



Embassy of the Bolivarian Republic of Venezuela

Fact Sheet: Organic Law of the Bolivarian Armed Force

On January 31, 2007, the National Assembly approved an Enabling Law which allowed President Chávez to issue **decrees that have the rank, value and power of a law** over a pre-determined period of time relating to specific areas. A year and a half later, on July 31, 2008, **the President issued the final twenty-six laws of the enabling period.** Included in this set of twenty-six laws is the Organic Law of the Bolivarian National Armed Force (LOFANB).^{1, 2}

For more information regarding these twenty-six laws, please read our context paper found here: <http://www.embavenez-us.org/factsheet/contextpaperlaws.pdf>

This Fact Sheet will clarify certain aspects of the law which have been misrepresented by the opposition and some of the mainstream media.

Organic Law of the Bolivarian National Armed Force

The Organic Law of the Bolivarian National Armed Force will make the armed force undergo significant changes. However, the **Bolivarian National Armed Force (FANB) will remain an apolitical entity.** This point is crucial to understand given the scare tactics being used to discredit these laws.

The most obvious change is the addition of the word “Bolivarian” to the name of the Armed Force. **The military is being**

renamed to better reflect the spirit of the constitution and the country’s name. The word “Bolivarian” signifies a commitment to an independent Venezuela dedicated to equality, peace and social justice, the values of founder and liberator, Simon Bolívar.

Technical changes to the Armed Force include new ranks to strengthen the chain of command. New ranks include the rank of Major General for the Army, Air Force and National Guard, and the rank of Admiral-in-Chief for the Navy. Furthermore, the rank of Professional Troop will now occupy the same hierarchical level throughout all four branches of the military. The new ranks are designed to make the chain of command more efficient and promote greater cooperation between the branches of the armed force. **A strict pyramidal hierarchy is maintained.** The law also promotes greater institutional commitment to career professionals, who will now be guaranteed employment, promotion and career training.

Under the new law, the FANB will experience two important conceptual changes. The first relates to education, which will be given a greater emphasis in order to improve the military’s performance as well as lead to the personal development of its members. The second is the creation of a National Militia to complement the military’s other four branches. Additionally, this law emphasizes the military’s long-standing commitment to human rights.

Human Rights and the Military

A chapter of the new law is dedicated to human and international humanitarian rights. This emphasis is indicative of the institution’s commitment to

¹ Gaceta Oficial Extraordinaria 5.891 (Federal Registry)

<http://www.tsj.gov.ve/gaceta/gacetaoficial.asp>

² A full text of the law is available at:

<http://www.radiomundial.com.ve/yvke/noticia.php?t=8977>



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peace and the protection of people. Rather than analyzing this section, we will let the articles speak for themselves:

Article 134. Respecting International Humanitarian Rights. Members of the Bolivarian National Armed Force should know, respect, carry out and enforce national laws as well as international agreements, treaties and accords ratified by the Venezuelan state, regarding international humanitarian rights.

Article 135. Respecting Human Rights. Members of the Bolivarian National Armed Force should know, respect, carry out and enforce national and international human rights laws in times of peace and state exception, acting within these laws.

Members of the military will receive training and education relating to human rights and the various national and international laws which govern them.

Education in the Military

All branches of the military will offer education and training programs. **Education within the military is now a priority not only to improve performance, but also for the personal development of its members.** The law's statement of motives asserts the following: "Military education should be committed to the national project, whose goal is social, political and economic justice, and **equality without discrimination or subordination, that promotes peaceful cooperation between countries,** and promotes and strengthens integration with Latin America and the Caribbean in accordance with the principles of non-intervention and self-determination, universal and indivisible human rights, the

democratization of international society, ecological equilibrium and environmental rights, as common goods that cannot be renounced."³ Education will be value-laden. However, **the values are universal and not political.**

Furthermore, under the new law the FANB is obligated to offer educational opportunities to its members, from high school to doctoral degrees. Although this had long been a tradition within the Venezuelan military, it is now being institutionalized to guarantee this right to all its members.

Bolivarian National Militia

The Bolivarian National Militia (MNB) takes over for the now defunct National Reserve, and as such it is not a completely new institution. The law's statement of motives is clear: "the model of social, participatory and protagonist democracy outlined by the constitution . . . brings forth a principle of shared responsibility, which means that it is not only the Bolivarian National Armed Force that is responsible for defense and territorial integrity, but society as a whole."⁴

The term "National Militia" in the new LOFANB simply means a group of civilians organized and trained by the FANB for active participation in national defense and the integral defense of the nation. The MNB is not a new branch and instead is comprised of the four branches of the military. **Its mission is to act as a complement to the active armed force by providing replacements and relief forces, and completing missions that are a part of the FANB's greater strategic goals.**

³ Statement of Motives, Organic Law of the Bolivarian National Armed Force

⁴ Statement of Motives, Organic Law of the Bolivarian National Armed Force



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The militia's objectives are clearly listed and include: training, preparing and organizing the public for the defense of the country; contributing to maintaining public order, and the safety, defense and development of the nation; establishing links between the public and the FANB; and assisting Community Councils when its expertise is needed. Furthermore, the MNB can be mobilized in situations such as training periods and states of exception as noted in the constitution (including social, economic, political, natural or ecological emergencies, in which the security of the nation, institution or its citizens are seriously affected).⁵

According to the law, the overarching **goal of the MNB is to contribute to sustaining the independence, sovereignty and territorial integrity of the nation.** The Bolivarian National Militia threatens no one; it is a **purely defensive institution whose role is quite specific.** The law specifies that citizens are free to choose whether they will participate in defense training. **The MNB will act in full accordance with the letter and spirit of Venezuela's constitution and laws.**

Finally, with the creation of the MNB, the executive branch's control over the military essentially remains the same. As in the vast majority of democratic countries, branches of the military answer to the executive. One of the constitutional duties of the President is to direct the military in his "capacity as Commander in Chief."⁶ This aspect of the FANB law is equivalent to the 1947 creation of the U.S. Air Force, which named President Harry Truman the Commander in Chief of that institution.

⁵ Article 337, Constitution of the Bolivarian Republic of Venezuela, 1999.

⁶ Article 236, Constitution of the Bolivarian Republic of Venezuela, 1999.

Conclusion

The FANB is a defensive institution which protects Venezuela's sovereignty and territorial integrity. The military is dedicated to peace and progress, as is indicated by the greater commitment to education and human rights. The chapter on human rights should not be overlooked or understated; it represents **a commitment by Venezuela to ensure that the military continues to abide by the international norms and values which protect people and their inherent dignity.**

The LOFANB retains the apolitical nature of the Venezuelan military, and strengthens its capacity to defend the country by furthering the integration of the four branches and complementing them with the MNB. Furthermore, the Constitution states: "National security is based on 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."⁷ This principle of shared responsibility is emphasized in the LOFANB to allow society as a whole to participate in the defense of the country.

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⁷ Article 326, Constitution of the Bolivarian Republic of Venezuela, 1999.