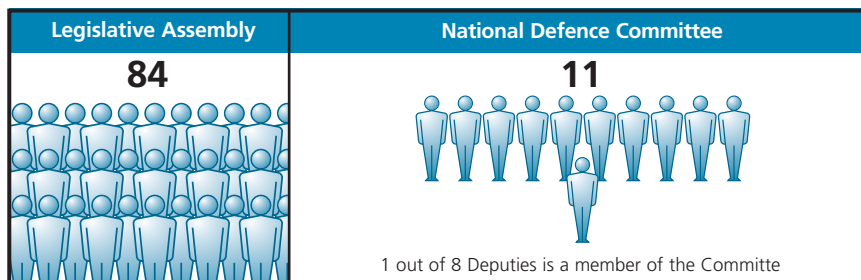
- Is its approval required to appoint senior officers of the Armed Forces?: No
- Can it accuse officers of the Armed Forces?: Yes <sup>(1)</sup>
- Can it try officers?: Yes
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: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

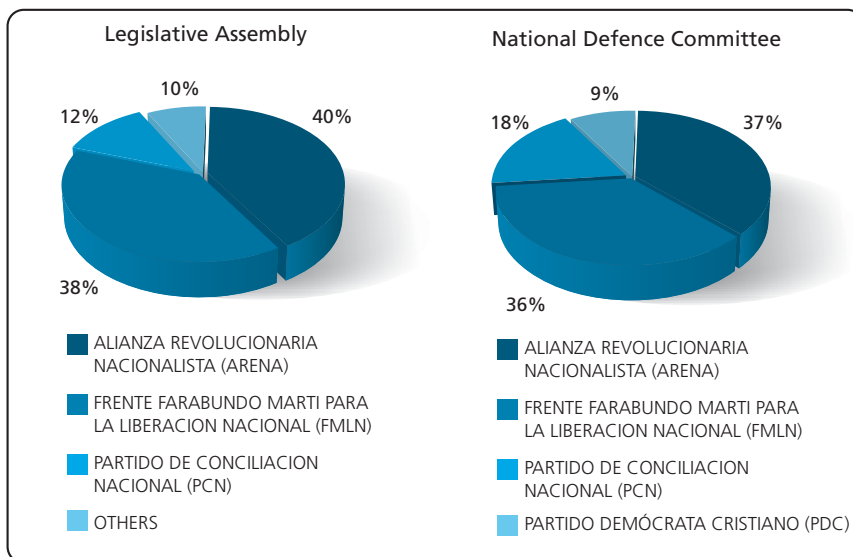
#### States of Exception

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.



**System Organization**

**Functions**

**State Powers Sphere**

The national defence system is composed by three levels: political guidance, management and execution. The political guidance level is headed by the President of the Republic and General Commander of the Armed Force which will have an Advisory and Work Group formed by the National Security Council.

The Legislative Assembly exercises the powers granted by the Constitution and is permanently involved in the defence issues through the Defence Committee.

**Ministerial Sphere**

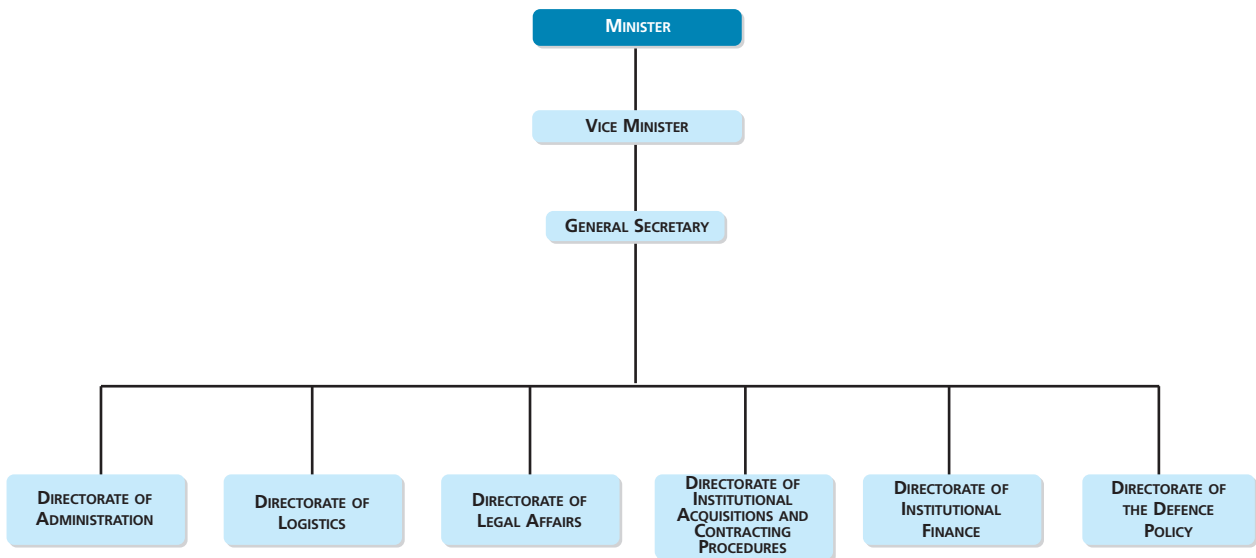
At guidance level, the Ministers shall be Directors of each Field of Action (internal, diplomatic, economic and of military action) and they will have an Advisory and Work Group available. Within the military action, the Minister of National Defence is the Director; the Joint Chiefs of Staff of the Armed Force is the Advisory Group and the Joint Command of the Armed Force is the Work Group. The Ministry of National Defence is the President's main advisory body, regarding national defence.

**Military Sphere**

The execution of the directives corresponds to the branches of the Armed Force. The Joint Command of the Armed Forces is the highest planning, preparation and strategic conduction body of the Armed Force. The institutional support units provide the means for the general support of the Armed Force at fulfilling their mission.

*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).

**ORGANIZATION CHART**



*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.

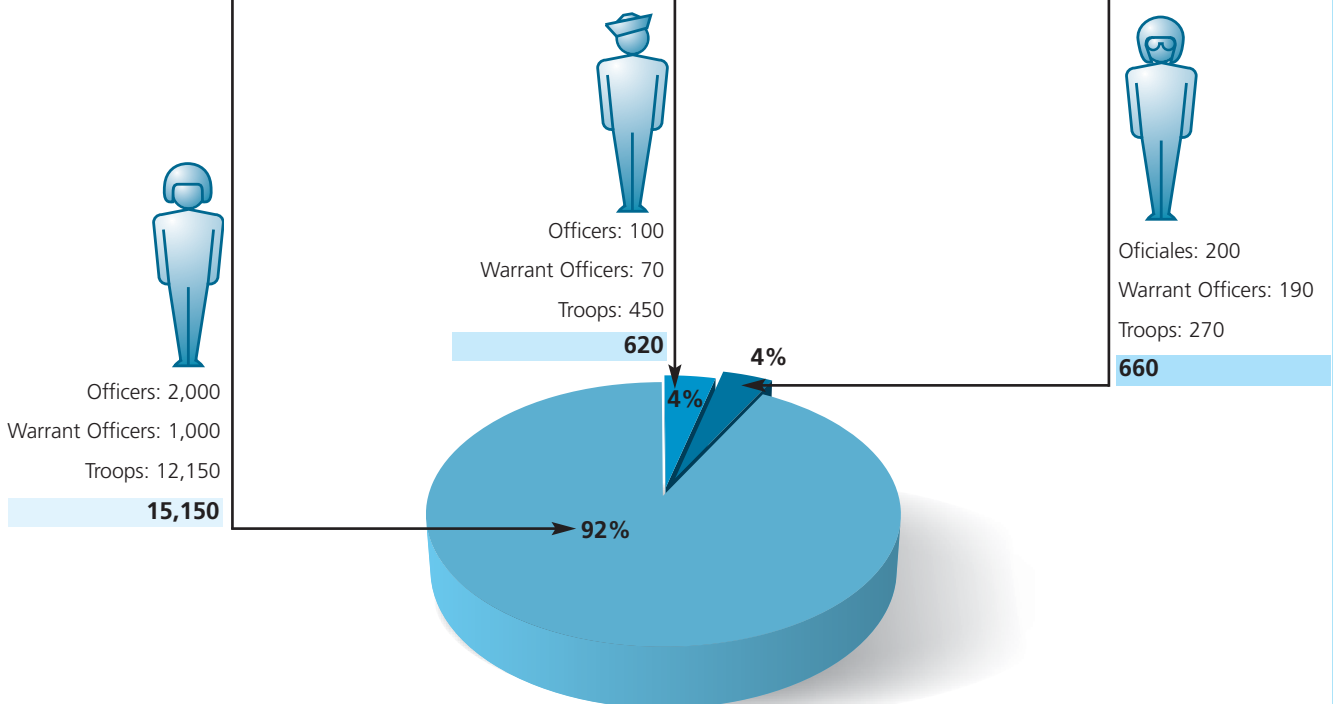
#### Navy

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 Tópe” (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.



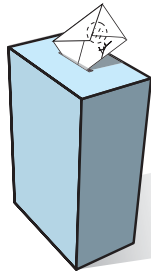
# Guatemala

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Constitutive Act of the Guatemalan Army (Decree N° 72-90 - 1991/01/17)</li> <li>- Executive Body Act (Decree N° 114-97 - 1997/11/13)</li> <li>- General Bureau of Civil Intelligence Act (Decree N° 71-2005 - 2005/10/12)</li> <li>- Framework Act on the National Security System (Decree N° 18-2008 -2008/04/15)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Code (Decree N° 214 - 1878/09/15. Last Reform: Decree N° 41-96 - 1996/07/10)</li> <li>- Act on the Support to Civil Security Forces (Decree N° 40-2000 - 2000/06/16)</li> <li>- Civil Service Act (Decree N° 20-2003 - 2003/06/17)</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) Five years after retiring.

Source: Constitution.

## International Treaties

On Hemispheric Security	On Disarmament	On Human Rights and Justice	On the Hemispheric System
<ul style="list-style-type: none"> <li>- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1955/04/06</li> <li>- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Unratified</li> <li>- Framework Treaty on Democratic Security in Central America: Signature: 1995/12/15 Deposit: 1999/10/28</li> </ul>	<ul style="list-style-type: none"> <li>- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1970/02/06</li> <li>- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/26 Deposit: 1970/09/22</li> <li>- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 2003/02/12</li> <li>- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1999/03/26</li> <li>- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Signature: 1972/05/09 Deposit: 1973/09/19</li> <li>- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Accession: 1988/03/21</li> <li>- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 1983/07/21</li> <li>- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2003/02/05</li> <li>- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2001/07/03</li> <li>- Nuclear-Test-Ban Treaty (CTBT): Accession: 1999/09/20</li> </ul>	<ul style="list-style-type: none"> <li>- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1978/05/25</li> <li>- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/24 Deposit: 2000/02/25</li> <li>- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/10/27 Deposit: 1987/01/29</li> </ul>	<ul style="list-style-type: none"> <li>- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1955/04/06</li> <li>- Antarctic Treaty: Accession: 1991/07/31</li> </ul>

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	42,535,455,246	Local currency	1,265,303,130
US\$	5,251,290,771	US\$	156,210,263
		GDP's %	0.44
2008 GDP (in US\$)	35,729,000,000	% of the State Budget	2.97

### Defence Budget 2008 (in Local Currency)

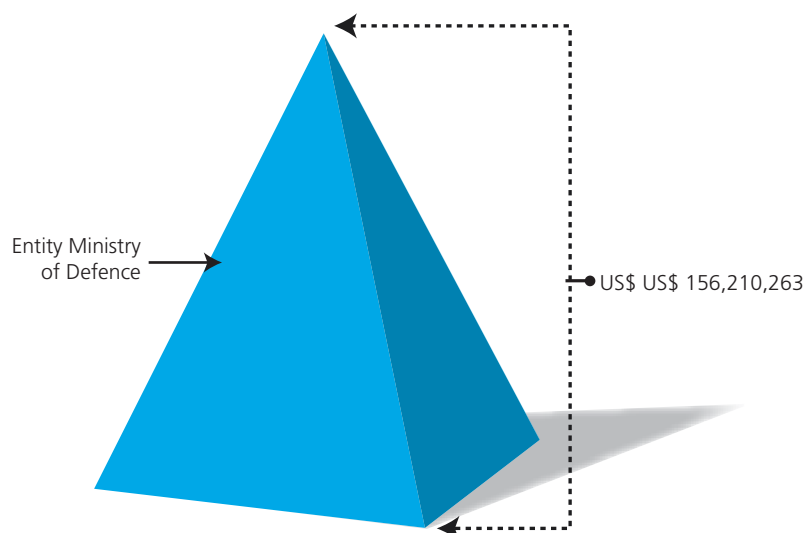
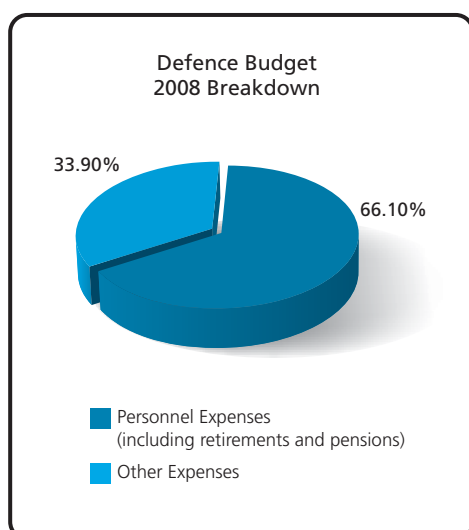
Programs	Personnel Services	Non-Personnel Services	Materials and Supplies	Others*	TOTAL
<b>Ministry of the National Defence</b>					
Central Activities	177,431,971	15,353,630	45,590,541	21,565,681	259,941,823
Independence, Sovereignty and Integrity of the Territory**	301,318,620	10,562,686	203,841,381	1,679,270	517,401,957
Military Education	128,661,002	6,284,969	15,492,502	9,734,556	160,173,029
Military Health and Social Service	39,439,263	78,647	12,179,388	122,190	51,819,488
Construction and Cartography	30,187,332	787,648	12,925,762	863,754	44,764,496
Military Missions Abroad	23,497,244	27,515,645	17,521,170	5,011,088	73,545,147
Regulation of National Water Spaces	5,799,221	1,121,976	2,087,655	244,739	9,253,591
Items non-assignable to programs***	0	0	0	148,403,599	148,403,599
<b>TOTAL</b>	<b>706,334,653</b>	<b>61,705,201</b>	<b>309,638,399</b>	<b>187,624,877</b>	<b>1,265,303,130</b>

\* Includes Property, Plant, Equipment, Intangible Items and Current Transferences.

\*\* Ground Defence: Q 252,011,611; Air Space Defence: Q 61,258,527; Defence of Territorial Waters: Q 45,183,275; Reserves: Q 20,131,444, Military Modernization and Equipment: Q 138,817,100.

\*\*\* Contribution to the Assistance Center for the Handicapped Members of the Army: Q 9,500,000; Contribution to the Foundation for the Institutional Development of Guatemala: Q 1,800,000; Contribution to the Military Veterans Association of Guatemala: Q 5,000,000; Contribution to the Institute of Social Services: Q 131,652,013; Contribution to the International Hydrographic Organization: Q 266,306, and Contribution to the CFAC: Q 185,280.

### Composition of Defence Budget 2008



Source: Compilation based on the General Budgetary Law for Incomes and Outcomes/Expenses of the State for 2008 Fiscal Year. 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 seller's exchange rate average is 7.70 Quetzales, based on the information provided by the Bank of Guatemala. 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>The external security field belongs to the defence of independency and sovereignty, integrity of the territory, peace, and the maintenance and strengthening of international relations.</p> <p>It works under the responsibility of the President through the Ministries of Foreign Affairs and Defence. Within the performance and coordination of the external security field, the content of the international treaties and agreements to which Guatemala belongs shall be considered.</p> <p>Regarding foreign policy, it is aimed at preventing and counteracting threats and risks which could politically affect the country and are produced by external factors.</p> <p>As regards national defence, it develops the Nation's defence policy and guarantees the summon and mobilization of civil defence.</p> <p>(Ley Marco del Sistema Nacional de Seguridad, Decree N° 18-2008, 2008/04/15, Sec. 20)</p>	<p>The internal security field includes, in a preventive and direct manner, the set of risks and threats from organized crime and common delinquency, in defence of the democratic State under the rule of law. It works under the responsibility of the President through the Ministry of Government.</p> <p>(Ley Marco del Sistema Nacional de Seguridad, Decree N° 18-2008, 2008/04/15, Sec. 19)</p>

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINUSTAH (Haiti)	—	118
MONUC (Dem. Rep. of Congo)	4	105
UNAMID (Darfur)	—	2
UNIFIL (Lebanon)	—	1
UNMEE (Ethiopia and Eritrea)	1	—
UNMIN (Nepal)	2	—
UNMIS (Sudan)	2	1
UNOCI (Ivory Coast)	5	—

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

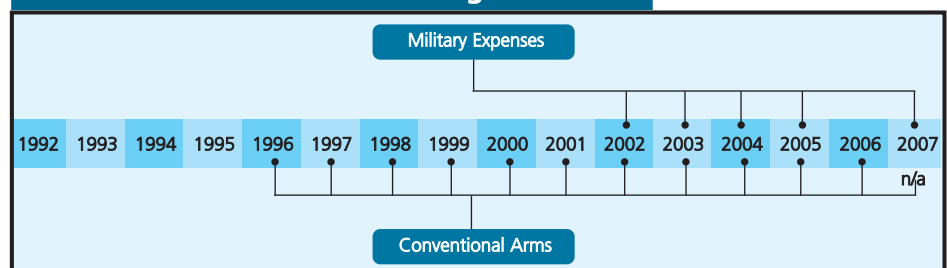


MO: Military Observers - CT: Contingent Troop.

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.

■ Guatemala provides 241 military members to UN peace operations, which represents a 3.79% of the total amount of the Latin American contribution and a 0.31% 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

■ 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.

### 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

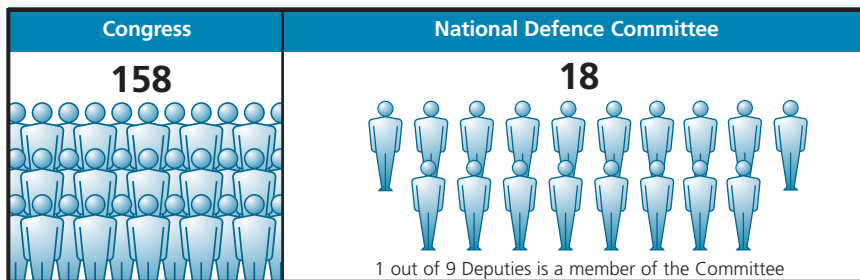
- Is its approval required to appoint senior officers of the Armed Forces?: No
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: N/R
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

N/R: No reference.

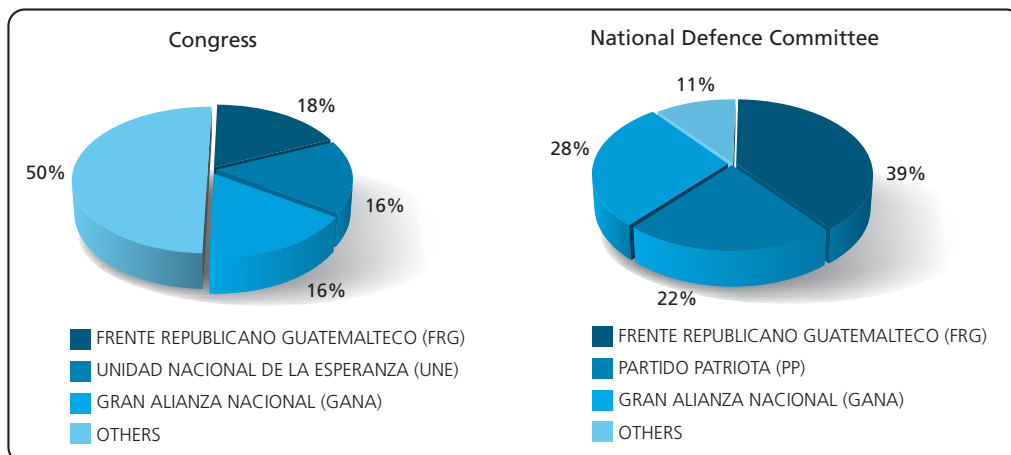
#### States of Exception

Name: State of prevention  
State of alarm  
State of public calamity  
State of siege  
State of war  
Cause: Invasion of the territory  
Grave disturbance of the peace  
Activities against the security of the State  
Public calamity  
Participation of the Legislative Power: The Congress can ratify, modify or dismiss it.

Source: Compilation based on the Constitution.



### Breakdown of Parties



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



**System Organization**

**Functions**

**State Powers Sphere**

The President of the Republic is part of the High Command of the Army and governs it in the role of Commander General. It is within its competence to maintain the territorial integrity and the dignity of the Nation, as well as to provide for the defence and security.

The National Security Council advises the President on the decision-making process, as to security matters and, defines security policies and strategies. It is composed of the Vice-President of the Republic, the Ministers of Foreign Affairs, Government and National Defence, the Secretary of Strategic Intelligence of the State and the Attorney-General.

The National Congress exercises the faculties conferred by the Constitution of the Republic and permanently overviews those issues related to the defence through the Commission for the National Defence.

**Ministerial Sphere**

The Ministry of Defence – also part of the High Command of the Army – is the governing body in charge of formulating the policies or guidelines that enforce the fulfillment of the defence related legal regime. Besides, it is the linking body between the Army and the other State bodies, and holds operative, administrative, and political-strategic attributions. The Ministry of Defence exercises the operational command (under the orders of the President) of the armed institution, and counts on the technical and advisory support from the General Staff of the National Defence – third and last partner of the High Command of the Army.

**Military Sphere**

The Chief of the General Staff of the National Defence is accountable to the Minister of Defence of the Nation for the command, organization, training, education, discipline, conduct, and the tactical and strategic use of the Ground, Air and Sea Forces.

Source: Compilation based on the Constitution, *Ley Marco del Sistema Nacional de Seguridad* (Decree N° 18-2008 – 2008/04/15) and *Libro de la Defensa Nacional* (2003).

**Date of Foundation**  
1945

**Current Minister (August 2008)**  
Marco Tulio García Franco

**Can the military members be Ministers of Defence?**  
Yes. According to the Constitution of the Republic, civilians cannot be Ministers of Defence

**Number of military members who were Ministers of Defence**  
11 (since 1996, year of the Lasting and Consistent Peace Agreements)

**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]

**Average permanence in the Minister of Defence position**  
**1 year**

**The Ministry of National Defence**

**Mission:**

The Ministry of National Defence is the body acting in the communication between the Army of Guatemala and the other State bodies.

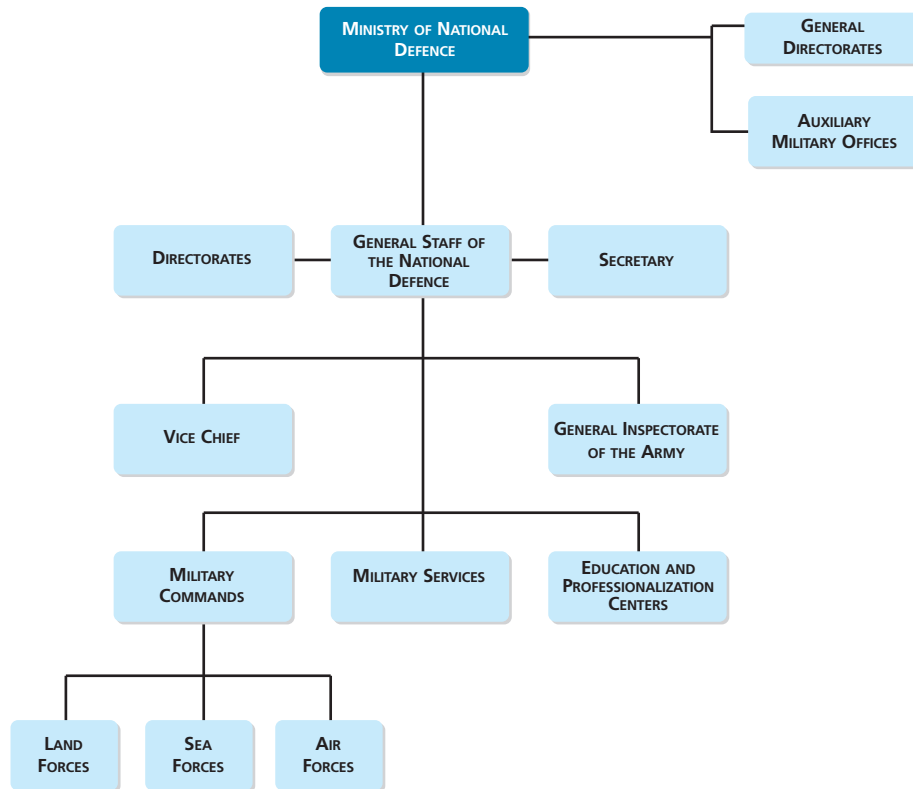
The Minister of National Defence, by orders of the President, shall manage and administer the Army of Guatemala.

**Functions:**

- Approve plans submitted by the National Defence Staff, regarding tactical and strategic use of the Army.
- Fulfill and enforce military rules and regulations.
- Oversight and control of public and private bodies and institutions which pursuant to law are authorized to hold licences of war weapons, equipment and supplies.
- Manage the acquisition, production, maintenance and improvement of weapons, equipment, ammunitions, livestock, outfit and other combat tools.
- Be responsible for the acquisition, maintenance and recovery of goods, rights and shares assigned to the Ministry of National Defence.
- Manage the acquisition, maintenance and conditioning of buildings, fortifications, aerodromes, naval facilities and other military facilities.
- Establish rules and oversee production, importation, exportation, consumption, storage, shipment, the lending of, transformation, transport, use, sale, acquisition, possession, preservation and carrying of any kind of firearms, ammunitions, explosives, flammable and other similar material.
- In cases in which Public Law is applicable, enforce the powers that the law grants to the Army of Guatemala.
- Perform, by publishing on the Army General Orders, the appointments and removals for military positions and put forward for the President of the Republic acting as the Commander-in-Chief, the government arrangements for the appointment of military members required by law.
- Fill military position vacancies, giving priority to military rank, competence and years of service of the candidates.
- Approve the general training plan and the syllabus of military professionalization and vocational education.
- Foster military studies for the members of the Army of Guatemala.

Source: Compilation based on *Ley Constitutiva del Ejército de Guatemala* (Decree N° 72-90 – 1991/01/17) and information supplied by the Ministry of National Defence.

ORGANIZATION CHART



Source: Ministry of National Defence.

Defence Education

Main Training Courses of Specialization in the Area

Training Course	Institution
- Degree of National Strategic Studies	ESTNA Centre (Foundation for the Institutional Development of Guatemala)
- Degree on Security and Regional Defence	Ministry of Defence (with the guarantee of San Carlos University, University Francisco Marroquín and Panamerican University)
- Basic Course on Democratic Security	Security in Democracy (SEDEM)
- Course of High Strategic Studies	Superior Command of Education of the Army

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



**Military Career**

ARMY	NAVY	AIR FORCE
<p><b>Polytechnic School</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences and Technology</p> <hr/> <p>Graduation Rank: Second Lieutenant</p>	<p><b>Polytechnic School / Naval School</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences and Technology</p> <hr/> <p>Graduation Rank: Second Lieutenant</p>	<p><b>Polytechnic School / Military Aviation School</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences and Technology</p> <hr/> <p>Graduation Rank: Second Lieutenant</p>
<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Lieutenant</p> <hr/> <p>Second Captain</p> <hr/> <p>First Captain</p>	<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Lieutenant</p> <hr/> <p>Frigate Lieutenant</p> <hr/> <p>Navy Lieutenant</p>	<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Lieutenant</p> <hr/> <p>Second Captain</p> <hr/> <p>First Captain</p>
<p><b>Staff College</b></p> <p><b>Command and General Staff School</b></p> <hr/> <p>Major</p> <hr/> <p>Lieutenant-Colonel</p> <hr/> <p>Colonel</p> <hr/> <p>Brigade General</p> <hr/> <p>Division General</p>	<p><b>Staff College</b></p> <p><b>Command and General Staff School</b></p> <hr/> <p>Corvette Captain</p> <hr/> <p>Frigate Captain</p> <hr/> <p>Navy-Captain</p> <hr/> <p>Rear-Admiral</p> <hr/> <p>Admiral</p>	<p><b>Staff College</b></p> <p><b>Command and General Staff School</b></p> <hr/> <p>Major</p> <hr/> <p>Lieutenant-Colonel</p> <hr/> <p>Colonel</p> <hr/> <p>Brigade General</p> <hr/> <p>Division General</p>

**Entry to the Polytechnic School  
– 2008 –**

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Candidates:  
459

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Admitted Candidates:  
187

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2 out of 5 candidates were 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 Guatemalan Army is an institution devoted to maintaining the independence, sovereignty and honour of Guatemala, the integrity of the territory, peace and internal and external security. The Army shall cooperate in emergency situations or public calamity. (Constitution, Sec. 244 and 249)

### Specific Missions

#### Army

Its primary mission is, in the land scope, the dissuasion and development of war, as well as the organization of the defence of the Nation for the preservation of sovereignty, independence and integrity of the territory.

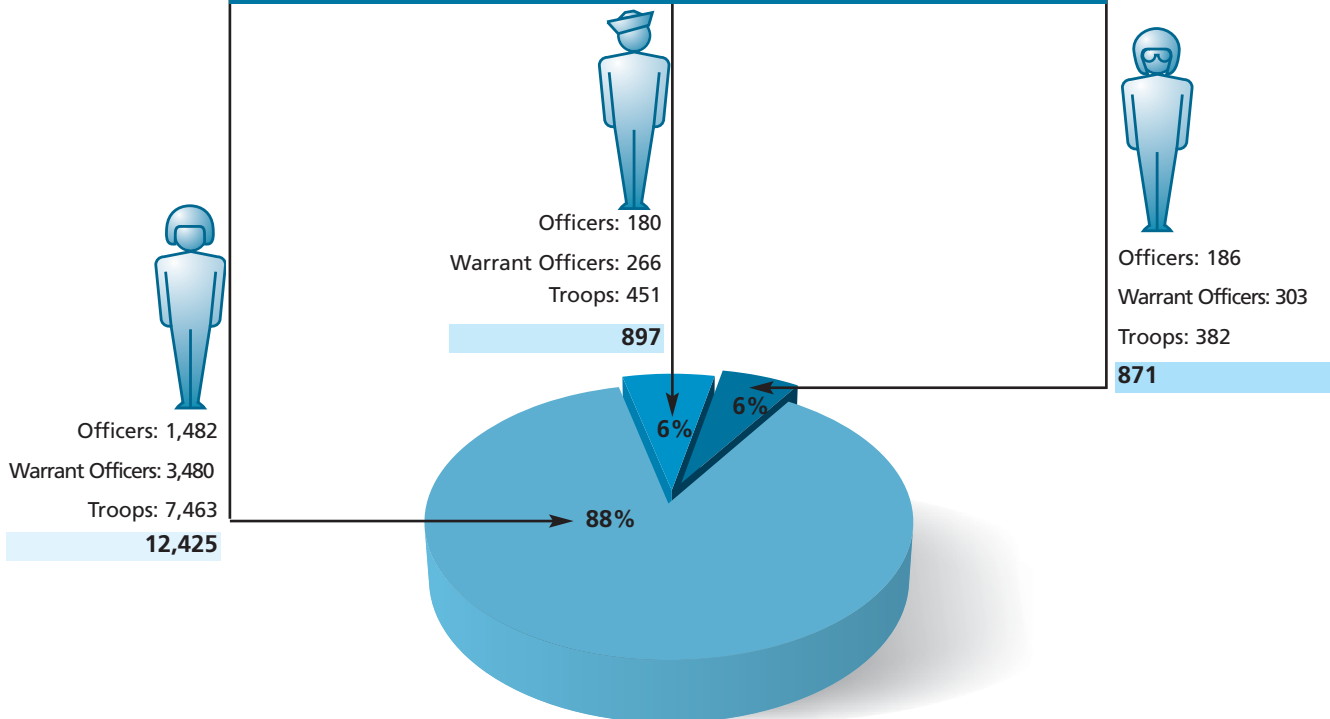
#### Navy

Its primary mission is to maintain the independence, sovereignty and honour of Guatemala, the integrity of the territory, peace and internal security in national marine spaces, as well as ensure the respect for the rights of its territorial seas and on the exclusive economic zone. In order to comply with this, the Sea Forces direct naval operations oriented to the application of national and international laws which establish the authority of the State in its marine spaces. Likewise, they carry out naval operations in times of war to defend Guatemala against attacks from the sea.

#### Air Force

Their primary mission is to direct operations to maintain and guarantee sovereignty of the national air space by means of air war, supporting the surface units, guaranteeing freedom of action to dissuade, neutralize or destroy any threat against national objectives.

### Total Armed Forces: 14,193



Source: Libro de la Defensa Nacional (2003) (missions) and the Ministry of National Defence (Regular Forces).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1967	1967	1967
	Line Corps	1997	2000	2001
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.

Source: Compilation based on information supplied by the Ministry of National Defence.

**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 Defence Reform in Guatemala

**Iduvina Hernández\***

■ Along with the subscription to the peace accords between the Government of Guatemala and the GNRU, *Unidad Revolucionaria Nacional Guatemalteca* (Guatemalan National Revolutionary Unity), a set of commitments tending to reform the security sector in Guatemala was established. In particular, the AFPC, *Acuerdo de Fortalecimiento del Poder Civil* (Peace Agreement on Strengthening Civil Society) and the Role of the Army in a Democratic Society, which poses a series of changes directed to the reform of the security sector, and the defence system within it.

This process has as a precedent the 1985 Political Constitution enforcement, and the institutionalization attempts conducted by the Ministry of National Defence itself. As from 1996, when the peace accords came into force, several efforts to foster the civil-military dialogue have been carried out, tending to give shape to the proposals for change settled in the AFPC (such as the project “Hacia una política de seguridad para la democracia” (Towards a Security Policy for Democracy), the POLSEDE project, and others that were boosted by the Ministry of Defence itself).

Those efforts, however, have apparently come across a dead end, when trying to produce significant changes and regulations are tied to the Constitutional text. That is to say, the whole of the efforts carried out in order to level the Ministry of Defence of Guatemala with its counterparts – from a democratic perspective –, have had to face a permanent hindrance: the constitutional mandate.

■ The reform efforts are hindered by the constitutional mandate.

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\* Executive Director of the Association for the Study and Promotion of Security in a Democracy (SEDEM).



The Political Constitution, in the article 224 (Chapter V, Army), establishes that “The Army of Guatemala is an institution designed to maintain the independence, sovereignty and honour of Guatemala, its territorial integrity, and its domestic and external peace and security”.<sup>1</sup>

This Constitutional statement has been the base, among others, of the Legislative Decree 40-2000, which authorized the joint patrolling between the Army and the PNC, Policía Nacional Civil (National Civil Police), a process whose evolution has led the Armed Forces in Guatemala to – strictly speaking - establish the struggle against delinquency and the performance of citizen security actions in their campaign plans. The Essential Elements of Intelligence for 2006, for instance, incorporated aspects related to citizen security, and the investigation to fight crime, functions that are legally assigned to the PNC and to the Ministry of Government.

On a different matter, the constitutional text, in chapter V, article 246 (Position and Attributions of the President), establishes that the Head of State “will impart orders by way of the general officer or colonel or their equal in the Navy, who is in exercise of the position of Ministry of National Defence”.<sup>2</sup>

Given that, this is the only specific reference to the profile of the Ministry of National Defence, the position should be occupied by an Officer of Guatemala’s Army, who holds the rank of Colonel, Air Marshall or General of Infantry, or Captain, Vice-Admiral or Admiral.

This situation becomes obscure with the Constitutive Law of the Army, according to which, during the transitory absence of the Ministry of Defence, their functions will be assumed by the General Staff Chief for the National Defence. That is to say, the professional technical leader of the Army of Guatemala instead of the Vice-Minister of the branch, as it happens with the rest of the government’s cabinet portfolios.

Another aspect to take into consideration in the reform processes is the right to vote for citizens who are part of the Armed Forces. In the Guatemalan case, article 248 of the Political Constitution poses that: “The active members of the Army of Guatemala can not exercise their right to vote or petition in matters of politics; nor can they exercise the right to petition collectively.”<sup>3</sup>

Due to this constitutional barrier, the people who are members of the Armed Forces are disabled to participate as voters in the electoral ballots, a situation that has been overcome in other countries, within the framework of the reform processes.

Conversely, those legislative aspects and ordinary regulations that affect the reform process in matters of defence can be solved through debate and political bargaining, in the framework of an integral effort and a programmatic planning that involve the different actors responsible for the political and technical leadership of the Armed Forces. This refers to the issues comprised in the Constitutive Law of the Army, as well as in the Military Code and the acts and regulations inherent to the functioning of the Armed Forces.

■ The Magna Carta’s statement has led the Armed Forces to establish the struggle against delinquency and the performance of citizen security actions in their campaign plans.

1. Political Constitution of the Republic of Guatemala, Chapter V, Article 244.

2. Ibid, Article 246.

3. Ibid, Article 248.

However, with regard to the constitutional order, the situation is more complex. The modification of the Ministry of Defence professional profile, the goals of the Army and the possibility to exercise the right to vote, requires a constitutional reform in at least three articles of the Constitution. That is a difficult hindrance to surpass, given the current circumstances. As to the legal aspect, the constitutional reform (once it has been politically agreed on), requires the qualified vote of two-thirds of the Congress of the Republic (integrated by 158 legislators). As soon as that reform has been passed, it should be submitted for ratification through a popular consultation process, in accordance with article 171 from the Constitution.

In 1997, a change was endeavoured, just when the constitutional reforms agreed in the peace accords - subscribed between the government of Guatemala and the URNG in 1996 - were boosted. An unclear process of legal reform, the inclusion of constitutional reforms by legislators - beyond what had been agreed -, and a belligerent campaign against the legal change, led to the rejection of the modification of the Constitution.

This outcome and a completely hostile political atmosphere toward the changes required to enforce what had been agreed in the peace accords, entailed – in practice – the accumulation of political difficulties, and obstructed the constitutional change needed to modify the functioning of the defence in Guatemala and, to contribute to the reform process required by the democratic institutionality.

In this sense, the changes produced in several spheres and aspects of the defence in Guatemala have not implied a deep process of division of the political and technical functions of the leadership. The Ministry of Defence and the Army are still part of an only linear structure, with an established hierarchy stemming from the President, as Commander General of the Army, who commands the Army through the Ministry of Defence (who in turn has to be a military officer).

Thus, as long as the ordinary regulations, the structure and the functioning of the armed forces are modified, it will be possible to advance towards the reform of the sector. However, these efforts may turn out to be foiled, if a deep legal reform - needed to develop the institutionality of changes - is not completed, and if the legal hindrances that it currently faces are not overcome.

The coming into force of the Security Framework Law, establishes the parameters for the functioning from a systemic perspective, and enhances the possibilities of civil management of the defence system. Such law, considers the creation of the National Security Council, the construction of a national intelligence system that would coordinate all the agencies within this sphere; and it also establishes the democratic control mechanisms over the security services in Guatemala.

However, in virtue of the constitutional limitation explained above, this law can not surpass the padlock that establishes the leadership of the defence by a military official. In that sense, it continues to be a pending matter, if the reform process is to be completed.

■ In March 2008, the National Security System Framework Law was sanctioned.



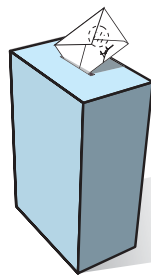
# Honduras

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Constitutive Act of the Armed Forces (Decree N° 39-2001 - 2001/10/29/)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Code (Decree N° 76 – 1906/03/01. Last reform: Decree N° 47 - 1937/01/22)</li> <li>- Act on Social Security Benefits for the Armed Forces (Decree N° 905 - 1980/03/27)</li> <li>- Military Service Act (Decree N° 98-85 - 1985/08/22)</li> <li>- Personnel Act for the Members of the Armed Forces (Decree N° 231-2005 - 2005/10/11)</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	Yes <sup>(1)</sup>

(1) The Constitution mentions the possibility of running for elections in the cases not prohibited by the law (Sec. 37), but it establishes they cannot be elected Deputies (Sec. 199) or President (Sec.240).

Source: Constitution.

## International Treaties

<p><b>On Hemispheric Security</b></p> <ul style="list-style-type: none"> <li>- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1948/02/05</li> <li>- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1950/02/07</li> <li>- Framework Treaty on Democratic Security in Central America: Signature: 1995/12/15 Deposit: 1997/12/18</li> </ul>	<p><b>On Disarmament</b></p> <ul style="list-style-type: none"> <li>- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1968/09/23</li> <li>- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1973/05/16</li> <li>- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/13 Deposit: 2005/08/29</li> <li>- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1998/09/24</li> <li>- 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: 1979/03/14</li> <li>- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2003/10/30</li> <li>- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2004/11/23</li> <li>- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 2001/12/18 Unratified</li> <li>- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/25 Deposit: 2003/10/30</li> </ul>	<p><b>On Human Rights and Justice</b></p> <ul style="list-style-type: none"> <li>- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1977/09/08</li> <li>- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/10 Deposit: 2005/07/11</li> <li>- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/03/11 Unratified</li> <li>- Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife: Signature: 1957/12/18 Deposit: 1960/10/14</li> <li>- International Criminal Court: Signature: 1998/10/07 Deposit: 2002/07/01</li> <li>- Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1986/06/06</li> </ul>	<p><b>On the Hemispheric System</b></p> <ul style="list-style-type: none"> <li>- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/02/07</li> </ul>
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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	61,031,063,326
US\$	3,167,154,298
<b>2008 GDP (in US\$)</b>	<b>13,779,000,000</b>

### Defence Budget 2008

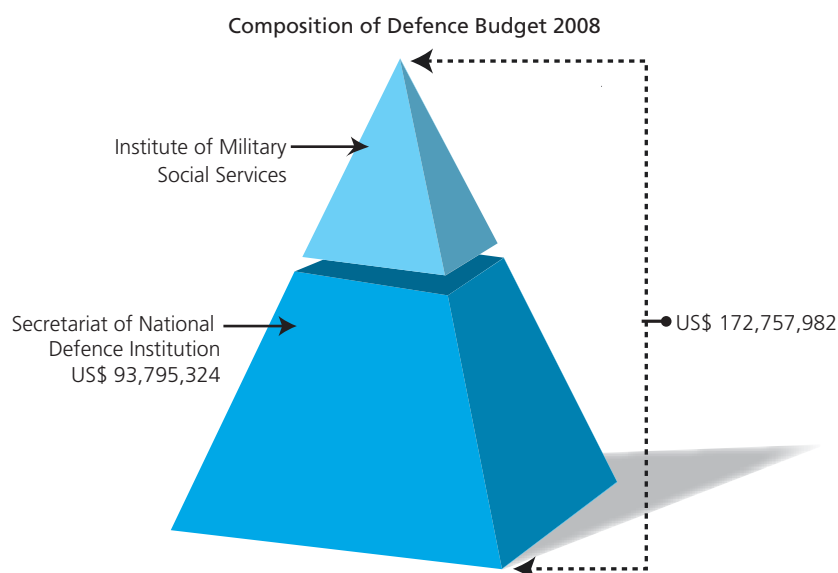
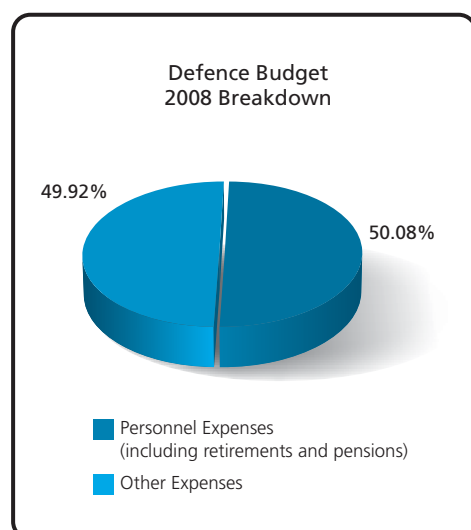
Local currency	3,329,046,306
US\$	172,757,982
<b>GDP's %</b>	<b>1.25</b>
<b>% of the State Budget</b>	<b>5.45</b>

### Defence Budget 2008 (in Local Currency)

Institutions	Personnel Services	Non-personal Services	Materials and Supplies	Others*	TOTAL
<b>Secretariat of National Defence</b>					
Central Activities	248,812,980	3,349,164	4,063,349	71,267,800	327,493,293
Army	727,388,965	20,761,121	128,532,438	46,663,600	923,346,124
Air Force	183,960,610	6,894,522	40,914,235	1,439,800	233,209,167
Naval Force	117,837,003	3,787,246	31,557,253	496,600	153,678,102
Joint Chiefs of Staff	84,919,042	18,439,547	60,895,125	5,455,499	169,709,213
<b>Institute of Military Social Services**</b>	227,381,224	19,703,148	4,206,000	1,270,320,035	1,521,610,407
<b>TOTAL</b>	<b>1,362,918,600</b>	<b>72,934,748</b>	<b>265,962,400</b>	<b>1,395,643,334</b>	<b>3,329,046,306</b>

\* Includes Goods subject to Capitalization, Transferences, Financial Assets and Public Debts Service.

\*\* The contribution from the Secretary of Defence to the Institute is deducted from the category "Others".



Source: Compilation based on the General Budgetary Decree-Law for Incomes and Outcomes of the Republic for Fiscal Year 2008. The State Budget passed by the Congress by means of the above mentioned legislation 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 seller's exchange rate average is 19.03 Lempiras, based on the information provided by the Central Bank of Honduras. 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>Defence is defined as a set of actions and capacities aimed at guaranteeing territorial integrity, sovereignty and independence of the country. National defence is focus on preventing and neutralizing external threats which jeopardize national interests.</p> <p><i>(Libro de la Defensa Nacional, 2005)</i></p>	<p>Security is a multidimensional concept which encompasses several aspects of the national reality. It is a guarantee for development as long as it generates the adequate conditions for productive investment and the creation of employment. Security is responsibility of the State and it creates co-responsibility, participation and public appropriation of the society in the defence and maintenance of common security.</p> <p><i>(Libro de la Defensa Nacional, 2005)</i></p>

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURSO (Western Sahara)	12	—

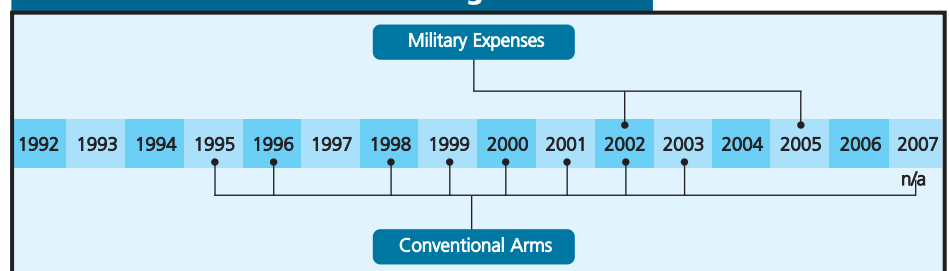
■ The Regional Training Centre for UN Peacekeeping Operations (CREOMPAZ), headquartered in Guatemala, was founded on June 8, 2005.

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.



### Submissions to the UN Registers



■ Honduras provides 12 military members to UN peace operations, which represents a 0.18% of the total amount of the Latin American contribution and a 0.01% of the world total.

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.

■ Honduras published the *Libro de la Defensa Nacional* (National Defence Book) in 2005.



### 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?: Yes
- Is a congressional authorization necessary to make peace?: Yes <sup>(1)</sup>
- 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

(1) It is the Legislative Power itself which has the referred power.

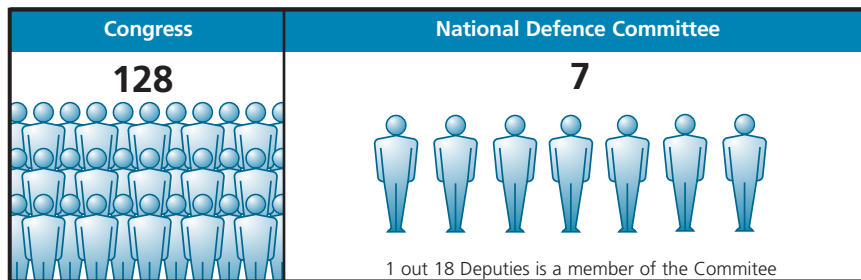
#### Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: Yes
- 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

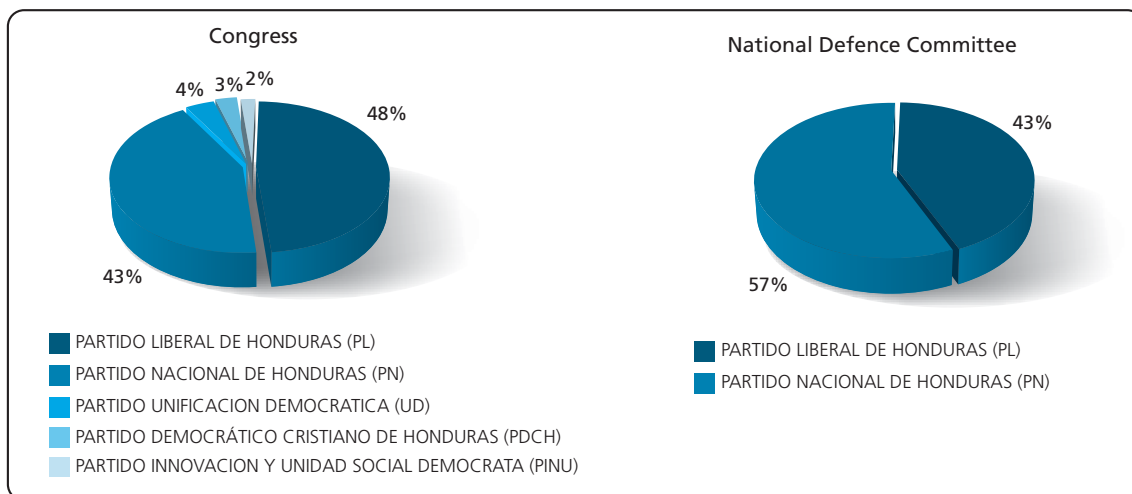
#### States of Exception

Name: State of siege  
 Cause: Invasion of the national territory  
 Grave disturbance of the peace.  
 Epidemics or any general calamity  
 Participation of the Legislative Power: The Congress can ratify, modify or dismiss the decree sent by the President within thirty days.

Source: Compilation based on the Constitution.



#### Breakdown of Parties



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



**System Organization**

**Functions**

**State Powers Sphere**

The President of the Republic is the highest authority in matters of national security and defence. As the Chief of State and Commander General of the Armed Forces, it is within its competence the direction of all aspects related to the defence of the country, in terms of its policies and management, exercising in turn, the direct command of the Armed Forces. The National Defence and Security Council performs an advisory role. The National Congress exercises the faculties conferred by the Constitution of the Republic and constantly overviews those questions related to the defence through the Commission on National Defence.

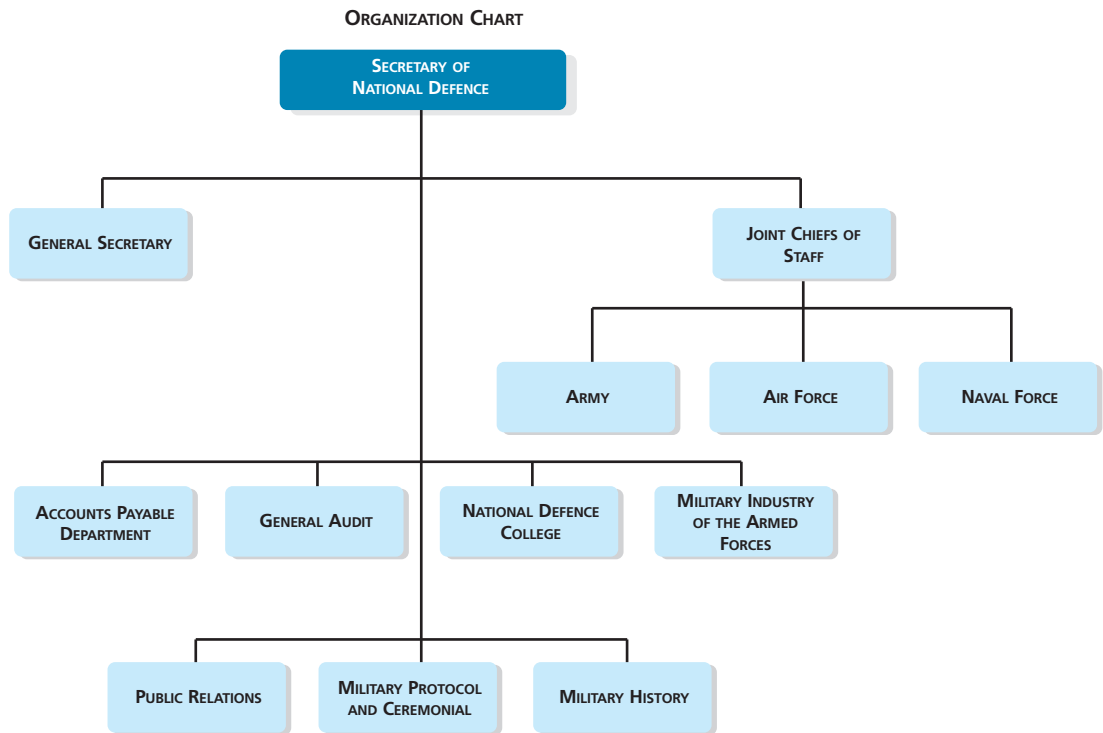
**Ministerial Sphere**

The Secretary of National Defence is responsible for the due implementation of the National Defence policy. Supervises, inspects and exerts control on the organization and performance of the Armed Forces, and sets up as the administrative body of military institutions. The Joint Chiefs of Staff of the Armed Forces is the superior military technical advisory, planning, coordination and supervision body, and it depends on the Office of the Secretariat of National Defence. It is composed of a Chief and a Vice-chief, a General Staff of Coordination, a Special General Staff, and a Personal General Staff. The Chairman of the Joint Chiefs of Staff of the Armed Forces is appointed and discharged freely by the President, from among the members of the Board of Commanders of the Armed Forces.

**Military Sphere**

The Command of the Joint Chiefs of Staff is the body that executes orders, instructions and dispositions issued by the Commander General and the Secretary of National Defence Office. It performs the operative command of the Armed Forces. The Board of Commanders of the Armed Forces is the advisory body on all the matters related to the Armed Forces, a decision-making body in matters within its competence and a Supreme Court of the Armed Forces in those issues that are submitted to its consideration. It is conformed by the Chairman of the Joint Chiefs of Staff - who presides it - the Vice-Chairman of the Joint Chiefs of Staff, the Inspector General and the Commanders General of each Force.

*Source:* Compilation based on the Constitution, *Ley Constitutiva de las Fuerzas Armadas* (Decree N° 39-2001 - 2001/10/29) and *Libro de la Defensa Nacional* (2005).



*Source:* *Libro de la Defensa Nacional* (2005)

## The Secretariat of National Defence

### Mission:

The Secretariat of National Defence is in charge of the management, formulation, coordination, execution, oversight and assessment of policies related to national defence.

### Specific Responsibilities:

- Guarantee that the Armed Forces properly execute the national defence policy.
- Represent Honduras at defence international bodies.
- Authorise, issue rules, and oversee production, importation, exportation, storage, lending of, transportation, purchasing and selling of weapons, ammunitions, explosives and other similar tools pursuant to law.
- Regarding the Armed Forces affairs: act as administrative body; countersign decrees, agreements, instructions and decisions issued by the Armed Forces Commander; manage the military service compliance affairs pursuant to law; and secure the preparation and implementation of plans and programs to support, development and use of the Armed Forces.
- Enforce the fulfillment of the Armed Forces' operation and development programs.
- Commission the elaboration or update of national defence plans.
- Suggest to the President all rank promotions from Second Lieutenant up to, and including Captain or its equivalents, upon resolution on compliance of requirements from the Joint Chiefs of Staff.
- Oversee, audit, and exercise control over the organization and operation of the Armed Forces and others set forth by law

■ Average permanence  
in the Secretary of Defence  
position  
**2 years and 3 months**

### Date of Foundation

1954

### Current Secretary (August 2008)

Aristides Mejía Carranza

### Can the military members be Secretaries of Defence?

Yes (if they have retired)

### Number of military members who were Secretaries of Defence

None (since 1998, year of the Constitutional reform)

### Number of civilians who were Secretaries of Defence

3 (since 1998, year of the Constitutional reform)

### Have there been any women in charge of the Secretariat of Defence?

No

Source: Compilation based on information provided by the Secretariat of National Defence and *Ley Constitutiva de las Fuerzas Armadas* (Decree N° 39-2001 - 2001/10/29).

[The Secretary 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]

## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
<ul style="list-style-type: none"> <li>-- Superior Course of National Defence</li> <li>- Masters on Central American Defence and Security (together with the University of El Salvador - Argentina)</li> </ul>	National Defence College

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



**Military Career**

**ARMY**

**Military Academy**

Duration: 4 years  
 Graduation Title: Graduate in Military Sciences  
 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

**Entry to the Military Academy - 2008 -**

Candidates  
 354  
 Admitted Candidates  
 173

1 out of 2 candidates was admitted

**NAVY**

**Naval Academy**

Duration: 4 years  
 Graduation Title: Graduate in Naval Sciences  
 Graduation Rank: Midshipman

**Academies of Intermediate Education**

Frigate Lieutenant  
 Navy Lieutenant

**Staff College**

**Command and General Staff School**

Corvette Captain  
 Frigate Captain  
 Navy-Captain  
 Rear-Admiral  
 Admiral

**Entry to the Naval Academy - 2008 -**

Candidates  
 170  
 Admitted Candidates  
 122

2 out of 3 candidates were admitted

**AIR FORCE**

**Military Aviation Academy**

Duration: 4 years  
 Graduation Title: Graduate in Aeronautical Sciences  
 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

**Entry to the Military Aviation Academy - 2008 -**

Candidates  
 523  
 Admitted Candidates  
 64

1 out of 8 candidates was admitted

Source: Compilation based on information supplied by the above mentioned institutions. Entry to Academies: Military Academy, Faculty of Naval Sciences and Military Aviation Academy. The table strictly follows the order and hierarchy of the ranks shown on each country.

## The Armed Forces

### General Mission

The Armed Forces are formed to defend territorial integrity and sovereignty of the Republic, maintain the peace, public order and the respect for the Constitution, the principles of free suffrage and the rotation of the Presidents of the Republic.

They shall cooperate with the National Police to keep the public order.

They shall cooperate with the Secretariats of the State and other institutions, at their request, in tasks of literacy, education, agriculture, protection of the environment, road systems, communications, health and agricultural reform. They shall participate in international peace missions, based on international treaties; provide logistical support on technical advice, communications and transportation in fighting drug trafficking.

They shall cooperate with personnel and means to face natural disasters and emergency situations which affect people and assets; as well as in protection and conservation programs for the ecosystem, and academic and technical training of their members, and other matters of national interest.

They shall also cooperate with the public security institutions, at the request of the Secretariat of Security, to fight terrorism, arms trafficking and organized crime, as well as in the protection of the powers of the State and the Elections Tribunal, at the request of these, in their installation and operation.

(Constitution, Sec. 272 and 274)

### Specific Missions

#### Army

The Army is the Force which contributes to defending territorial integrity and the sovereignty of the Republic in the land space.

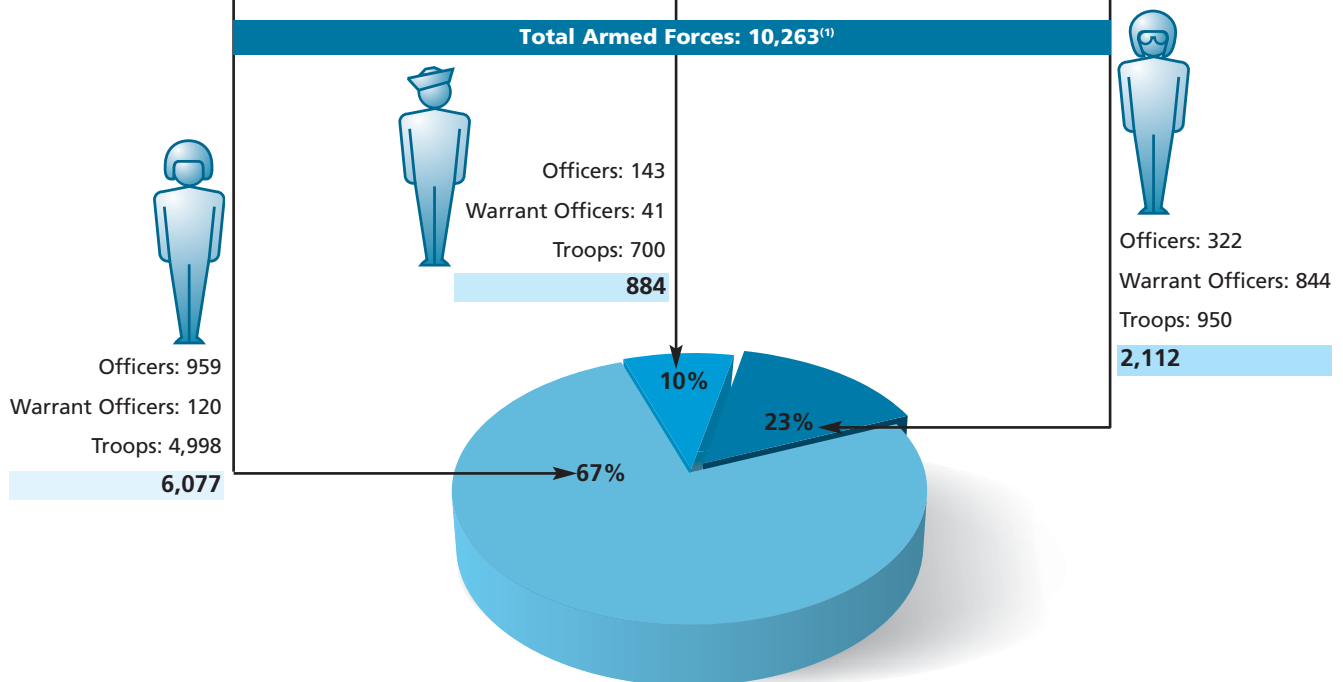
#### Navy

The Navy contributes to the compliance with the constitutional mission established for the Armed Forces, mainly in the maritime, fluvial and lacustrian space and in the insular territory, maintaining the security and control of the maritime coasts and borders and preserving maritime resources in territorial waters, in adjacent areas, exclusive economic zone and in the continental platform.

#### Air Force

The Air Force contributes to defending the territorial integrity and sovereignty of the Republic especially regarding the air space.

### Total Armed Forces: 10,263<sup>(1)</sup>



(1) Includes 1,236 members of the military in the Secretariat of National Defence, Joint Chiefs of Staff and other offices.

Source: Ley Constitutiva de las Fuerzas Armadas (Decree N° 39-2001 - 2001/10/29) (missions) and Secretariat of National Defence (Regular Force).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1970	1975	1970
	Line Corps	1998	1998	1996
Rank reached		Colonel	Navy Captain	Colonel

“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 information supplied by the Secretariat of National Defence.

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



Source: Information supplied by the Secretariat 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:

## Civilian Management and Control: A Democratic Challenge

**Leticia Salomón\***

The twenty seven years passed since the beginning of the transition towards democracy in 1980, present very clearly the evolution of the defence issue in Honduras, and its transformation according to the changes that have been occurring at the national, regional and international level. The most outstanding fact is the development that took place regarding the so-called military reform, which started with institutional outward changes (restitution of civil control over the Police and other State institutions, outlining of the military jurisdiction competences and exclusion of the mandatory military service, among others) and went on with institutional inward changes (elimination of the figures of the Commander of the Armed Forces and of the Superior Council on National Defence, appointment of civilians in the position of Secretary of Defence, and others).

The outward changes contributed to the substantial improvement of the institutional image towards the society, and to the repositioning of the Armed Forces in the process of democratic construction taking place in the country. The inward changes started the way to a substantial transformation of the Defence sector, which occurred quite extensively, but still has some pending issues (like the strengthening of civil institutionality in the Secretariat of Defence, the approval of a military code, the passage of a defence intelligence Act and the voluntary military service Act, participation on public and citizen security tasks, and others).

The existence of a process – unfinished, to some extent – of defence matters , and the external pressure to address threats coming from the international terrorism, plus the internal-external pressure to face the challenges from the organized crime; and the internal pressure to solve the insecurity problems that the country faces, are threatening to spoil again the image of the Armed Forces - a process

■ The military reform started with an outward and inward institutional change.

\* Research Associate at the Centro de Documentación de Honduras, Scientific Research Director at Universidad Nacional.



sustained by the weakness of the executive and legislative civil capacity to manage, define and control the defence sector activities.

We will look through some of the cruxes of the process of reinforcement of the civil capacities regarding defence matters.

### **The Defence Secretariat**

For many years the Defence Secretariat has been an appendix of the Armed Forces, a mere setting for paperwork and formalities regarding military issues, such as has happened in several Latin-American countries. The process of reform and the political decision to appoint civilians at the head of the Secretariat, have tuned out to be curbed by an old and ossified institutionality that does not cater the current requirements of a Defence Secretariat. To the aforementioned, we should add, the poor civilian presence in the intermediate ranks, which turns out to be a hindrance to the institutional restructuring that seeks to cover the gap between the Defence Secretariat and the Armed Forces, and to eliminate the barrier that restrains the Secretariat from being efficient in the use of its management faculties within the Armed Forces.

There are some key aspects as to which the Secretariat should fully exercise its management capacity and does not have the necessary technical instances (budget and intelligence activities, for instance). The urgent nature of the issue lies in identifying the importance of the civil management and the tasks inherent to this function, a job that has to be carried out more intensely and jointly with the political parties, so the Secretariat and, specifically, the civil management, are given the importance that democracy grants them.

### **The Parliamentary Defence Committee**

Similarly, the traditional significance of civilians in their relation with the Armed Forces is reproduced in the National Congress Defence Commission, supported by a general unawareness of the issue, its implications and its democratic requirements. There is no precision either on the defence activities control legislative function, including the budgetary issue, a situation that makes matters worse, with the small number of civil advisors directing legislator's activities.

Deputies, like the political figures of defence institutionality, drag the weakness of political parties concerning their positioning in defence issues - which demands certain prior preparation for the exercise of the political power. This worsens if a training process is not incorporated once the deputies have taken office and, if the Defence Commissions themselves are conformed by new legislators who have not experienced other legislatures.

■ The process has been limited by institutionality, which does not cater the modern requirements of a Secretariat of Defence.

### **The Defence Policy**

In order to attain an efficient, transparent and suitable public management, it is necessary to formulate the State policies, focused on participative processes that grant them the required legitimacy. In matters of defence, much has been the progress made with the publication of The Book of National Defence (2006), which



gathers basic information, and particularly, the State stance in delicate matters of defence.

Beyond the lines of this book, which was the outcome of an intense search and debate process at the national level, it is necessary that the President of the Republic and the Secretary of Defence issue the political guidelines that will regulate the performance of the Armed Forces. Nothing or little has been produced in this respect, what leaves an empty space easily occupied by the military initiative and the force of custom. The aforementioned sets the weaknesses seen in the defence management; which is a problem that stems from the cultural perception of the issue, and is shown in the institutional execution and the military autonomy to make decisions or to reach their approval by the civil management.

■ Training for defence is a key factor.

### Training in Defence

It is a key factor, to which a lot of attention should be paid. It deals about military training (leading to their professionalization) and civil training (leading to the reinforcement of management, control and support capacities). So far, those efforts are exclusively made in military venues, including the National Defence School, and currently, the National Defence University. A higher involvement is still lacking from state and private universities, so as to grant defence training opportunities coming from the civil sphere. It is not about establishing irretrievable differences between them, but about endorsing a margin of objectivity which, in turn, provide formation on the subject and provides their graduates with a critical view – to prevent them from becoming mere institutional defenders and forget of the significance and meaning of civil management and control of the defence. That will make possible that the Armed Forces take - in the long term - a correct stance in their democracy-granted position, with all the due legitimacy and respect they should take into consideration when carrying out their missions.

### The Defence Community

All the issues mentioned above pose the necessity of a Defence Community - which is under construction – that devotes itself to knowing, deepening, debating, researching and proposing about defence issues. It is about a community of citizens concerned in a specialized issue that is not easily accessed by the majority of the population. It requires discipline, dynamism and objectivity, in order to surpass the instrumental and defensive approach to the institution, to know its reality, to reach a universal approach that allows to see the international and regional trends, and to prevent their effect at the internal level.

To sum it up, we could say that the democratic challenge of managing and controlling the defence is more clearly situated on the civil side than on the military axis. In order to be able to address that challenge, efforts should be made from the civil society - within its various manifestations - and from the political spheres in the existing parties.



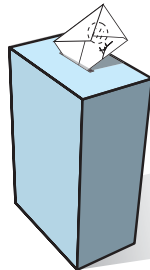
# Mexico

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Organic Law for Federal Public Administration (DOF 1976/12/29. Last reform: DOF 2007/10/01)</li> <li>- National Security Act (DOF 2005/01/31. Last reform: DOF 2005/12/26)</li> </ul>	<ul style="list-style-type: none"> <li>- Discipline Act of the Mexican Army and Air Force (DOF 1926/03/15. Last reform: DOF 2004/12/10)</li> <li>- Organic Act of Military Courts (DOF 1929/06/22. Last reform: DOF 1931/02/24)</li> <li>- Code of Military Justice (DNL N° 005 - 1933/08/31. Last reform: DOF 2005/06/29)</li> <li>- Military Service Act (DOF 1940/09/11. Last reform: DOF 1998/01/23)</li> <li>- Act which creates the Army and the Air Force University (DOF 1975/12/29)</li> <li>- Reward Act for Navy of Mexico (DOF 1985/01/14)</li> <li>- Organic Law of the Army, Air Force and Navy National Bank (DOF 1986/01/13. Last reform: DOF 2002/06/24)</li> <li>- Organic Law of the Mexican Army and Air Force (DOF 1986/12/26. Last reform: DOF 1998/01/23)</li> <li>- Discipline Act for the Personnel of the Navy of Mexico (DOF 2002/12/13)</li> <li>- Organic Act of the Navy of Mexico (DOF 2002/12/30)</li> <li>- Act on Promotions and Rewards of the Mexican Army and Air Force (DOF 2003/10/30)</li> <li>- Act for Checking, Adjusting and Calculating the Services for the Mexican Navy (DOF 2004/06/14)</li> <li>- Promotions Act for the Navy of Mexico (DOF 2004/06/25)</li> <li>- Military Education Act for the Mexican Army and Air Force (DOF 2005/12/23)</li> <li>- Act for Checking, Adjusting and Calculating the Services in the Mexican Army and Air Force (DOF 2006/02/09)</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	Yes
Are they entitled to become candidates for elections?	Yes	Yes <sup>(1)</sup>

(1) The members of the military on active duty cannot be elected Deputies unless they shall definitely have resigned from their position ninety days prior to the election (Political Constitution, Sec. 55) or Senator (Political Constitution, Sec. 58), or six months in the case of President (Political Constitution, Sec. 82). The law indicates that in order to occupy a post subjected to popular elections, the members of the armed forces shall request a special permit for that purpose.

Source: Constitution, *Ley Orgánica del Ejército y la Fuerza Aérea Mexicanos* (DOF 1986/12/26; last reform: DOF 1998/01/23) and *Ley Orgánica de la Armada de México* (DOF 2002/12/30).

## International Treaties

<p><b>On Hemispheric Security</b></p> <ul style="list-style-type: none"> <li>- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1948/11/23</li> </ul>	<p><b>On Disarmament</b></p> <ul style="list-style-type: none"> <li>- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1967/09/20</li> <li>- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/26 Deposit: 1969/01/21</li> <li>- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/13 Deposit: 1994/08/29</li> <li>- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1998/06/09</li> <li>- 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: 1974/04/08</li> <li>- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Signature: 1981/04/10 Deposit: 1982/02/11</li> <li>- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1998/06/01</li> <li>- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Unratified</li> <li>- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 1999/10/05</li> </ul>	<p><b>On Human Rights and Justice</b></p> <ul style="list-style-type: none"> <li>- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Accession: 1981/03/24</li> <li>- Inter-American Convention on Forced Disappearance of Persons: Signature: 2001/05/04 Deposit: 2002/04/09</li> <li>- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/02/10 Deposit: 1987/06/22</li> <li>- International Criminal Court: Signature: 2000/09/07 Deposit: 2005/10/28</li> <li>- Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1947/10/28</li> </ul>	<p><b>On the Hemispheric System</b></p> <ul style="list-style-type: none"> <li>- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1948/11/23</li> </ul>
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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	1,899,925,000,000
US\$	173,350,821,168
<b>2008 GDP (in US\$)</b>	<b>949,576,000,000</b>

### Defence Budget 2008

Local currency	51,579,409,059
US\$	4,706,150,462
<b>GDP's %</b>	<b>0.50</b>
<b>% of the State Budget</b>	<b>2.71</b>

### Defence Budget 2008 (in Local Currency)

Branches*	Personnel Services	Materials and Supplies	General Services	Other Current Expenses and Physical Investment	TOTAL
<b>Secretary of Defence Program</b>					
Command of the Mexican Air Force	1,946,752,698	318,006,667	267,979,074	0	2,532,738,439
National Defence Staff	2,555,507,195	176,372,181	160,102,878	0	2,891,982,254
Military Regional Commands	16,500,944,823	1,529,184,159	792,083,533	60,048,805	18,882,261,320
Military Industry General Directorate	390,915,283	231,910,122	115,594,562	0	738,419,967
General Audit of the Military Justice	177,028,569	4,907,484	5,700,993	0	187,637,046
Presidency of the Military Supreme Military Tribunal	100,384,658	1,641,103	647,547	0	102,673,308
General Directorate of Military Education	965,110,812	77,061,483	19,225,673	15,451,195	1,076,849,163
General Directorate of Health	2,715,227,967	379,858,330	28,846,855	0	3,123,933,152
Other General Directorates**	4,186,257,589	821,869,777	316,378,885	5,000	5,324,511,251
<b>Navy Program</b>					
Board of Admirals	12,856,169	219,600	0	0	13,075,769
Naval Board	8,189,724	128,100	0	0	8,317,824
Navy General Staff	261,792,926	22,395,000	6,424,200	0	290,612,126
Naval Forces, Regions, Zones and Sectors	6,725,082,694	1,170,283,815	470,980,839	0	8,366,347,348
General Directorate of Naval Constructions	129,707,600	100,676,900	5,678,500	338,000,000	574,063,000
General Directorate of Investments and Development	123,665,128	40,022,850	57,892,400	58,500,000	280,080,378
Other General Directorates***	2,212,393,055	463,307,594	289,275,079	631,552,400	3,596,528,128
Secretary****	200,097,885	6,295,242	47,328,400	0	253,721,527
<b>Institute of Social Security (ISSFAM)</b>	<b>203,517,083</b>	<b>20,088,658</b>	<b>1,381,866,081</b>	<b>1,730,185,237</b>	<b>3,335,657,059</b>
<b>TOTAL</b>	<b>39,415,431,858</b>	<b>5,364,229,065</b>	<b>3,966,005,499</b>	<b>2,833,742,637</b>	<b>51,579,409,059</b>

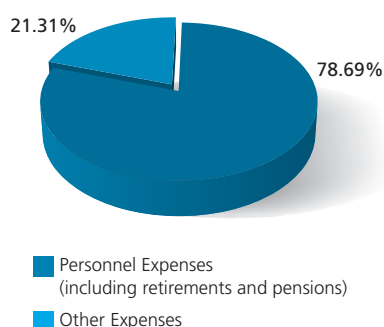
\* Responsible Units.

\*\* Administration, Factories of Outfits and Equipment, Engineers, Social Communication and Information Technology.

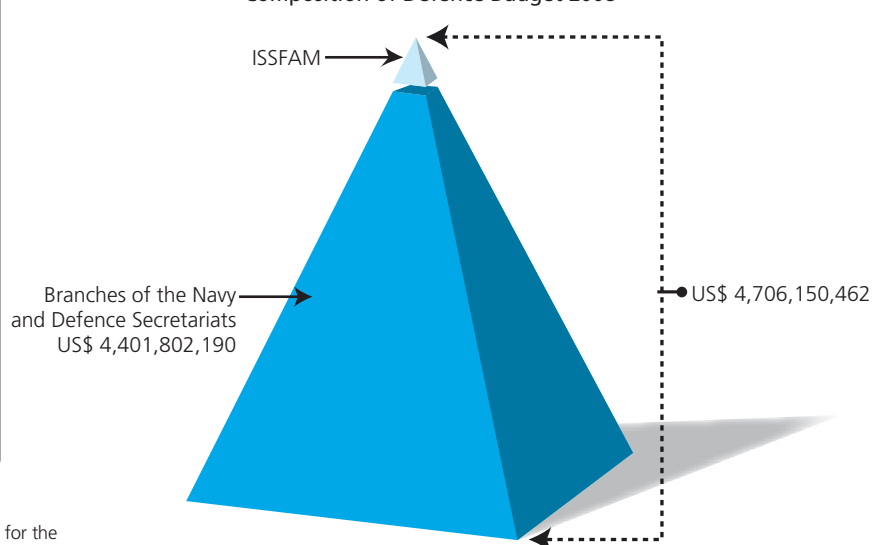
\*\*\* Administration and Finance, Services and Human Resources.

\*\*\*\* Includes responsible units of Under-Secretary, General Administration, Juridical Unit, General Inspection and Control.

Defence Budget  
2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the Outcomes Budgetary Act for the Federation, 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 10.93 Pesos, based on the information provided by the Bank of Mexico. 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.

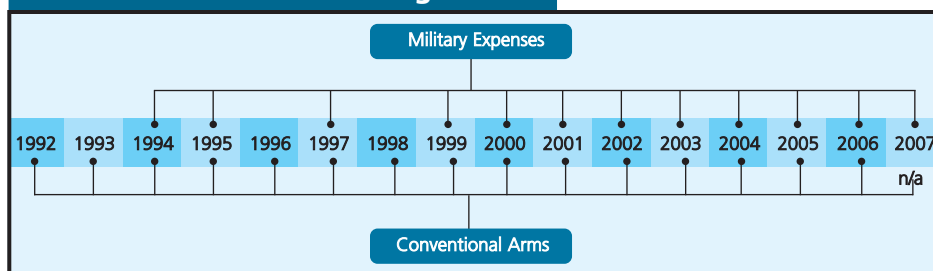


## Political Definitions

### Concepts

What is Defence?	What is Security?
<p>The Mexican State has the inalienable responsibility and objective to protect the integrity of the territory and preserve the sovereignty of the Nation. The long fight for becoming a free nation, a nation ruled by law, could not be considered as so without the Armed Forces.</p> <p>Guaranteeing the integrity of the national territory is a key imperative for Mexico's progress. The national borders, seas and coasts of the country must not become a channel for the operation of criminals.</p> <p>Actions against life, health, physical integrity and the patrimony of Mexicans must not be allowed in the national territory.</p> <p>(Plan Nacional de Desarrollo, 2007-2012)</p>	<p>National security refers to the actions destined, in an immediate and direct manner, to maintaining the integrity, stability and permanence of the Mexican State, which entails: the protection of the Mexican Nation against threats and risks the country might face; the preservation of national sovereignty and independence and the defence of the territory; maintenance of the constitutional order and empowerment of the democratic institutions of the government; maintenance of the unity of the parties which form the Federation; the legitimate defence of the Mexican State regarding other States or subjects of international law, and the preservation of democracy, founded on the economic, social and political development of the country and its inhabitants.</p> <p>(Ley de Seguridad Nacional, DOF 2005/01/31. Last reform: DOF 2005/12/26, Sec. 3)</p>

### 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.

### Constitutional Powers of the Congress

#### Related to War and Peace

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

(1) Corresponds to the Senate.

#### Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: Yes <sup>(1)</sup>
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes <sup>(2)</sup>
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes <sup>(2)</sup>

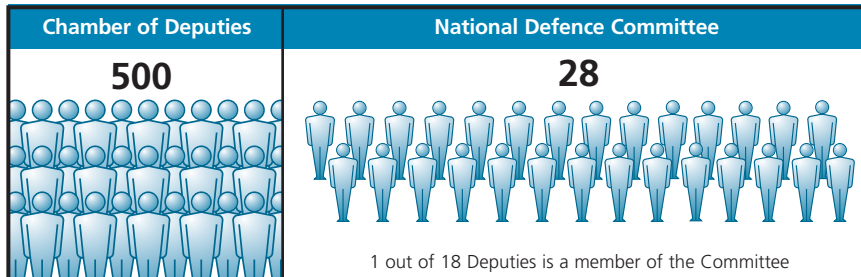
(1) Corresponds to the Senate.

(2) Corresponds to the Chamber of Deputies.

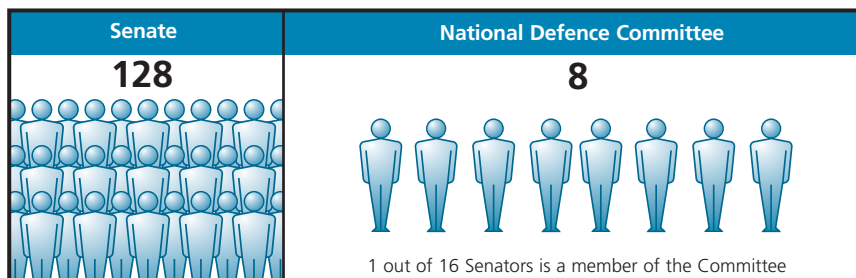
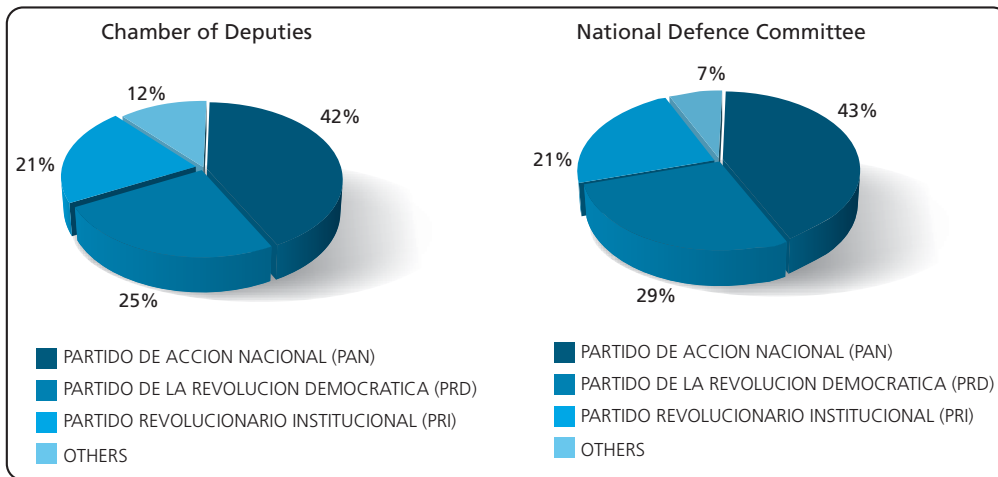
#### States of Exception

Name: Exception regime.  
 Cause: Invasion.  
 Grave disturbance of the public peace.  
 Any other issue which could put the society in grave danger.  
 Conflict.  
 Participation of the Legislative Power: Requires the approval of the Congress.

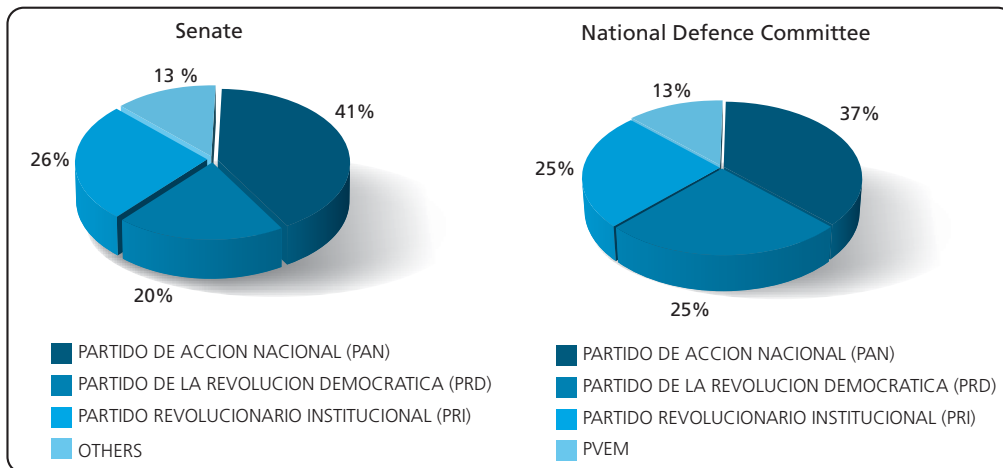
Source: Compilation based on the Constitution.



**Breakdown of Parties**



**Breakdown of Parties**



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



**System Organization**

**Functions**

*Source:* Compilation based on the Constitution, *Ley Orgánica de la Administración Pública Federal* (DOF 1976/12/29; last reform: DOF 2007/10/01), *Ley Orgánica de la Marina de México* (DOF 2002/12/30), *Ley Orgánica del Ejército y la Fuerza Aérea Mexicanos* (DOF 1986/12/26; last reform: DOF 1998/01/23) and *Ley de Seguridad Nacional* (DOF 2005/01/31; last reform: DOF 2005/12/26).

**Date of Foundation**

Secretariat of National Defence: 1937  
Secretariat of the Navy: 1940

**Current Secretaries (August 2008)**

Secretariat of National Defence:  
Guillermo Galván Galván  
Secretariat of the Navy:  
Francisco Saynez Mendoza

**Can the military members be Secretaries?**

Yes

**Number of military members who were Secretaries**

Secretariat of National Defence: 13  
Secretariat of the Navy: 15

**Number of civilians who were Secretaries**

Secretariat of National Defence:  
None  
Secretariat of the Navy: 3

**Have there been any women in charge of the Secretariats?**

No

[The Secretaries currently in charge are not considered]

**Average permanence in the Secretary of Defence/Navy position**

**Secretariat of National Defence:**  
5 years and 4 months  
**Secretariat of the Navy:**  
3 years and 8 months

*Source:* Compilation based on information provided by Secretariat's and the program's strategy of the *Ley de Presupuesto de Egresos de la Federación para el Ejercicio Fiscal 2008* (DOF 2007/12/13).

**State Powers Sphere**

The President of the Republic is the Supreme Commander of the Armed Forces; as such, will exercise the High Command of the Army, the Air Force, and the Navy. The National Security Council coordinates the actions oriented to the preservation of the national security. It is a deliberative instance which aim is to establish, determine and articulate the national security policy, as well as to design the outlines that allow the articulation of actions within its connected departments. The Council will meet periodically - every two months at least - at its President's request.

It is conformed by the President of the Republic -who presides it; the Secretary of Government - who is his Executive Secretary; the Secretary of National Defence, the Secretary of the Navy, the Secretary of Public Safety, the Secretary of Civil Service, the Secretary of Foreign Affairs, the Secretary of Communications and Transportation, the Attorney-General of the Republic and the Director General of the National Research and Security Centre. Council meetings will be confidential.

The National Congress exercises the faculties conferred by the Constitution and continually overviews those questions related to the defence, through the defence committee in both chambers.

**Ministerial Sphere**

The Secretary of National Defence exercises the High Command of the Army and the Air Force, in conformity with the instructions given by the President, is responsible for organizing, equipping, educating, training, qualifying, managing and developing the Ground and Air Armed Forces.

The Secretary of the Navy exercises the High Command of the Navy, in conformity with the instructions given by the President, is responsible for the organization, equipment, education, training, qualification, management and development of the marine Forces.

**Military Sphere**

The Chief of the National Defence Staff is the technical, operative, and close supporting body to the High Command, to whom it assists in planning and coordinating those issues related to the national defence and organization, training, operation and development of Ground and Air Armed Forces, and transforms decisions into directions, instructions and orders, thus verifying their fulfillment.

The General Staff of the Navy is the advisory body which assists the High Command in planning, coordinating, and supervising the required operations for the fulfillment of the attributions conferred to the Navy; it also transforms its decisions into directions, orders and instructions, and overviews their fulfillment.

**Secretariat of the Navy**

The Secretariat of the Navy, pursuant to the Organic Law of the Federal Public Administration, has among other duties, to safeguard the nation's sovereignty, by exercising the State's actions at Mexican maritime areas, islands, cays, reefs, continental slopes, including the pertaining air space, guaranteeing the defence of the Nation's interests, rule of law and public order maintenance, security provided to maritime traffic and protection of human life and its possessions in the sea.

Within the exercise of those powers, carries out surface, air-sea and maritime infantry operations; the protection of strategic facilities; surveillance to guarantee security on maritime traffic; protection of human life in the sea; lifesaving and rescue; weapons trafficking; fight against drugs and human trafficking; and civil defence in cases of disaster or emergency. These operations are led by the Commanders of the forces, regions, zones and naval areas.

**Secretariat of National Defence**

The Secretariat of National Defence is a political administrative body from the Federal Executive Power, whose specific powers are set forth by the Organic Law of the Federal Public Administration and in turn is the Supreme Headquarters of the Army and Air Force.

It is responsible for organizing, fitting, training and developing the land and air Armed Forces, through medium and short term programs allowing:

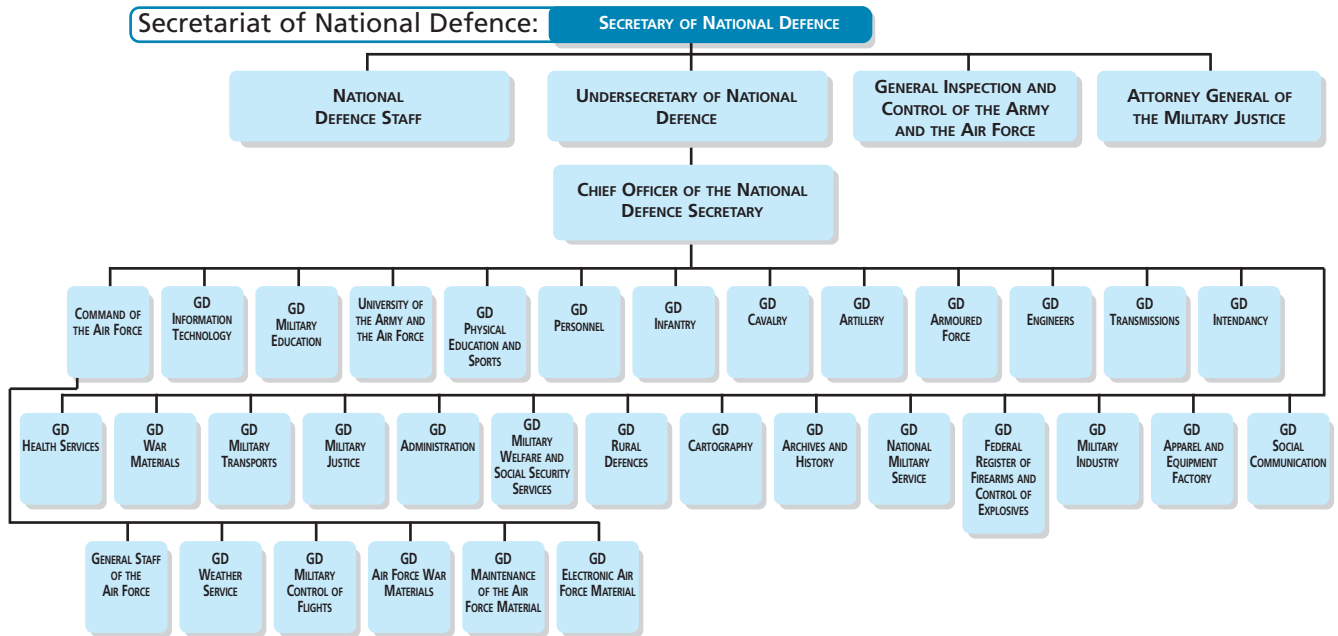
- The defence of the nation's integrity, interdependence and sovereignty.
- The guarantee of domestic security.
- Help to population in case of public needs.
- The performance of civic actions and community programs aimed at supporting the country's progress.
- In case of disaster, the provision of help for keeping the order, helping victims and their possessions and rebuilding affected areas.

It is in charge of several issues, besides the ones assigned by the Federal Executive:

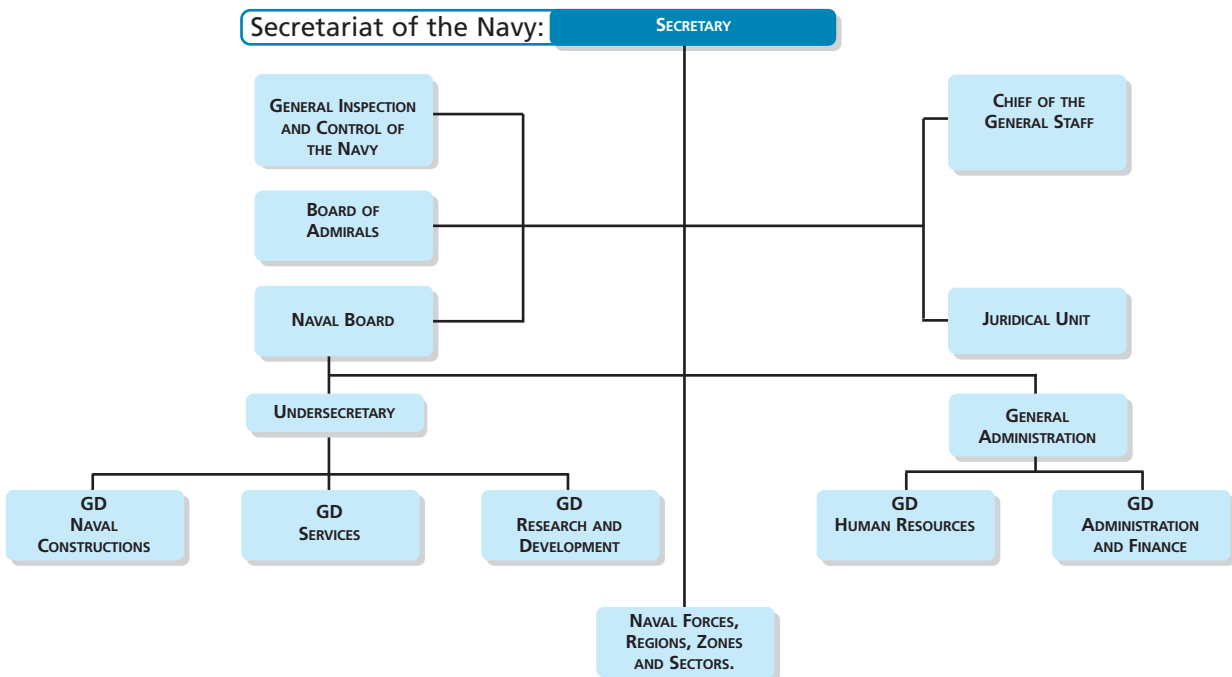
- Foster respect for human rights.
- Fight drug trafficking.
- Contribute on the fight against organized crime.
- Support public security activities.
- Maintain internal security.
- Provide security to vital facilities.
- Protect the environment and natural resources.

*Source:* Compilation based on information provided by Secretariat's and the program's strategy of the *Ley de Presupuesto de Egresos de la Federación para el Ejercicio Fiscal 2008* (DOF 2007/12/13).

ORGANIZATION CHART



Source: Compilation based on *Reglamento Interno de la Secretaría de Defensa* (DOF 1992/09/01). GD: General Directorate.



Source: Secretariat of the Navy. GD: General Directorate.



## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
- Masters on National Security	Centre for Superior Naval Studies
- Masters on Military Administration for National Security and Defence	National Defence College

Source: Compilation based on the information supplied by the web page of the above mentioned institutions

## Military Career

### ARMY

#### Heroic Military College

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Duration: 3 years

---

Graduation Title: Graduate in Military Sciences

---

Graduation Rank: Second Lieutenant

---

#### Academies of Intermediate Education

---

Lieutenant

---

Second Captain

---

First Captain

---

#### Staff College

#### Superior War School

---

Major

---

Lieutenant-Colonel

---

Colonel

---

General Brigadier

---

Brigade General

---

Division General

---

#### Entry to the Heroic Military College

– 2007 – <sup>(1)</sup>

Candidates: 2,787

Admitted Candidates: 350

1 out of 8 candidates was admitted

### NAVY

#### Heroic Naval Military School

---

Duration: 5 years

---

Graduation Title: Graduate in Naval Sciences Engineering

---

Graduation Rank: Midshipman

---

#### Academies of Intermediate Education

---

Corvette Lieutenant

---

Frigate Lieutenant

---

Navy Lieutenant

---

#### Staff College

#### Superior Centre of Naval Studies

---

Corvette Captain

---

Frigate Captain

---

Navy-Captain

---

Rear-Admiral

---

Vice-Admiral

---

Admiral

---

#### Entry to the Heroic Naval Military School

– 2008 –

Candidates: 4,036

Admitted Candidates: 420

1 out of 9 candidates was admitted

### AIR FORCE

#### Air College

---

Duration: 3 years

---

Graduation Title: Air Force pilot

---

Graduation rank: Second Lieutenant

---

#### Academies of Intermediate Education

---

Lieutenant

---

Second Captain

---

First Captain

---

#### Staff College

#### Superior War School

---

Major

---

Lieutenant-Colonel

---

Colonel

---

Group General

---

Wing General

---

Division General

---

#### Entry to the Air College

– 2007 – <sup>(1)</sup>

Candidates: 2,557

Admitted Candidates: 277

1 out of 9 candidates was admitted

(1) Year 2007. As for August 2008, the 2008 admission process was in its final stage. 2,503 candidates applied to the Heroic Military College, and 2,557 to the Air College.

Source: Compilation based on *Ley Orgánica del Ejército y Fuerza Aérea Mexicanos* (DOF 1986/12/26) and *Ley Orgánica de la Armada de México* (DOF 2002/12/30). Entry to Academies: Secretariat of National Defence and Secretariat of the Navy. The table strictly follows the order and hierarchy of the ranks shown on each country.



## The Armed Forces

### General Mission

Defend the integrity, independence and sovereignty of the Nation, guarantee internal security and external defence.  
 Help civil citizens in cases of public needs; carry out civic and social works aimed at the country's progress and in case of disaster, provide help for order maintenance, assistance to the people and their assets as well as with the reconstruction of affected areas.  
 Make use of the Federation's naval power for external defence, and render assistance for the country's internal security.  
 (Ley Orgánica del Ejército y Fuerza Aérea Mexicanos, DOF 1986/12/26, Sec. 1; Ley Orgánica de la Armada de México, DOF 2002/12/30, Sec. 1)

### Specific Missions

#### Army

- Defend the integrity, independence and sovereignty of the Nation.
- Guarantee internal security.
- Provide assistance to civilians in case of public need.
- Carry out civic actions and social works which support the progress of the country.
- In case of disaster, provide assistance to maintain the order, help people and their assets and rebuild affected areas.

#### Navy

Its mission is to use the naval power of the Federation for external defence and cooperate in the internal security of the country.

#### Air Force

- Defend the integrity, independence and sovereignty of the Nation.
- Guarantee internal security.
- Provide assistance to civilians in cases of public need.
- Carry out civic actions and social works which support the progress of the country.
- In cases of disaster provide assistance to maintain the order, help the people and their assets and rebuild affected areas.

### Total Armed Forces: 248,141

Officers: 11,018  
 Warrant Officers and Troops: 38,426  
**49,444**



20%

80%

Army and Air Force  
 Officers: 36,011  
 Warrant Officers: 95,105  
 Troops: 67,581  
**198,697**



Source: Compilation based on Ley Orgánica del Ejército y Fuerza Aérea Mexicanos (DOF 1986/12/26) and Ley Orgánica de la Armada de México (DOF 2002/12/30) (missions); Secretariat of the Navy and Ley de Presupuesto de Egresos de la Federación para el Ejercicio Fiscal 2008 (DOF 2007/12/13) (Regular Force).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1938	1938	1938
	Line Corps	2007	2008	2007
Rank reached		Brigade General	Admiral	Wing General

“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 *Ley Orgánica del Ejército y Fuerza Aérea Mexicanos* (DOF 1986/12/26), *Ley Orgánica de la Armada de México* (DOF 2002/12/30), and information provided by the above mentioned institutions.



Source: Information supplied by the Secretary of National Defence and Secretary of the Navy. 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 Mexican Armed Forces: Challenges and Structures in the Face of Democracy

■ Raúl Benítez Manaut\*

■ Unlike the rest of the military structures in Latin America, there exists in Mexico a peculiar military organization, inherited from the Mexican Revolution (1910-1920) and the way in which the conflicts were settled down, among the triumphant elites of such revolution.

The Mexican revolutionary regime had exceptional characteristics. It was built on a solid authoritarian regime, but the almost absolute power of the Armed Forces started to decrease from its core, to finally yield it to a new elite group, conformed by union leaders and peasants, a new middle class that gradually started to control the State administrative apparatus. The military ended up as a constituent of the State and the political system, unlike in the past, when they had been its articulating axis.

Over the decade of the 20s, between 40-60 percent of the national budget was allotted to keeping the revolutionary armies. In order to transcend the figure of autocratic governments, the northern leaders designed in 1929 the masterpiece of revolution: the *Partido Nacional Revolucionario*, (Revolutionary National Party), which would become the PRI, *Partido Revolucionario Institucional* (Institutional Revolutionary Party) in 1946. The revolutionary Generals ruled until 1946. That year – partly because of the aftermath of World War II, but mainly for considering the country to be institutionally consolidated – the power was passed onto a civilian, and a new civil-military relation era began. The country was governed by the PRI for seventy-one years (until 2000), along which four military and eleven civilians were in direct power.

■ There exists in Mexico a peculiar military organization, inherited from the Mexican Revolution (1910-1920) and the way in which the conflicts were settled down, among the triumphant elites of such revolution.

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\* Researcher at the Centre for Research on North America (CISAN), National Autonomous University of Mexico (UNAM).



■ The lack of a civilian minister for the Armed Forces and a Joint Chief of Staff is an outstanding fact.

In terms of the Armed Forces stance within the Mexican State apparatus, there is no Ministry of Defence as defined in a democratic government. The Secretary of National Defence (an active four-star General) is in turn the Commander-in-Chief of the Army and the Air Force. In other words, it is a Minister of the State and, at the same time, the most important military commander of the country. The Mexican Organic Law for the Army and the Air Force establishes that the Secretary of Defence should be an active Major General. In the case of the Navy, the SEMAR, *Secretaría de la Marina*, (Secretariat of the Navy) is in turn a Secretariat of the State and the Navy High Command. The Secretary of the Navy is the four-star highest ranking commander in the Navy. Unlike in SEDENA, *Secretaría de Defensa Nacional*, (Secretariat of the National Defence), it does not require an active Admiral; however, the political-military tradition demands it to be so. In other words, the President could appoint a Secretary of the Navy without having to change the Organic Law of the Mexican Navy.

Given that there are two military Secretariats of State and, in turn, two military commands, there are in practice two almost fully and mutually autonomous Armed Forces. That autonomy is enhanced due to the fact that there is no Joint Chief of Staff for the Armed Forces in the country. That is to say, what is outstanding in the Mexican military structure is what does not in fact exist: a civil ministry of the Armed Forces, and a Joint Chief of Staff.

The case of the Air Force is a paradigm. It is the most recently created force and it is under the command of SEDENA. However, there is a Commander of the Mexican Air Force and its corresponding General Staff (the Air Force General Staff). However, the Commander and the General Staff are subordinated to the Secretary of Defence, and they depend on it. For that reason, the Air Force is not independent, and its doctrine of war subordinates to that of the Army's, in harmony with the defence doctrine, which points out that Mexico has no military external enemies, for that reason an autonomous deterrent air force would not be required.

The Army is the epicentre of the Armed Forces. The Navy and the Air Force have different origins, but their configuration in correspondence with the Army is one of the pending matters of modernization. However, it is hard to think that a whole reform of the Armed Forces will take place, due to the fact that the military issue is not seen as a priority in the Mexican political agenda. The relative importance of the military in the political apparatus (despite they carry out significant missions supporting an important number of Secretariats of State), is a reason for that. In this sense, the Mexican Armed Forces (if compared to the rest of the Latin American forces) are considered to be a singular paradigm, as - notwithstanding the fact that they had been designed from the view of a triumphant popular revolution almost a hundred years ago and, reorganized under an authoritarian regime - they are still seen as de-politicized and professional. For that reason, since the Revolution years, no attempt of military riot has been successful in Mexico, and there is no political or social force questioning the doctrine, structure or modus operandi of the Armed Forces.

The Mexican Army is, without a doubt, the force with more troops within the structure of the Forces. Its main missions - besides the main constitutional mission

of defending the country in the face of a foreign aggressor - are: backing the public security corps of the country (mainly the Secretariat of Public Security, considering the 14,000 troops assigned to the Federal Preventive Police's Support Forces); collaborating with the Attorney-General's Office in the struggle against drug-trafficking (mainly through the eradication of psychotropic crops and interception of cocaine and other drugs trafficking); civil population protection missions in the face of natural disasters (mainly floods and hurricanes in coastal areas, and also earthquakes); environmental protection (for instance, reforestation campaigns); collaborating with the Secretariat of Health in the preventive vaccination in marginal and extremely poor areas; facing political protest movements when they outnumber the public security corps (at President's request); and others. Within the international field, the activities of the Army and the Air Force are very modest. Mostly, they offer bi-national cooperation – though beyond the framework of international bodies – when natural disasters devastate other countries, mainly in the Caribbean Basin and Central America. The presence of Mexican troops in the United States was outstanding – due to its symbolic character – after the hurricane Katrina destroyed the city of New Orleans in September 2005.

In the case of the Navy, it was integrated to the Army under the Ministry of War and Navy, throughout the XIX century. During the Mexican Revolution, it was again dismantled and disqualified; it started its restructuring over the post-revolutionary period, to finally be considered to have the capacity to bear independent structures from the Army (within the World War II scenario), in 1940.

Unlike the Army, the Navy has a wider projection abroad and participates marginally in internal security missions. Yet, it also responds to a wide range of supporting missions to other Secretariats of State. For instance - due to the lack of coastal police structures in the Attorney-General's Office -, the Navy carries out the labour of Coast Surveillance. It also takes part of the war against drug-trafficking on the coasts, and fulfils many environmental protection missions, as the Secretariat of Environment does not have the resources for that. In the international sphere, the Army has stated in recent years that it could take part in peace operations, depending on the positive consideration of the President. It has participated in rescue missions after catastrophes as well, such as in the case of the tsunami in Indonesia, in December 2004. Naval collaboration with Guatemala, Belize and the United States in terms of coast surveillance is frequent, and it has been more willing to collaborate with the Northern Command of the United States.

Another aspect of the Mexican Armed Forces is its relation with the rest of the State structures (Judicial Power, Legislative Power, State and Municipal Governments) and with autonomous State structures, such as the IFAI, *Instituto Federal de Acceso a la Información* (Federal Institute of Access to Public Information) and the IFE, *Instituto Federal Electoral* (Federal Electoral Institute). Likewise, the relation with non-state civil sectors is more recent, and the gradual opening towards civil society should be taken into consideration.

As regards the Judicial Power, the Armed Forces have their own Courts, and judges are appointed by the Secretary of National Defence. This has been harshly criticized by numerous jurists and non-governmental organizations, as it is viewed

■ The Army is the epicentre of the Armed Forces. The Navy and the Air Force have different origins, but their configuration in correspondence with the Army is one of the pending matters of modernization.



■ During 2007, the Mexican and North American governments negotiated the so-called Merida Initiative, a package of 1,400 million dollars to be implemented within the lapse of three years.

as a signal of autonomy and even impunity, being the access to justice hampered when military are involved. Anyway, unfairness towards the military themselves comes from the significant differences between the civil and the military legislation, and the difficulties to apply for a “juicio de amparo” (an injunction suspending the effects of legal dispositions tending to violate the constitutional individual rights) or guaranteeing a defence that ensures a proper prosecution.

Concerning the Legislative Power, not long ago - during the former President Fox’s administration - the Military Secretaries of State visited the Chambers of Deputies and Senators to hold audiences with the legislators. In the past, there were no instances of communication. There are naval and defence commissions, whose members willingly responded to the chiefs of the commissions throughout the PRI’s administration; its presidents or secretaries, have been retired or commissioned militaries. Hence, the military laws have never been questioned. Today a slow progress on mutual sensitization is seen, about the need to have better and more frequent links between the Armed Forces and the Legislative Power.

Concerning state and municipal governments, there is a respectful relation among authorities and the Forces. However, in military garrisoned states and municipalities (as for example, in highway posts, for implementing the Federal Law on Firearms and Explosives or, collaborating with the war on drug-trafficking) the military have a *de facto* autonomy, and could hardly be prosecuted in civil courts if any incidents should happen. In other words, their material and human resources are quite often superior to those of the local authorities.

Regarding the civil society and the new Mexican State structure (like the Federal Institute of Access to Public Information, IFAI), the military have been receptive to the demands on information access, but at the same time, the vast majority of information is considered confidential and a national security concern. Both military Secretariats of State were the last to open their webpages to public access, after the rest of the Mexican Federal Government apparatus had done it. The Mexican military have refused to compile a white book of defence, or two books on the sector, and web forums on defence policies conformed by civilians do not exist, contrasting almost every Latin-American country. The reports submitted by the Secretaries of State to the President and the Congress - public records by nature - have been rendered as secret of State until two or three years ago. This secrecy is much deeper when it comes about knowing the armament system of the country, or the details of the budgetary expenditure.

Regarding the military-IFE links, even today the IFE assigns the Armed Forces the protection of electoral materials and their transportation to the polling stations all along the country in federal elections times. Similarly, they carry out the surveillance of the polling stations and the vote keeping premises. That is a symptom of trust towards the military institution, essentially from the political parties.

The Mexican Armed Forces, if compared to other similar forces in Latin America and other regions of the world, keep embracing a nationalist stance within their doctrine and their performance. That is a hindrance to a more active presence in the international security system. The political and public opinion in Mexico is divided in that respect, as well as regarding the military collaboration

with the United States, other Latin American countries and international organizations.

Halfway through 2006, the presidential election won by Felipe Calderon Hinojosa, - candidate for the PAN, National Action Party - showed many weaknesses in the process of transition to democracy in Mexico. At the same time, ordinary violence and that triggered by organized crime have raised to unprecedented levels. In the same way, the escalation of violence provoked by drug-trafficking, hit several members of the Armed Forces and security corps. Within this framework Calderon started to talk about a new strategy against drug-trafficking (even before taking office), through the massive use of the Armed Forces, and asked the United States for emergency aid. During 2007, the two governments negotiated the so-called Merida Initiative, a package of 1,400 million dollars to be implemented within the lapse of three years. This aid is mainly focused on the Armed Forces.

The intensive use of the Armed Forces in the war against drug-trafficking has rendered numerous consequences. Among them, there has been an increase in the number of complaints against members of the Army before the Mexico's National Human Rights Commission: 144 in 2004; 194 in 2005; 200 in 2006; 384 in 2007; and 242 between January and April 2008. This leads towards an inevitable equation: the overuse of the Armed Forces in the war against the organized crime, *per se*, involves possible violations to human rights, due to the low educational level of the low-ranking militaries, and to their weak training in those matters. Along with the arrival of the United States assistance, this issue will become one of the most significant in the discussions about the use of the Armed Forces, the use of foreign equipment, and its supervision by the government of the United States and civil society, who demand transparency. Given that it is a long term war, the Armed Forces must adequate their strategies and tactics with the respect for society. Otherwise, there will be many obstacles in the Mexican and the American Congress and in the civil society of both countries.

There are also positive trends within the Forces since President Calderon took power. The most outstanding of those trends is the instruction given to increase the access of women to the military academies and to positions directly connected to the military tasks (not only in administrative support, services or medical issues). Through that, promotions can equal men's professional career. Another important element related to the issue of the human rights, is the opening of agencies as from the beginning of 2008, for receiving complaints from civilians and the internal side of the services as well, about mistreatment from superior ranks. The success of these two measures is still to be noticed, since these reforms are very recent.

In fact, the war on drug-trafficking redesigns and readdresses the main efforts of the Armed Forces towards their struggle: they need an important budgetary and political support, both from the Executive and the Congress. This can inhibit the internationalization of the Mexican military presence, and might lead towards an unwanted militarization process in civilian fields like: intelligence, public security and even justice. At any rate, despite the aforesaid about human rights, the armed forces are situated among the highest confidence generating institutions amidst the people in opinion polls.

■ One of the positive trends today is the instruction given to increase the access of women to the military academies and to positions directly connected to the military tasks.



# Nicaragua

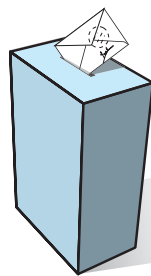
## The Legal Framework

### National Legislation

Sistemas y Conceptos	Military Organization
- Act on the Organization, Competence and Procedures of the Executive Power (N° 290 - 1998/06/03. Last reform: Act N° 612 - 2007/01/29)	- Act on the Abolition of Compulsory Military Service (N° 120 - 1991/01/03) - Code of Organization, Jurisdiction and Military Social Benefits (N° 181 - 1994/09/02) - Organic Act of Military Tribunals (N° 523 - 2005/04/05) - Military Penal Code (N° 566 - 2006/01/05) - Code of Military Penal Procedures (N° 617 - 2007/08/29)

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 <sup>(1)</sup>	No

(1) One year after retiring

Source: Constitution.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1948/10/15 Deposit: 1948/11/12
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1950/07/26
- Framework Treaty on Democratic Security in Central America: Signature: 1995/12/15 Deposit: 1996/08/01

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/15 Deposit: 1967/10/24
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1973/03/06
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/03/09 Deposit: 1999/11/05
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/04 Deposit: 1998/11/30
- 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: 1975/08/07
- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Signature: 1977/08/11 Deposit: 2007/09/06
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Signature: 1981/05/20 Deposit: 2000/12/05
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1999/11/09
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2003/05/06
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2000/12/05

### On Human Rights and Justice

- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1979/09/25
- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/10 Unratified
- Inter-American Convention to Prevent and Punish Torture: Signature: 1987/09/29 Unratified
- Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1929/09/24

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/07/26

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	28,618,106,227	Local currency	809,239,357
US\$	1,492,080,617	US\$	42,191,833
		GDP's %	0.65
2008 GDP (in US\$)	6,523,000,000	% of the State Budget	2.83

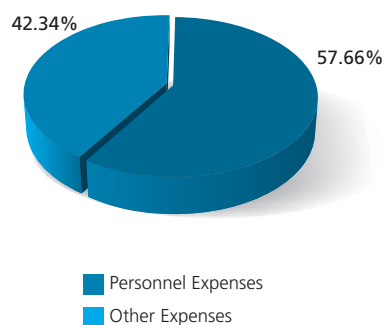
### Defence Budget 2008 (in Local Currency)

Item	Personnel Services	Non-personal Services	Materials and Supplies and Consumer Goods	Current Transferences	TOTAL
<b>Ministry of Defence</b>					
Central Activities*	410,879,972	4,468,674	1,953,746	21,068	17,323,460
National Defence**	455,739,220	112,570,200	220,298,977	3,307,500	791,915,897
<b>TOTAL</b>	466,619,192	117,038,874	222,252,723	3,328,568	809,239,357

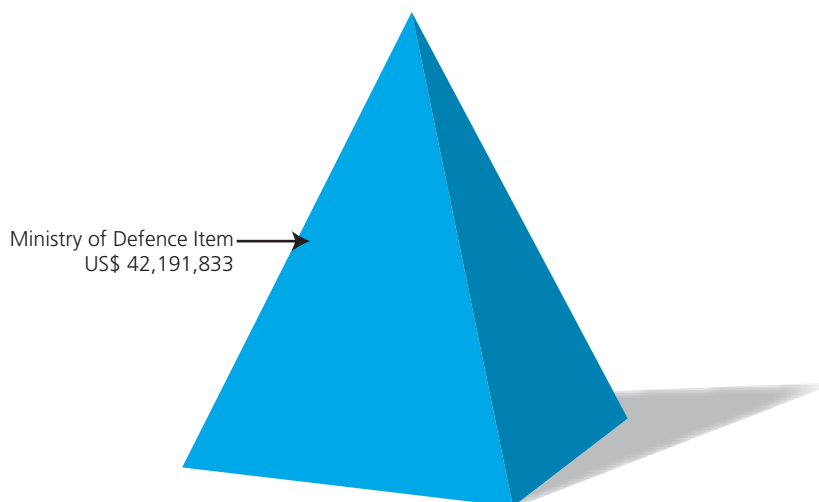
\* This program is run by the Ministry of Defence, empowered by the President to head the creation of policies and plans regarding the territorial sovereignty, independence and integrity defence of the Nation and, within these powers, coordinates and approves the plans and actions of the Army of Nicaragua.

\*\* This program is run by the Army of Nicaragua, institution in charge of prepare, organize and direct the armed defence of the Nation, by defending the territorial integrity, independence and national sovereignty.

Defence Budget  
2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the General Budget Annual Act of the Republic, 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 18.45 Córdobas, based on the information provided by the Central Bank of Nicaragua. 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.

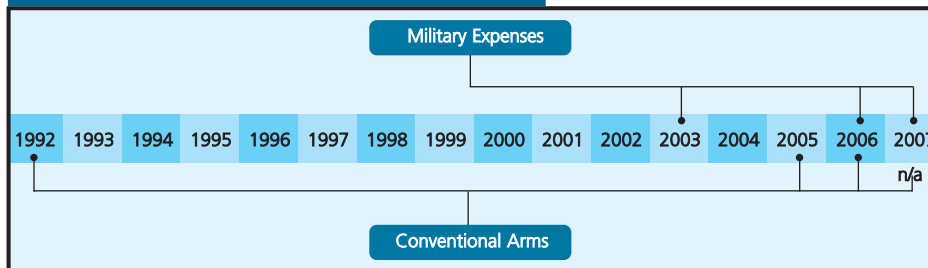


## Political Definitions

### Concepts

What is Defence?	What is Security?
<p>National defence is the means whose goal is to guarantee security of the State, through the execution of a set of measures and actions aimed at preventing or prevailing threats and risks.</p> <p>This implies that national defence is the capacity of the State to provide protection to its national interests and goals, by having all of the moral and material powers and forces of the Nation available and working in coordinated action.</p> <p><i>(Libro de la Defensa Nacional de Nicaragua, 2005)</i></p>	<p>National security is a permanent condition of sovereignty, independence, territorial integrity, peace and social justice, which in the institutional framework of a social, legal State, provides the Nation with the necessary guarantees for the force of its interests and national objectives, against any threat, risk or aggression, as well as the exercise of individual freedoms and political rights, in accordance with the law. Although in itself it does not constitute a purpose, national security is a generic objective of the State which involves all the forces of the Nation, expressed in the national power.</p> <p><i>(Libro de la Defensa Nacional de Nicaragua, 2005)</i></p>

### 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.

Nicaragua published the *Libro de la Defensa Nacional de Nicaragua* (Book of the National Defence of Nicaragua) in 2005

### Constitutional Powers of the Congress

#### Related to War and Peace

- Can it declare war?: No
- 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?: Yes

(1) The Assembly can approve, modify or extend the state of emergency due to national security reasons.

#### Related to Control

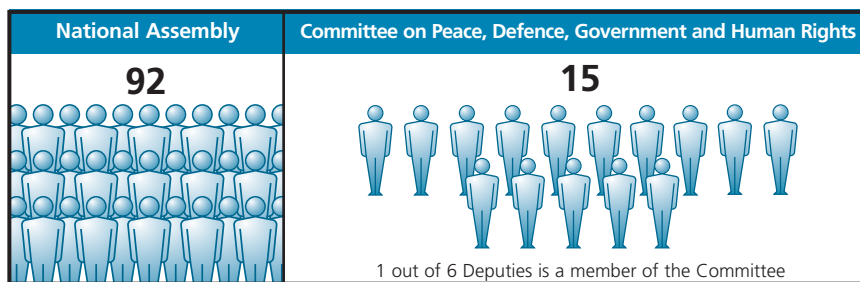
- Is its approval required to appoint senior officers of the Armed Forces?: NR
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

NR: no reference.

#### States of Exception

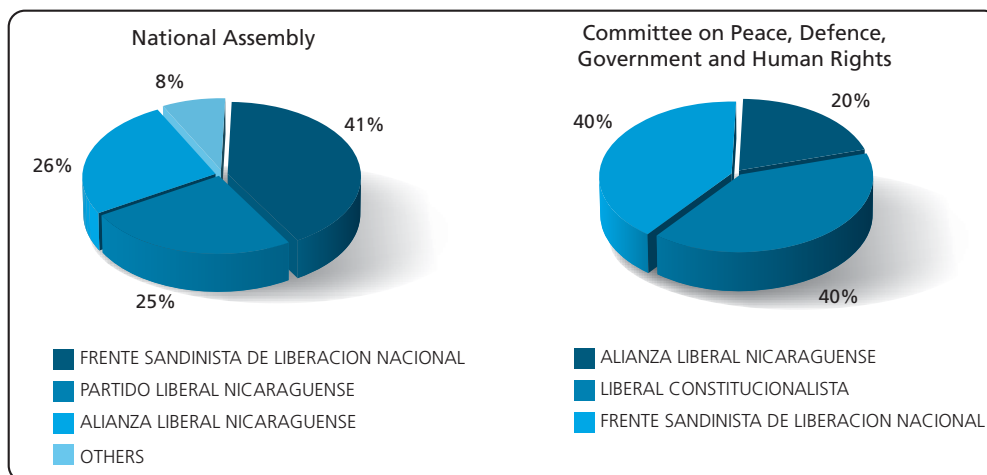
Name: State of emergency.  
 Cause: When required by:  
 National security  
 Economic conditions  
 National Catastrophes  
 Participation of the Legislative Power: The Assembly can approve, modify or dismiss it.

Source: Compilation based on the Constitution.



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

### Breakdown of Parties



### Defence Education

#### Main Training Courses of Specialization in the Area

Training Course	Institution
Course on National Defence and Security	Army of Nicaragua

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

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



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



**System Organization**

**Functions**

**State Powers Sphere**

It is a President's prerogative to determine the national defence policy. The President is the High Commander of the Army, by virtue of which can make use of the Armed Forces, order military operations, order the action of the Army in case of extreme necessity - when the National Police Force is surpassed in capacity - ; appoint the Commander-in-Chief of the Army in accordance with the Military Council's proposal; discharge the Commander-in-Chief of the Army from that position; approve and bestow the ranks of General according to the Military Council's proposal; order the mobilization; appoint the military attachés; provide the conditions, resources and mechanisms so that the Army accomplishes its missions; and receive the proposal of budgetary income and expenditure for the Army, for its subsequent incorporation in the Draft of General Budget of the Republic. The National Assembly counts on the Commission for Peace, Defence, Government and Human Rights, which is in charge of knowing and ruling the bill drafts related to the Army, the administrative political division and the patriotic symbols.

**Ministerial Sphere**

The Council of Ministers is composed of the President of the Republic, the Vice-President, and the Ministers of State. The Ministry of Defence, on behalf of the President, directs the elaboration of policies and plans related to the defence of sovereignty, independence and territorial integrity. The Ministry contributes with the President and along with the Council of Ministers, to establishing the intervention of the Army in support to the National Police when stated so.

**Military Sphere**

The High Command belongs to the General Command, composed of the Commander-in-Chief of the Army, the Chief of Staff and the Inspector General. The Commander-in-Chief of the Army exercises the general command of the Army and is directly subordinated to the President. The General Staff is the technical, operative, administrative and service body. It contributes to the High Command in the planning, direction and control of the organization, training and technical-material; and the operational and developmental provision necessary to the Army. The Military Council is the highest advisory body to the High Command on matters of Army doctrine and strategy, the developmental matters of the military institution and the defence-related plans that the High Command considers of importance in the decision-making process.

Source: Compilation based on *Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo* (N° 290 - 1998/06/03; last reform: Ley N° 612 - 2007/01/29) and *Libro de la Defensa Nacional de Nicaragua* (2005).

## The Ministry of Defence

**Date of Foundation**  
1968

**Current Minister (August 2008)**  
Vacant position  
(General Secretary in charge: Rut Esperanza Tapia Roa)

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

**Number of military members who were Ministers of Defence**  
None

**Number of civilians who were Ministers of Defence**  
7<sup>(1)</sup>

**Have there been any women in charge of the Ministry of Defence?**  
No<sup>(1)</sup>

(1) Since 1998, year of the Act on the Organization, Competence and Procedures of the Executive Power (N° 290 - 1998/06/03).

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

### Mission:

Manage and take part in the elaboration of national defence policies and plans in order to guarantee -along with the Army of Nicaragua- the protection of national objectives and interests.

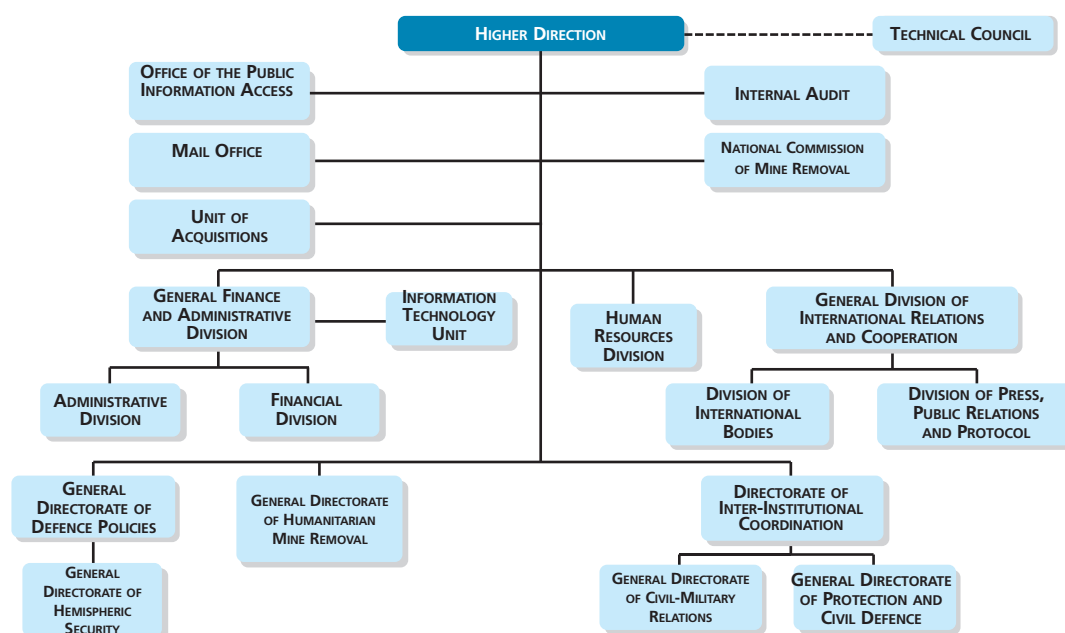
### Specific Responsibilities:

- Through delegated authority by the President, it manages the elaboration of policies and strategies for the defence of sovereignty, independence and territorial integrity.
- Support the President on providing conditions, resources and mechanisms for the Army of Nicaragua to meet the goals of the assigned missions by the Constitution and set forth by the other laws.
- Help the President at the Council of Ministers, in order to decide on the participation of the Army of Nicaragua in support of the National Police, any time the President of the Republic at the Council of Ministers so establishes.
- Submit to the Presidency of the Republic the candidates' nominations requested to the High Command of the Army, of officials that will have positions as Military, Naval and Air Attaché, and who shall represent the State of Nicaragua at international military bodies.
- Take part in the elaboration and management of the income and outcome Budget of the Defence Sector and its incorporation to the Annual Law of the Republic's General Budget, pursuant to the pertaining law.
- Take part in government instances set forth by law, guaranteeing the inter-institutional co-ordination.
- Represent the Government at international bodies and instances, regarding Defence and Security affairs.
- Take part, within the existing legal framework, in the Board of Directors of the Military Social Security Institute (IPSM).
- Take part in the formulation of policies and decisions regarding air and sea navigation.
- Take part in the coordination and execution of plans and programs related to the Humanitarian Mine Removal and integral action against mines in national territory.
- Provide support to actions limiting and controlling the use of weapons in accordance to rules and regulations on the subject.
- Comply with the specific powers stated by the Emergency Act within its scope of action.
- Foster plans and policies on civil and military relations, in accordance to decisions taken by the President of the Republic.

Source: Compilation based on *Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo* (N° 290 - 1998/06/03; last reform: Ley N° 612 - 2007/01/29) and *Libro de la Defensa Nacional de Nicaragua* (2005).

■ Average permanence in the Minister of Defence position  
**1 year and 3 months**

### ORGANIZATION CHART



Source: Compilation based on *Libro de la Defensa Nacional de Nicaragua* (2005).



**Military Career**

ARMY	NAVY	AIR FORCE
<p><b>Superior Centre of Military Studies</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences</p> <hr/> <p>Graduation Rank: Lieutenant</p>	<p><b>Superior Centre of Military Studies</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences</p> <hr/> <p>Graduation Rank: Corvette Lieutenant</p>	<p><b>Superior Centre of Military Studies</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences</p> <hr/> <p>Graduation Rank: Lieutenant</p>
<p><b>Academies of Intermediate Education</b></p> <hr/> <p>First Lieutenant</p> <hr/> <p>Captain</p>	<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Frigate Lieutenant</p> <hr/> <p>Navy Lieutenant</p>	<p><b>Academies of Intermediate Education</b></p> <hr/> <p>First Lieutenant</p> <hr/> <p>Captain</p>
<p><b>Staff College</b></p> <p><b>Superior General Staff School</b></p> <hr/> <p>Major</p> <hr/> <p>Lieutenant-Colonel</p> <hr/> <p>Colonel</p> <hr/> <p>Brigade General</p> <hr/> <p>Major General</p> <hr/> <p>Army General</p>	<p><b>Staff College</b></p> <p><b>Superior General Staff School</b></p> <hr/> <p>Corvette Captain</p> <hr/> <p>Frigate Captain</p> <hr/> <p>Navy-Captain</p> <hr/> <p>Rear-Admiral</p> <hr/> <p>Major General</p> <hr/> <p>Army General</p>	<p><b>Staff College</b></p> <p><b>Superior General Staff School</b></p> <hr/> <p>Major</p> <hr/> <p>Lieutenant-Colonel</p> <hr/> <p>Colonel</p> <hr/> <p>Brigade General</p> <hr/> <p>Major General</p> <hr/> <p>Army General</p>

**Entry to the Superior Centre of Military Studies – 2008 –**

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Candidates:  
**219**

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Admitted Candidates:  
**125**

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**3 out of 5 candidates were admitted**

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

## The Armed Forces

### General Mission

The Army of Nicaragua is the armed institution which defends sovereignty, independence and territorial integrity. Only in exceptional cases the President, in a Council of Ministers, shall be entitled to order the intervention of the Army of Nicaragua in support of the National Police, if the stability of the Republic were threatened by severe internal disorders, calamity or natural disasters.  
(Constitution, Sec. 92)

### Specific Missions

#### Army

The Army is the main instrument to perform missions of sovereignty and territorial integrity, acting in coordination with the Armed Forces, the Navy and common bodies.



#### Navy

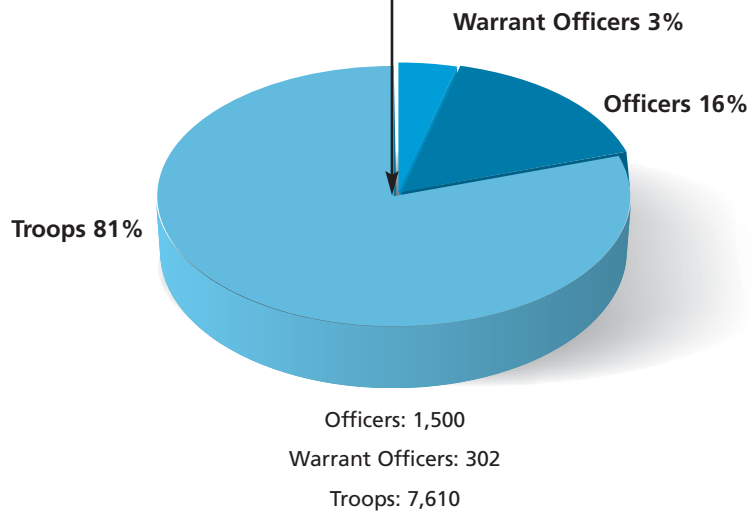
The Navy carries out support missions to the Army, and independent missions directed by the High Command of the Army.

#### Air Force

The Air Force carries out support missions to the Army and Navy as well as independent missions directed by the High Command of the Army. The Land Force units which carry out missions of anti-air defence, security and maintenance of the units and facilities are part of the Air Force.



**Total Armed Forces: 9,412**



Source: Compilation based on *Código de Organización, Jurisdicción y Previsión Social Militar* (N° 181 - 1994/09/02) (missions) and *Ley Anual de Presupuesto General de la República 2008* (N° 646 - 2008/02/12) (Regular Forces).



## Analysis:

# Nicaragua: Reform and Challenges of the Defence Sector

**Roberto J. Cajina\***

■ In 2007 unexpected and important transformations took in the organisation, procedure and competence of the Executive Power, particularly regarding the defence sector.

■ During the five years in office of President Enrique Bolaños (2002-2006), the development of the two basic components of the defence sector took place in a relatively normal way. Despite some disagreements that temporarily altered the relationship between the Ministry and the Army, they joined efforts and shared responsibilities to reach the two more relevant objectives of that period: the creation of a Book of Defence which finished in June 2005, and the successful celebration of the VII Conference of Ministers of Defence of the Americas in October 2006.

However, in the first three weeks of January 2007 there were important and unexpected transformations in the organisation, procedure and competence of the Executive Power, specially regarding the architecture and organisation of the defence sector and, thus, in the relationship between its components. Far from modernizing the sector and ratifying its civil supremacy, those transformations aimed at a new reversion, or at least at a stagnation of what had been achieved in terms of civil control and subordination of the military establishment to political power.

The transformations occurred in the political scenario affected by the triumph of the FSLN, Frente Sandinista de Liberación Nacional (Sandinist National Liberation Front), in the elections of November 5th, 2006. The return of the FSLN to power caused different and contradictory reactions: from the euphoria of its partisans, to the uncertainty and fear of its opponents; and pragmatism and moderate optimism of those who considered that in this second mandate, Ortega would have the chance to prove if he had changed or not. And yes, unlike in the 80's, (when he governed in the context of a cruel civil war and a chaotic economic

\* Consultant, Member of the RESDAL Board of Directors.



situation), he was able to lead a good administration, with a country at peace, a relatively stable economy, at least in the macroeconomic model, but with a series of dissatisfied social demands which had been postponed by the previous three administrations.

As a complement, it is worth pointing out that historically there has been a notorious and apparently insurmountable asymmetry between the two basic components of the defence sector, specially regarding its origin, coherence between assigned functions and ability to perform them, budget and professional expertise, strategy of institutional development, national presence, institutional stability in terms of leadership and direction, and internal and external strategic importance, between the more relevant aspects which, when contrasted, clearly evidence the flaws of the Ministry of Defence (MINDEF) and the strength of the Army.

In order to understand the asymmetries and nature of the relationships between MINDEF and the Nicaraguan Army, it is necessary to start from an essential idea: neither the Political Constitution nor any common law expressly establish a relationship of direct subordination of the Army to MINDEF. The Constitution says that “The Executive Power is exercised by the President of the Republic, who is the Head of the State and Supreme head of the Nicaraguan Army”, and establishes that the Army “Shall be subjected to civil authority exercised by the President (...)or through the corresponding Ministry”<sup>1</sup>.

In that sense, along the administrations following April 1990, civil authority has always been “directly exercised by the President of the Republic”, and never “through the corresponding Ministry”. Consequently, the chain of command is simple and without an intermediary between the Supreme Chief of the Army and the Commander in Chief. Organisationally and functionally MINDEF has historically been a collateral instance, without the capacity to establish an intermediary relationship between the President and the Army.

### **Reform to the Law 290, on the Organisation, Competence and Procedures of the Executive Power**

Before introducing the bill to reform Law 290, the new government had two options regarding the sector. The first one was to treat MINDEF with the same indolence as the two previous administrations had (Alemán and Bolaños), and leave it in its rooted institutional limbo as a simple “democratic decoration”. The second one was to admit that the mistakes incurred in previous administrations stopped and distorted the political transition and the construction of the democratic institutionalisation. As a result, it is necessary to correct them by providing the Ministry of Defence with the necessary support so it would become an institution with a consistent body of expert civilians and the adequate budget and with the real capacity to execute the typical functions of its institutional competence instead of being a ministry “in paper”, with responsibilities (section 20, Law 290), but without the qualified personnel or monetary resources.

<sup>1</sup> There is no specific mention to the Ministry of Defence, because in 1995 (when the Constitution was reformed), this Institution existed as a legal instrument, but it did not work as such because of a lack of monetary resources, personnel and facilities.

■ In order to understand the asymmetries and the nature of the relations between the Ministry and the Nicaraguan Army, it is necessary to consider that the norms do not expressly establish a relationship of direct subordination.



By mid January 2007, before he had been in office for one week, President Daniel Ortega surprisingly introduced an urgent preliminary reform draft to Law 290, in the National Assembly. Two articles (3 and 5) of that draft affected, though symmetrically, the Ministry of Defence and the Nicaraguan Army. The reform was finally approved by the Parliament, coming into effect by the end of that same month.

Of the eleven functions that Law 290 (passed in 1998) established for MINDEF, five of them were completely erased (Intelligence and Civil Defence); others were modified in content and scope (budget)-; and others remained although the writing was different, but with a clear reduction of ministerial competences, such as those regarding defence policies and plans. That meant that not only was the writing style reformed but also the spirit of the law. Furthermore, seven new functions were added, but only three of which- those referred to the humanitarian mine removal, civil-military relations, and limitation and control of weapons-, would be considered relatively substantive.

In terms of the net result, the reform to section 20 of Law 290 reduced the competence and action scope of MINDEF, and also lost the power it theoretically had over the sector, when its faculties to coordinate and direct the formulation of the Army budget and supervise its execution, direct and coordinate activities to obtain information, analyze it and evaluate it in terms of national defence, were overruled. The reform made the Army responsible for the Directorate of Defence Information (DID), which, in accordance with Law 181 (Law on the Organisation, Jurisdiction and Social Benefits of the Military from 1994)<sup>2</sup>, has been the competence of the Nicaraguan Army as the “common organ to all the forces”.

Although MINDEF did not have the institutional capacity to control the sector or to undertake those substantive functions, it did not mean that from the point of view of the bases of every democratic regime, these are not its typical functions. Furthermore, the reform itself did not solve the basic issues of such institution, since it has not been able to find a solution for the most important flaws of its existence and operations: it lacks of a strategic plan of institutional development and personnel with the necessary skills; a program for training and development of civilians in defence and security matters, and finally but not less important, adequate monetary resources. If these issues were not solved properly, MINDEF will continue performing meaningless bureaucratic activities and which are obviously far from the political transition and the construction of the democratic institutions that Nicaragua demands.

Reforms to section 20 of Law 290 (which is part of an even deeper and wider reform to the organisation, competence and procedures of the Executive Power), are not cosmetic of short term, but they include a clear political content and have an immediate effect.

In the institutional framework it should be pointed out that the elimination of substantive functions inevitably reduces the institutional stature of MINDEF and its functional scope. This, undoubtedly, shall be reflected in a necessary and urgent

■ The reform to section 20 of Law 290 reduced the competence and action scope of the Ministry.

<sup>2</sup> *La Gaceta*, Official Newspaper. No 165. Managua, Nicaragua, September 2, 1994..

reform of the Regulations of the Law (Decree 71-98), which shall establish the new functional-organisational structure of the Ministry. From a political perspective, the reduction in the substantive competences of the Ministry significantly affects the principle and exercise of civil control, civil supremacy on the military establishment, and the subordination of the military to the political power. As a consequence of the Army undertaking some of these responsibilities (which usually correspond to the Ministry of Defence), civil authority exercised by the President fosters the expansion of the spaces for functional autonomy in the military institution.

Objectively, the reforms make some sense, especially since this institution was not capable of exercising the substantive functions removed, precisely because the same civil legally constituted entity never provided it with the necessary monetary resources to (such as, train, coach, and hire the adequate personnel with experience on defence and security).

■ It is essential to try to compensate the negative effects of the reform and solve structural frailty and institutional limitations.

## Conclusion

Even though the reform of the section 20 of Law 290 did not trigger truly informed and consistent reactions in conceptual and political terms, it was neither the only nor the best option. When removing the competence of MINDEF in the substantive functions –although in practice it did not have the capacity to exercise them due to the abovementioned reasons- reduced its institutional stature, infringing the principles and practice of civil control. But, besides, and this is key- the reform did not solve the structural frailty of the Ministry of Defence or its institutional limitations; but worsened and widened them.

Facing that reality, to try to compensate for its negative effects and solve the structural frailty and institutional limitations of MINDEF, it is necessary, in the first place to appoint a Minister and Vice Minister of Defence<sup>3</sup>. Secondly, make the political decision of ensuring the adequate monetary resources. And, thirdly, form a mix team of civil and military experts who design and carry out a strategic plan institutional development, which as it will be carried out progressively, it will allow MINDEF to become a solid and competent Ministry, able to comply with its corresponding functions. In this way, from the fields of its institutional competence, it will contribute to rectifying and guiding the unfinished process of political transition and the construction of the Nicaraguan democratic institution.

These are the key challenges to ensure the future of MINDEF as the institution which runs the sector, the exercise of political control, the supremacy of civil power, the subordination of the military body to the legally constituted authorities, and the political direction of defence in Nicaragua. In order to comply with this it is necessary to have political will, resources, capacity, competence and important doses of realistic and pragmatic attitude.

<sup>3</sup> MINDEF is the only institution in the government cabinet which does not have the first two authorities that form the Superior Directorate of each Ministry. Currently, a General Secretariat, third in the Ministerial hierarchy, is in charge of MINDEF. According to Law, the functions of this General Secretariat are defined and delegated by the Minister.



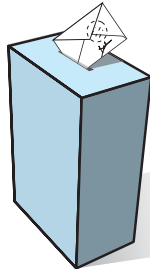
# Paraguay

## The Legal Framework

### National Legislation

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

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



### Political Participation of Military Members

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

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
<b>2008 GDP (in US\$)</b>	<b>12,076,000,000</b>

### Defence Budget 2008

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

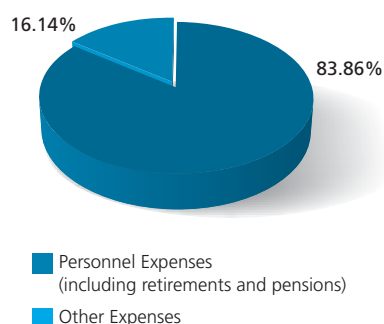
### Defence Budget 2008 (in Local Currency)

Entities	Personnel Services	Non-personnel Services	Materials and Supplies	Others*	TOTAL
<b>National Defence Ministry</b>					
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
<b>Presidency</b>					
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
<b>Treasury Ministry</b>					
Retirements and Pensions of the Armed Forces	0	0	0	239,339,507,241	239,339,507,241
<b>TOTAL</b>	<b>449,232,922,110</b>	<b>13,542,522,531</b>	<b>61,498,523,328</b>	<b>296,864,300,899</b>	<b>821,138,268,868</b>

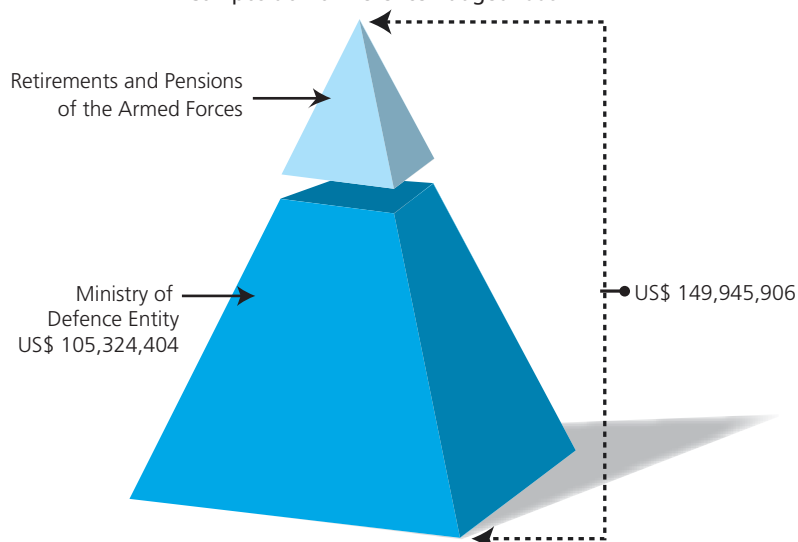
\* Includes Physical Investment, Inventories, Financial Investment and Other Expenses.

\*\* 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

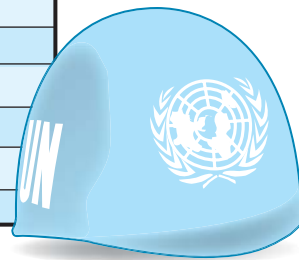
### Concepts

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.

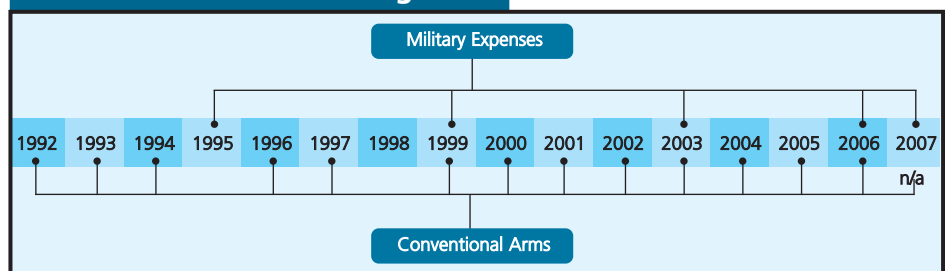


MO: Military Observers - CT: Contingent Troop.

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 <sup>(1)</sup>
- 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.

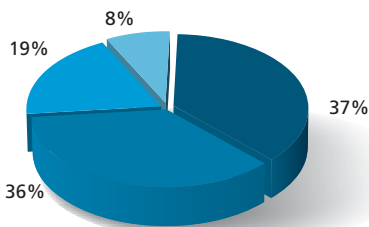
Name: State of defence

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.

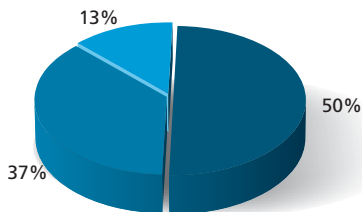
#### Breakdown of Parties

##### Chamber of Deputies



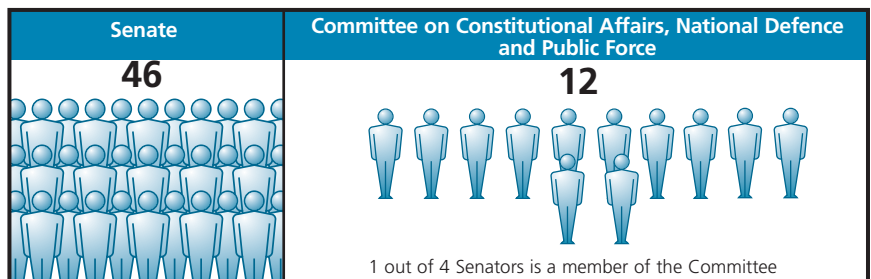
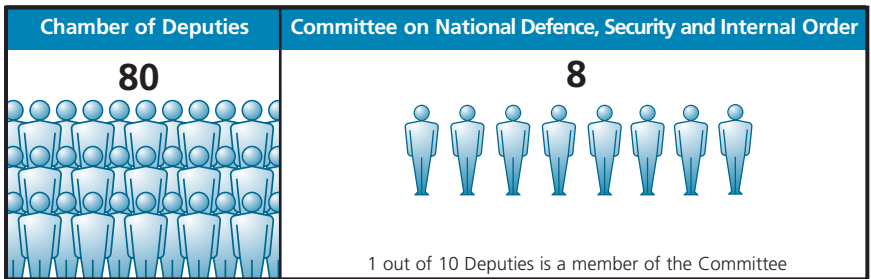
- ASOCIACION NACIONAL REPUBLICANA (ANR)
- PARTIDO LIBERAL RADICAL AUTENTICO (PLRA)
- PARTIDO UNION NACIONAL DE CIUDADANOS ETICOS (PUNACE)
- OTHERS

##### Committee on National Defence, Security and Internal Order



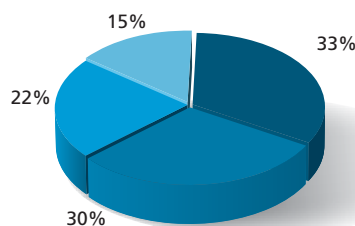
- ASOCIACION NACIONAL REPUBLICANA (ANR)
- PARTIDO LIBERAL RADICAL AUTENTICO (PLRA)
- PARTIDO UNION NACIONAL DE CIUDADANOS ETICOS (PUNACE)

Source: Compilation based on the Constitution.



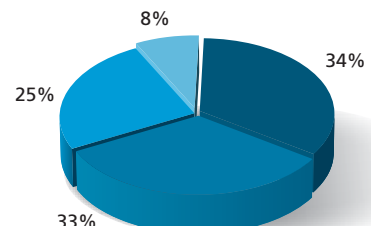
#### Breakdown of Parties

##### 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**

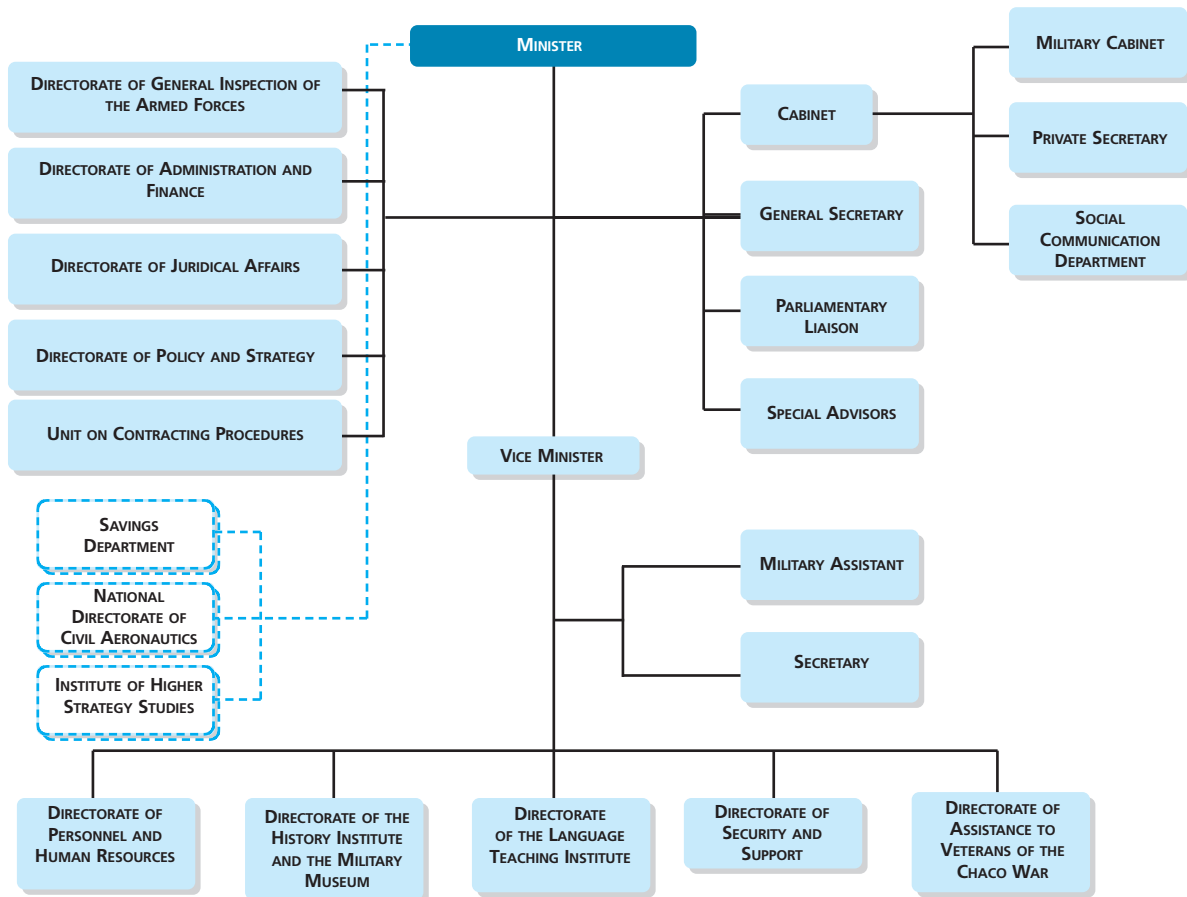
The Ministry of Defence assists the President in all matters regarding the national defence and the political and administrative management of the Armed Forces.

**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* (Nº 1.337 - 1999/04/14) and *Ley de Organización General de las Fuerzas Armadas de la Nación* (Nº 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	NAVY	AIR FORCE
<p><b>Military Academy</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences</p> <hr/> <p>Graduation Rank: Officer Cadet</p>	<p><b>Military Academy</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences</p> <hr/> <p>Graduation Rank: Midshipman</p>	<p><b>Military Academy</b></p> <hr/> <p>Duration: 4 years</p> <hr/> <p>Graduation Title: Graduate in Military Sciences</p> <hr/> <p>Graduation Rank: Officer Cadet</p>
<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Second Lieutenant</p> <hr/> <p>Lieutenant</p> <hr/> <p>First Lieutenant</p>	<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Corvette Lieutenant</p> <hr/> <p>Frigate Lieutenant</p> <hr/> <p>Navy Lieutenant</p>	<p><b>Academies of Intermediate Education</b></p> <hr/> <p>Second Lieutenant</p> <hr/> <p>Lieutenant</p> <hr/> <p>First Lieutenant</p>
<p><b>Staff College</b></p> <p><b>Command and General Staff School of the Army</b></p> <hr/> <p>Captain</p> <hr/> <p>Major</p> <hr/> <p>Lieutenant-Colonel</p> <hr/> <p>Colonel</p> <hr/> <p>Brigade General</p> <hr/> <p>Division General</p> <hr/> <p>Army General</p>	<p><b>Staff College</b></p> <p><b>Command and General Staff School of the Navy</b></p> <hr/> <p>Corvette Captain</p> <hr/> <p>Frigate Captain</p> <hr/> <p>Navy-Captain</p> <hr/> <p>Rear-Admiral</p> <hr/> <p>Vice-Admiral</p> <hr/> <p>Admiral</p>	<p><b>Staff College</b></p> <p><b>Command and General Staff School of the Air Force</b></p> <hr/> <p>Captain</p> <hr/> <p>Major</p> <hr/> <p>Lieutenant-Colonel</p> <hr/> <p>Colonel</p> <hr/> <p>Brigade General</p> <hr/> <p>Division General</p> <hr/> <p>Air General</p>

**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.

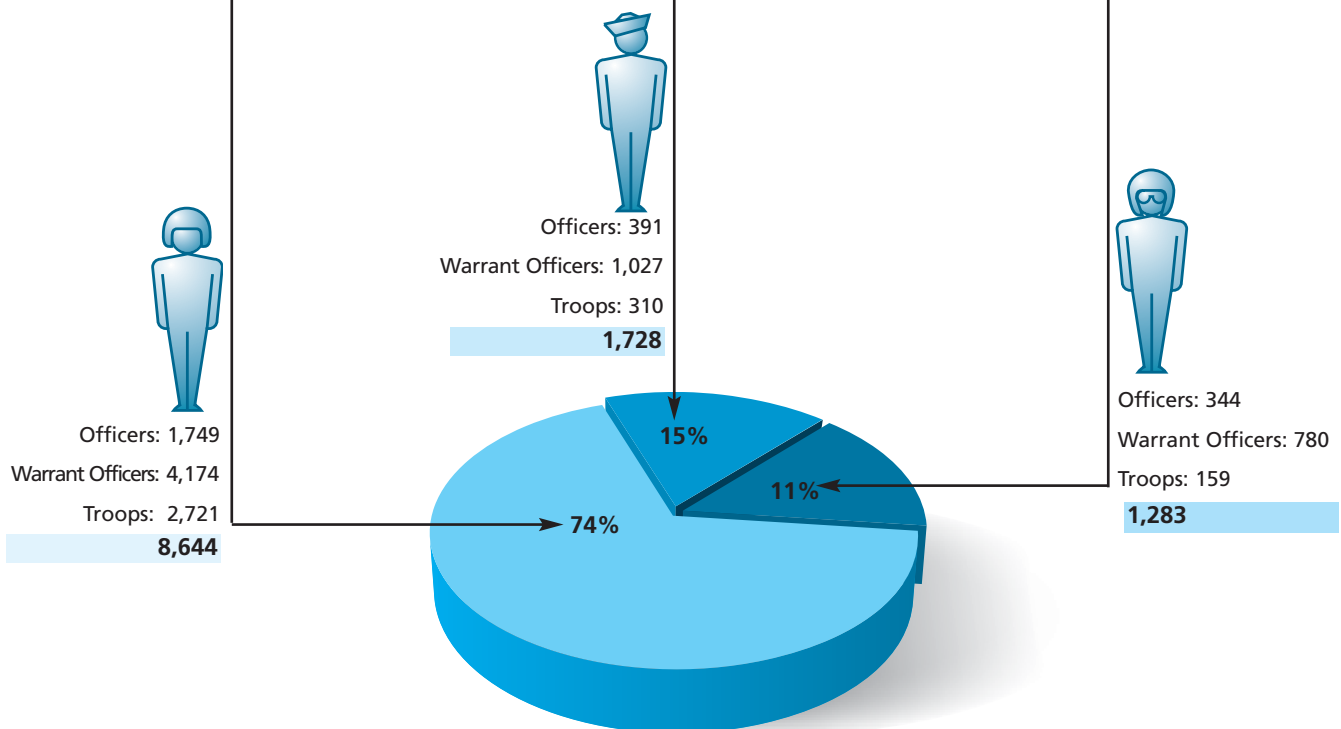
#### Navy

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.

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\* 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.



# Peru

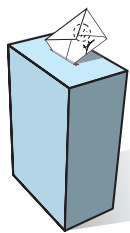
## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- Act on the Entry of Foreign Troops (N° 27.856 - 2002/10/30)</li> <li>- National Mobilization Act (N° 28.101 - 2003/11/13)</li> <li>- Act on the Internal Intervention of the Armed Forces in the Internal Order (N° 28.222 - 2004/05/18)</li> <li>- Security System and National Defence Act (N° 28.478 - 2005/03/23)</li> <li>- National Intelligence System Act (N° 28.664 - 2006/01/04)</li> <li>- Act which establishes the Legal Nature, Responsibilities, Competencies and Organic Structure of the Ministry of Defence (N° 29.075 - 2007/08/01)</li> <li>- Act which establishes the Rules for the Use of Force by Members of the Military in the National Territory (N° 29.166 - 2007/12/20)</li> </ul>	<ul style="list-style-type: none"> <li>- Peruvian Army Organic Act (DL N° 437 - 1987/09/27)</li> <li>- Peruvian Air Force Organic Act (DL N° 439 - 1987/09/27)</li> <li>- Navy Organic Act (DL N° 438 - 1987/09/27)</li> <li>- Organic Act for the Joint Command of the Armed Forces (DL N° 440 - 1987/09/27)</li> <li>- Military Status Act for Officers of the Armed Forces (N° 28.359 - 2004/10/13)</li> <li>- Act which creates the Fund for the Armed Forces and the National Police (N° 28.455 - 2004/12/31)</li> <li>- Code of Military Police Justice (DL N° 961 - 2006/01/11) <sup>(1)</sup></li> <li>- Act on the Promotion of Officers in the Armed Forces (N° 29.108 - 2007/10/30)</li> <li>- Act on the Disciplinary Regime of the Armed Forces (N° 29.131 - 2007/11/09)</li> <li>- Police Justice Law. Organization and Procedures Act (N° 29.182 - 2008/01/11)</li> <li>- Military Service Act (N° 29.248 - 2008/06/28)</li> </ul>

(1) The Constitutional Tribunal of Peru has sentenced the unconstitutional character of a series of sections from the Code of Military Police Justice.

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

- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1950/10/25
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1967/05/26

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1969/03/04
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1970/03/03
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1995/07/20
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1998/06/17
- 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: 1985/06/05
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 1997/07/03
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1999/06/08
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2002/11/25
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/25 Deposit: 1997/11/12

### On Human Rights and Justice

- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1977/07/27 Deposit: 1978/07/28
- Inter-American Convention on Forced Disappearance of Persons: Signature: 2001/01/08 Deposit: 2002/02/13
- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/01/10 Deposit: 1991/03/28
- Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife: Signature: 1957/06/18 Unratified
- International Criminal Court: Signature: 2000/12/07 Deposit: 2001/11/10
- Jurisdiction of the International Court of Justice as Compulsory: Deposit: 2003/07/07

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1954/02/12
- Antarctic Treaty: Accession: 1981/04/10

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	71,049,786,794
US\$	24,332,118,765
<b>2008 GDP (in US\$)</b>	<b>125,828,000,000</b>

### Defence Budget 2008

Local currency	4,425,923,220
US\$	1,515,727,130
<b>GDP's %</b>	<b>1.20</b>
<b>% of the State Budget</b>	<b>5.86*</b>

\*Without extra-budgetary resources

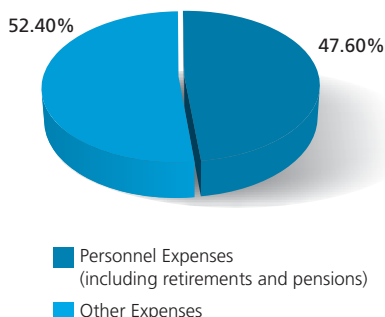
### Defence Budget 2008 (in Local Currency)

Programs	Personnel and Benefits *	Consumer Goods and Services	Other Current Expenses	Capital Expenses	TOTAL
<b>Ministry of Defence</b>					
Administration	8,872,295	177,598,632	4,763,413	8,401,876	199,636,216
Projection	658,992,776	0	421,756,508	0	1,080,749,284
Government Planning	178,583	2,414,779	0	0	2,593,362
Science and Technology	852,592	1,504,268	0	50,000	2,406,860
Internal Order	1,709,568	69,499,487	600,000	41,495,206	113,304,261
Training and Continuing Education	0	23,064,517	0	130,043	23,194,560
Political Auditing	0	15,609,772	0	5,608,000	21,217,772
External Order	1,436,299,676	910,005,495	232,630,674	135,338,713	2,714,274,558
<b>Supreme Council of Military Justice</b>	0	4,465,000	0	0	4,465,000
<i>Subtotal</i>	2,106,905,490	1,204,161,950	659,750,595	191,023,838	4,161,841,873
Extra-budgetary					
<b>Fund for the Armed Forces and National Police**</b>					264,081,347
<b>TOTAL</b>					4,425,923,220

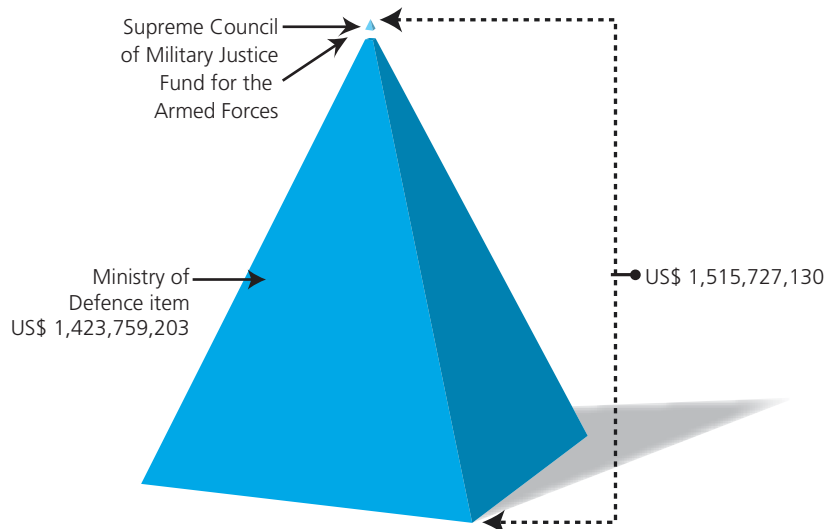
\* Includes Social Security Obligations.

\*\* Act N° 28.455 (from 2004/12/16) establishes that a percentage of royalties received by the National Government arising from the Camisea 88 Lot should be assigned to the Fund. The 40% of the royalties obtained in 2007 has been calculated. The distribution of resources for the Armed Forces (75%) is allocated according to priorities set by the Joint Command of the Armed Forces. The 25% remaining is assigned to the National Police. Source: Perupetro, 2007 Oil Statistics.

Defence Budget  
2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the General Budget Act for the Public Sector, 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 seller's exchange rate average is 3.13 Nuevos Soles, based on the information provided by the Central Bank of Peru. For further calculations, figures are provided in local currency.

Expressions in Bold Type (Table) make reference to the different items regarding defence, which can be found in a sectorial or institutional classification of the budgetary Act.



## Political Definitions

### Concepts

The national defence and security system is the set of interrelated elements of the State whose functions are aimed at guaranteeing national security by means of conception, planning, management, preparation, execution and oversight of national defence.  
(*Ley del Sistema de Seguridad y Defensa Nacional*, Nº 28.478 - 2005/03/23, Sec. 3)

What is Defence?	What is Security?
National defence is the set of measures, plans and actions created, adopted and executed by the State on an integral and permanent basis, both internally and externally. ( <i>Libro Blanco de la Defensa Nacional</i> , 2005)	Security is the situation of the State whose independence sovereignty and integrity are guaranteed as well as the inhabitants' fundamental rights established in the Constitution. This situation contributes to the consolidation of peace, integral development and social justice, based on democratic values and the respect for human rights. ( <i>Libro Blanco de la Defensa Nacional</i> , 2005)

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINUSTAH (Haiti)	-	202
MONUC (Dem. Rep. of Congo)	4	-
UNMEE (Ethiopia and Eritrea)	2	-
UNMIL (Liberia)	3	2
UNMIS (Sudan)	11	-
UNOCI (Ivory Coast)	3	-

The Joint Training Centre for Peacekeeping Operations (CECOPAZ) was founded on November 11, 2003.

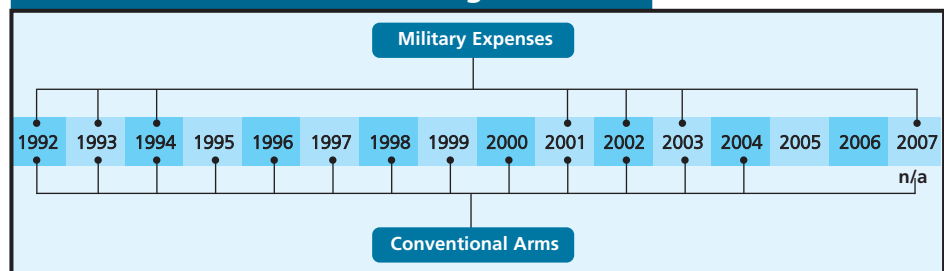


MO: Military Observers - CT: Contingent Troop.

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.

Peru provides 227 military members to UN peace operations, which represents a 3.57% of the total amount of the Latin American contribution and a 0.29% 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.

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

### 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?: N/R

N/R: No reference.

#### Related to Control

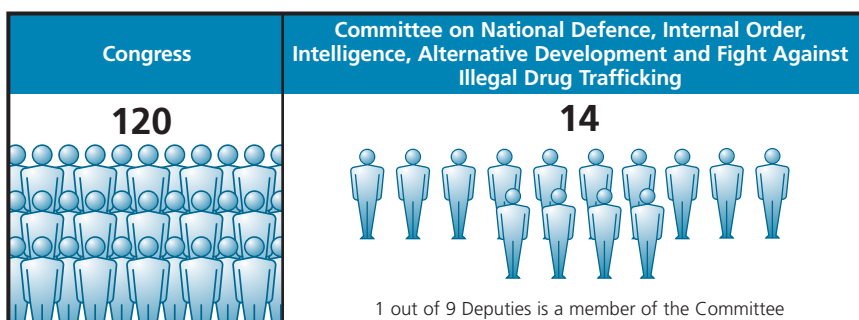
- Is its approval required to appoint senior officers of the Armed Forces?: No
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

#### States of Exception

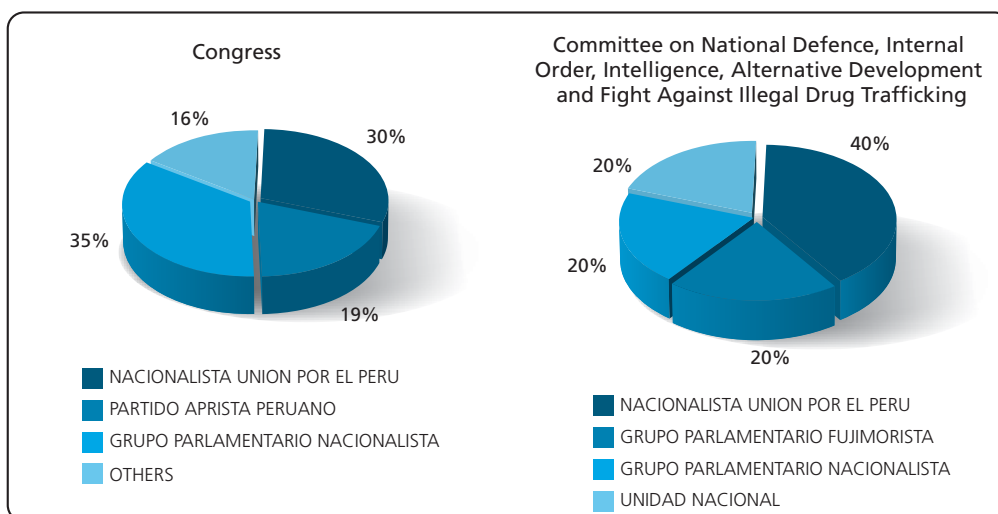
Name: State of emergency  
Cause: Disturbance of the peace or internal order  
Catastrophe or grave circumstances which affect the life of the Nation  
Participation of the Legislative Power: Decreed by the President with the consent of the Council of Ministers. The Congress must be informed about it.

Name: State of siege  
Cause: Invasion  
External war  
Civil war  
Imminent danger of the above mentioned situations  
Participation of the Legislative Power: Decreed by the President with the consent of the Council of Ministers. The Congress must be informed about it. The extension beyond forty five days requires the consent of the Congress.

Source: Compilation based on the Constitution



#### Breakdown of Parties



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



**System Organization**

**Functions**

Source: Compilation based on the Constitution, *Ley que establece la Naturaleza Jurídica, Función, Competencias y Estructura Orgánica Básica de Ministerio de Defensa* (N° 29.075 - 2007/08/01) and *Ley del Sistema de Seguridad y Defensa Nacional* (N° 28.478 - 2005/03/23).

**State Powers Sphere**

The President of the Republic is the Supreme Chief of the Armed Forces, directs the defence system and adopts the necessary measures for the defence of the Republic, territorial integrity and State sovereignty. The national security and defence system, presided by the President of the Republic, is conformed by the National Security Council, the National Intelligence Service, the National Civil Defence System, the ministries, public bodies and Regional Governments. The National Security Council is the governing body of the national security and defence system. It is composed of the President of the Republic – who presides it – the President of the Council of Ministers, the Ministry of Foreign Affairs, the Minister of the Interior, the Minister of Defence, the Minister of Economy and Finance, the Minister of Justice, the Chairman of the Joint Command of the Armed Forces and the president of the National Intelligence Council. It will gather customarily once every three months, and extraordinarily whenever it is called on by the President of the Republic. The National Congress exercises the faculties conferred by the Constitution of the Republic and permanently monitors those issues related to the defence through the specific commission.

**Ministerial Sphere**

The Ministry of Defence - main executive body of the national security and defence system – formulates, regulates, co-ordinates, executes, commands and supervises the National Defence Policy in the military and non-military spheres within its competence. The Defence Superior Council is the highest advisory and coordination body of the Ministry of Defence on issues inherent to the functional activity of the sector and the defence policy. It is called on and presided by the Ministry of Defence, and conformed by the High Command of the Ministry of Defence, the Chairman of the Joint Command of the Armed Forces and the Commanders General of the Armed Forces. The Advisory Council is the body in charge of advising on the issues the Minister submits to its consideration. It is conformed by those who – at the Minister's request – accept to participate in the position.

**Military Sphere**

The High Command of the Armed Forces is the executing body of the Ministry of Defence in charge of planning, organizing, directing and managing the joint military operations and actions of the Armed Forces in order to attain the defence policy objectives. Participates in the planning and execution of the defence policy. It holds the command and authority over the Special Operations Commands. The Commanders General of the Armed Forces constitutes positions that are subordinate to the Ministry of Defence; they are responsible for the preparation, organization, maintenance and fitting out of the proper force.

■ Average permanence in the Minister of Defence position  
**1 year and 6 months**

**The Ministry of Defence**

**Responsibilities:**

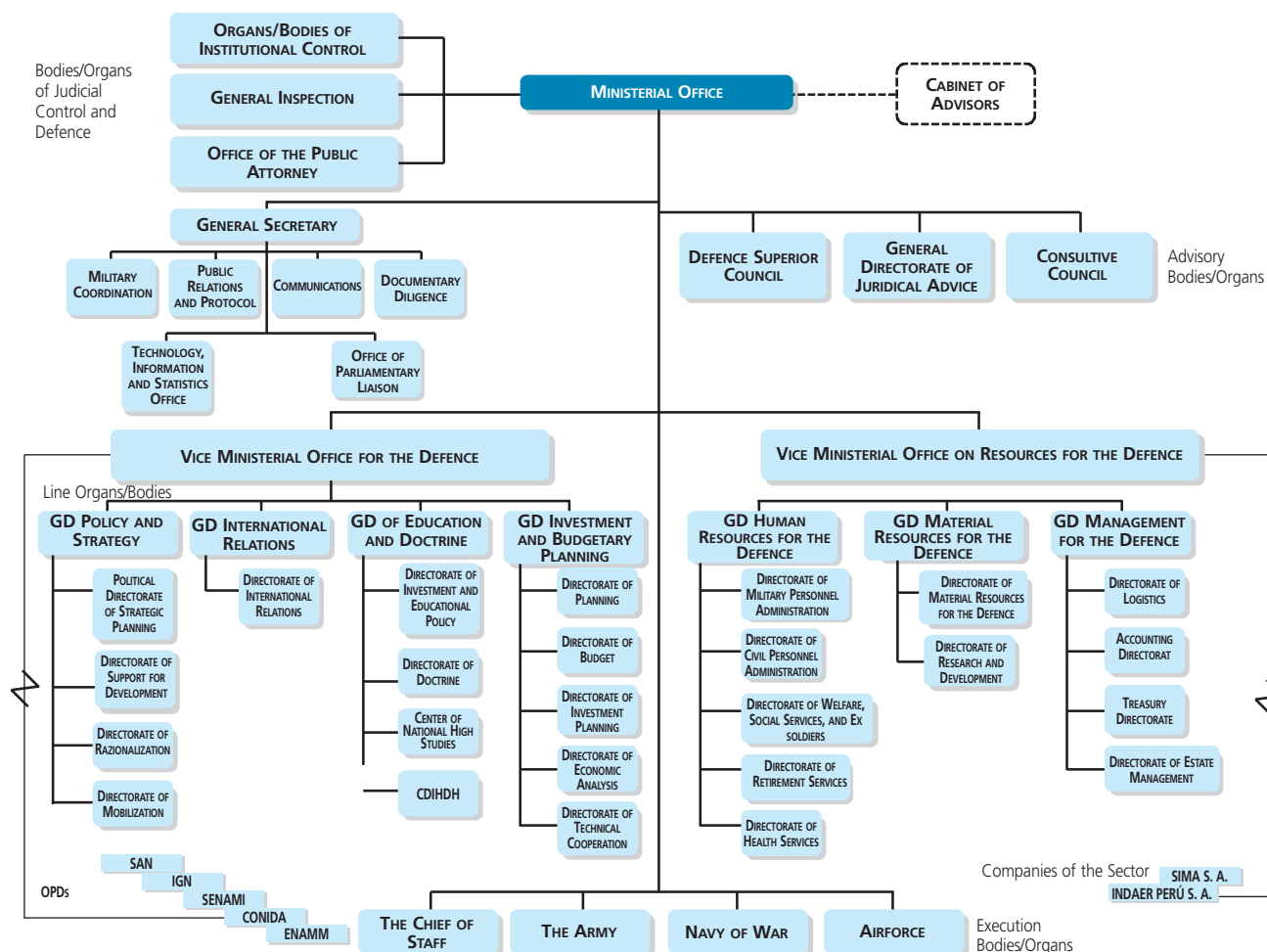
- Execute the national defence policy within its sphere of action.
- Formulate, issue rules, coordinate, manage and oversee national policy on defence and security within the military and non military spheres.
- Exercise the constitutional management of the Armed Forces, following the guidelines of the President of the Republic as Supreme Chief of the Armed Forces.
- Strengthen and guarantee an efficiency, maintenance and operation level for the Armed Forces, as well as the readiness and constant training, through General Commanders of the Armed Institutes.
- Oversee the operations and the joint work of the Armed Forces, through the Joint Command of the Armed Forces.
- Oversee the control on sovereignty and territorial integrity, which are, by virtue of law, guaranteed by the Armed Forces.
- Foster, in coordination with the Foreign Affairs Office, the adoption of policies and international agreements regarding security and defence.
- Approve the budgetary proposal of the list of credit beneficiaries, as well as the strategic plans of the area.
- Set standards for, arrange and oversee the design, dimension, classification and allocation of the Armed Forces' resources, in accordance with directions of the President of the Republic.
- Set standards for, and oversee the execution of the administrative, financial and budgetary management systems of the area, as well as the execution of the investment and standardisation plans and programs for the Armed Forces equipment, when necessary.
- Set standards for, and oversee the execution of transparency processes, expense control and fiscal accountability, especially in acquisitions and outsourcing.
- Supervise and foster, in coordination with the Department of Foreign Affairs, the Armed Forces participation in international peace operations, in accordance to the objectives of the National Defence and Security Policy.
- Oversee and foster the Armed Forces participation in the social and economic development of the State.
- Manage and oversee national mobilization, pursuant to Law.
- Set standards for and oversee institutional objectives and the action of the Armed Forces regarding Human Rights International Law and International Humanitarian Law.
- Take part in the oversight of the Pension Fund for the military members and the Police.
- Set standards for and oversee the Armed Forces participation in the internal order control, in cases established by the President of the Republic pursuant to Political Constitution of Peru and the pertinent law.
- Foster initiatives and the multi-sector participation for the development of the Peruvian aerospace system.
- Establish a co-ordination channel along with the national intelligence system, through the National Direction of Intelligence.
- Co-ordinate and oversee, the execution of intelligence activities performed by intelligence bodies of the Armed Forces, aimed at guaranteeing National Security and Defence.
- Manage and coordinate the participation of the Armed Forces regarding the presence of Peru in the Antarctic.
- Guide and oversight the activities of public decentralised entities of the defence sector.

<b>Date of Foundation</b>	1987
<b>Current Minister (August 2008)</b>	Antero Florez Arazo
<b>Can the military members be Ministers of Defence</b>	Yes
<b>Number of military members who were Ministers of Defence</b>	11
<b>Number of civilians who were Ministers of Defence</b>	3
<b>Have there been any women in charge of the Ministry of Defence?</b>	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 information provided by Peru's Ministry of Defence web page, *Ley que establece la Naturaleza Jurídica, Función, Competencias y Estructura Orgánica Básica del Ministerio de Defensa* (N° 29.075 – 2007/08/01) and *Reglamento de Organización y Funciones del Ministerio de Defensa* (Superior Decree N°001 – 2008/01/03).

ORGANIZATION CHART



Fuente: Ministry of Defence. GD: general directorate.

Defence Education

Main Training Courses of Specialization in the Area

Training Course	Institution
<ul style="list-style-type: none"> <li>- Masters on Development and National Defence</li> <li>- Masters on Public Administration and Management specializing on National Defence and Development.</li> <li>- Degree on Development and National Defence</li> <li>- Degree on Administration and Management</li> <li>- Degree on Regional and Local Government Administration</li> <li>- Course on High Studies on Politics and Strategy.</li> </ul>	Centre for High National Studies (CAEN)
<ul style="list-style-type: none"> <li>- Masters on National Reality, Defence and Development</li> </ul>	University Alas Peruanas
<ul style="list-style-type: none"> <li>-Degree on Political Science specializing on Security Policies</li> </ul>	Catholic University of Peru

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



**Military Career**

**ARMY**

**Military School (Chorrillos)**

Duration: 5 years  
 Graduation Title: Graduate in Military Sciences  
 Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Superior War School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigade General  
 Division General  
 Army General

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

Candidates: 1.339  
 Admitted Candidates: 240

1 out of 6 candidates was admitted

**NAVY**

**Naval School**

Duration: 5 years  
 Graduation Title: Graduate in Maritime and Naval Sciences  
 Graduation Rank: Midshipman

**Academies of Intermediate Education**

Second Lieutenant  
 First Lieutenant

**Staff College**

**Superior Naval War School**

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

**Entry to the Naval School - 2008 -**

Candidates: 664  
 Admitted Candidates: 100

1 out of 7 candidates was admitted

**AIR FORCE**

**Officers School (EOFAP)**

Duration: 5 years  
 Graduation Title: Graduate in Aeronautical Military Sciences  
 Graduation rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Superior Air War School**

Major  
 Commander  
 Colonel  
 Major General  
 Lieutenant-General  
 Air General

**Entry to the Officers School - 2008 -**

Candidates: 524  
 Admitted Candidates: 63

1 out of 8 candidates was admitted

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

## The Armed Forces

### General Mission

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

### Specific Missions

#### Army

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

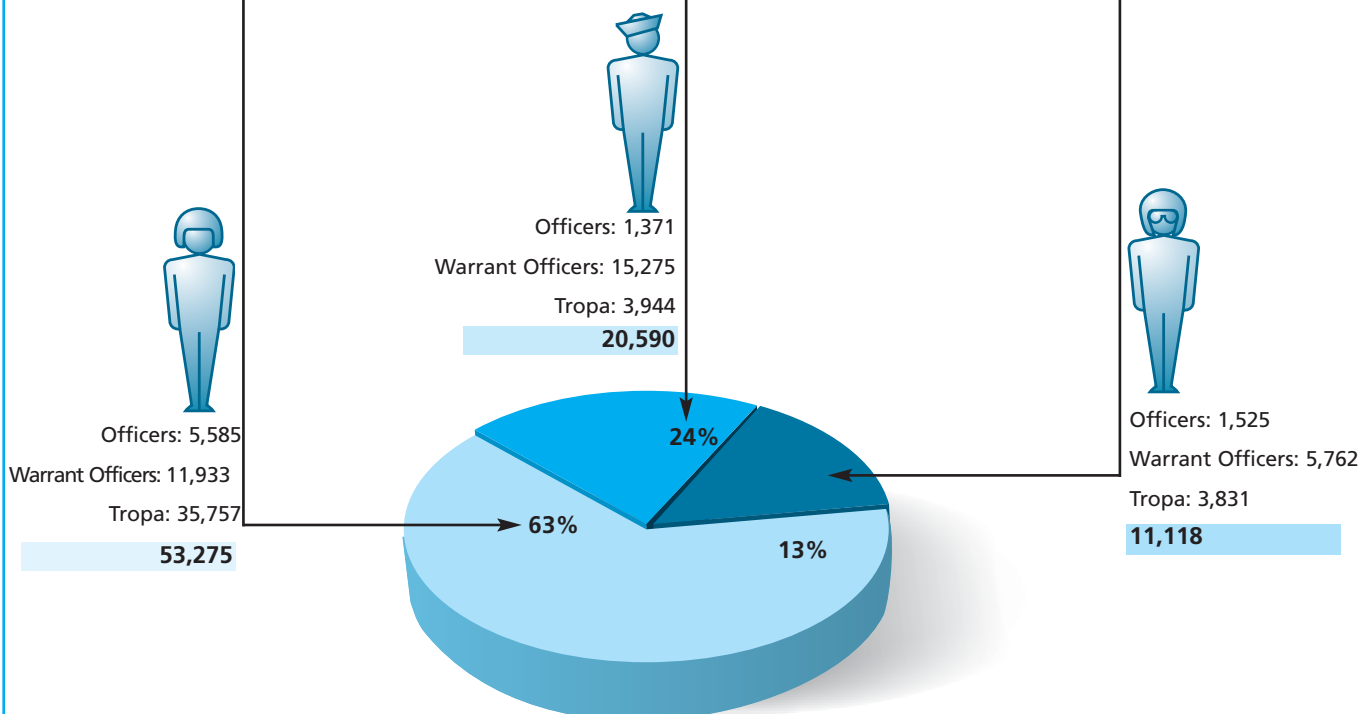
#### Navy

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

#### Air Force

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

### Total Armed Forces: 84,983



Source: Ley Orgánica del Ejército Peruano (DL N° 437 - 1987/09/27), Ley Orgánica de la Fuerza Aérea del Perú (DL N° 439 - 1987/09/27), Ley Orgánica de la Marina de Guerra (DL N° 438 - 27/09/1987) (missions); Ministry of Defence (Regular Forces).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1997	1997	1997
	Line Corps	1997	1998	1999
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.

Source: Compilation based on information supplied by the Ministry of Defence.

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



Source: Information supplied by the Ministry of 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:

## Confidence-Building Measures, the Road to Peace

**José Robles Montoya\***

The beginning of the new government in Peru brought about the restart of the defence sector reform process, initiated by Minister Loret de Mola in 2002. This reform process started after Ambassador Alan Wagner was appointed Minister of Defence, and the quick appointment of the highest ranking government officials of the sector. The current ministerial administration of Dr. Antero Flores Araoz has continued the application of the original principles, based on these premises:

- Provide the Ministry administration with the adequate capabilities for the effective political procedures of defence, by means of a restructuring process which would allow for the “order of the house”. There is a new framework law for the Ministry of Defence for such purpose.
- Provide an effective and efficient responsiveness to the military instrument, by means of the creation of a basic and effective nucleus, and a constant search for professionalism inside the military barracks.
- Define and carry out missions and roles in accordance with the modern times, where conflict with neighbouring countries is more improbable, and is replaced by the phenomenon which affects the security of the hemisphere as a whole, and alters the democratic development of the countries in the region.

This new security context, and within this reform process of the defence sector of Peru, the strengthening of neighbouring relations gains importance in the quest for cooperative security, as a model of security for this part of the hemisphere.

In this sense, the role of the aforementioned Confidence-Building Measures (CBM's) gains importance as the most effective tool to dissipate controversy and

The strengthening of neighbouring relations gains importance in the quest for cooperative security.

\* Legal Defence Institute.



differences among neighbours. We can emphasise that CBM's establish and/or reinforce the bonds of cooperation and understanding among neighbours, in the permanent quest for the conservation and strengthening of peace. The spirit of this process is undoubtedly supported by the trust placed among the parts, and represents a valuable contribution to democracy provided by the defence sector, in times when globalization has shortened the distances bringing our nations closer to one another.

One of the main issues of the new government is to strengthen the relations with our neighbouring countries, especially with Brazil and Chile. This aspect has been expressed even before President García took office, in his visits to the above mentioned countries, where he participated in meetings with the highest ranking authorities of each country. The defence sector initiated a series of measures, which indicate the ministerial intention to strengthen the use of confidence measures as valuable tools of political approach with our neighbours. In this sort of "military diplomacy" important advances have been achieved, such as the following:

- It has been possible to strengthen the bilateral strategic alliance with Brazil, subscribed during President Toledo's office, with the presence of seven State Ministers (among them the Minister of Defence) accompanying the President in his first official visit. As a result, the necessary steps to define the participation of Peru in the surveillance and protection system of Peru in Amazonia were defined. This aspect facilitates our integration to Brazil in matters of security, enabling us to use state of the art technology (specially radars) used to safeguard of the sovereignty and integrity of our territory, which is a constitutional mission of our Armed Forces.
- Regarding Chile, the Peruvian complaint filed in the International Court of Justice in The Hague is a milestone in trust relations between our countries, at least in the first decade of the current century. Undoubtedly, the long process of the solution to the complaint will be reflected in bilateral relations, and it will be an important indicator of confidence between our countries. The process will allow us to clearly establish if we are still anchored to the eternal distrust of the past (which permanently halts our progress and cooperation) or, if on the contrary, we are learning from the past without forgetting it, together we can head towards a brighter future, a future of cooperation where both societies, both countries, increase our development, growth and welfare, based on a culture of peace and integration.

■ One of the main issues of the new government is to strengthen the relations with our neighbouring countries, especially with Brazil and Chile.

Evaluating the process of confidence-building, we can say that since the beginning of the century we have made considerable progress in the approach and promotion of CBM's (especially during 2007). Among them, we can highlight the strengthening of the mechanism known as "2 + 2" which consists of the meeting of the Ministers of Defence and Foreign Affairs from both countries. At the end of 2006 they met in Santiago de Chile, establishing an unprecedented achievement in our bilateral relations: the signing of a Memorandum of Understanding in matters of defence, whose objective was to consolidate bilateral relations, especially in bringing the military instruments closing together, and in carrying out the humanitarian removal of mines in the border zones.

The following are among the main points agreed in this Memorandum:

- a. Establish a Work Group whose main objective will be to define a project for the joint participation of both countries in future peace operations under the UN mandate.
- b. Formulate a plan which enables the creation and preparation of a Combined Peace Force, including the formation of a Chief of Staff combining the military instruments of both countries.
- c. Request and carry out the necessary coordination before the Department of Peacekeeping Operations of the United Nations (DPKO) in Haiti and the Operational Unified Command of Peace Forces of the United Nations in Haiti, for the members of the military on active duty from both countries currently stationed there can operate jointly.
- d. Promote the exchange of information and experiences on the operations carried out by the military corps and observers of both countries under the mandate of the United Nations.
- e. Establish exchange programs for officers, military personnel, programs and instructors of the corresponding training centres for peace operations.
- f. Call the Counterpart Committee of the project to design a common standardized methodology to calculate the expenses of the defence sector, under the responsibility of CEPAL with the participation of UN-LIREC, to study a “Scheme of Unification of Information of the Expenses of the Defence Sector“ using the “Terms of reference for the standardized measurement of the expenses of defence between Chile and Peru“, approved and signed by both countries in 2002, which establishes a bilateral technical work group working under the command of the Counterpart Committee.
- g. Concerning the removal of mines, exchanging the corresponding action plans against antipersonal mines, carry out activities connected to the humanitarian action against antipersonal mines and establish the political negotiation for the compliance deadlines of the Ottawa Convention.

As a conclusion, it is worth emphasising that, firstly, the basic element of the confidence measures is the exchange of information; to be aware of the situation in advance brings a feeling of calmness and trust. It is not good to “discover“ something which might make us uneasy. The second aspect is to develop adequate bilateral relations which promote an authentic complementation, and if possible the true integration among the Forces. The study of a joint force with Chile and Peru undoubtedly aims at this future integration.

This process should run at its own possible pace, since imposing a rhythm could generate differences between the parties. It is better to advance taking short but firm steps rather than facing setbacks when establishing unreal deadlines. That is, together with the CBM's, we should create and reinforce “measures of patience“ in the ruling classes, in the media and in general in the citizenship of both countries. In this case, voluntarism can be very dangerous and counterproductive.

The process of confidence measures is based on: information - communication – mutual knowledge - complementation - integration, but above all, on a great determination to go forward despite the difficulties which might arise. This is the great challenge we have ahead of us, in the consolidation of peace which allows for our development.

■ The signing of a Memorandum of Understanding in matters of defence is an unprecedented achievement in the Chilean and Peruvian relations.



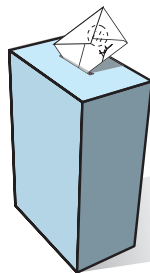
# Uruguay

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
- Decree Organic Law for the Armed Forces (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07)	- Military Codes (Decree-Law N° 10.326 - 1943/01/28) - Organic Act of the Navy (N° 10.808 - 1946/11/08) - Security of the State and Internal Order Act (N° 14.068 - 1972/07/12) - Organic Act of the Air Force (N° 14.747 - 1977/12/30) - Organic Act of the National Army (N° 15.688 - 1985/01/17)

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



### Political Participation of Military Members

	Retired	On Duty
<b>Are they entitled to vote?</b>	Yes	Yes
<b>Are they entitled to become candidates for elections</b>	Yes <sup>(1)</sup>	No <sup>(2)</sup>

(1) Section 77 subsection 4 of the National Constitution establishes that only the members of the military on active duty cannot perform political activities.

(2) Section 9 subsection 2 of the National Constitution establishes that "Members of the military who resign to their position and remuneration to enter legislative bodies, shall conserve their rank, but as long as their legislative responsibilities last they shall not be promoted. They shall be except of all military subordination. The time they remain performing legislative activities will not be counted for seniority for a promotion". The Organic Decree-Law for the Armed Forces N° 14.157, in Section 98, says that the military status shall be suspended in the case of a "member of the military elected for a political position".

Source: Constitution and *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07).

## International Treaties

On Hemispheric Security	On Disarmament	On Human Rights and Justice	On the Hemispheric System
<ul style="list-style-type: none"> <li>- Inter-American Treaty of Reciprocal Assistance: Signature: 1947/09/02 Deposit: 1948/09/28</li> <li>- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 1955/09/01</li> </ul>	<ul style="list-style-type: none"> <li>- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1968/08/20</li> <li>- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1970/08/31</li> <li>- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/15 Deposit: 1994/10/06</li> <li>- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 2001/06/07</li> <li>- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Accession: 1981/04/06</li> <li>- Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques: Accession: 1993/09/16</li> <li>- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 1994/10/06</li> <li>- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2001/07/20</li> <li>- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2001/08/31</li> <li>- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2001/09/21</li> </ul>	<ul style="list-style-type: none"> <li>- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1985/04/19</li> <li>- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/30 Deposit: 1996/04/02</li> <li>- Inter-American Convention to Prevent and Punish Torture: Signature: 1985/12/09 Deposit: 1992/11/10</li> <li>- International Criminal Court: Signature: 2000/12/19 Deposit: 2002/06/28</li> <li>- Jurisdiction of the International Court of Justice as Compulsory: Deposit: 1921/01/28</li> </ul>	<ul style="list-style-type: none"> <li>- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1955/09/01</li> <li>- Antarctic Treaty: Accession: 1980/01/11</li> </ul>

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	98,505,352,000
US\$	4,331,809,675
<b>2008 GDP (in US\$)</b>	<b>26,607,000,000</b>

### Defence Budget 2008

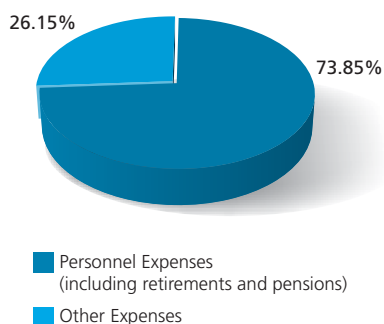
Local currency	7,205,035,000
US\$	316,844,107
<b>GDP's %</b>	<b>1.19</b>
<b>% of the State Budget</b>	<b>7.31</b>

### Defence Budget 2008 (in Local Currency)

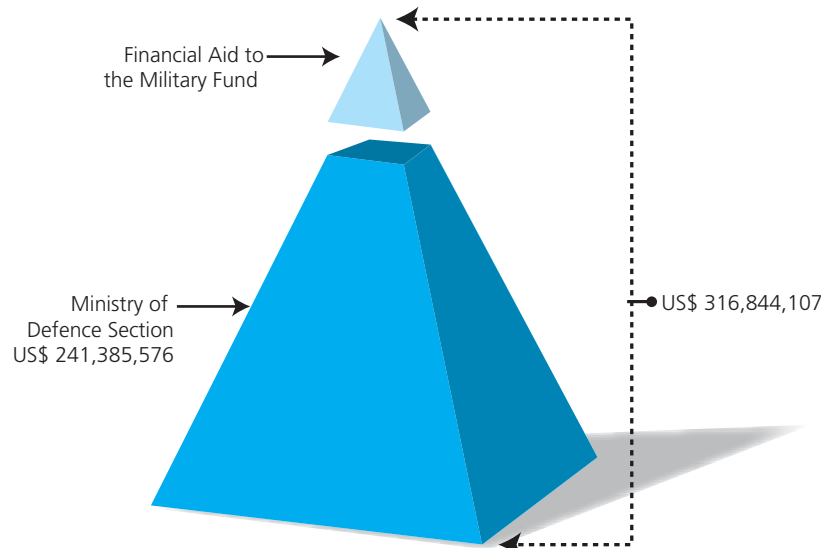
Sections	Operations	Investment	TOTAL
<b>National Ministry of Defence</b>			
Central Administration*	464,807,000	6,062,000	470,869,000
National Army	2,134,499,000	40,282,000	2,174,781,000
National Navy	978,096,000	110,987,000	1,089,083,000
Uruguayan Air Force	589,306,000	97,887,000	687,193,000
Administration and Control of Aviation and Airports	306,298,000	100,060,000	406,358,000
Military Health	578,727,000	26,152,000	604,879,000
Military Social Security	5,727,000	4,150,000	9,877,000
Meteorological research and Studies	45,264,000	442,000	45,706,000
Reduction of Non Priority Tasks	177,000	0	177,000
Reduction of Non Priority Tasks	185,000	0	185,000
<b>Financial Transferences of the Social Security Sector</b>			
Financial Aid to the Military Fund	1,715,927,000	0	1,715,927,000
<b>TOTAL</b>	<b>6,819,013,000</b>	<b>386,022,000</b>	<b>7,205,035,000</b>

\* Act N° 18.172 for budgetary changes, establishes an incremental cost of \$21,737,000 for operational expenses of the Ministry of Defence. This amount is considered on the chart, within the Central Administration Program.

Defence Budget 2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the National Budget Act, Government Period 2005-2009 and Act on Budgetary Modifications, Government Period 2008-2009. 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 seller's exchange rate average is 23.47 Pesos, based on the information provided by the Central Bank of Uruguay. 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 one of the means by which national security is achieved. It consists of the set of bodies, laws and rules exercised to that end by the Executive Power through the military commands to repeal, neutralize or reject agents who may infringe such security.</p> <p><i>(Decreto Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Act 15.808 - 1986/04/07, Sec. 5)</i></p>	<p>National security is the condition when the national assets of all kinds and the development process towards the national objectives are safeguarded against internal and external interference or aggression.</p> <p><i>(Decreto Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Law 15.808 - 1986/04/07, Sec. 4)</i></p>

## Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINURSO (Western Sahara)	6	—
MINUSTAH (Haiti)	—	1,171
MONUC (Dem. Rep. of Congo)	46	1,323
UNAMA (Afghanistan)	1	—
UNMEE (Ethiopia and Eritrea)	2	36
UNMIN (Nepal)	3	—
UNMOGIP (India and Pakistan)	2	—
UNOCI (Ivory Coast)	2	—
UNOMIG (Georgia)	3	—

The Uruguayan Army Peacekeeping Operations School "Mayor Juan Sosa Machado" (EOPE) was founded on December 22, 1998.

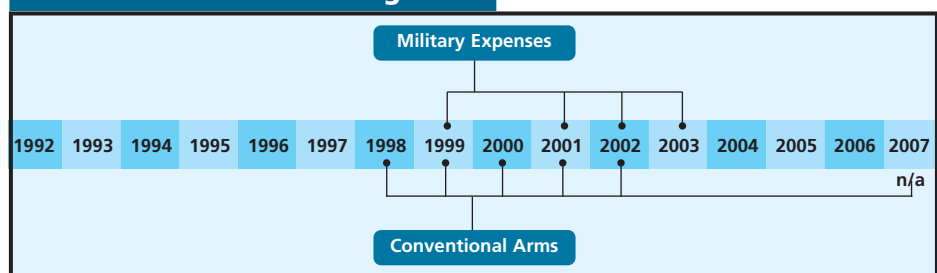


MO: Military Observers - CT: Contingent Troop.

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.

Uruguay provides 2,595 military members to UN peace operations, which represents a 40.89% of the total amount of the Latin American contribution and a 3.37% 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.

### Constitutional Powers of the Congress

#### Related to War and Peace

- Can it declare war?: Yes
- 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 <sup>(1)</sup>
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes <sup>(2)</sup>
- 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.  
 (2) Corresponds to the Chamber of Representatives.

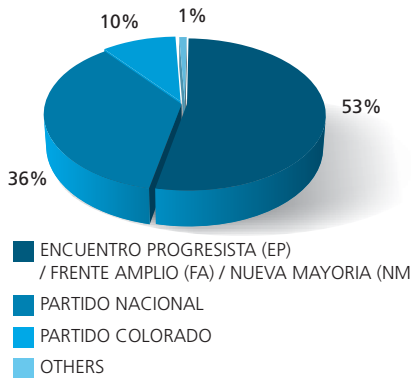
#### States of Exception

Name: Quick security measure  
 Cause: Foreign attack  
 Internal commotion  
 Participation of the Legislative Power: Requires a resolution from the General Assembly.

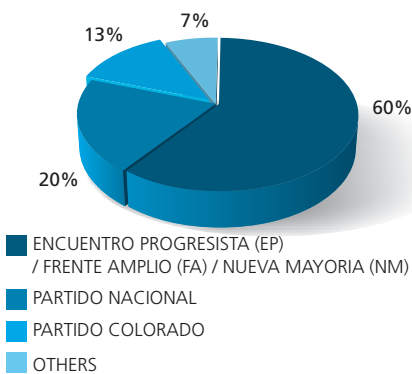
Source: Compilation based on the Constitution.

#### Breakdown of Parties

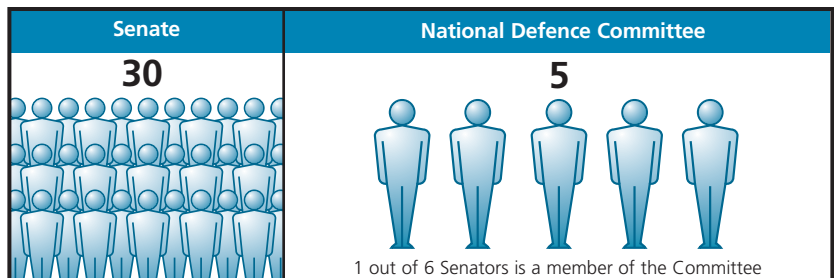
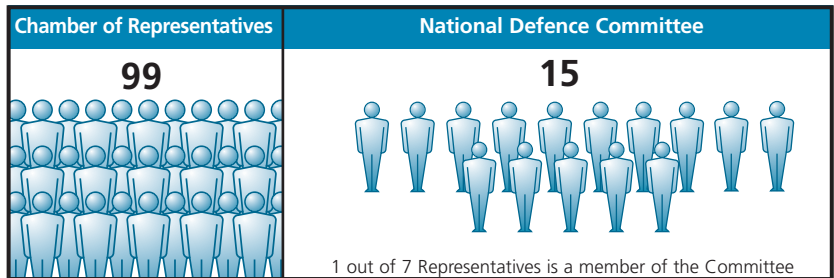
##### Chamber of Representatives



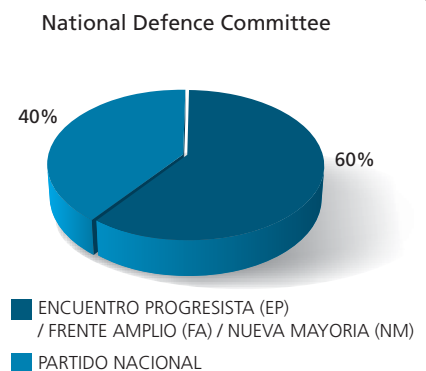
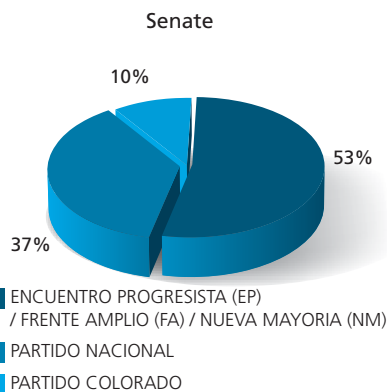
##### National Defence Committee



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



#### Breakdown of Parties





**System Organization**

**Functions**

**State Powers Sphere**

It is a competence of the President of the Republic to hold the Superior Command of the Armed Forces -along with the Minister of National Defence or the Council of Ministers.

**Ministerial Sphere**

The National Ministry of Defence is the political-administrative body integrating the superior command of the Armed Forces, and is in charge of implementing decisions through its administrative organization structure. It is composed of the following bodies: Government and Administration (Secretary of State); Joint Advisory, Planning and Execution (Board of Commanders in Chief, in charge of the Command of the Armed Forces); Execution (the Forces), and others under the direct responsibility of the Ministry such as the military criminal justice. The Secretary of the State comprises the Minister, the Undersecretary, the ministerial Cabinet, and the General Directorate. It takes part in all activities concerning national defence policy, external security, those related to the national defence on issues handed over to other Ministries and the organization, direction and management of the Armed Forces.

The Joint Command of the Armed Forces is the advisory body of the Superior Command for the joint use of the Armed Forces. It is composed of the Commanders-in-Chief of the Army, the Navy and the Air Force.

**Military Sphere**

The Commanders-in-Chief exercise the government and management of their respective Forces. Besides, they recommend and advise the Superior Command the measures tending to improve the structure and use of the military institutions.

*Source:* Compilation based on the Constitution, the *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07) ; *Ley Orgánica de la Marina* (N° 10.808 - 1946/11/08); *Ley Orgánica de la Fuerza Aérea* (N° 14.747 - 1977/12/30); and *Ley Orgánica del Ejército Nacional* (N° 15.688 - 1985/01/17).

**Date of Foundation**

1935

**Current Minister (August 2008)**

José Bayardi

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

Yes (if they have retired)

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

15

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

20

**Have there been any women in charge of the Ministry of Defence?**

Yes (Azucena Berruti, 2005-2008)

[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 Defence**

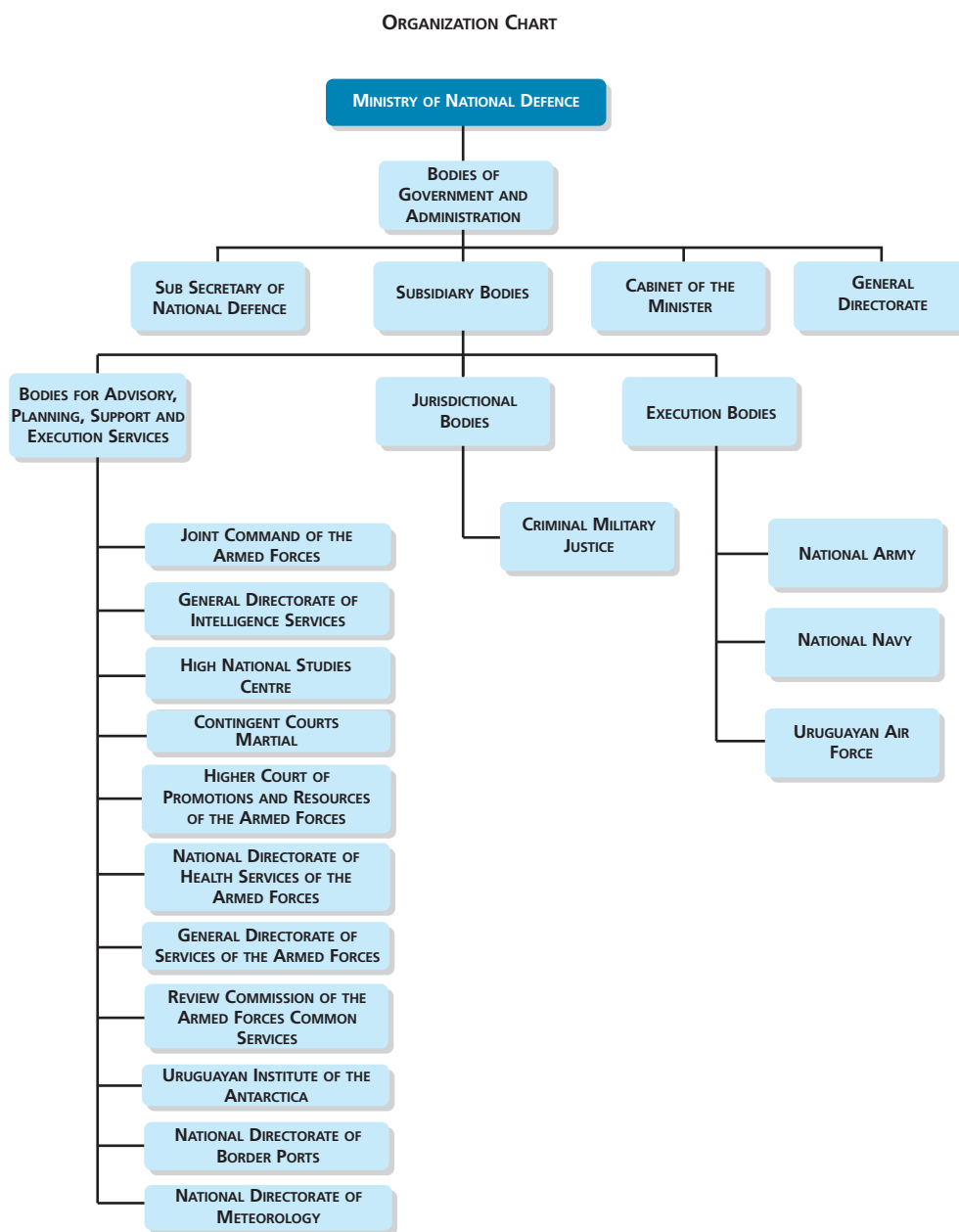
**Mission:**

Establish national defence policy, external security and co-operation at the maintenance and restoration of internal order, security and peace along with the organization, management and administration of the Armed Forces.

■ Average permanence in the Minister of Defence position  
**2 years and 1 month**

*Source:* Compilation based on information provided by the Ministry of Defence and *Decreto que establece la Redistribución de las Atribuciones y Competencias de los Ministerios* (N° 574/974 - 1974/07/12).





Source: Compilation based on the information supplied by the *Decreto-Ley Orgánica de las Fuerzas Armadas* (N° 14.157 - 1974/03/05) and the document *La Defensa Nacional: Aportes para un Debate* (2005).

## Defence Education

### Main Training Courses of Specialization in the Area

Course	Institution
<ul style="list-style-type: none"> <li>- Masters on National Strategy</li> <li>- Course on High National Studies</li> <li>- Course on Strategic Exercises</li> <li>- Course on Scientific Investigation applied to National Strategy</li> </ul>	High National Studies Centre (CALEN)

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 Sciences  
 Graduation Rank: Officer Cadet

**Academies of Intermediate Education**

First Lieutenant  
 Second Lieutenant  
 Captain

**Staff College**

**Military Institute of Superior Studies**

Major  
 Lieutenant-Colonel  
 Colonel  
 General  
 Army General

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

Candidates: 160  
 Admitted Candidates: 85

1 out of 2 candidates was admitted

**NAVY**

**Naval School**

Duration: 4 years  
 Graduation Title: Graduate in Naval Systems  
 Graduation Rank: Midshipman

**Academies of Intermediate Education**

Second Lieutenant  
 Lieutenant  
 Navy Lieutenant

**Staff College**

**Naval War School**

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

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

Candidates: 76  
 Admitted Candidates: 44

3 out of 5 candidates were admitted

**AIR FORCE**

**Military Aviation School**

Duration: 4 years  
 Graduation Title: Graduate in Air and Aerospace Systems  
 Graduation rank: Officer Cadet

**Academies of Intermediate Education**

Second Lieutenant  
 First Lieutenant  
 Captain

**Staff College**

**Command and Air General Staff School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigadier  
 Brigadier-General

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

Candidates: 65  
 Admitted Candidates: 36

5 out of 9 candidates were admitted

Source: Compilation based on *Decreto-Ley Orgánica de las Fuerzas Armadas* (Nº 14.157 - 1974/03/05; modified by Act Nº 15.808 - 1986/04/07). Entry to Academies: the National Army, the National Navy, and the Uruguayan Air Force. The table strictly follows the order and hierarchy of the ranks shown on each country.

## The Armed Forces

### General Mission

The Armed Forces have the fundamental mission to defend the honour, independence and peace of the Republic, the integrity of the territory, its constitution and laws, always acting under the supreme command of the President, in agreement with the corresponding Minister and section 168, subsection 2°, of the Constitution.

Without detriment of its primary mission, the Armed Forces shall support and undertake the development programs assigned, carrying out works of public benefits, particularly developing the military factor, depending on the requirements or planning for the fulfilment of their fundamental mission.

(Decreto-Ley Orgánica de las Fuerzas Armadas, N° 14.157 - 1974/03/05; modified by Act N° 15.808 - 1986/04/07, Sec. 2 and 3)

### Specific Missions

#### Army

Their mission is to contribute to the internal and external National Security, in the framework of the mission of the Armed Forces, developing their capacity in accordance with the specific needs.

Without detriment to their primary mission, the National Army shall support and undertake development plans assigned to them carrying out public works.

#### Navy

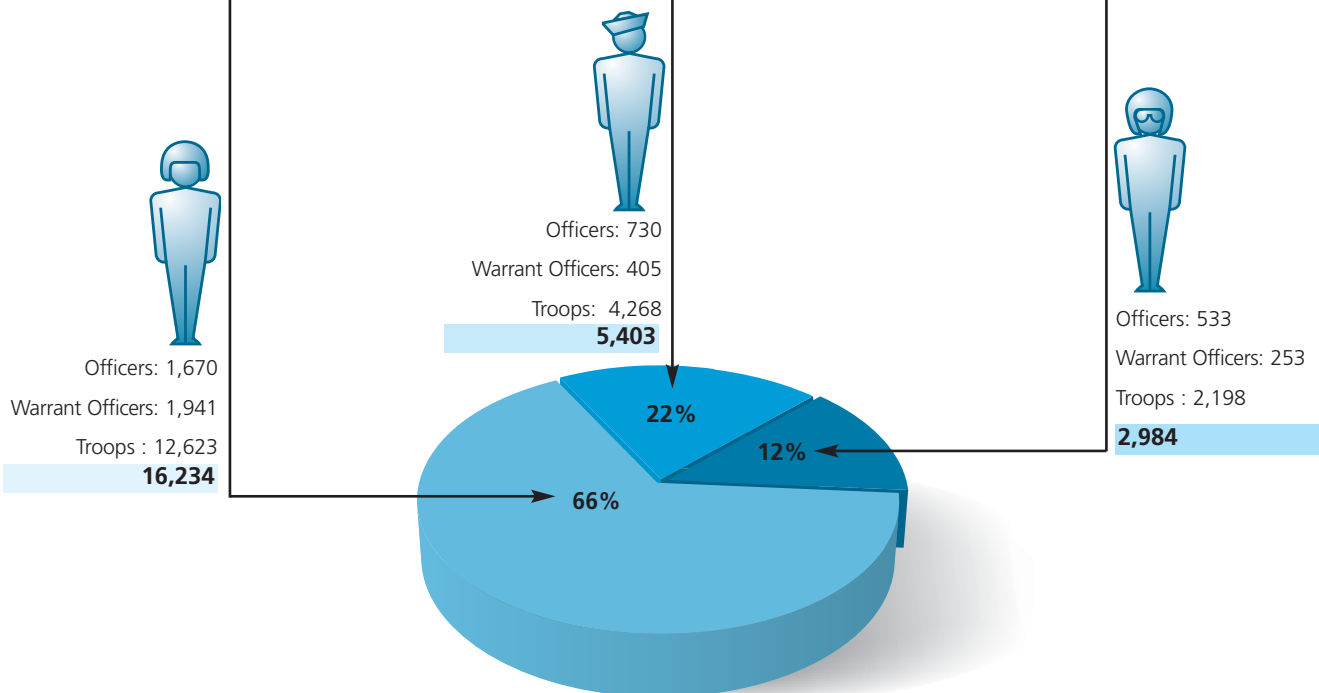
Their essential mission is to defend the territorial integrity of the State, its honour and independence, peace, the Constitution and its laws.

#### Air Force

Their primary mission of the Air Force is to provide internal and external security, in coordination with the other branches of the Armed Forces.

Without detriment to its fundamental mission, the Air Force shall support and undertake the development plans assigned to them, carrying out public works; develop its potential in accordance with the specific demands or needs for the compliance of its fundamental mission and other missions assigned to them; constitute the essential consulting body of the Executive Power in regarding aerospace policies of the Republic; and constitute the executive body of the Executive Power regarding measures of leadership, integration and development of the national aerospace potential.

### Total Armed Forces: 24,621



Source: Ley Orgánica del Ejército Nacional (N° 15.688 - 1985/01/17), Ley Orgánica de la Marina (N° 10.808 - 1946/11/08) and Ley Orgánica de la Fuerza Aérea (N° 14.747 - 1977/12/30) (missions). National Army, National Navy, and Uruguayan Air Force (Regular Force).



**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1996	1998	1994
	Line Corps	1998	2000	1997
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.

Source: Compilation based on information supplied by the Ministry of Defence.

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



Source: Information supplied by the National Army, the National Navy, and the Uruguayan Air Force. 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 National Debate on Defence

**Félix Besio\***

In Uruguay, the political leadership/management of national defence has traditionally been subject to “underestimation”, both by society and – consequently – by political elites. Once democracy had returned, and the national security doctrine had been wiped out from the legal framework, basic structural definitions have not been made from political institutions, so as to establish clearly the institutional character of the defence and of the Armed Forces. Therefore, through action in some cases, but especially through omission in some other, the national defence has not had an effective political developmental scenario.

Clearly, the political space always has to be occupied, and, due to the lack of political leadership as to national defence matters, military bureaucracies have been gradually filling up the emptiness.

On March 1, 2005, the country faced a change of government. A political party that had never come to power before, assumed the government. The leftist coalition – which had been born in 1971 – took power with parliamentary majority, which would give a bit of a chance to the materialization of those policies considered fundamental since the birth of the country.

Considering the government’s coalition plan, - where it was stated that the national defence issue was not exclusively military, and that it should be legitimated by the whole of the society -, Uruguay began to design what would be a national debate on defence, amidst a favourable institutional scenario.

■ Considering the government’s coalition plan, Uruguay began to design what would become a national debate on defence.

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\* Professor and researcher for the National Centre for High Studies.



## Explaining the debate

The national debate on defence will neither engender a draft bill nor any regulations at all, but it will start a process seeking to elaborate documents that lead to accords and disagreements on the different issues related to the National Defence, which in turn will develop into raw material when it comes about elaborating topic-related draft bills.

Such a process has been thought of as having three different stages. A first part, related to the generation of material for the elaboration of a National Defence Act (an already completed stage), a second part that relates to the elaboration of an Organic Law of the Armed Forces (in progress these days), and a last part, related to the elaboration of an Intelligence Act.

In turn, all these parts are conformed by thematic tables that debate about those guidelines and drafts related to the different issues under discussion, in order to secure the accords and record the dissents. In this context, participation of national and local government institutions, the Armed Forces and civil society is plural, wide-ranging and variable.

The outcome of the arising ideas from the debate might be summarized as follows<sup>1</sup>:

- *National Defence*: it has been understood as a State duty, as well as a right and an obligation of the whole citizenry, being the armed forces its military instrument. It should tend to “address eventual threats, manage risks and/or reduce the vulnerabilities of the country that affect the values, principles and institutions guaranteed by the Constitution of the Republic.” In the same way, it recommended the creation of a National Defence Council, in order to articulate the existing related policies. Besides, it was suggested to implement a Secretariat for Strategic Issues, an advisory body to the Executive Branch in matters of strategic analysis.
- *National Defence and Foreign Affairs*: both policies should be articulated under a multilateral view, based on the principles of respect to the self-determination of peoples, the non-interventionism on State internal issues and the peaceful settlement of international conflicts. Thus, it is proposed to strengthen the coordination between the Ministry of the National Defence and the Ministry of Foreign Affairs, and to define the defensive character of the military defence strategy of the country. All participation in peacekeeping contingents should be deeply analyzed, as well as the encouragement of parliamentary control over the Armed Forces abroad. Neighbouring countries and the MERCOSUR would represent the most significant strategic framework of alliances and cooperation.
- *Ministry of National Defence*: is responsible for the political management of the defence. In that sense, a structure with organizational areas such as Political and Administration Issues, and a Defence General Staff was conceived.
- *The Armed Forces*: their fundamental duty is the performance of military actions aimed at defending the sovereignty, independence and territorial integrity, as well as the country’s strategic resources, and at supporting the

■ The neighbouring countries and the MERCOSUR will be the most significant strategic framework of alliances and co-operation.

<sup>1</sup> National Debate on Defence in <http://www.mdn.gub.uy/pages/debnac.asp>.

perpetuation of peace in the Republic, according to the Constitution and the law. It has been clearly stated that the internal order and the “new threats” are matters of competence of the Ministry of the Interior, though, if necessary and at the Ministry of the Interior’s request, the operational capacities of the Armed Forces can be supplementary to the police’s. It’s important in these cases to count on an adequate legal framework regarding these actions. Likewise, and in accordance with Section 168, Subsection 17 of the Constitution, action of the Forces may be authorized – with prior approval of the Parliament - in case of serious unexpected interior commotion, and when the relevant State bodies are overcome. Thus, there would be three kinds of missions for the Armed Forces to fulfill. Those accomplished through doing their fundamental duty; those that require the use of their capacities to address situations of emergency and catastrophe – via the administrative statement of the High Command –; and those where their full capacities are eventually at stake – including the use of force – and which shall be defined by force of law. The performance of the National Naval Prefecture – subordinated to the National Navy – and National Air Police –subordinated to the Air Force- as to internal order matters, would be strictly focused on “prevention and repression of regulation infringements which, due to their typification, can only occur in this sphere of competence and attributions, and affect port and airport security, people, cargo, infrastructure, ships and aeroplanes.”

- *Military Jurisdiction*: it was settled that civilians are not considered as subjects in the commission of military crimes. Regarding the inclusion of the military jurisdiction in the judicial system, two different viewpoints cropped up. On the one hand, it was considered that it should be organized as a specialist matter of the judiciary system, with civil judges being advised by military lawyers. Another stance fostered the idea of keeping it as a competence of the Ministry, with military lawyer judges - preferably retired.

■ In the oncoming parliamentary debate on the draft bill itself, stumbling-blocks will be there when discussion gets started.

## Projection of the debate

The results of the first stage of the national debate on defence, are currently being processed by the Ministry, in order to elaborate the draft bill of National Defence.

In the oncoming parliamentary debate on the draft bill itself, stumbling-blocks will be there when discussion gets started. Low participation in the debate tables of the opposing parties, does not forecast an easy realization of the projects. To the latter, we should add the fact that the internals of the governing party – among its various sectors – the national defence issues have already generated differences in the past.

But, beyond the difficulties of the process of the mentioned drafts - which material is being excerpted from the national debate on defence – this kind of discussion process, carried out in such a transparent and socially legitimate way as never seen before in our country -, is in itself a profound progress in the political management of national defence in Uruguay.



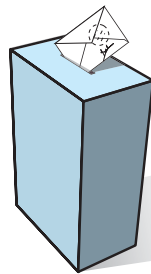
# Venezuela

## The Legal Framework

### Systems and Concepts

Sistemas y Conceptos	Military Organization
<ul style="list-style-type: none"> <li>- Organic Act for the Public Administration (GO N° 37.305 - 2001/10/17)</li> <li>- Decree-Law of Citizen Security Coordination (GO N° 37.318 - 2001/11/06)</li> <li>- National Security Organic Act (GO N° 37.594 - 2002/12/18)</li> </ul>	<ul style="list-style-type: none"> <li>- Military Service and Enrollment Law (GO N° 2.306 - 1978/09/11)</li> <li>- Organic Code of Military Justice (GO N° 5.263 - 1998/09/17)</li> <li>- Organic Act of the Bolivarian National Armed Force (GO N° 5.891 - 2008/07/31)</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	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"> <li>- Inter-American Treaty of Reciprocal Assistance Signature: 1947/09/02 Deposit: 1948/10/04</li> <li>- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30</li> <li>- Unratified</li> </ul>	<ul style="list-style-type: none"> <li>- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1970/03/23</li> <li>- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/07/01 Deposit: 1975/09/25</li> <li>- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1997/12/03</li> <li>- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/03 Deposit: 1999/04/14</li> <li>- 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: 1978/10/18</li> <li>- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Accession: 2005/04/19</li> <li>- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 2002/05/14</li> <li>- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2005/04/27</li> <li>- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/10/03 Deposit: 2002/05/13</li> </ul>	<ul style="list-style-type: none"> <li>- Inter- American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1977/08/09</li> <li>- Inter-American Convention on Forced Disappearance of Persons: Signature: 1994/06/10 Deposit: 1999/01/19</li> <li>- Inter-American Convention to Prevent and Punish Torture: Signature: 1985/12/09 Deposit: 1991/18/26</li> <li>- International Criminal Court: Signature: 1998/10/14 Deposit: 2000/06/07</li> </ul>	<ul style="list-style-type: none"> <li>- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1951/12/29</li> <li>- Antarctic Treaty: Accession: 1999/03/24</li> </ul>

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	137,567,650,786
US\$	63,984,953,854
<b>2008 GDP (in US\$)</b>	<b>334,726,000,000</b>

### Defence Budget 2008

Local currency	7,206,275,956
US\$	3,351,756,259
<b>GDP's %</b>	<b>1.00</b>
<b>% of the State Budget</b>	<b>5.24</b>

### Defence Budget 2008 (in Local Currency)

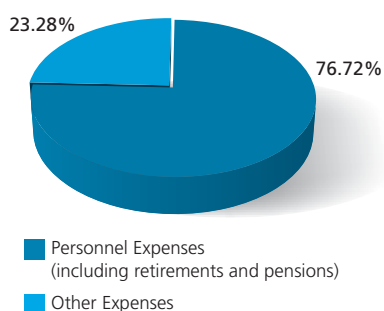
Credits	Consumer Goods and Services Expenses**	Real Assets	Others***	Personnel Expenses	TOTAL
<b>Ministry of the People's Power for Defence</b>					
<i>Projects*</i>					
Administrative Management	299,714,256	25,250,000	119,034,893	0	443,999,149
Logistics Support	421,318,971	0	0	0	421,318,971
Education and Training	34,677,071	0	0	0	34,677,071
Intelligence	4,045,609	0	0	0	4,045,609
Military and Civil-Military Operations	98,822,024	0	0	0	98,822,024
Health	271,681,203	0	0	0	271,681,203
Military Investment on the Army	15,296,175	3,019,241	0	0	18,315,416
Military Investment on the Navy	0	60,092,500	0	0	60,092,500
Maintenance of Operation Units of the Navy	0	50,902,312	0	0	50,902,312
Military Investment on the Air Force	0	27,043,128	0	0	27,043,128
Contributions of Decentralized Entities	0	0	1,380,144,521	0	1,380,144,521
<i>Centralized Actions</i>					
Management and Coordination of Workers' Expenses	1,299,992	0	0	4,152,199,765	4,153,499,757
Administrative Management	0	0	50,191,581	0	50,191,581
Social Security Services	0	0	81,181,351	0	81,181,351
Attachés Offices	0	0	25,361,363	0	25,361,363
<b>Ministry of the People's Power of the President's Office</b>					
Council of National Defence	2,839,386	391,119	447,122	11,322,373	15,000,000
General Command of the National Reserve and National Mobilization	15,806,524	5,915,500	809,400	47,468,576	70,000,000
<b>TOTAL</b>	<b>1,165,501,211</b>	<b>172,613,800</b>	<b>1,657,170,231</b>	<b>4,210,990,714</b>	<b>7,206,275,956</b>

\* Budgets by projects. They are herein grouped regarding a central topic.

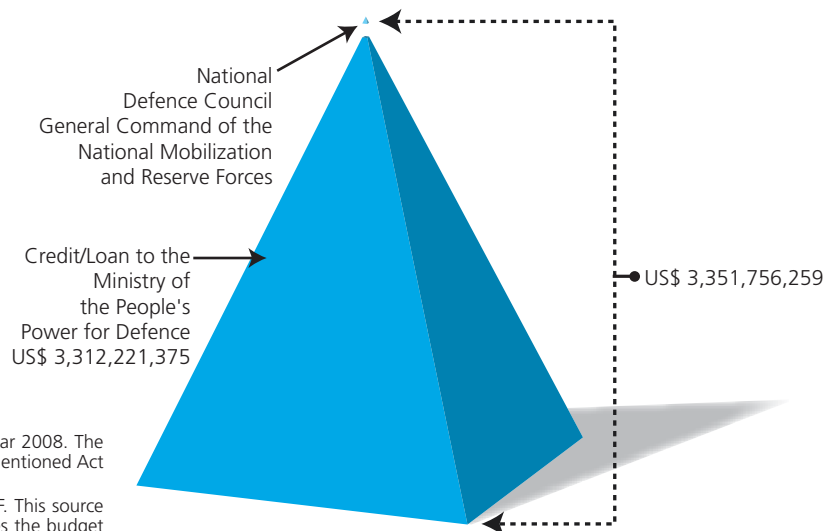
\*\* Includes Materials, Supplies and Goods and Non Personal (Personnel) Services.

\*\*\* Includes Defence and Security Expenses of the State, Transferences and Donations. Decrease of Liabilities and other expenses. Transferences to the Institute of Social Services for the National Armed Forces (IPSA) are 1,318,008,146 Bolívares Fuertes.

Defence Budget  
2008 Breakdown



Composition of Defence Budget 2008



Source: Compilation based on the Budgetary Act 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 seller's exchange rate average is 2.15 Bolívares Fuertes, based on the information provided by the Central Bank of Venezuela. 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

Security of the Nation is an essential competence and responsibility of the State, and is fundamented in its integral development. Its defence is responsibility of Venezuelan men and women both natural and legal persons of public and private law, which are being in the national geographical space.

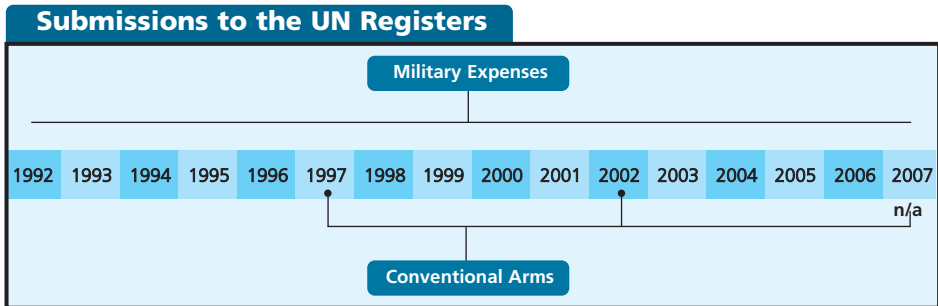
Security of the Nation is fundamented in the co-responsibility between the State and civil society, in order to enforce the principles of independence, democracy, equality, peace, freedom, justice, solidarity, environmental protection and conservation, affirmation of human rights, as well as the progressive satisfaction of individual and collective needs of Venezuelan men and women, on the basis of full coverage sustainable and productive development for the national community. The principle of co-responsibility is exercised in the economic, social, political, cultural, geographical, environmental and military scope.

( Constitution, Sections 322 and 326)

The scope of integral security and defence is limited to what it is established by the Constitution and laws of the Republic, international treaties, pacts and conventions, without the provision of nullified agreement, subscribed and ratified by the Republic, and to those spaces where our vital interests are placed.

*(Ley Orgánica de Seguridad de la Nación, GO N° 37.594 - 2002/12/18, Sec. 6)*

What is Defence?	What is Security?
Integral defence: the set of defence systems, methods, measures and actions, whichever their nature and intensity, actively formulated, coordinated and executed by the State, with the participation of public and private institutions and natural and legal persons, national or foreign, aimed at protecting independence, freedom, democracy, sovereignty, territorial integrity and the integral development of the Nation. <i>(Ley Orgánica de Seguridad de la Nación, GO N° 37.594 - 2002/12/18, Sec. 3)</i>	Security of the Nation: It is fundamented in the integral development and it is the condition, state or situation which guarantees the full exercise of the rights and guarantees in the economic, social, political, cultural, geographical, environmental and military areas of the constitutional principles and values of the inhabitants, the institutions and each one of the persons who are part of the State and the society, with a generational approach, within a democratic, participatory and prominent system, free of threats to its survival, sovereignty and integrity of its territory and other geographical spaces. <i>(Ley Orgánica de Seguridad de la Nación, GO N° 37.594 - 2002/12/18, Sec. 3)</i>



*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.

### Constitutional Powers of the Congress

#### Related to War and Peace

- Can it declare war?: No
- 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?: Yes

(1) The President can declare the state of external commotion in cases of extreme conflict. Its extension requires the consent of the National Assembly.

#### Related to Control

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

N/R: No reference

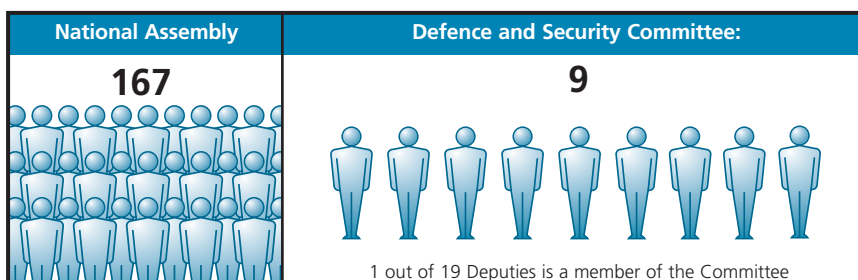
#### States of Exception

Name: State of alarm  
Cause: Catastrophes and public calamities which seriously endanger the security of the Nation, or its citizens  
Participation of the Legislative Power: The extension requires the approval of the National Assembly.

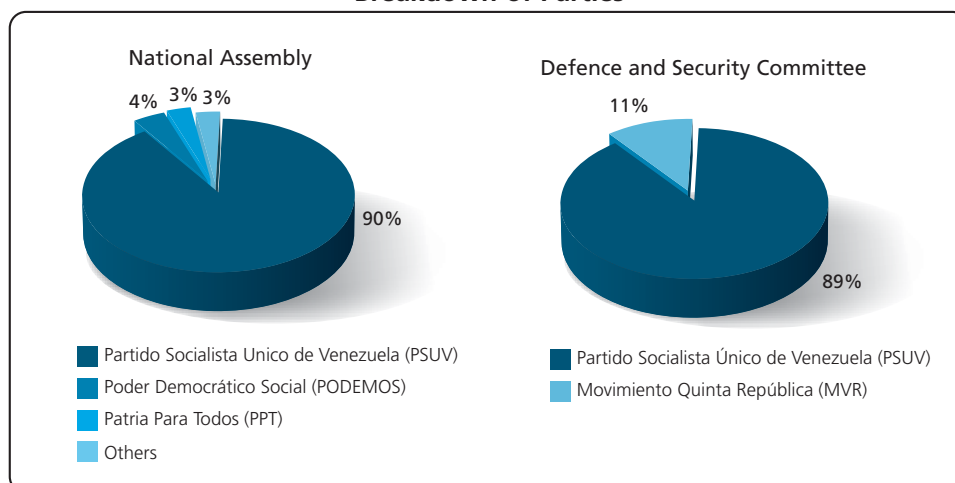
Name: State of economic emergency  
Cause: Extraordinary economic circumstances which seriously affect the economic situation of the Nation  
Participation of the Legislative Power: The extension requires the approval of the National Assembly.

Name: State of internal or external commotion  
Cause: Internal or external conflict which seriously endangers the security of the Nation, its citizens or institutions  
Participation of the Legislative Power: The extension requires the approval of the National Assembly.

Source: Compilation based on the Constitution.



#### Breakdown of Parties



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



## System Organization

## Functions

### State Powers Sphere

The President is the Commander in Chief of the National Armed Force – the highest hierarchical authority – and exercises the supreme hierarchical authority. Directs the general development of the operations, defines and activates the conflict area, the operational theatres and integral defence zones, as well as the military exercises and war games areas, and appoints the respective commanders and their corresponding territorial jurisdiction. The President holds the command and direction of the Command-in-Chief, conformed by a General Staff and the assigned units.

The National Defence Council is the highest advisory body to the national, state and municipal Public Power, on matters related to the integral security and defence of the Nation, its sovereignty and its territorial integrity and other geographical spaces within the Republic. To that end, it has to formulate, recommend, and assess policies and strategies –as well as other related topics sent for consultation on behalf of the President– and also to establish the strategic concept of the Nation. It is composed of the President of the Republic –who presides it– the Executive Vice-President, the President of the National Assembly, the President of the Supreme Court of Justice, the President of the Republican Moral Council, and the Ministers of the Defence, Interior Security, Foreign Affairs, Planning and Environment sectors. The non-permanent members are chosen by the President according to his or her view. The National Defence Council gathers twice a year –at least–, and it is a faculty of the President to summon for it.

### Ministerial Sphere

The Ministry of Defence is the highest administrative body as regards the military defence of the Nation, and is in charge of the formulation, adoption, monitoring and assessment of the policies, strategies, general plans, programs and projects in the defence sector, over which it governs.

### Military Sphere

The Bolivarian National Armed Force is organized as follows: the Command-in-Chief, the Strategic Operational Command, the Military Components; the Bolivarian National Militia, destined to complement the Bolivarian National Armed Force in the integral defence of the Nation, and the Military Regions as operational organization.

The Bolivarian National Militia is a special body organized by the Venezuelan State, integrated by the Military Reserve and the Territorial Guard. It depends directly of the President in all the related to operational aspects and of the Ministry of the People's Power for Defence in administrative matters.

The Joint Chief of Staff depends of the Strategic Operational Command, and is the planning body and the strategic operational adviser in charge of coordinating and supervising the operations executed by the different subordinated commands.

The Strategic Operational Command is the highest programming, planning, directing, executing and joint strategic operational control body of the Armed Force, and is under the command of the Commander in Chief.

The National Armed Force is conformed by its four members; the Bolivarian National Army, the Bolivarian National Navy, the Bolivarian National Air Force and the Bolivarian National Guard, which function in an integral manner and add to the National Reserve and the Territorial Guard. Each military component follows the orders of its corresponding Commander General, who holds the authority, and is subordinate to the Ministry of Defence in matters of management, organization, training, fitting out, operational readiness, functioning and execution of the allocated resources.

The National Armed Force constitutes one of the major elements in the full defence of the Nation, and is organized by the State so as to lead its military defence under co-responsibility with society.

*Source:* Compilation based on the National Constitution, and *Ley Orgánica de la Fuerza Armada Nacional Bolivariana* (GO N° 5.891 - 2008/07/31).

#### Date of Foundation

1946

#### Current Minister (August 2008)

Gustavo R. Rangel Briceño

#### Can the military members be Ministers of Defence?

Yes (if they have retired)

#### Number of military members who were Ministers of Defence

35 (since year 1958)

#### Number of civilians who were Ministers of Defence

1 (since year 1958)

#### 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]

Average permanence in the Minister of Defence position:

**1 year and 5 months**

## The Ministry of the People's Power for Defence

#### Mission:

Guarantee independence and sovereignty of the Nation, as well as the integrity of its geographical space through military defence, cooperation in the maintenance of the internal order and the active participation in national development.

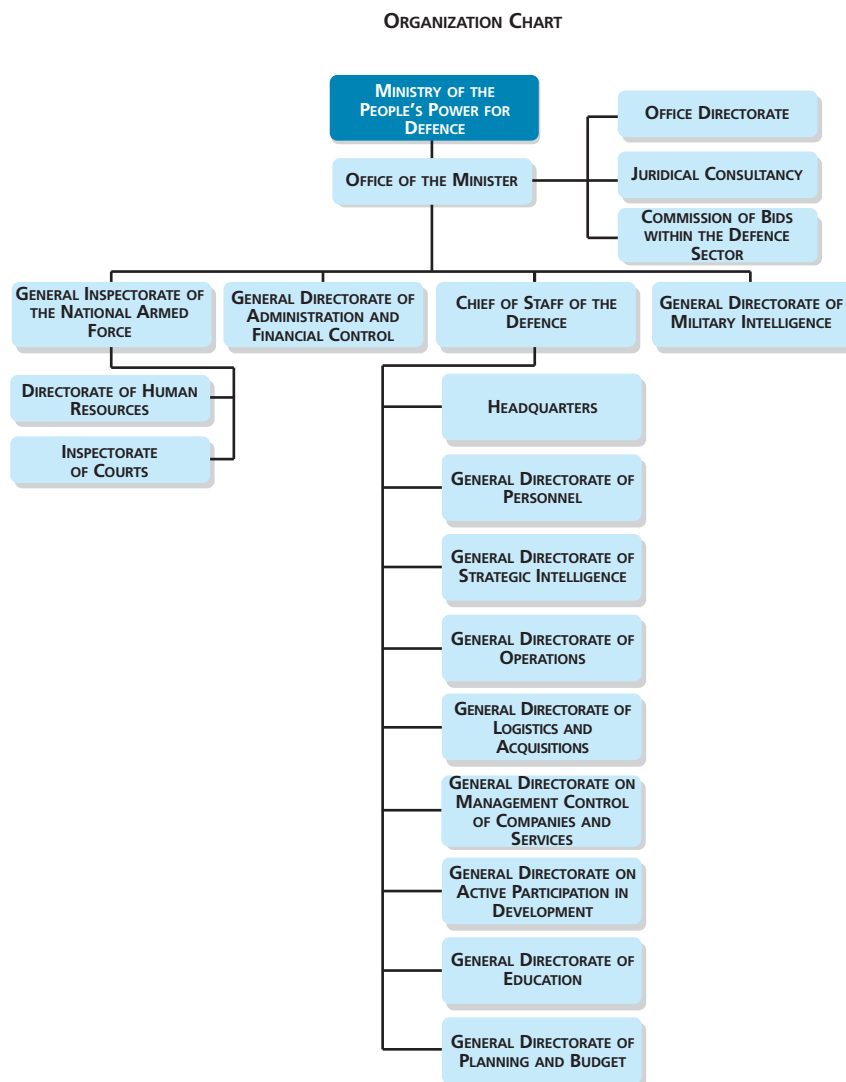
#### Vision:

For the first decade of the third millennium, the National Armed Force will be a modern and highly dissuasive organization, formed by best quality professional human capital. It will have a high capacity and wide flexibility to guarantee security of the State of Venezuela, defend national interests and participate in national development actively.

#### Scope of Action:

- Lead the administrative management of all units of the National Army.
- Ensure the execution of military and civil-military operations in order to contribute to security, defence and integral development of the Nation.
- Plan, direct, lead and execute the intelligence operations which are necessary to preserve Nation's security in times of peace as well as in times of exception in the interior of the country.
- Provide the logistic support which allows the operative work of the National Armed Force.
- Educate and train the human talent of the National Armed Force and the population in general.
- Contribute to the integral healthcare through the military health network.
- Consider the projects passed within the Indebtedness Special Act.

*Source:* Compilation based on the *Ley Orgánica de la Fuerza Armada Nacional* (GO N° 38.280 - 2005/09/26), *Ley de Presupuesto para el Ejercicio Fiscal* 2008 (GO N° 5.861 – 2007/12/11) and information provided by the web page of the Ministry of the People's Power for Defence.



Source: Ministry of the People's Power for Defence.

## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
<ul style="list-style-type: none"> <li>- Masters on National Security</li> <li>- Special Course on Security and Defence</li> <li>- Special Course on Security and Integral Defence for Legislators</li> <li>- Course on Geopolitics and Borders</li> <li>- Specialization on Negotiation and Conflict Resolution on Security and Integral Defence</li> </ul>	Institute for High National Defence Studies (IAEDEN).

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



**Military Career**

**ARMY**

**Military Academy**

Duration: 5 years  
 Graduation Title: Graduate in Military Arts and Science (land option)  
 Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Army Superior School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigade General  
 Divisional General  
 General in Chief

**Entry to the Military Academy - 2008 -**

Candidates:  
 1,401

**NAVY**

**Naval School**

Duration: 5 years  
 Graduation Title: Graduate in Naval Sciences  
 Graduation Rank: Second Lieutenant

**Academies of Intermediate Education**

Frigate Lieutenant  
 Navy Lieutenant

**Staff College**

**Naval War Superior School**

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

**Entry to the Naval School - 2008 -**

Candidates:  
 321

**AIR FORCE**

**Military Aviation School**

Duration: 5 years  
 Graduation Title: Graduate in Military Arts and Science  
 Graduation rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant  
 Captain

**Staff College**

**Air War Superior School**

Major  
 Lieutenant-Colonel  
 Colonel  
 Brigade General  
 Divisional General  
 General in Chief

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

Candidates:  
 134

Source: Compilation based on information supplied by the above mentioned institutions and the Ministry of Defence. Entry to Academies: Military Academy, Naval School, Military Aviation School and Training School of the National Guard. The table strictly follows the order and hierarchy of the ranks shown on each country.

**NATIONAL GUARD**

**Training School**

Duration: 5 years

Graduation Title: Graduate in Military Arts and Science

Graduation rank: Second Lieutenant

**Academies of Intermediate Education**

Lieutenant

Captain

**Staff College**

**School of High Studies in Military Defence and Internal Order**

Major

Lieutenant-Colonel

Colonel

Brigade General

Divisional General

General in Chief

**Entry to the Training School - 2008 -**

Candidates:  
1,447

**The Armed Forces**

**General Mission**

The National Armed Force, organized by the State, regulated by the principles of territorial integrity, cooperation, solidarity, concurrency and corresponsibility, has the mission of guaranteeing the independence and sovereignty of the nation, ensure territorial integration, the security of the Nation, the active participation in the national development, the cooperation in maintaining internal order, and the defence of the democratic exercise of the popular will embodied in the Constitution of the Bolivarian Republic of Venezuela and the laws of the Republic.

The Bolivarian National Armed Forces of Venezuela shall:

- Ensure the domain of the vital spaces which allow the circulation of the people and their assets among the different regions of the country and the international environment.
- Defend the strategic points which guarantee the development of activities in the different areas: economic, social, political, cultural, geographical, environmental and military, and to take precautions to prevent any invader from using them.
- Prepare and organize the people for the integral defence with the purpose of cooperating and collaborating with the independence, sovereignty and territorial integration of the nation.
- Participate in alliances or coalitions with the Armed Forces of Latin American and Caribbean countries for integration purposes within the conditions established in the treaties, settlements and corresponding accords, previously approved by the National Assembly.
- Take part in peace missions within the framework of the regulations included in the Charter of the United Nations, previously agreed with the Chief of State and the approval of the National Assembly.
- Support the governmental institutions at a national, regional or local level, for the execution of tasks connected with economic and social development of the people, and in operations of civil protection in situation of disaster.
- Contribute with the public forces in the national, state and municipal order to preserve or restore internal order in cases of serious social disturbance, with the previous approval of the Chief of State.
- Organize, operate and direct the intelligence system of the National Armed Force as well as the counterintelligence system.
- Promote and perform research and development activities which contribute to the scientific and technological progress of the Nation, as well as the necessary activities while performing their official duties.

(Ley Orgánica de la Fuerza Armada Nacional Bolivariana, GO 5.891 - 2008/07/31)<sup>(1)</sup>

**Specific Missions**

**Army**

The primary mission of the Army is the planning, execution and control of the military operations required for defence of the land, in coordination with the other military components, and the other responsibilities specified in the Organic Act.

**Navy**

The primary mission of the Navy is the planning, execution and control of the military operations required for the naval defence in coordination with the other military components, and the other responsibilities specified in the Organic Act.

**Air Force**

The primary mission of the Air Force is the planning, execution and control of the military operations required for aerospace defence, in coordination with the other military components, and the other responsibilities specified in the Organic Act.

**National Guard**

The primary mission of the National Guard is to head and control the operations required to help keeping the internal order and the cooperation in the development of military operations in coordination with the other military components, and the other responsibilities specified in the Organic Act.



**Total Armed Forces: 163,364**

(1) As this work was going to press the Executive Power, within the framework of the powers granted by the Ley Habilitante (GO N° 38.617 – 01/02/2007), passed the Ley Orgánica de la Fuerza Armada Nacional Bolivariana (GO N° 5.891 – 2008/07/31).

Source: Ley Orgánica de la Fuerza Armada Nacional Bolivariana (GO N° 5.891 – 2008/07/31) (missions), and Ley de Presupuesto para el Ejercicio Fiscal 2008 (GO N° 5.861 – 2007/12/11) (Regular Forces).



**Women in the Armed Forces**

		Army	Navy	Air Force	National Guard
Entry year (Officers)	Staff Corps	1980	1979	1980	1970
	Line Corps	2002	2002	2002	2002
Rank reached		All ranks	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.

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

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



Source: Ministry of the People’s Power for 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 National Armed Forces and the Defence Sector in times of the Bolivarian Revolution

Rocío San Miguel\*

■ Since the end of 1999 began a process of transformation of the National Armed Forces with the approval of the Constitution of the Bolivarian Republic of Venezuela, unprecedented in the democratic history of the country. It is the metamorphosis of a fundamental institution of the Nation, which has been gradually brewed and without the discussions or the necessary counterweight provided by the vision of the opposition factors and democratic forces of a country<sup>1</sup>.

■ A process of transformation for the National Armed Forces starts with the approval of the Bolivarian Constitution of the Republic of Venezuela.

### Security of the Nation

The incorporation in the text of the Constitution of the security principles of the Nation introduced the first distortions in 1999. By the year 2003, the Inter American Commission of Human Rights (CIDH) in its report on the situation of Human Rights in Venezuela<sup>2</sup>, indicated that certain regulations and institutions which had been included in the Constitutional text were somewhat questionable in light of the democratic conception of the defence and security of the State<sup>3</sup>. The terminology of the constitutional regulations contained certain inaccuracies or ambiguities, which could cause misleading interpretations regarding the scope of

\* Citizen Control Civil Association for the Security, Defence and the National Armed Force.

<sup>1</sup> This article was written in 2007 (Note of the Editor).

<sup>2</sup> CIDH, "Report on the Situation of Human Rights in Venezuela", Organization of the American States (OAS), Washington, D.C., 2006, . in <http://www.cidh.oas.org/countryrep/Venezuela2003sp/indice.htm>. (EA/Ser.LV/II.118. Doc 4 rev. 2. December 29, 2003. Original: Spanish).

<sup>3</sup> CIDH, Organisation of the American States (OAS), in <http://www.cidh.oas.org/countryrep/Venezuela2003sp/cap.3.htm#Fuerzas>.



State responsibility in this matter, directly affecting the content of what is expressed in sections 322<sup>4</sup> and 326<sup>5</sup> of the Constitution.

In fact, several contradictory aspects arise from these regulations. On the one hand, the general premise is included in section 322 of the Constitution, under the following phrase: National security is the essential responsibility of the State. On the other hand, the regulation included in section 326 of the Constitution indicates National security is based on the co-responsibility between the State and civil society. These two regulations are clearly contradictory, since it endows the State with the responsibility of National security, to later delegate it to civil society, in a quite confusing writing using at least nine adjectives in section 326, as principles fundamenting the co-responsibility to cover –according to the way it is expressed– everything the interpreter of the Constitution wants to include under the definition "National security". A dangerous possibility which takes us to the infamous "National Security Doctrine (DSN)", which took place under the military governments in the Southern Cone in the 70's and 80's.

Throughout 2006, there was an official speech alerting the population against the imminent and certain possibility of having to fight a war of national defence due to foreign occupation. This speech informed the people about the need to equip the National Armed Force (FAN) with new systems and weapons, and provide the Force with combatants from the national reserve. Additionally, the country is deeply divided: the violence (in a not so distant past, only four years ago), took the life of many Venezuelans who were involved in internal riots and disturbances.

In this scenario, the Constitution and the Constitutive Law of National Security extend the functions of security and national defence to the civil society, putting it at the same level as the State, which, as CIDH pointed out, "(...) has the legitimate monopoly of the force and is subjected to an internal as well as an international responsibility scheme different from the one applied to individuals"<sup>6</sup>.

## National Armed Force

The National Armed Force constitutes an institution which is essentially professional, without partisan participation, organised by the State to guarantee the independence and sovereignty of the Nation. This statement introduced the changes in 1999 which would gradually begin to take place in the military sector,

■ The Constitution and the Constitutive Law of National Security extend the security and national defence functions to the civil society.

4 "Article 322. National security is an essential competence and responsibility of the State based on the overall development of the latter and its defence is the responsibility of all Venezuelans as well as of all public and private law natural and juridical persons within the geographical limits of Venezuela.", Constitution of the Bolivarian Republic of Venezuela, Title VII, Chapter I, Article 322.

5 "Article 326. National security is based on the shared responsibility between the State and civil society to implement the principles of independence, democracy, equality, peace, freedom, justice, solidarity, promotion and conservation of the environment and affirmation of human rights as well as on that of progressively meeting the individual and collective needs of all Venezuelans, based on a sustainable and productive development policy providing full coverage for the national community. The principle of shared responsibility applies to the economic, social, political, cultural, geographical, environmental and military spheres.", Constitution of the Bolivarian Republic of Venezuela, Title VII, Chapter II, Article 326.

6 CIDH, Organisation of the American States (OAS), in <http://www.cidh.oas.org/countryrep/Venezuela2003sp/cap.3.htm#Fuerzas>.

regarding the Constitution of 1961 and added as the functions of the FAN, the active participation in the national development. This competence would mean, as from 2000, putting active and retired members of FAN in charge of the main ministries and organs of the State, in an irreversible tendency which currently extends to the more frequency of officers in the army who carry out political activities, such as governors of several States in this country<sup>7</sup>.

The consolidation of this new political-military bureaucracy showed its first effects in 2000, through widely known corruption accusations against active members of the military, who using resources beyond the common budget of the Ministries, went ahead with policies which were expected to have a high social impact under the Plan known as Plan Bolívar 2000<sup>8</sup>. A failure in the public administration which would soon be forgotten, with the instrumentation of "civil and military integration" allowing for the military sector to participate in tasks of national development. This was a project which progressively exposed the wear of the National Armed Force; especially due to it participating in tasks which were not part of its duties until that moment.

The years 2001 and 2002 brought about numerous social and political tension in Venezuela, which hatched on 11th April, 2002. Since then, the high levels of politicization in the interpretation of the national reality are explicitly and openly introduced in the barracks. The years 2003 and 2004, before appeasing the situation in the heart of the National Armed Force, meant the opening of the councils of investigation for numerous officers and the obligation to testify for many others, facing investigations connected to 11th April.

This would have a dominant impact on the future of the formation of the National Armed Force. Many of them, who expressly manifested their loyalty to the process, were separated from their positions, thus generating a list of active officers (more than two hundred and fifty) who had no destination or function.

During 2006, military purchases were a significant issue, explained under the hypothesis of a conflict against a foreign power. The purchase of 100.000 Kalashnikov Ak-130 rifles; 55 Russian Sukhoi helicopters and 24 planes was announced. Three long-range three-dimensional radars, together with eight Spanish coastal patrol boats accounted for an unprecedented purchase attitude in the history of military purchases in the country<sup>9</sup>.

## Forecasts

A new name has been announced for the National Armed Force, it would become the "Bolivarian Armed Force of Venezuela". Additionally, the Ministry of Defence would also change its name and become the "Ministry of Popular Power for the Defence". The nationalisation of the strategic media of production, formulated in different scenarios, is explained based on sovereignty, security and

■ As from 2002, the high levels of politicization in the interpretation of the national reality were introduced in the barracks.

7 Tachira, Apure, Bolívar, Lara, Miranda, Carabobo, Cojedes, y Mérida.

8 Bolivar Plan 2000, in Ministry of Planning and Development, in <http://www.mpd.gob.ve/prog-gob/proyb2000.htm>.

9 Diario El Nacional 25/11/06, Caracas, Venezuela. Pp. A-4.



defence reasons, as a prelude to the constitutional reform, which will set the standards for the Socialist Republic of Venezuela<sup>10</sup>.

All words and no action? All that is yet to be seen. Nevertheless, a remarkable aspect is the lack of laws regarding the security and the national defence sector, which should have been enacted in the last years, since the new Constitution came into effect. These include: Social security laws, military education laws, military discipline laws, national intelligence and counter intelligence system laws for the Armed Forces, the reform to the law on arms and explosives and the classification of documents. In addition to this, we should add the pending regulations, which will provide a degree of certainty to the organisation of the National Armed Force, and the national security and defence sector, such as the statute of the Joint Chief of Staff, of the strategic operational command, the creation of functions for the coordinating office between the national reserve, conscription and military enlisting, the statute of the integral defence zone (including land, air space and naval space zones), the updating of the internal service statute and the garrison service statute, the revision to the uniform statute, the General Inspection statute and the controllership of the National Armed Force, the revision and updating of the national mobilisation and state of emergency statute and the organisation and operational statute of the Ministry of Defence.

■ There is a remarkable lack of laws regarding the security and national defence sector.

One of the main problems the National Armed Force in particular, and the Security and Defence sectors of the country in general face, is understanding these as matters of public politics subjected to controls and counterweights, to processes of democratic formulation and of scrupulous and critical evaluations and follow ups. The obligation without delay to generate democratic spaces for the effective controllership of the sector, the compilation of a white book of national defence with the participation of the civil society, the enactment of a national strategic concept, and the strengthening of the National Armed Force institution keeping it from politicization are essential for Venezuela.

<sup>10</sup> As this work was going to press the Executive Power, within the framework of the powers granted by the *Ley Habilitante* (GO N° 38.617 – 01/02/2007), passed the *Ley Orgánica de la Fuerza Armada Nacional Bolivariana* (GO N° 5.891 – 2008/07/31). This decree changes the denomination of the National Armed Forces and their components by the following: Bolivarian National Armed Force, Bolivarian National Army, Bolivarian National Airforce/Aviation, Bolivarian National Navy and the Bolivarian National Guard. Likewise, the Bolivarian National Militia shall replace the current National Reserve, as a separate body and under the responsibility of the Presidency (Note of the Editor).

# Peace Operations and Cooperation in Latin America



## Haiti

In February 2004, after years of crisis, Haiti was on the verge of civil war, posing challenges and threats in multiple dimensions of the security of the region. Faced with this situation, the United Nations decided to establish a peace mission (MINUSTAH), which from the beginning showed strong Latin American commitment. Such support became an unprecedented joint effort. The formation of multilateral groups, permanent contact between Ministries, creation of joint battalions and a declared concern for the situation, are some of its expressions.

### Basic Data of the Constitution and the System

To July 2008, the United Nations Force (MINUSTAH) is composed of:

- 7,174 active military troops
- 1,881 active police officers

Africa, Asia, Latin America, North America and the Caribbean provide active troops.

Latin America mainly contributes with military active troops who come from: Argentina, Bolivia, Brazil, Chile, Ecuador, Guatemala, Paraguay, Peru and Uruguay.

The active police officers mainly come from: Canada, China, Jordan, Nepal, Nigeria, Pakistan and Senegal.

#### Powers of the State

- The President declares war, negotiates and makes peace, with the approval of the National Assembly (Sec. 140).
- With the approval of the Senate, the President appoints, through a decree issued by the Council of Ministers, the Commander-in-Chief of the Armed Forces, the Commander-in-Chief of the Police, Ambassadors and General Consuls (Sec. 141).
- The President of the Republic shall see to the respect for and enforcement of the Constitution and the stability of the institutions, and shall ensure the regular operations of the public authorities and the continuity of the State (Sec. 136).
- The Prime Minister enforces the laws. In the event of the President of the Republic's absence or temporary inability to perform his duties, or at his request, the Prime Minister presides over the Council of Ministers. The Prime Minister has the power to issue rules and regulations but he can never suspend or interpret laws, acts or decrees, nor refrain from enforcing them (Sec. 159).
- Ministers are responsible for the acts of the Prime Minister that they countersign. They are jointly responsible for enforcement of the laws (Sec. 169).
- The National Assembly can negotiate and make peace. It can declare the state of exception in case of civil war or foreign invasion (Sec. 278-1, 2, 3, 4).

#### Armed Forces

- The Public Force is composed of two different bodies, the Haitian Armed Forces and the Police Forces.
- The Armed Forces were officially dissolved in 1994. However, they are still mentioned in the Constitution, from 1987. The National Police (HNP) was created to transfer the maintenance of public security to civilian control in 1995.
- The United Nations Mission of Stabilization in Haiti (MINUSTAH) provides security along with the National Police as was established in Resolution 1743 of the United Nations Security Council.

#### Haitian National Police

- The Police Force is an armed body. It works under the command of the Minister of Justice (Sec. 269).
- The Commander-in-Chief of the Police Force is appointed, in accordance with the Constitution, for a period of three years, and this period can be renewed (Sec. 270).
- The Police is established to ensure the law and order and protect the life and assets of the citizens (Sec. 269-1).

#### Educational Institutes in the Security Area<sup>\*</sup>

##### Institution

School of the Magistrature (Art. 176).

Police Academy (Art. 271).

##### They are subsidiary organs of

Ministry of Justice

#### The Police Today

The HNP (Police Nationale d'Haïti) was created as a response to the demobilization of the Armed Forces to subject public security under civilian control. The Mission of the United Nations supports the plan to reform the Police while correcting and training them properly, uprooting all forms of corruption and abuse of power.<sup>1</sup>

Statistics of Personnel: In March 2008, the Secretary of the United Nations Ban Ki-moon reported to the Security Council that 8,444 officers had been identified on active duty. Around 1,000 of them were devoted exclusively or in part to the following tasks: fire fighting (144), coastguards (69) and in prisons (790). The plan to reform the Police aims at creating a force of 14,000 men for 2010.

<sup>1</sup> As specified in Resolution 1702 of the Security Council.

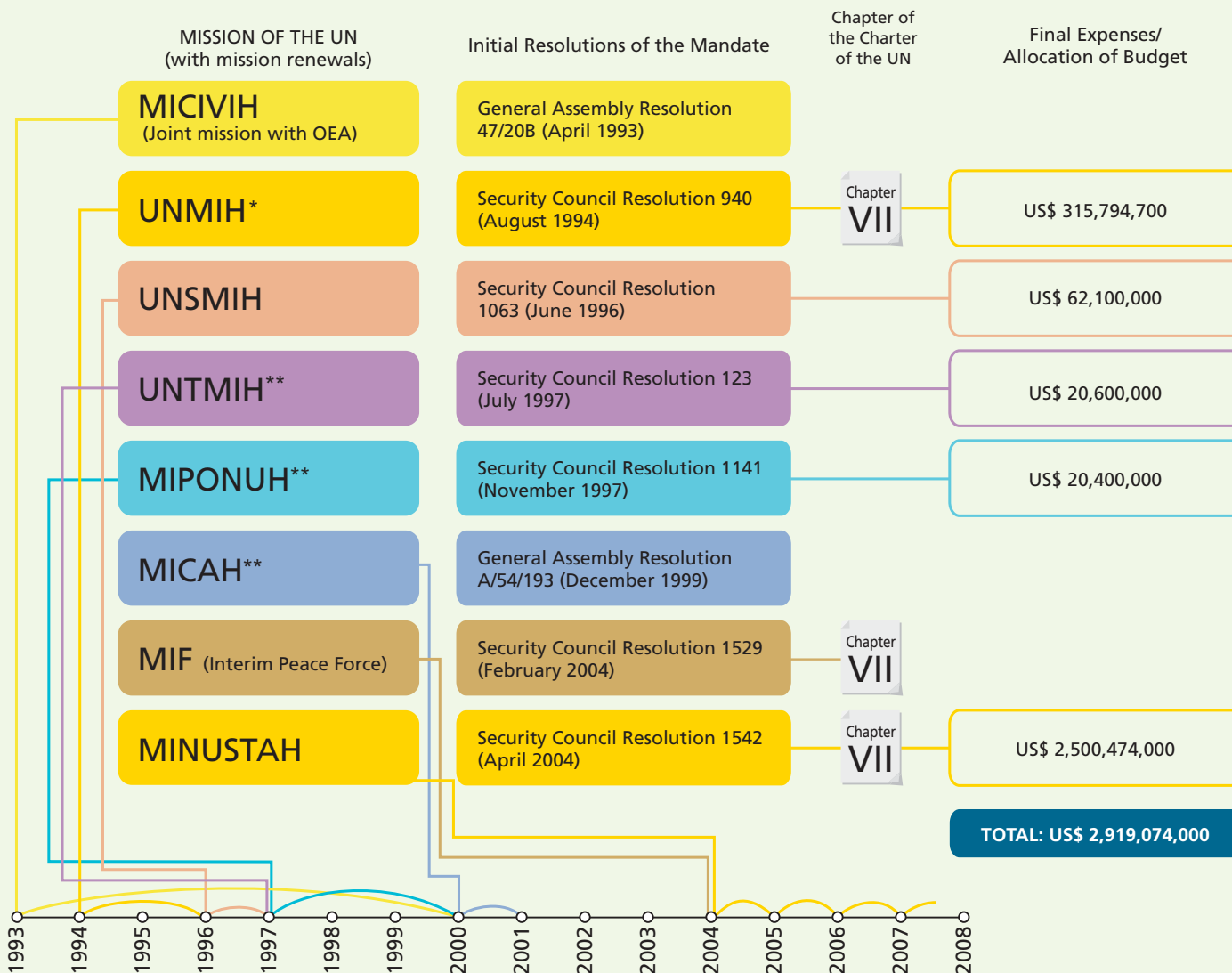
<sup>\*</sup>Set forth in the Constitution.



# United Nations in Haiti



## Presence of the United Nations in Haiti (1993 - 2008): Missions and Expenses



\* The initial mandate of the mission is specified in Resolution 867 of the Security Council (September 1993), but it has not been established due to the political and security conditions of the area. Resolution 940 of the Security Council (August 1994), based on Chapter VII of the Charter, order the use of force in order to make it effective.

\*\*MICAH was established to consolidate the results achieved by MIPONUH and previous missions of the United Nations in Haiti, as well as the International Civilian Mission in Haiti (MICIVIH).

### MINUSTAH (United Nations Stabilization Mission in Haiti)



#### Authorities:

- Special Representative of the Secretary-General and Head of the Mission: **Hédi Annabi** (Tunisia)
- Principal Deputy Special Representative of the Secretary-General: **Luiz Carlos da Costa** (Brazil)
- Deputy Special Representative of the Secretary-General and Humanitarian Coordinator, Resident Coordinator and Resident Representative for UNDP: **Joel Boutroue** (France)
- Force Commander: Major-General **Carlos Alberto Dos Santos Cruz** (Brazil)
- Police Commissioner: **Mamadou Mountaga Diallo** (Guinea)

MINUSTAH is the seventh biggest mission of all the 22 current United Nations missions of peace regarding the number of personnel affected to it. MONUC (Dem. Rep of the Congo - 18,405) and UNMIL (Liberia - 12,898) are the missions with the most amount of personnel and UNAMA (Afghanistan - 19) and BINUB (Burundi - 17) with the least.

## Main Points in the Resolutions of the Security Council of the UN on MINUSTAH

### Res. N° 1529 (2004/02/29)

- Peaceful and constitutional solution to the crisis.
- The situation in Haiti constitutes a threat to the international peace and security.
- Authorizes the deployment of a Multinational Force for three months.
- Facilitates the provision of humanitarian assistance.
- Contributes to establish a secure and stable environment of the UN to support the peaceful constitutional process under way.

### Res. N° 1542 (2004/04/30)

- Establishes MINUSTAH for a period of six months.
- Formation of a civilian and military component.
- MINUSTAH shall ensure a secure and stable environment, support the constitutional and political process in Haiti, promote and protect human rights, and assist the Transitional Government.
- Demands that the States provide economic and humanitarian aid.

### Res. N° 1780 (2007/10/15)

- Extends the mandate of MINUSTAH until October 15, 2008.
- Continue its support of the HNP, its effort, reform and empowerment.
- Invite neighbouring states, in coordination with MINUSTAH, to address illicit trafficking of drugs, arms and other illegal activities.
- Provide technical expertise to pursue a comprehensive border control and establish patrols along maritime border areas.
- Calls upon relevant humanitarian and development actors to cooperate with MINUSTAH.
- Support to the DDR National Commission.
- Continue to promote and protect the rights of women and children as set out in Security Council Resolution 1325.



### Res. N° 1576 (2004/11/29)

- Commends organizing elections in 2005.
- Urges the Transitional Government to establish the National Commission of Disarmament, Demobilization and Reintegration (DDR).
- Decides to extend the mandate of MINUSTAH until June 1, 2005.
- Urges international financial institutions and donor countries to disburse the funds pledged.

### Res. N° 1601 (2005/05/31)

- Decides to extend the mandate of MINUSTAH until June 24, 2005.

### Res. N° 1743 (2007/02/15)

- Requests the reform of the HNP as well as the judiciary system.
- Extends the mandate of MINUSTAH until October 15, 2007.
- Requests MINUSTAH to accelerate efforts to reorient its DDR program to reduce violence.
- Continued assistance to help address the reform of the HNP.
- Requests MINUSTAH to support national authorities to reform the key elements of justice.
- Request MINUSTAH to maintain proactive communications to improve public understanding of its mandate and role.

### Res. N° 1702 (2006/08/15)

- Urges the government to undertake a reform of the police, and the judiciary systems.
- Underlines the need to establish the DDR program.
- Extends the mandate of MINUSTAH until February 15, 2007.
- Urges the authorities to complete the run-off legislative, local and municipal elections.
- Assist with the restructuring and maintenance of the rule of law, public safety and public order.
- Provide assistance and advice to the Haitian authorities in reforming and strengthening the justice sector.
- Coordination among countries and other relevant internal actors to ensure greater efficiency and development efforts to address urgent development problems.

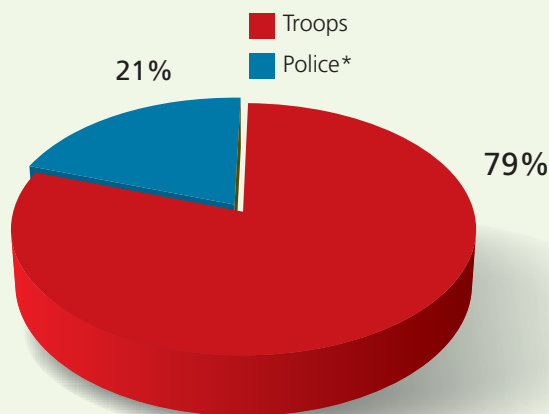
### Res. N° 1658 (2006/02/14)

- Calls on the new government to undertake the political and constitutional reforms, and promote and protect human rights and fundamental freedoms.
- Stresses the importance of rapid progress with the DDR program.
- Extends the mandate of MINUSTAH until August 15, 2006.

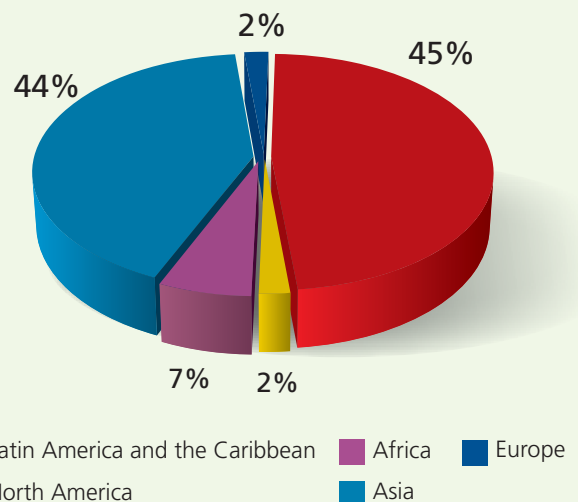
### Res. N° 1608 (2005/06/22)

- Organize elections in 2005.
- The elected authorities must take office on 7 February 2006.
- Decides to extend the mandate of MINUSTAH until February 15, 2006.
- Temporary increase of troops.
- MINUSTAH shall ensure the electoral process.
- Training of the Haitian National Police.
- Urges to begin the implementation of the DDR program.
- Renews its appeal for the disbursement of the funds pledged by international financial institutions and donor countries.

Composition of MINUSTAH, by Type of Troops (%)



Composition of MINUSTAH, according to the Origin of Troops (%)



\* Categorization used by the United Nations Department of Peace Operations. This category refers to the police and/or military security forces.

Source: UN Department of Peacekeeping Operations up to June, 2008.



## International Cooperation Mechanisms

**2 X 7**

**Summit of Vice Ministers of Foreign Affairs and Defence of Latin American Countries Members of MINUSTAH (Argentina, Brazil, Chile, Ecuador, Guatemala, Peru and Uruguay). Santiago de Chile, August 19, 2005**

- Stress the commitment of the international community with the stable democratic process in Haiti.
- Promote the application of medium and long term, social and economic development policies with external assistance.
- Fundamental, solid and timely compliance of financial commitments of developed countries and international financial organizations with Haiti.
- Consideration of a progressive transformation of MINUSTAH, once the new Haitian government has taken office, strengthening police and social, economic cooperation components.

**2 X 4**

**Summit of Vice Ministers of Foreign Affairs and Ministers of Defence of Argentina, Brazil, Chile and Uruguay on Haiti. Buenos Aires, May 13, 2005**

- Constitution of a Work Group among Chancelleries and Ministries of Defence.
- Need to activate the order of monetary resources to facilitate projects of rapid impact as well as long term institutional and political projects.
- Potential of MINUSTAH to enhance the economic, social, political and human rights in Haiti as an essential component for development and democratic governance.

**Rules of Engagement (ROE) for MINUSTAH military component (May 2004)**

- Based on the SCR 1542/2004, they are a guide which contemplates the degree for the use of force necessary for self-defence; define the other specific circumstances justified.
- They are addressed to the Force Commander; he shall transmit them to the subordinate operational chiefs, who have the responsibility to make them understood, holding regular training sessions, at least once a month.
- Any violation to the ROE is subjected to a formal investigation and its results shall be reported to the United Nations General Headquarters, who will provide evidence to the troop contributing country, to take the corresponding disciplinary action, without invalidating the possibility of such country initiating its own investigation.

### A N A L Y S I S

## Latin America's Commitment

Johanna Mendelson Forman\*

On April 12, 2008 the Haitian Senate ousted Prime Minister Jacques-Edouard Alexis in a vote of no-confidence. Mr. Alexis' dismissal came shortly after a series of riots that spread across the country over the rising cost of food. At least six people were killed in the protests, including a UN peacekeeper. Since that time the Haitian parliament has rejected two of President Preval's nominees for prime minister and the political situation remains volatile.

### Rule of Law

Training the judiciary has been an ongoing challenge in a country where the legal system is so broken. There are inadequate prisons for the criminal population, and often the overcrowding is due to a judiciary that incapable of processing those arrested and jailed. The UN mandate to improve the legal system in Haiti is an unmet challenge that still eludes the Haitian government and the international community. Present plans aim also to "train the trainers" at the

Magistrate School for judicial training. USAID received \$20 million in program funding for the Haiti Stabilization Initiative from the US State Department in 2007. This program focuses on strengthening the Haitian government and national security, and includes \$2 million for a Judicial Strengthening Program. This program hopes to increase the number of cases heard in Haitian courts, ensure that all investigations and proceedings follow standardized and accepted norms, and strengthen community involvement in civic activities. USAID has worked with the National Center for State Courts (NCSC) in Haiti since 2004 to improve the justice system.

Despite that, there are no measureable improvements in the country overall to date. Pre-trial detention time is still a major issue, and courts are facing continuously rising delays in proceedings. Since 2004, the average number of days spent waiting for trial has increased each year, and, although several hundred judges and court administrators have been trained by international efforts, there is neither a standard measure for improvement nor a system for performance reviews.

\*With the collaboration of CSIS Intern-Scholars Michael Bodakowski, Catherine Rebecca Dooley, Ariadne Medler, and Russell Prag.



**Meetings of the 2x7 Mechanism, with the participation of the Secretary General of OAS. Buenos Aires, January 16 and August 4, 2006**

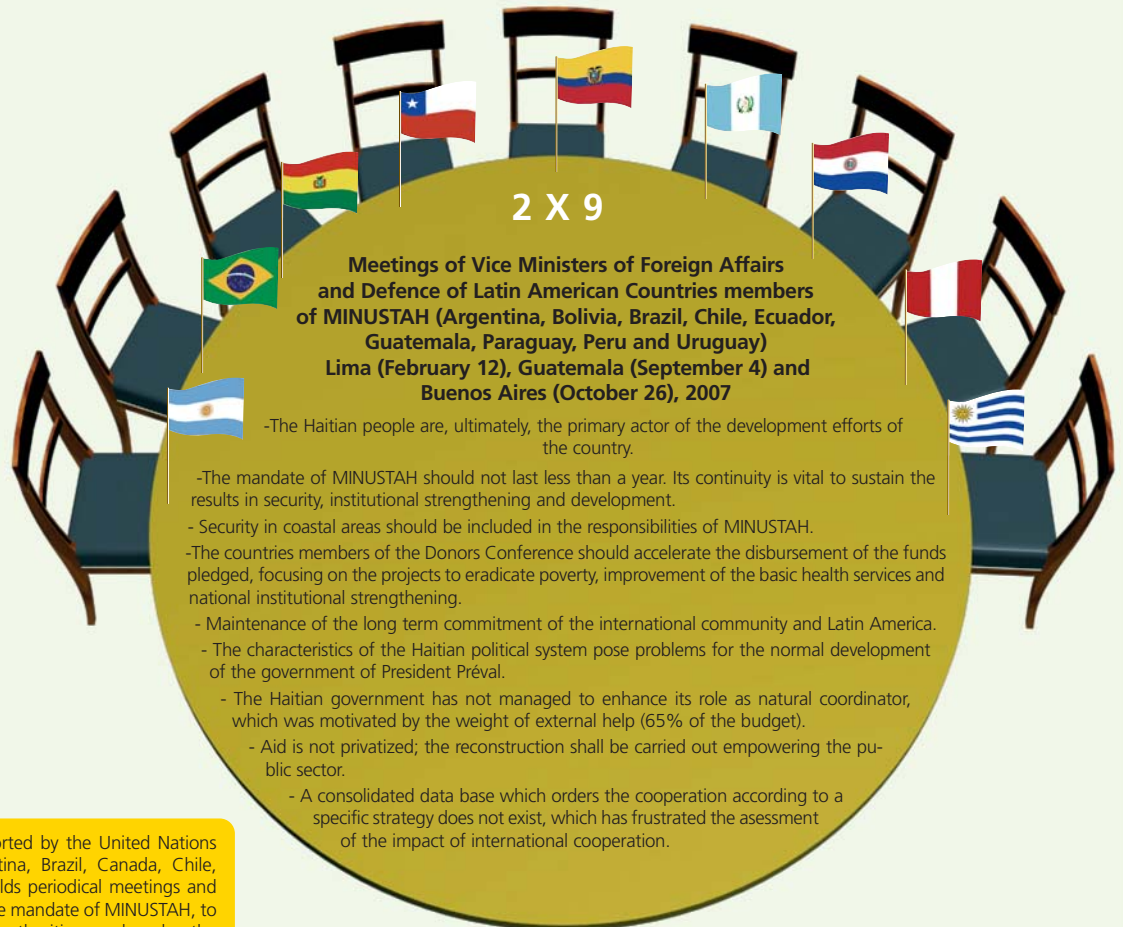
-The mandate of MINUSTAH shall allow the troops to include elements which contribute to the social development in areas such as infrastructure, health and training.

-Will to maintain the Latin American component pro active in search of security and conditions for peace in Haiti.

- Need to unite efforts and coordinate the identification of activities on the land.

-Considers the participation of the international community necessary by sending military troops, complementing their military participation with the timely disbursement of economic-financial resources.

CORE Group is a mechanism supported by the United Nations (Res. 1542 SC). Formed by Argentina, Brazil, Canada, Chile, France, and the United States; it holds periodical meetings and seeks to facilitate the execution of the mandate of MINUSTAH, to promote interaction with Haitian authorities, and make the actions of the international community more effective.



### Gangs and Urban Violence

The greatest security challenge in Haiti is the presence of violent armed gangs and other criminals who profit from the illegal drug trade in Haiti. Often Haitian police participate in this form of corruption as they work closely with these criminal elements.

One of the primary missions of the UN today is to reduce the gangs and armed convicts roaming through the Port-au-Prince neighborhoods of Belair and Cité Soleil. The government of Haiti, with the backing of MINUSTAH and UNPOL, are carrying out disarmament, demobilization, and reintegration (DDR) programs targeting armed gang members. In August 2007, the Secretary-General of MINUSTAH reported security improvements in urban areas. A series of 19 security operations carried out by MINUSTAH and HNP in late 2006 and early 2007 led to the arrests of approximately 850 gang members by mid-2007. These areas are no longer controlled by gangs, but the potential for violence remains because not all gang members were arrested and few weapons were confiscated. Additionally, between December 2006 and August 2007, there was an increase in public lynching. Some of these may have been in response to previous gang activity. Whether the UN programs will ultimately reduce urban violence is still untested, but the intense effort being made to control urban crime is evident by the focus that the Préval government has given to these activities.

Although the security situation improved in 2007, the possibility for gang reorganization and urban violence is still a concern. Most recently, there has been an increase in the number of kidnappings. Between January and May 2008, 152 kidnapping cases were reported, compared with a total of 237 for all of 2007. In response to this apparent increase, MINUSTAH has stepped up security checkpoints in Port-au-Prince, where most the kidnappings have occurred.

### UN Forces

Today's UN peace operation is notable for its size (7,174 troops and 1,881 police for a total of 9,055 persons as of May 31, 2008), but also from its geographic source. Being led by Latin American armed forces, this Latin American led peace operation is an important new feature in the history of regional peace-keeping. Defense ministers of the region formed a consultative group known as the 2 X 9 group that excludes the United States and which last met in Guatemala in September 2007.

### The future

Haiti's development depends on a secure and stable environment. It still remains the poorest country in the Western Hemisphere according to the UN Human Development Report. Governance is weak in spite of a series of free elections that have created a new cadre of elected officials not

## Positioning of Latin American Troops in Haiti



Source: Report of the Secretary-General on MINUSTAH, S/2008/202. March 26, 2008.

### Latin America's commitment

only at the national level, but in all local communities. It is also significant that President Préval has been eager to work with the UN Mission, MINUSTAH, in an effort to eradicate the gang violence that plagues Port-au-Prince. This security partnership between the elected government and the UN marks an important turn around for the government of Haiti which at first was reluctant to use UN forces in policing actions. What is more difficult to predict is whether the Haitians, with donor support and with the help of the UN Mission, will be able to vet new police, create a more reliable and less corrupt force, secure a larger number of police officers who will gain wide public support.

If one lesson comes from the last UN missions since 1994 it is that these are long-term projects, and they will require the support of the international community to ensure that police can be paid, and that the country can attract economic investment that will bring revenue to the new government. At this time there is scant revenue to support the police. Long-term international aid will be needed to build up a new force.

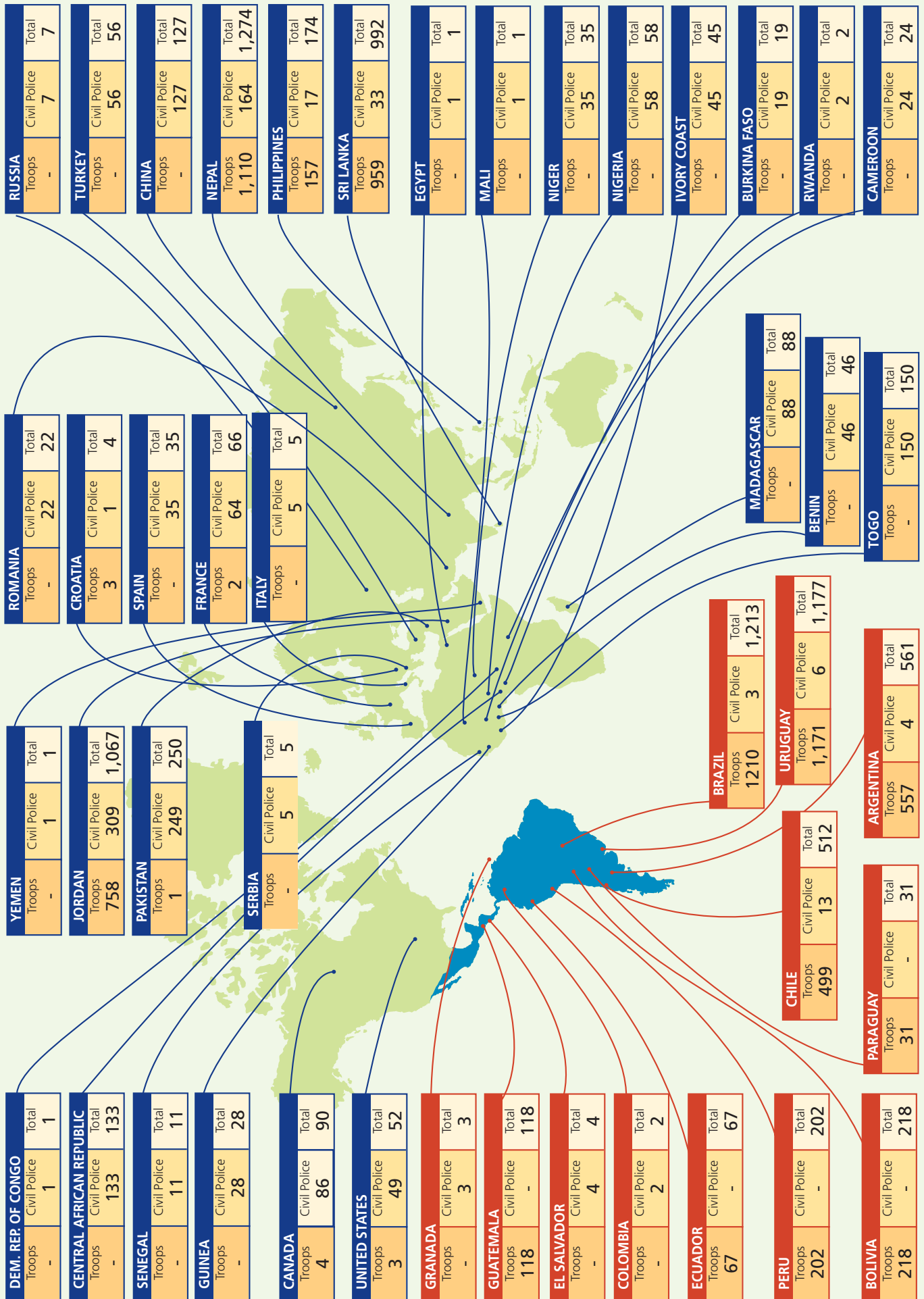
Other arrangements, such as engaging the large Haitian Diaspora in the U.S. and Canada (over 1 million strong) can make the difference by using these individuals to help train, and supplement the talent gap that has been growing in Haiti. The total \$2.65 billion sent back to Haiti by the dias-

pora in 2006 was the equivalent of more than one third of Haiti's GNP that year. However in addition to financial support, the lack of trained French and Creole speaking lawyers and the need to bring in police that can train Haitian nationals is glaring. Efforts are underway to see how members of the Haitian Diaspora can help their countrymen.

The security sector in Haiti is still at risk. Calls to return an army by some members of the Parliament will continue to surface in the absence of any real progress in standing up a new police. Until Haitians feel that their own personal security is not compromised, it will be difficult to see whether the new HNP are actually fulfilling their mission.

Every sovereign state deserves a security sector. An army is not the only institution that can provide national security. But the complexities of problems that prevent police from doing their job, coupled with the lack of job opportunities that will support sustainable development will only result in greater challenges to the government of Préval. For now the best hope is the continued engagement of Latin American nations in the security challenges that Haiti presents, the continuation of the UN Mission, and the commitment that the international donor community has shown for the creation of good governance in Haiti.

## Composition of MINUSTAH according to the Origin and Type of its Troops



Source: UN Department of Peacekeeping Operations up to June 30, 2008.

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