

## Controlling the Armed Forces in Democratic Transitions: Cases from Latin America

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During the last quarter century, the countries of Southern Europe and Latin America underwent a process of democratization. In the latter, this transition occurred in nations that formerly had been controlled by military regimes. Therefore, it seems essential that an analysis of the evolution of democratic governments in Latin America must focus on civil-military relations and the roles that institutions and democratic mechanisms have played in the process.

The exercise of civilian control over the military is particularly important in explaining the success or failure of a country's transition to democracy. Recently, some countries have taken steps backward in the implementation of mechanisms to control their militaries. Observers have noted that this regression has not only delayed the normal evolution of their democracies but has also prevented their complete consolidation. In light of this situation, it seems important to analyze which measures may guarantee increased civilian control of the armed forces and to explore whether there is a common framework to apply to all countries.

In order to accomplish these objectives, it is best to divide the democratization process of these countries into two subperiods: transition and consolidation. The first can be defined as the period in which the military ceases to intervene in domestic politics. The second is the point when civilian powers take control of defining the country's security and defense policies as well as directing the armed forces.

While institutionalized control of the armed forces is not the only condition for democratic consolidation, it is a necessary one. Nevertheless, states under the rule of law can have militaries with varying levels of autonomy, which is a result of the constant tension that exists between civil-military powers. First, the armed forces collectively act to defend their own interests. Second, as in any bureaucracy, the military will fight to

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expand its organizational and functional autonomy within the government. Lastly, the values of the military and those of society can be so different that the

lack of commonality creates tension and distance.

Based on the recognized distinction between a democratic transition and consolidation, one is able to differentiate between two stages of civilian control of the armed forces.

### Stage One: Transitioning to Democracy

In this stage, actions must be centered around stopping the intervention of the armed forces in the political sphere, reducing internal conflicts, and preventing possible military coups.

When the armed forces are stripped of power, they generally reinforce their control over their own organization and combat any efforts by external authorities (i.e. civilian) to regulate them. From this initial position of retrenchment, the armed forces either can maintain attitudes which contradict the ongoing democratic transition or progressively adopt accommodating postures. Ordered by their degree of autonomy



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from more to less, these positions are:

- o *Guardians of the National Patrimony.* In this position, the armed forces consider themselves above politics and the parties. Rather than being an instrument of the state, they act outside of it and threaten its existence when their missions conflict.

- o *Policy Filters.* The armed forces act as a filter that conditions the policies of the state, limiting reforms or vetoing specific actions.

- o *Defenders of Organizational and Operational Autonomy.* Adopting this role, the military impedes the civilian authorities from intervening in the armed forces.

- o *(Disobedient) Defenders of Civilian Authorities.* The armed forces demonstrate a formal acceptance of the civilian authorities' supremacy but are disobedient to certain orders. They are also still prone to take self-initiated actions, especially those not ordered nor wanted.

- o *Obedient Defenders of Civilian Authorities.* The military accepts the imposition of civilian controls over specific organizational and operational activities and allows the implementation of "ideological controls."

In this first stage, the general process of the country's transitioning to a democracy frames military-civilian relations. However, as the efforts toward broader institutional reform increase, it becomes easier to implement a parallel set of policies directed at the armed forces. At the same time, any failures in the newly installed democracy will stop or complicate the process of extending the control of the civilian authorities over the armed forces. Consequently, the lack of interest on the part of the political and economic elite of the country in normalizing the operation of democratic institutions is perhaps one of the greatest challenges for "democratizing" the armed

forces. Colombia is a clear example of what happens when the political class is unable to form a consensus on solving the problems of the country.

In order to strengthen civilian control over the military in this stage of democratization, it is recommended to pursue legislation on national defense and measures that reduce the presence of the military in civilian areas.

*National Defense Legislation.* It is necessary to reform any basic defense legislation that was significantly modified, which is the case in almost all of the countries that were under military rule. Toward these ends, the tasks that should be completed are:

- o The definition of the President's mandate and responsibilities. The President should be granted full authority as commander-in-chief of the armed forces.

- o A special consideration of the role of the Minister of Defense, recommending that the President grant some of his powers to this cabinet post.

- o The creation of a National Defense Council to show the interest of the President and the government in defining and shaping the country's military issues.

- o The restructuring of any decision-making organization of the military into an advisory department of the President or the Minister of Defense.

- o A definition of the defense and military planning processes for the civilian government.

- o The establishment of the Ministry of Defense as a cabinet department similar to consolidated democracies.

- o The establishment of state and military intelligence systems under civilian control.

*The Reduction of the Military Presence in Civilian Administrative Positions.* During military dictatorships, members of the armed forces are involved not only in the decision-making processes and administrative positions of government but also in its public services, particularly the police forces and law enforcement agencies. Therefore, the "civilianization" of the police is an essential element in the process of gaining control over the military.

Apart from the military's involvement in the police and law enforcement agencies, they are normally responsible for the administration of maritime and air transportation. Most importantly, in times of military dictatorships the armed forces have control of the state information services, a function which is essential for them to maintain their power. There are no simple or universal solutions to resolve this issue, but, as a general rule, a first step to reforming the military's presence

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in the government's administration should be to reduce the reach of these services and to place them under the Minister of Defense or the Interior.

### Stage Two: Democratic Consolidation

In this stage, there are four key tasks that must be analyzed in order to achieve the democratic consolidation of a post-dictatorship government.

*1. An Elaboration of Military Policy.* The first task in achieving this objective is the appointment of a civilian to the position of Minister of Defense. This is an essential step towards establishing a national defense policy in accordance with the current international context. The ministerial mandate should coincide with that of the President, in order to avoid constantly changing cabinet appointees.

Among the more important functions of this civilian position are the Minister's roles as an arbitrator between military and civilian institutions in budgetary conflicts; as a diplomatic representative in promoting bilateral relations; as an intermediary for communicating defense policy to the legislative branch; as a promoter and distributor of information on military issues to civilians; and finally, as a defender of the legitimate labor rights of military personnel.

The second task is to create a ministry with the capacity to truly organize and implement actions since many Latin American countries normally do not have the necessary administrative resources to direct the military. This arduous process should be done in at least two stages: there should be a nucleus of policy advisors surrounding the Minister that will formulate the country's defense policy, and there should be an operational dependence of the armed forces on the ministry.

The third task is to ensure that the country's defense policy is representative of the other policies of the civilian government, while the fourth is to guarantee that Congress has control over the national defense budget and its implementation. The fifth and final requirement is to establish a group of politicians and academics that have expertise in security issues. The current lack of this intellectual support in Latin America represents one of the greatest obstacles to advancing civilian control.

*2. The Elimination of Military Privileges.* Two major steps need to be made to eliminate the privileges granted to the armed forces while they were in power: overhaul the system of military justice and end

their control of public companies.

In regards to the first step, a series of conditions must be fulfilled to make a military justice system appropriate for a democratic regime:

- o *Military justice should not be applied to civilians.*
- o *Military courts should be limited to military issues.*
- o *They should be integrated into the national judicial system and not be a separate entity.*
- o *It is necessary to separate the penal code (applied by judges) from the disciplinarian code (applied by the military leaders).*
- o *Military leaders should not have judicial responsibilities; they should not be allowed to be judges, preside over or form part of judicial tribunals, hand out sentences, etc.*

The establishment of appropriate limits on the military justice system is needed to deal with crimes committed during the years of the military dictatorships in Latin America. In order to prosecute human rights violations in this period, military courts must be completely subordinated to civil justice.

The second step is to remove the military from the control of publicly-held companies. These commercial activities are usually related to weapons production and operations intended to generate additional income for the armed forces. The present global context suggests that it is completely inconsistent to have the military involved in either kind of company. It will be difficult for the military to withdraw from firms with financial problems or those whose revenues finance military pensions.

*3. The Evolving Concept of the Military Profession.* After numerous studies on civil-military relations in Latin America, it is clear that increasing the professionalization of the armed forces has not led to the democratization of these relations. There needs to be democratic professionalization, with the armed forces loyal and subordinate to the civilian democratic authorities. However, this will remain an impossible objective if the armed forces have more autonomy than the civilian government authorizes and if their values and beliefs are different from those of society.

In advancing the military's professionalism, it is important to distinguish between the institutional and occupational nature of the armed forces. The institutional side of the military is characterized by the prevailing norms that govern it while the occupational side is related to its members' professionalism. No military is totally institutional or occupational, but if democratization is to occur, the armed forces must be





shifted to more occupational roles.

In order to assert civilian control over the military, democratic governments must help it become professional and act directly in defining its new missions within the current socio-political context.

4. *The Formulation of New Military Missions.* The conclusion of the Cold War and the subsequent transitions to democracy brought an end to the conflicts between states, the National Security Doctrine, and domestic efforts to persecute communists.

Given this new international context, the armed forces have tried to focus on internal issues, using them to justify their existence. However, the risk of the armies gaining positions of power is much higher in this situation. Some of the new missions are done to provide the armed forces with additional income by allowing them to assume control of companies, such as in transport or infrastructure.

A series of analytical studies have been conducted to better understand the new role for the armed forces in Latin America. The conclusions have varied, resulting in a debate over whether any of their missions should be done at all. Louis W. Goodman has proposed using three criteria to determine if a mission should be done by the military or not:

- o *First*, will the military's involvement in civil society keep other civilians out, impeding the development of civilian activities and organizations?

- o *Second*, will the armed forces gain privileges from participating in a certain activity, converting themselves into an interest group that promotes its own institu-

tional stake at public expense?

- o *Third*, if the armed forces assume a mission, will they neglect their defense responsibilities (which is their principal task)?

In analyzing the responses to these questions, it is important to consider the relationship between Latin American militaries and the U.S. armed forces, particularly the latter's demands of involving other armies in the fight against drug trafficking.

### A Consolidated Democracy

After the two stages are completed, civilian control becomes a concept formulated vis-à-vis a consideration of each government's autonomy and the adequacy of its armed forces given domestic and international exigencies. Civilian authorities acquire control over the military, which is viewed as a component of the state's administration and not an autonomous power; the armed forces are not policy makers but rather the implementers of policy. The military is seen as an occupation and as a closer approximation of civil society's values. Civilian control of the military also mandates the creation of stronger democratic institutions and a more efficient state. Furthermore, society's support for the armed forces and their missions is necessary to arrive at a stable solution for controlling the military. Nevertheless, this process is extremely complicated because none of these issues is easily resolved in any Latin American country.

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