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# **Colombia**

#### National Legislation

#### **Systems and Concepts:**

- Merger of the National Security Council, the Superior Council of National Defence and the Commission created by Decree 813 of 1983 ( $N^{\circ}$  2.134 1992/12/31. Last amendment: Decree  $N^{\circ}$  4.748 2010/12/23).
- Act establishing Civil Service career rules (N° 443 1998/06/11).
- Benefits for relatives of individuals deceased during mandatory military service (N $^{\circ}$  447 1998/07/21).
- Organization and operation of national entities (N° 489 1998/12/29. Last amendment: Decree N° 19 2012/01/10).
- Extraordinary authority to issue regulations related to the armed forces and national law enforcement forces ( $N^{\circ}$  578 2000/03/15).
- -Structure of the Ministry of National Defence and other provisions. (N° 1.512 2000/08/11. Last amendment: N° 4.890 2011/12/26).
- Act that regulates the scheme for the civilian personnel at the Ministry of National Defence (N° 1.792 14/09/2000. Last amendment: Act N° 940 2005/01/06).
- Legal nature of the Military University of Nueva Granada (N° 805 2003/04/29).
- Reincorporation of members of illegal armed groups (N° 975 2005/07/25. Last amendment: Act N° 1 448 2011/06/10)
- Special administrative career for non-military civil servants (N° 1.033 2006/07/19).
- Acquisition of goods and services for national defence and security (N° 1.089 2006/09/01).
- Special career system (N° 91 2007/01/17).
- Denomination and classification of jobs in the Defence sector (N° 92 2007/01/17. Last amendment: Decree N° 2.127 2008/06/16).
- Regulation of Act 1.097 on reserved expenses (N° 1.837 2007/05/25).
- Attention, assistance and comprehensive relief for victims of the internal armed conflict and other provisions ( $N^{\circ}$  1.448 2011/06/10).

## **Military Organisation**

- Recruitment and mobilization service (N° 48 1993/03/03)
- Rules for the career of officers and NCOs (N° 1.790 2000/09/14. Last amendment: Act N° 1.405 2010/07/28).
- Disabilities, compensations, disability pensions and administrative reports for injuries (N° 1.796 2000/09/14)
- Single Disciplinary Code (N° 734 2002/02/05. Last amendment: Act N° 1.474 2011/07/12).
- Rules for the career of officers and NCOs (N° 775 2002/12/09).
- Regulation for the disciplinary regime of the Armed Forces (N° 836 2003/07/17).
- Disability pensions and survival of professional soldiers (N° 2.192 2004/07/09)
- Pensions and retirement of members of the Public Force (N° 923 2004/12/30).
- Military situation of individuals over 28 years of age (N° 924 2004/12/30).
- Requirements for positions in the military criminal jurisdiction (N° 940 2005/01/06).
- Salaries and benefits (N° 987 2005/09/09). Special procedure in the Military Criminal Code (N° 1.058 2006/07/26).
- Rules of Decree 1790 of 2000, on career (N° 1.428 2007/04/30).
- Military Criminal Code (N° 1.407 -2010/08/17)
- Comprehensive rehabilitation of members of the Public Force (N ° 1.471 2011/06/30).
- Administrative liability due to loss or damage to property belonging to or serving the defence sector ( $N^{\circ}$  1.476 2011/07/19).

In June 2012 the Senate of Colombia passed the bill for the reform of the military justice system which establishes new parameters for the prosecution of military officers; for instance, that crimes against humanity, as well as sexual violence cases, committed by military officers shall not be prosecuted under the military justice system. As of the date of this report, the bill was being discussed at the House of Representatives.

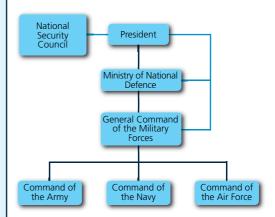
### **Transitional Justice**

In July 2012, Congress issued a transitory article for the Political Constitution (N° 66) establishing the legal instrument for transitional justice

**Source:** Compilation based on the legislation above mentioned.

#### The Legal Framework and the Defence System

Advisory and assistance functional relationship
 Command reporting line



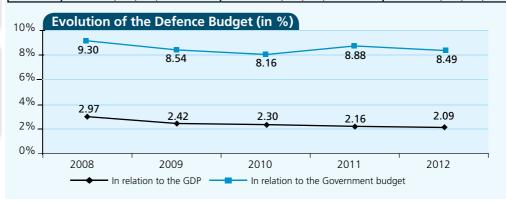
The President receives the advice of the National Security Council, made up of the Ministries of the Interior and Justice, Foreign Affairs, National Defence, Economy and Public Credit, the Directors of the Administrative Department of the President's Office and the Security Administrative Department (DAS), the General Commander of the Armed Forces, the Director of the National Police, the High Presidential Advisor for Citizen Coexistence, and the High Presidential Advisor for National Security.

The command of the armed forces is held by the President, who holds it either directly or through the Minister of Defence, and the General Commander, who has command over the forces. Congress holds the powers granted by the Constitution and permanently monitors defencerelated issues through the specific Committees in both Houses.

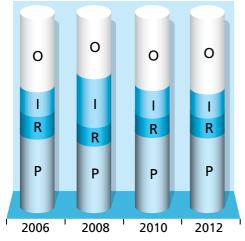
**Source:** Compilation based on *Decreto por el cual se modifica la estructura del Ministerio de Defensa Nacional y se dictan otras disposiciones* (N° 1.512 -11/08/2000. Last amendment: Decree N° 4.890 – 26/12/2011) and *Decreto por el cual se fusiona el Consejo Nacional de Seguridad, el Consejo Superior de la Defensa Nacional y la Comisión creada por el Decreto 813 de 1983 (N° 2.134 – 31/12/1992. Last amendment: Decree N° 4.748 – 2010/12/23).* 

# **The Budget**

Year	Defence Budget (in US\$)	Government Budget (in US\$)	GDP (in US\$)
2008	6,004,957,107	64,578,637,852	202,437,000,000
2009	5,534,277,720	64,812,772,301	228,614,000,000
2010	6,178,261,917	75,672,628,409	268,107,000,000
2011	6,935,015,513	78,059,451,642	321,460,000,000
2012	7 907 923 506	93 113 418 593	378 713 000 000

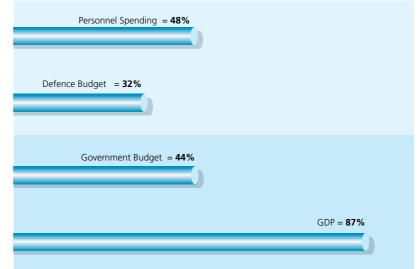


# **Defence Budget Breakdown**



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

# Comparative Increase (% variation 2008-2012)



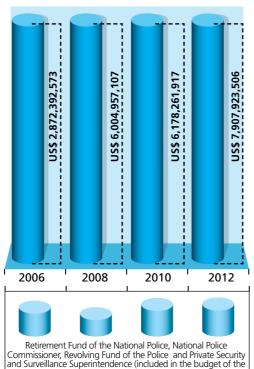
Defence Budget 2012 (in Local Currency)

Ministry of Defence Section Personnel Other Operational Expenses* Investment TOTAL					
3	Personnel	Other Operational Expenses <sup>*</sup>	investment	IOIAL	
Ministry of Defence					
General Administration	50,001,009,469	1,228,523,785,043	10,814,193,375	1,289,338,987,887	
General Command	12,440,149,825	28,701,911,471	26,761,499,915	67,903,561,211	
Army	4.004.156,241,118	1,413,842,441,681	556,075,332,435	5,974,074,015,234	
Navy	743,930,772,262	299,275,044,125	433,896,543,407	1,477,102,359,794	
Air Force	373,557,658,160	641,243,961,120	462,594,334,289	1,477,395,953,569	
Health	64,739,523,000	613,582,473,000	23,200,666,202	701,522,662,202	
General Maritime Directorate	17,932,702,000	25,850,198,000	4,398,936,170	48,181,836,170	
Retirement Fund of the Military Forces	5,208,525,505	1,661,059,869,900	13,244,000,000	1,679,512,395,405	
Institute Casas Fiscales of the Army	2,109,755,400	17,960,360,800	24,670,000,000	44,740,116,200	
Colombian Civil Defence	5,999,267,574	15,373,932,800	1,097,216,373	22,470,416,747	
Officers Military Club	6,353,000,813	27,070,808,841	0	33,423,809,654	
Military Hospital	44,370,802,000	150,270,357,000	16,307,084,009	210,948,243,009	
Logistics Agency of the Armed Forces	9,952,309,796	983,062,556,539	16,935,000,000	1,009,949,866,335	
TOTAL	5,340,751,716,922	7,105,817,700,320	1,589,994,806,175	14,036,564,223,417	

<sup>\*</sup> Includes general expenses, current transfers, capital transfers, sales and production expenses.

# **Composition of the Defence Budget**

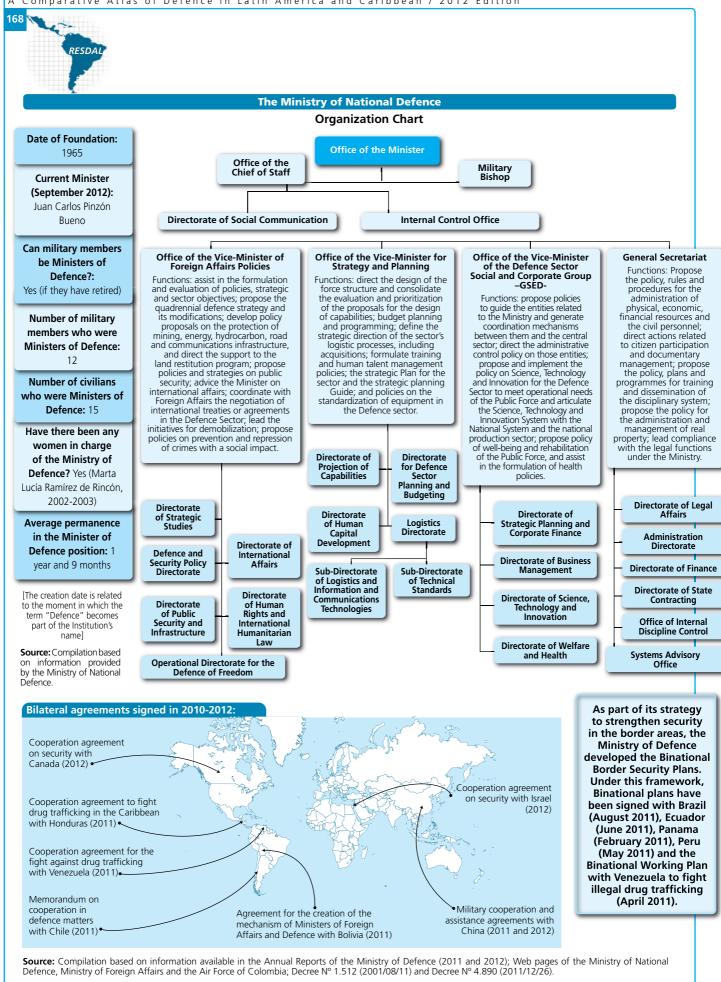




Ministry of Defence Section).

For 2011-2014, extra budgetary resources of about US\$ 4,000 million came from the estate tax created by means of the Law 1.370 of 2009. These resources are used to guarantee the irreversibility of the advances made in territorial control (67% of the of the country's area), to raise the wellbeing and morale of the members of the Public Force (14%), and to strengthen public safety (19%).

**Source:** Compilation based on *Ley por la cual se decreta el presupuesto de rentas y recursos de capital and Ley de apropiaciones para la vigencia fiscal del 1º de enero al 31 de diciembre de 2006, 2007, 2008, 2009, 2010, 2011 and 2012.* The Government Budget is what Congress approved in the above mentioned act. The concept of investment includes the content of the item "Investment". GDP: Projection of the World Economic Outlook Database, IMF, for each year under review. This source has been considered for comparative purposes. Each country elaborates the budget based on its own estimation of GDP. The dollar value coresponds to the exchange rate considered by the World Economic Outlook Database, IMF, for each year under review. The average 2012 exchange rate, as of June, based on the data provided by the Central Bank of Colombia, is 1,793.74 Pesos. The figures are provided in the local currency for further calculations. Expressions in bold type (table) identify the various defence-related items that may have a sector or institutional vision in the Budget Act.



#### **Political Definitions**

#### **Context**

Although the country's security has improved dramatically in the past 10 years, the task has not been completed yet. The transformation of the threats and their adjustment to new scenarios has turned them from a national to a mainly regional phenomenon. For the Ministry of National Defence, the Armed Forces, the National Police and the collection of institutions in the sector, this implies a huge challenge, since the strategies implemented in the near future will determine not only the irreversibility of the achievements made, but the final defeat of violence and the consolidation of the path towards prosperity.

# Guidelines

Colombia has developed a huge capability to face challenges that are currently affecting other countries, but security in Colombia is dependent on regional security which, in turn, depends on hemispheric security. Therefore, the efforts against transnational crime require regional and hemispheric cooperation and actions that are articulated and supplementary. A diplomacy for security strategy will be promoted, through cooperation based on successful experiences and negotiation of agreements for the development of coordinated security strategies.

Given the multidimensional nature of international security, progress will be made on the design and implementation of a deterrence defence system that is credible, integrated and operable to achieve the purposes of internal security as well. The Ministry of National Defence promotes the design of a set of strategies to strike a balance between internal security and external deterrence that not only sustains the effort of the last decade, but also protects the nation against the strong

# **National Objective**

Sector

objectives

and

strategies

Source: Política Inte-

gral de Seguridad y Defensa para la Pros-

peridad, Ministry of Defence, 2011.

To reach optimum security conditions to guarantee democratic prosperity and national progress.

dynamics of transnational crime. This includes the creation of a multi-role and interoperable force structure.

- 1. To reduce local production of narcotics to a historic low.
  - a. Eradicate illegal crops: increase manual and aerial spraying eradication efforts.
  - b. Strengthen interdiction capabilities.
  - c. Dismantle criminal organizations.
- 2. To dismantle illegal groups and create sufficient security conditions for consolidation.
  - a. Terminate violence through dismantling efforts.
  - b. Integrate and adapt security schemes.
  - c. Implement a border control, administration and security model.
  - d. Strengthen integrated action.
- 3. To create the security conditions citizens need in order to live in peaceful coexistence.
  - a. Strengthen police control across the national territory.
  - b. Dismantle criminal organizations.
  - c. Strengthen criminal investigation.
- 4. To advance toward a credible, integrated and interoperable deterrence capability.
  - a. Design and implement an integrated, flexible and sustainable defence system.
  - b. Increase the cooperation of Colombia, both regionally and internationally.
  - c. Implement a cybersecurity and cyberdefence programme.
- 5. To contribute to the timely response to natural disasters and catastrophes.
  - a. Create a response instance in the sector.
  - b. Promote a policy for the sector.
  - c. Stabilize and secure affected areas
- 6. To strengthen the institutionality and well-being of the security and defence sector.
  - a. Modernize the sector management.
  - b. Promote science, technology and innovation projects.
  - c. Achieve a competitive Social and Business Defence Group (GSED).
  - d. Make progress in a well-being strategy for the members of the Public Force.
- Democratic Security Consolidation Policy (2006-2010).
- Comprehensive Security and Defence Policy for Prosperity (2011).
- National Policy for the Defence of Personal Freedom (2011).

National Development Plan

National Territorial Consolidation Plan

National Policy for Citizen Security and Coexistence

# Related actions 2010-2012:

- Institutional redesign of the Ministry.
- Creation of the Integrated Intelligence Centre for Land Restitution (CI2RT) that must identify the risks in the land restitution process.
- Implementation of comprehensive well-being policy for the forces personnel: construction and improvements in the infrastructure of several health care centres; design of inclusive comprehensive rehabilitation model; construction of 148 new fiscal housing units and development of training programs, and advanced education programmes including specializations, Masters degrees and PhDs.
- Nationalization programme for equipment from Plan Colombia.
- Development of 15 workshops on policies of zero tolerance with sexual violence for military and police personnel.
- Design and launching of the policy on science, technology and innovation (October 2011).

**Source:** Compilation based on the Ministry of Defence Memories (2011 and 2012) and the websites of the Ministry of National Defense and the Presidence of Colombia.

In September 2012, representatives of the Colombian Government and of the FARC signed the "General Framework Agreement for the termination of the conflict", establishing a path towards a final peace agreement.

Cuba and Norway played an accompanying role in the negotiations which culminated in an agreement based around 5 points: 1. Rural development; 2. Guarantees for the exercise of political opposition and citizen participation in the political process; 3. The ending of the armed conflict and the reincorporation of the FARC into civil life; 4. Drug-trafficking; 5. The rights of victims.

- The agreement does not include provisions for the ceasing of military operations against the guerillas.
- In the following stages of the process, the Cuban and Norwegian governments will act as hosts and guarantors, whilst Venezuela and Chile will accompany the process.



#### **The Armed Forces**

#### **General Mission**

The Military Forces shall have the main mission of defending the sovereignty, independence, integrity of the national territory and of constitutional order.

(Political Constitution, Sec. 217)

The General Command of the Military Forces is the highest ranking body of strategic planning and direction for the Armed Forces. It encompasses the National Army, the Navy and the Air Force. It issues the directives and command policies in compliance with the National Constitution.

Mission: The Military Forces conduct military operations tending to defend sovereignty, independence, territorial integrity and to defeat the threats, to contribute to the generation of a peace, security and development environment ensuring the nation's constitutional order.



# **Specific Missions**

The National Army conducts military operations to defend and maintain national sovereignty, independence and territorial integrity, to protect the civilian population, private and state-owned assets, so as to contribute to generating a peaceful and secure environment and development to assure the Nation's constitutional order.

Army



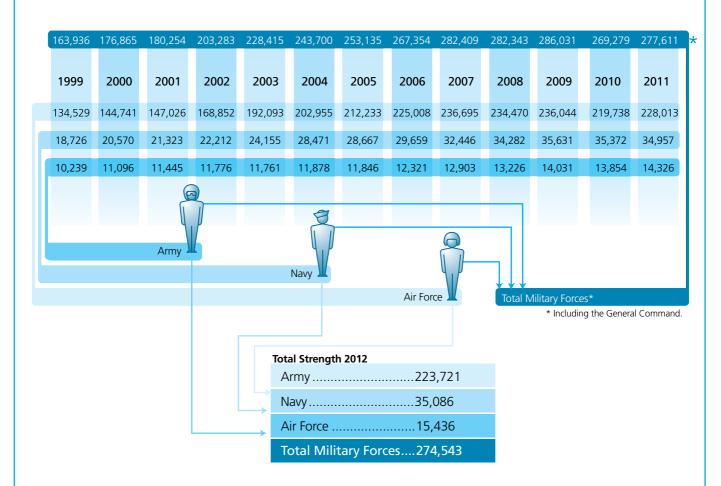
#### Navy

Contribute to the defence of the Nation through the effective use of a flexible naval power in maritime, fluvial and land spaces under its responsibility to comply with the constitutional order and participate in the development of maritime power and the protection of Colombian interests.

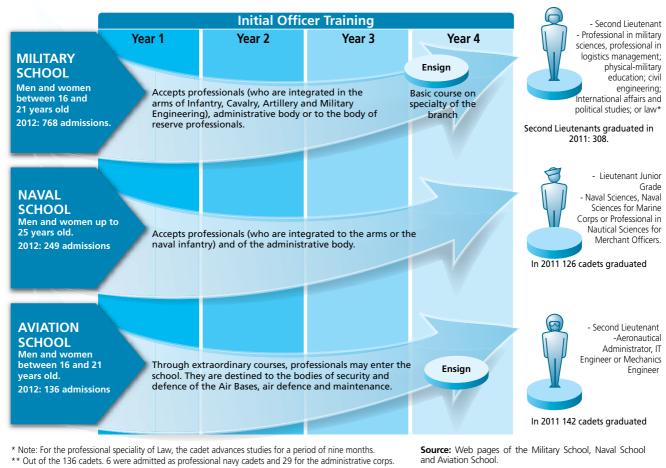


#### Air Force

The Colombian Air Force dominates and maintains control over Colombian air space and carries out air operations for the defence of the country's sovereignty, independence, national integrity and constitutional order.

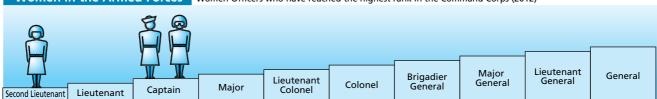


**Source:** Web pages of the Armed Forces and of the General Command of the Military Forces (missions). Avances de la Política de Defensa y Seguridad, Ministry of National Defence (2010 and 2012).



Women in the Armed Forces Women Officers who have reached the highest rank in the Command Corps (2012)

Source: Web pages of the Military School, Naval School and Aviation School.



These ranks correspond to the Army, as an example. The equivalent ranks for Captain are Lieutenant (Navy) and Captain (Air Force). The Command corps includes officers who have been educated at military academies from the beginning of their careers, different to those who develop a career in the civilian sphere and are then incorporated to the military.

# The first female Navy pilot officer graduated in 2012.

#### **Military Service** Number of soldiers by force and year It is mandatory for all male citizens at the conscription age, for a period of one or two years. Women shall only be liable as required by the country, and shall be assigned differentiated tasks 186.073 181,304 2010 Modalities: • Enlisted soldier (18 to 24 months) 2011 • Peasant soldier (12 to 18 months, in the area of residence) 2012 • High-school graduate soldier (12 months) • Professional (12 months) • Soldiers, especially high-school graduates, apart from their military training and other obligations as soldiers, shall be trained to perform social welfare activities for the community, especially tasks related to ecological and environmental pres-21,308 20,998 4,808 4,723 -19.073 • Peasant soldiers shall fulfill their mandatory military service in the geographical 4,825 area where they reside. The National Government shall organize said service taking their academic background and trade into account. • Professional soldiers work under a contract.

Armv

Source: Ley de servicio de reclutamiento y movilización (Nº 48 –1993/03/03) y Logros de la Política de Integral de Seguridad y Defensa para la Prosperidad (2012).

Air Force

Navv





#### **Defence and National and International Community**

#### Activities in which Defence is related to:

Social Action Interior and Justice Planning The Integrated Security and Defence Policy for Prosperity –PISDP- aims at the end of violence in Colombia and the neutralization of any threat to democratic prosperity and national progress, mainly arising from four risk factors: illegal armed groups, crimes against the citizens, external threats and natural disasters.

# Reduction of the local production of narcotics

	2002	2008	2011
Narcotics production infrastructure destroyed	1,373	3,675	3,675
Seizure of drug trafficking aircraft	31	55	55
Seizure of drug trafficking ships	339	436	436

	Base Line*	2011	Goal 2014	
Hectares of coca crops sprayed	101,940	103,302	370,000	
Hectares of manual eradication	43,986	35,152	149,000	
Tons of cocaine seized	155.9	155.3	598	
Tons of marihuana seized	275	353,3	1,017	

<sup>\*</sup> Considered in June 2012.

# Respond to natural disasters and catastrophes

Responses and sector policies to effectively respond to affected areas.

### 2011:

• Creation of an Emergency Joint Operation Centre as the main structure of the National Disaster Response System.

# • "La Niña" phenomenon:

- Army: 292,784 families relocated. Distribution of 55,643 food rations and 16,624 kg. of humanitarian aid.
- Navy: health brigades. 45 metres of dam built in San Estanislao, 441 in Cajicá, Chia and Mosquera.
- Air Force: transport of 1,395 persons and 73,325kg. 87,692 flight hours to face the winter wave.

# First quarter 2012:

- 5 military bridges set up by the Army.
- 296 Air Force operations with over 850 flight hours focused on risk management and disaster response.

**"Sword of Honor" Plan:** In force since 2012, it develops the strategies for the Democratic Prosperity Policy and is executed by the Armed Forces. It implied the creation of new Joint and coordinated Task Forces.

In the past years the Forces of Colombia have trained over 285 officers and NCOs in the following countries (among others): Brazil Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, and Peru.

The range of courses includes: lanceros, special forces, jungle, legal basics, guides, anti-kidnapping and extortion, maritime interdiction, helicopter, professional soldiers and anti-riots.

Dismantle	illega	groups

	2002	2008	2011
Terrorist acts against infrastructure	917	260	196
Actions of illegal armed groups	437 (2003)	52	151
Members of the Forces killed on duty	699	373	483

Total Demobilized individuals			
2002 - 2006	2007 - 2011	Jan-Feb 2012	
11.946	13.264	206**	

<sup>\*\*(78.15%</sup> men and 21.85% women. 17.97% of the total were minors).

The **Programme of Humanitarian Aid to the Demobilized persons (PAHD)** aims at providing integral humanitarian aid to the demobilized persons and their family group, facilitating their social reintegration. Between June 2011 and June 2012, 1,364 people have demobilized (1,175 from the FARC, 184 from the ELN and 5 from other structures).

# Strengthen institutionality and well-being of the defence sector

Promotion of new projects, well-being strategies, modernization of management and development of the **Social and Business Group of the Defence Sector (GSED).** 

The GSED plays a vital role for the development of the central sector. It is composed of 18 agencies.

Some of them are:

- Military Industry INDUMIL.
- Corporation of Science and Technology for the Development of the Naval, Maritime and River Industry – COTECMAR.
- Corporation of the Colombian Aviation Industry CIAC.
- Logistics Agency of the Armed Forces ALFM.
- Air Services to National Territories SATENA.
- Central Military Hospital HOMIC.
- Military University of Nueva Granada. UNMG.
- Colombian Civil Defence

As of June 2012, the total of volunteers amounts to 129,604 throughout the country, and they are present in 904 municipalities.

**Source:** Politica Integral de Seguridad y Defensa para la Prosperidad, Ministry of Defence (2011); Strategic Planning Guide, Ministry of Defence (2011-2014). Logros de la Política de Integral de Seguridad y Defensa para la Prosperidad (2012). Annual Reports of the Ministry of Defence (2011 and 2012).

#### Multinational Peace Force and Observers (MFO) in the Sinai

It is a Mission that originated in the 1979 Treaty between Egypt and Israel. Colombia has been involved since 1982, and currently deploys 164 soldiers. The mission of the Colombian battalion is to observe and report any activities in the central zone in accordance with the treaty, and to provide security for the north camp. Colombians are assigned to the mission for an 8 month tour of duty, with one half of the battalion rotating every four months. On September 2012, four members were injured during the attacks that occurred in the area.

Under the United Nations, Colombia participates with 25 police officers in MINUSTAH (Haiti) - 22 men and 3 women.



**Source:** Statistics of military and police personnel contribution to United Nations operations, Department of Peacekeeping Operations of the United Nations, July 2012. Web page of the Multinational Peace Force and Observers (MFO) and Annual Report of the Ministry of Defence (2012).

#### **Analysis**

# Successes and Shortcomings of a Strategy

# Nathalie Pabón Ayala

Researcher, Security and Defence Group. Universidad Nacional de Colombia..

The strategy of incumbent president Juan Manuel Santos, called the "Integrated Security and Defence Policy for Prosperity" responds to the national objective to "attain optimal security conditions to ensure democratic prosperity and national progress" and the higher goal of "contributing to democratic governance, collective prosperity and eradication of violence through the exercise of security and defence, the adequate and proportional use of force and the development of minimum deterrence capabilities".

Both the objectives and strategies defined are based on the idea of security and defence policy continuity from the previous administration, so as to consolidate the positive results attained and address other neglected issues that substantially impact the normal lives of the people, such as citizen security. Undoubtedly, the promise of continuing with security policies undertaken by his predecessor Alvaro Uribe Velez enabled Juan Manuel Santos to gain electoral support, though it has recently stirred pressure on him to attain the expected results which may either equate or even surpass those of previous years.

The current perception of Colombian citizens is that the security environment of the country has deteriorated as a result of the government's failure to strongly implement military strategies leading to the defeat of illegal armed groups. Reported numbers show that hostile acts have effectively increased, mainly perpetrated by the FARC. Therefore, the strategy has shown successes but also shortcomings.

# Successes

- There is no doubt that the main achievement of Santos' policy has been the two significant blows to FARC leadership: the killing of Víctor Julio Suárez Rojas, alias the "Mono Jojoy" and that of Alfonso Cano.
- The enhancement of international relations especially with neighboring countries. The rapprochement with presidents of Venezuela, Hugo Chavez, and of Ecuador, Rafael Correa, has proven Santos' focus on regional in-

tegration, especially within the framework of Unasur.

- The recognition of the need to adopt separate strategies to address threats, thus differentiating between the "Integrated Security and Defence Policy for Prosperity" and the "National Security and Citizen Cohabitation Policy".
- The offensive strategy against criminal gangs.
- The adoption by Congress of the *Ley de Víctimas* (Law of Victims) and the *Marco Jurídico para la Paz* (Legal Framework for Peace), which are not the only solutions but raise a national debate on the need to compensate victims and allows the State to have legal tools in possible negotiations.

## **Shortcomings**

- Reduction in the incumbent president's approval rates due to the discontent of citizens on the way the security issue has been managed. Incidents such as the attack on former minister Fernando Londoño, the kidnapping of Romeo Langlois, attacks to law-enforcement members and the difficult situation present in Cauca leads to a perception of neglect in the area of security.
- The changes made by the FARC to adapt to the strategies that came from the previous administration have resulted in hostile actions. Such normal adaptation at specific times in a conflict has caused difficulties for President Santos to manage the policy.
- The refusal by native indigenous leaders to accept the presence not only of the FARC but also of military members in the town of Toribio, Cauca. The fact that the military were expelled from the region showed the absence of communication channels between the government and some social groups.

With successes or shortcomings, the main challenge of Santos administration must be to attain peace by seeking opportunities of dialogue with illegal armed groups, since negotiation is the only right way to achieve peace.