

USAWC STRATEGY RESEARCH PROJECT

CIVIL-MILITARY RELATIONS IN POST COLD WAR CENTRAL AMERICA – LESSONS LEARNED

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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## ABSTRACT

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As one result of the War on Terror, militaries in a variety of countries will be assisted, rebuilt or built from the ground up. The last time that a variety of militaries was rebuilt was in Central America after the end of the Central American wars of the 1960s-1990s. Some militaries were disestablished, some were totally changed, and some have retained certain characteristics that marked them during the Cold War. What attributes did the United States want these militaries to have in the end? What attributes do they have now compared to what they had during the Cold War? What was done right and what was done wrong? How were these results achieved?

This study demonstrates that, due to a variety of circumstances, civil-military relations in Central America have changed quite a bit. Each of the countries has had several successful transitions in democratic governments. Human rights violations performed by the Central American militaries have plunged. Militaries have, to a certain degree, even subordinated themselves to civilian leadership.



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## PREFACE

### Preface or acknowledgements

I would like to thank Gabriel Marcella, Ph.D., for his supervision of this project. I would like to thank the Fletcher School of Law & Diplomacy at Tufts University for helping out with this and other projects. Without Dr Marcella and Dr Schultz, this project would not have happened. I would also like to provide a special thank you to all of the senior *latinistas* who have put their trust in me over the years, allowing me to gain experience in Latin America from the tactical to the strategic level. They know who they are.





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## **CIVIL-MILITARY RELATIONS FOR POST COLD WAR CENTRAL AMERICA**

### **LESSONS LEARNED**

The Post Cold War time frame posed many challenges for militaries in Central America. With the end of the Cold War in 1989, many of the concepts under girding the actions of Latin American militaries became irrelevant overnight. Since that time, things have changed slowly but surely in Latin America in general and Central America specifically. Declining military force structure and budgets, expanding democratization, globalization, greater interest in the environment and human rights and especially international attention have all combined to force Central American militaries away from their traditional roles in politics and governance. At the same time, they have had to maintain their main mission of defense of the country while adding new missions such as support for democratization and disaster relief.

The end result of these changes may be used to provide lessons learned for the future. As a result of the war on terror, the United States will be involved in molding militaries around the world. In terms of helping to sustain and support friendly militaries, the US is already assisting in places like the Philippines and Colombia. The United States is also involved in changing militaries that are newly friendly, such as in Eastern Europe with the states that are newly invited to join NATO and other militaries where we now operate such as the newly independent republics of Central Asia. Additionally, there is the question of what to do with militaries in countries where regime change has occurred. The US military is already involved in building a new military in Afghanistan.

As operations in the War on Terror continue, the US military will continue to be involved in the creation or modification of other militaries. In some countries, we will be assisting other militaries to gain control of their own area, either by assisting or rebuilding current military structures. In other countries where regime change occurs, we will be involved in rebuilding some militaries or even helping some countries eliminate extant militaries and building new security structures.

Central America in the Post Cold War time frame provides an excellent case study in examining changes that occur during paradigm shifts. Central America has cases across the spectrum, from maintaining a certain level of militarization (Guatemala) to demilitarizing some societies (El Salvador, Nicaragua). It also has cases of maintaining a total demilitarization

(Costa Rica) to eliminating a military (Panama). But Central America works as a laboratory for another reason. The countries of Central America were all Spanish colonies, all but one (Panama) part of the same colonial subdivision as well as later existed as the United Provinces of Central America. They all speak Spanish. All but one (Guatemala) have fairly homogeneous populations. Each had problems with military interference with governance. Each (except Costa Rica) had problems with human rights violations. They all faced the same threats during the 1970s and 1980s. The United States was involved in each of their conflicts from the beginning to the resolution of each. In the end, each country chose a different route to addressing civil-military relations.

This study will examine the antecedents to each situation, and what each country did that led to their current situations. It will examine the changes in missions, budgets, and force structures. It will examine current civil-military relations and how they got that way. The conclusion will provide an analysis of what went wrong and what went right in each situation and how the United States can use these lessons assisting other militaries.

### **Antecedents**

Central America traditionally consists of five countries – Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica. Belize (formerly British Honduras) is usually considered a Caribbean country due to its history as an Anglophone colony. Panama was always part of South America, being a part of the Viceroyalty of Peru and later the Viceroyalty of New Granada during colonial times. Panama separated from South America by gaining independence from Colombia in 1903 and has only sought integration with Central America during the late 20<sup>th</sup> Century.

Central America became independent in the early 1800s. These countries spent some time as the “Central American Republic” before splitting into the five states that we know today. During the late 1800s, these countries underwent varying levels of liberal reform and then settled into an elite dominated political system. In the early 1900s, the area did well economically. However, monoculture economies and stunted political growth prevented development. Militaries, which had professionalized at the turn of the century, became much more involved in politics. In Guatemala, the military became a very strong actor in cooperation

with the agricultural elite, participating politically and ensuring a regular supply of labor. In El Salvador, the military ran the political system from 1932 to 1979, with the agricultural and agro-industrial elites guaranteed economic plenty. In Honduras, due to aborted liberal reforms, the elites and the military cooperated without military domination. In Nicaragua the same aborted liberal reforms led to the creation of the tyrannical dynasty of the Somoza family, who ran the country from 1934 until defeated by a broad based Sandinista led revolution in 1979. In Costa Rica, the military was eliminated by the local elites in 1948. In Panama, the military cooperated with the local elites until 1968, when they took power and held it until 1989, when Just Cause eliminated it.

### **Latin American Militaries**

Compared with their counterparts in the rest of the American continent, Latin American militaries have always played a far greater role in the governance of their geographic areas than in the rest of the hemisphere. Latin America was explored and conquered by the military. The Spanish Crown empowered the militaries in Latin America utilizing the same legal implements that had proven so effective during the *reconquista* of the Iberian Peninsula. This led to a direct intertwining of the elites and the military, with the elites many times coming from the military and the military working hand in hand with the elites. The Latin American constitutions were written by the *creole* elites, often lawyers as well as military men themselves, and reflected their view that the military was to be a central part of Latin American life. Although Latin American militaries professionalized in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, militaries became more rather than less involved in politics. This background continued to haunt Latin America into the late 20<sup>th</sup> Century, with the military often ruling the countries and almost always influencing national politics. Only with the advent of the post-Cold War world and the "Third Wave" of democracy, together with international disapproval of human rights abuses and military influence in government, have the Latin American militaries begun to restructure with new missions in mind.

### **Changes in the Post Cold War Time Frame**

Central American militaries started to change even before the end of the Cold War, beginning with support for democratization and continuing with improving human rights records. Next was support for peace agreements with former opposition groups. After the various peace

accords and elections, the militaries subordinated themselves (to a varying degree) to civil authorities, allowing themselves to be downsized and their budget to be slashed. Each of these steps was very important and built on the previous steps. Progress was incremental and occurred at different paces in the different countries.

## **Democratization**

Support for democratization did not happen overnight. Many groups were very irritated with the United States for adopting a policy that pushed democratization on other countries, emphasizing the 'fact' that democracy was not for everyone and that authoritarian methods of governing were superior to democracy. The United States was accused of a superimposition of an alien philosophy.

Larry Diamond in his book "Democracy in Developing Countries – Latin America" points out that, by 1999, "There is no longer any dispute that issues regarding democracy in the region are of real concern to political and social actors within each of these countries and not arbitrary impositions by ethnocentric foreign scholars."<sup>1</sup> There is no doubt, except by groups yearning for more authoritarian times that democracy is very important for the development of a country. Amartya Sen, the Nobel Prize winning author of "*Freedom as Development*" demonstrates that 'political freedom' is very important for any country.<sup>2</sup> He provides further analysis that supports this thesis, for example pointing out that there has never been a famine in any democratic country. The Interamerican Development Bank also points this out in their project "*Democracies in Development*" where they say that "A well-functioning democracy appears to be indispensable for equitable and sustainable development".<sup>3</sup>

Democracy is extremely important for legitimacy for both the government and the military of a country. When a military makes the transition from being a tool that does things to a population to being a tool that does things for the people, a sea change occurs. This has happened in some countries in Central America and, I would propose, should be a goal for the United States working with other militaries around the world.

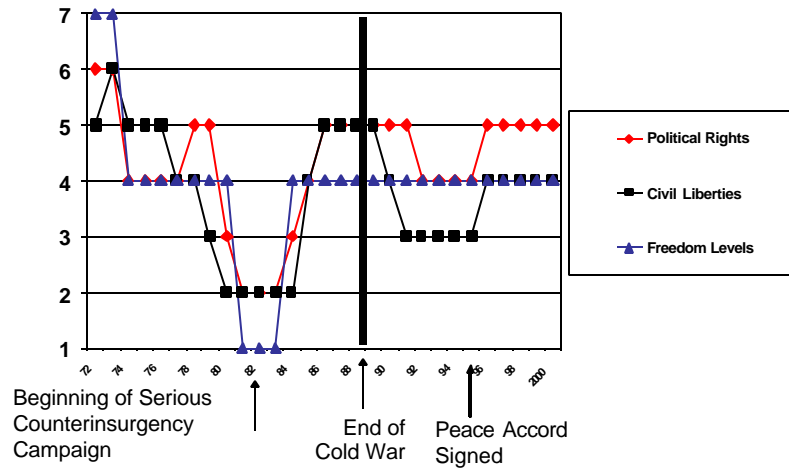
The transition to support for democratization in Central America was neither easy nor quick. Militaries in these countries had a long history of what could be called 'anti-democratization'. In Guatemala, the military allied itself with the agricultural elite and actually controlled political power as well during a large portion of the 20<sup>th</sup> Century. In El Salvador, the

military was able to cut a deal with the agricultural and agro-industrial elites that allowed the elites to prosper. All it cost those elites was granting the military a monopoly on political power from 1932 to 1979. In Honduras, the military and the elites never quite consolidated control of the population. Some theorize that this was directly related to US economic influence in the late 1800s and the 1900s. The end result was some military political influence. In Nicaragua, the US installed Somoza family used the National Guard as one of its tools to consolidate old fashioned dictatorial rule from 1934 to 1979. In Panama, the US created National Guard existed in an uneasy competition for political influence with the local *rabiblanco* (literally 'white tails', a derogatory Panamanian term of the local European upper classes) elite and the omnipresent US presence. The Guardia Nacional ended up in total control from 1968 to 1989 until they (in their incarnation as the Panama Defense Forces) were disestablished by the United States. Only in Costa Rica was democracy built in early on. In 1947 after a short civil war, the country decided to do away with the military. Constitutionally enshrined in 1948, Costa Rica is the only country in Central America to have no indigenous military influence on democracy since the middle of the 20<sup>th</sup> Century.

Transitions were difficult and in some places, incomplete. The Guatemalan military repressed the country up until the mid 1990s. The chart below,<sup>4</sup> representing Freedom House analysis of Political Rights, Civil Liberties, and Freedom Levels shows the significant downgrading of liberties in Guatemala during the 1970s and 1980s, with a slight recovery at the end of the Cold War and again in the late 1990s with the end of the civil war.



# Guatemala Freedoms



As can be seen, by the late 1990s, freedom levels had returned to the levels enjoyed before the civil war heated up in the 1970s. Although still less free than the rest of Central America, Guatemala is much more free than it was during the end of the Cold War. James Mahoney, author of *The Legacies of Liberalism* says that the Guatemalan military finally allowed democratization in order to combat the insurgents. He also credits the US with providing a large amount of pressure to the regime.<sup>5</sup>

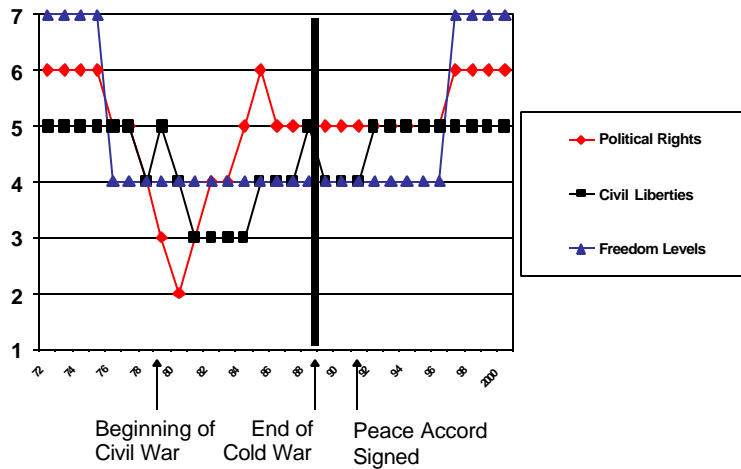
As mentioned earlier, the Salvadoran military enjoyed a monopoly of political power from 1932 until 1979. The coup by reformist elements of the military in that year was eventually reversed by conservative military elements; however the paradigm had been broken. By the mid 1980s, elections were held and democracy was in place. Retired US Army Colonel John Waghelstein, former Commander of the US Military Group (MILGP) in San Salvador (1982-1983) identified this election as the largest change in terms of the attitudes of the Salvadoran Armed Forces (ESAF). He says that the population thanked the ESAF for 1) letting them vote and 2) protecting them from interference from the armed opposition (Farabundo Marti National Liberation Movement or FMLN).<sup>6</sup> Although the population had been allowed to vote fairly regularly over the years, the ESAF controlled the political apparatus since 1932. This was the

first time since then that the voters were actually allowed to elect anyone. The ESAB was so impressed with a grateful population that this eventually leads to the sea change that was required for the Salvadoran military to give up their monopoly on power. According to William Stanley in *"The Protection Racket State"*, the Salvadoran military had the most to lose, but during the 1980s made the decision to cede political power back to the civilians.<sup>7</sup>

Although there was an election in El Salvador in 1984 that brought in the centrist Duarte, it was the election of the ARENA presidential candidate Christiani in 1988 that really brought back the politicians, who were able to take advantage of the distraction of the military and wrest political control of the country back from them. Several peaceful transitions of power have occurred since then, and it appears that civilian control of the government is complete. The Freedom House data shown below<sup>8</sup> shows that, although democratization had occurred by the late 1980s, freedom was really in place until the late 1990s.

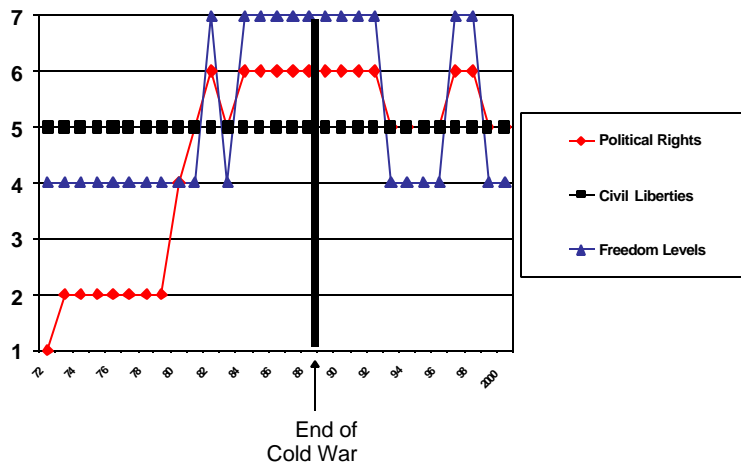
Although the ESAB essentially destroyed democracy during most of the 20<sup>th</sup> Century, they are now considered to not be a threat to democracy.

## El Salvador Freedoms



Honduras was not typical of the other Central American dictatorships. As James Mahoney points out in his book *“Liberal Reforms in Central America”*, the Honduran experience (like the Nicaraguan experience) was one of aborted liberal reforms and overwhelming US domination of the economic and, as a direct result, the political scene as well. He says that Honduras was run by a ‘traditional dictatorship’ from 1932 until 1982 but that the military ‘as an institution never governed in Honduras and Nicaragua during the heritage period’<sup>9</sup> (emphasis in original work). This dictatorship was run by a series of Honduran politicians and military men, governing as individuals using personalistic methods. It can be seen, therefore, that the Honduran military has rarely threatened democracy and is not currently considered a threat to democracy. The chart below shows the levels of freedom enjoyed in Honduras since the early 1970s<sup>10</sup>

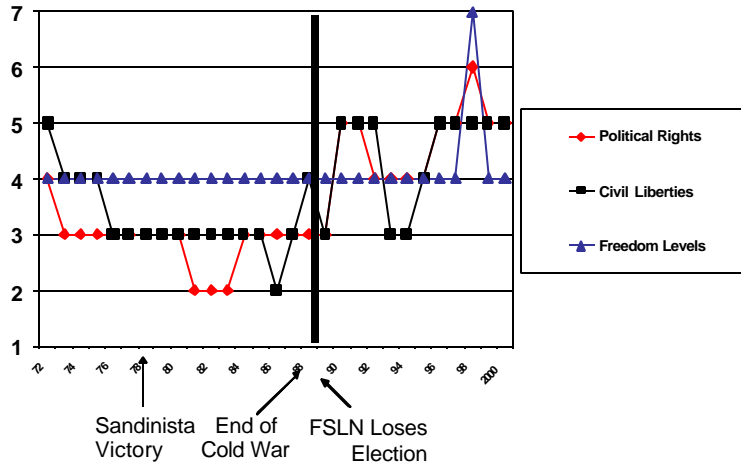
## Honduras Freedoms



Nicaragua had a different transition to democratization. Everyone is familiar with the dominance of the Somoza family from 1936 to 1979 and the subsequent defeat of the Somoza regime at the hand of insurgents. In the late 1980s, as a result of internal discussions amongst the predominant faction of the aforementioned insurgents, the Frente Sandinista de Liberación Nacional (FSLN-Sandinistas) and external pressures, the Sandinist government of Daniel

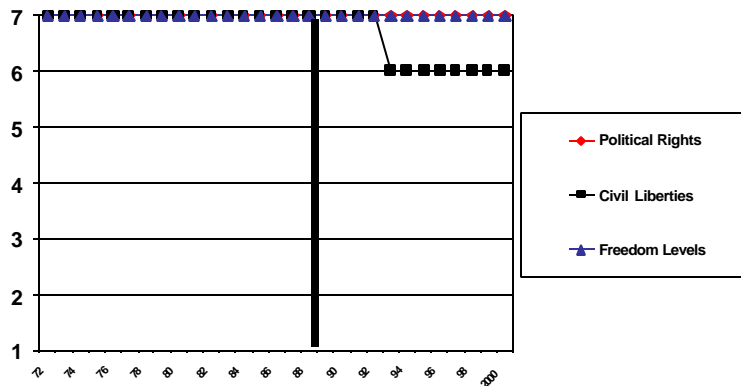
Ortega agreed to stand for an election. He lost to Doña Violeta Chamorro, ushering in a new era in Nicaraguan politics which had been dominated by the Somozas or the Sandinistas for most of the 20<sup>th</sup> Century. This did not mark the total transition of the Nicaraguan military. After the election, it was still the Ejército Popular Sandino (EPS–Sandinist Popular Army) and was headed by Humberto Ortega, the brother of the former leader Daniel Ortega. This marked a challenge for the new government of Nicaragua. President Chamorro had to step very carefully and subsequently had her ability to maneuver limited. With the departure of Humberto Ortega in 1994, General Joaquín Cuadra took command of the military. He renamed it the Ejército de Nicaragua (EN – Army of Nicaragua) and took steps to professionalize the military, emphasizing political neutrality. The current Commander in Chief, General Javier Carrión, has continued this transition, sending a military attaché to Washington DC for the first time since the success of the revolution and attempting to build ties to other militaries in the region that had once been enemies.<sup>11</sup> The EN is now an excellent example of how militaries support democracy. They were widely praised for their actions (and neutrality) in the Nov 2001 election, where Daniel Ortega stood for President once again. The EN communicated with the two major political parties, emphasizing its neutrality in the election, promising to support whoever won, and warning both sides not to cause problems during the election through mobilization of violent elements.<sup>12</sup> This is an excellent example of professionalization and depoliticization of a military and the imposition from above of a culture of support for democratization. The EN is no longer considered a threat to democracy in Nicaragua. The chart below<sup>13</sup> shows the significant Nicaraguan achievements of the late 1990s:

# Nicaragua Freedoms



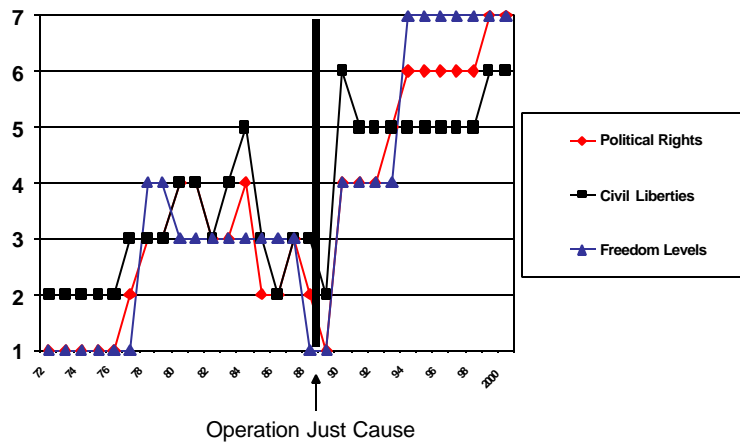
Costa Rica was the only country in this study that did not have to make a transition to democracy in the 1980s. As previously mentioned, after a short civil war in 1947, Costa Rica dismantled its security apparatus and rewrote the Constitution to ban the military.<sup>14</sup> There is a security force which acts as the police, retaining a vestige of paramilitary capability in order to maintain the sovereignty of the country. This security force also supports democracy. Ninety days before an election, command and control of the security forces moves from the Ministry of Governance, Police, and Public Security to the Electoral Tribunal. Civilian politicians have successfully run the country since 1948.<sup>15</sup> Democratization is alive and well in Costa Rica, with no challenge on the horizon. These results and their startling difference from the Central American norms can be seen in the chart of freedoms in Costa Rica, below.<sup>16</sup>

# Costa Rica Freedoms



Panama had the most violent transition to democracy of all the Central American countries. In 1968, Omar Torrijos of the Guardia Nacional (National Guard) led a *coup d'etat* against the elected President, Arnulfo Arias. From that time until Operation Just Cause in 1989, the Panama Defense Force (PDF, which succeeded the Guardia) ran Panama. Although there were a series of 'elections' which produced 'presidents', the reality of the situation was that the PDF behind their various leaders (ending with Manuel Noriega) ruled. The most egregious incident of a stolen election was in 1989. The famous picture on the cover of Time magazine of Presidential Candidate Billy Ford being beaten while covered in blood captures the essence of the Noriega/PDF regime very well. After operation "Just Cause", the man who was reckoned to have really won the election, Guillermo Endara, became the President, and the PDF was dismantled. Since then a modification of the Constitution of Panama has banned the military in a move reminiscent of Costa Rica<sup>17</sup> and there have been a series of elections where presidential power has switched off between two different political parties (including the party of Torrijos and Noriega). Panamanians are very proud of their democracy and exercise it vigorously.<sup>18</sup> The various security forces that now report to the Ministry of Government and Justice support the civilian government of Panama and, according to both Panamanian and international sources; foster no desire to influence the government.<sup>19</sup>

# Panama Freedoms



Democratization and support for democracy is one of the two most important functions that a modern military can perform. Lessons learned from the Central American experience show that militaries can be made to respect democracy, either by internal decision or external pressure (or some combination of the two). Jeffrey Paige suggests the former in his book *“Coffee and Power – Revolution and the Rise of Democracy in Central America”*. Samuel Huntington suggests that external pressures, including pressure from the United States, were important after 1974 in his classic *“The Third Wave of Democracy”*.<sup>20</sup> In assisting other militaries as a result of the War on Terror, the United States must have as one of its top priorities the creation or strengthening of military support for democracy.

Several problems ensue when creating support for democracy. First is changing the attitudes of the host nation when it comes to democracy. Second is changing the minds of the military. Third is ensuring support for the long haul. The Latin American experience has shown that democracy is not an instant solution for economic and social problems. Moreover, bad economic performance in Latin America has created a backlash against democracies that are still consolidating.

Changing the attitudes of the host nation when it comes to democracy is sometimes difficult. Many groups in society desire democracy because of the example of democratic states or their own experience with democracy. Certain groups, usually those who gained the most from a lack of democracy (i.e. non democratic elites) are usually the hardest to win over. Convincing them that there is more to gain by supporting democracy is essential. A good example is the elites in El Salvador. Once the elites decided that there was more to lose by sustaining the war effort, it brought together a coalition to support democracy.

The second goal is to change the minds of the military. This can be so difficult that it is better to disestablish the military, as was done in Panama. There is now no question of the Panamanian security forces (police) interfering with, much less endangering, democracy. Perhaps the biggest challenge for Central America was the Popular Sandinista Army. This is a good example of a change that took over a decade before it was successfully prosecuted.

Third is ensuring support for the long haul. Democracy is not a short term event. As students of democracy know, it takes many shapes and faces many challenges. There are no perfect democracies. Each one has different strong points and weak points. Latin America provides examples of what happens when expectations are not met in the short term. Many Latin Americans thought that democracy would solve everything. This did not happen. Although some Latin American countries are better off after the Third Wave of democratization, many feel that democracy has let them down, a phenomenon known as 'democracy fatigue'. It takes a while for a democracy to fulfill the needs of the majority of the people.

## **Human Rights**

Respect for human rights is the second large change that Central American militaries made towards the end of their wars. Every country in Central America except Costa Rica had human rights problems during the Cold War, with most problems peaking in the 1980s.

Human rights are one of the most sensitive problems for militaries in general, especially during an insurgency/counterinsurgency. The exigencies of operations, especially when your country and your system are under direct assault, make it very easy to resort to tactics that are ethically questionable. This is even more the case when losing. Guatemala and El Salvador are both cases where human rights abuses took place when the militaries perceived that they



had their back against the wall. Honduran human rights abuses occurred because that is the way certain individuals did counterinsurgency. Nicaraguan human rights abuses can be traced directly to the use of Soviet/Cuban tactics, especially regarding intelligence operations. Panamanian human rights abuses were a result of the fact that many of the violent criminals in Panama ended up in the Panama Defense Forces. Another large reason for human rights abuses is ethnic differences, specifically either racial differences or class differences. These play out different ways in each country, and will be addressed in specificity in the individual country analyses, below.

Avoiding human rights abuses is essential to legitimating a government for at least two reasons. First, one of the *raison d'être* of a government is to protect its citizens. Human rights abuses by government forces negate that function, de-legitimizing the government. The other key reason is articulated in "*Freedom as Development*" by Sen. One of his five freedoms is the "security guarantees" Without security, a society becomes dysfunctional. The economy fails, the political system switches to a survival mode and emigration (where an option) picks up. All of these occurred in Central America during the 1980s.

The behavior of militaries regarding human rights is influenced by many factors. Externally, the international community and the allies of the militaries provides as much influence as they desire. Before the 1980s, the United States played a small role in influencing the human rights records of Central American militaries, especially due to the Cold War that was playing out globally. Although the US government did start to make policy changes in the 1970s, it took some time for those changes to influence the entirety of the US military, much less other military organizations. Local leadership, training, doctrine, and resources also play a critical role in influencing the human rights behavior of military institutions. As long as all of these factors supported continued human rights abuses, the situation was problematic. Very rarely did all of the factors of international pressure, local leadership, and the situation align properly to diminish human rights violations. Only after years of pressure by the US government, pressure by the international community and non governmental organizations, and changes in the mindset of local leaders did the human rights situation change.

Guatemala is probably the biggest problem in terms of human rights in Central America. Challenges abound. The first issue is the very nature of Guatemalan society. Over half of the population is indigenous, mostly Mayan derivatives who have been there since before the arrival of the Spanish in the early 1500s. As indigenous peoples were looked down upon by their conquerors long before Guatemala became a country, they inherited an ethnicity problem that plagues them to this day. Put bluntly, when you do not believe that Indians are human, you cannot believe that they have human rights.

The second problem was the nature of the insurgency faced by the Guatemalan military. Previous violence (before the start of the latest insurgency in 1960) had been between elites of European descent. Uprisings and insurgencies had been handled fairly easily, although with some effort and bloodshed. The nature of this particular insurgency in Guatemala changed in the 1970s. After initial defeat in the eastern part of the country (dominated by *ladinos* or hispanicized population) in the 1960s, insurgent leaders decided that their only chance of success was to mobilize the indigenous. The center of the insurgency moved to the western highlands that are heavily indigenous. Things went rapidly downhill for the government after that. By the early 1980s, the insurgents controlled large amounts of territory, including areas near the capital, and the government of General Efraín Ríos Montt (1982-1983) fought back hard, changing to a 'scorched earth' counterinsurgency policy. This ushered in a new era in human rights abuses as the Guatemalan military vowed to 'drain the sea' that the guerillas swam in.

The third problem was an extension of the first two. According to the Recovery of Historical Memory Project which became the Official Report of the Human Rights Office of the Archdiocese of Guatemala, official Guatemala policy became one of terror.<sup>21</sup> Between the loathing for the indigenous and the need to adopt more extreme measures in order to prevent the loss of the war, the government pulled out all stops. The end result of the war was one million people internally displaced and 400,000 exiled. There were 410 massacres (defined as the collective murders of 3 or more people) committed by both sides.<sup>22</sup> William Stanley sites four other sources and estimates 100,000 dead and 38,000 'disappeared'<sup>23</sup> while the Government of Guatemala says there was a total of "at least 200,000 dead" overall.<sup>24</sup>

Guatemalan thoughts on human rights have changed however there is plenty of room for improvement. Data shows that the Guatemalan military has stopped abusing human rights.

Their view of human rights, however, remains questionable. The first problem was the lack of a purge after the war. In El Salvador, the ESAF purged known human rights abusers as part of the peace process. The Guatemalan military did not purge anyone. Although a few members of the Guatemalan military have been recently tried for human rights abuses, overall the picture is bleak. In discussions with BG Benjamin Godoy, the former Guatemalan Military Attaché to the United States, he states that the Guatemalan military has no more human rights abusers, as they have all been eliminated from the military over time because of attrition due to retirement. He also stated that the Guatemalan military could not prosecute any human rights violators even if they had any because the peace accords did away with the Guatemalan military justice system, therefore civilian courts now have jurisdiction over Guatemalan military members. Analysis by others indicates that the graduating class system is still very influential in the Guatemalan military and that they have used that solidarity in order to shield human rights abusers from prosecution. Although the Guatemalan military no longer commits human rights abuses, there remains doubt as to the sincerity of their long term devotion to respect for human rights.

Human rights in El Salvador were as problematic as the situation in Guatemala until US pressure began to tell in the late 1980s. The Salvadoran security services (typically seen as the military plus the police and the National Guard) had dealt rather harshly with an uprising in 1932. Known as the *matanza* (the killing), security forces killed some (insert casualty figures here).

COL (Ret) John Waghelstein, former CDR, USMILGP El Salvador, stated that it was only when the ESAF started to understand their part of the 1984 election that they started to contemplate handing over political power. During and after the election, the population actually thanked the ESAF for allowing them to vote and also for providing security during the elections themselves. COL Waghelstein credits this with the beginning of understanding that the military were the servants of the people and that they would get a lot further by treating the population well.<sup>25</sup>

Much of the credit for the change in human rights goes to the US for applying pressure for improvement to the Government of El Salvador (GOES) and the ESAF. (insert data, incl Bush visit). Another credit for the improvement goes to the GOES and the ESAF themselves. After making a decision to make human rights a priority, human rights violations decreased.

COL Waghelstein points out that the El Mozote massacre, where somewhere between 500 and 800 people were killed<sup>26</sup> was a 'last spasm' of human rights abusers, after which the ESAF admitted to themselves that they could no longer operate in that manner. They made the decision to adopt human rights in the mid 1980s and in the mid 1990s made another important decision – that to purge the ESAF of anyone with any connection to human rights violations. This was a key step to convincing all the other players that the ESAF was serious about making changes. Many officers were purged. This is very different from the Guatemalan experience as discussed above, where the Guatemalan military refused to admit that any human rights abusers were still in the Guatemalan military, with a subsequent refusal to perform any type of purge that could convince other actors that they were serious. This dichotomy will be discussed in more detail later in the analysis of civil-military relations.

Honduras had some human rights problems, but they did not appear to be ones of official policy. Just as the military 'as an institution' did not run the country during the period of the traditional dictatorship, the military as a whole did not seem to use human rights abuses as a tool. Although individuals and even some units abused human rights, specialists believe that they respect human rights.

Nicaragua had human rights problems that were caused by two factors. First is the nature of counterinsurgency operations that was referred to above. The second was the nature of the regime. The FSLN conformed to the Cuban style of ruling, which calls for neighborhood watches that inform on people who did not necessarily support the government with enough zeal and a very robust intelligence service that is not scared to use force in order to guard the regime. These techniques lead to widespread human rights violations during interrogations. Part of the problem was self image. As with all communist regimes, the Sandinista government was a government of the people. The military was the Popular Sandinist Army. Since the security apparatus was an extension of the people, it was impossible for the security apparatus to perform human rights violations. Since the electoral defeat of the FSLN in 1990, the human rights situation has improved. Although there was some brutality inevitably involved in dealing with the re-contras in the 1990s, it does not appear to have been the result of official government policy.

Costa Rica did not have any human rights problems to speak of. With the abolition of the military in 1948 and a lack of violent dissent (due to higher levels of political and economic

inclusion), there was no motivation to descend into the morass of human rights violations that other Central American governments survived.

Panama had human rights problems due to operations by the National Guard/Panama Defense Forces to maintain their grip on power. Although there were “elections” and “Presidents” between 1968 and 1989, the head of the PDF essentially ran the country. In their book *“In the Time of the Tyrants”*, R.M. Koster and Guillermo Sanchez discuss the treatment of the populace by the Guardia/PDF. With the dissolution of the PDF in 1989, human rights abuses essentially ceased. As of the writing of this paper, the government of Panama has a council of reconciliation (truth commission) ongoing which is examining human rights abuses, especially the deaths and/or disappearances of approximately 100 people between October 1968 ‘revolution’ and the freeing of Panama in December 1989.<sup>27</sup>

Support for human rights is the second essential for any military, after support for democratization. The actually two go hand in hand. Respect for the electorate is required in order to support democratization. Without respect for the population, the military will never respect the decisions made by the electorate. Without democratization, the military will never be put into the position of respecting the electorate.

Human rights abuses de-legitimize the government and make for a dysfunctional society. Any US efforts in the War on Terror must emphasize human rights. In order to prevent human rights abuses from happening, training and awareness need to be built in from the beginning. In order to eliminate human rights abuses by security services, abusers must be identified and purged. Human rights training must be initiated. But the most important part of creating respect for human rights is to make human rights worthwhile for the security services. The US must ensure that any militaries that we assist at any time in the future have respect for human rights as a pillar of their strategic and operational concepts. The Western Hemisphere Institute for Security Cooperation (WHINSEC) is the institution that replaced the School of the Americas and is designed to provide training in Spanish to Latin American military and police personnel. The current training given by WHINSEC is an outstanding example of human rights training for military members. From a low of eight hours of mandatory training in the shorter courses to a high of 40 hours of human rights training for longer (more than three months) courses, WHINSEC provides outstanding training centered on the United Nations Universal Declaration on Human Rights, signed in 1948.<sup>28</sup>

## Peace

Peace is essential for the functioning of any society. Essential to that peace is the agreement of all parties that peace is the option that they support. This is extremely important in the case of Central American militaries since their support for the peace process was the linchpin of the whole process. Without the support of the militaries, peace could not have been achieved.

In Guatemala, the military was a part of the peace process. The biggest problems with the peace in Guatemala are that the elite never bought into the peace process and that the Guatemalan military knew that they had won. This prevented the elites from fully supporting the peace process and prevented the military from seeking a solution because they did not feel pressured. The Guatemalan military was a player in the peace process however.

In El Salvador, the military was probably the key player in the peace process. In the aftermath of the 'Final Offensive' by the FMLN in 1989, it became obvious that neither side could achieve a military solution. Simultaneously, US security assistance for the Salvadoran Armed Forces was going to taper off quite quickly after the Berlin Wall came down in Nov 1989.

In Honduras, there was really no peace to make. Although there were some uprisings in the country in the 1980s,<sup>29</sup> the main problem in Honduras was the presence of the contras in the south. All Honduras had to do was wait out the Nicaragua war. With the demobilization of the contras and their movement back home, peace was at hand with no internal peace process necessary.

Nicaragua required a substantial peace process. First, there were the contras to deal with. Second, there were internal integration issues in Managua (including the re-contras). Third, there was the United States to deal with, and the Nicaraguan émigrés in Florida. Each of these groups required a different solution, some of which are still not complete.

The Sandinistas dealt with the peace more by mistake than anything else. Daniel Ortega and the FSLN certainly did not expect the Esquipulas II treaty to result in them losing an election to Doña Violeta Chamorro. Once the Chamorro regime was in power, it was relatively easy to convince the contras to lay down their arms and to return home.

Internal integration issues were more difficult. When Ortega lost, the FSLN suddenly went into opposition. The contras did go home, however some lost heart after the 1990 election

and took up arms again, becoming the re-contras. This time, US policy had nothing to do with arming them. It was entirely an internal Nicaraguan affair. The EPS was still dominated by the Sandinistas, requiring some delicacy on the part of the Chamorro regime. Not until Humberto Ortega left his position as the head of the military and General Cuadra changed the name to the Ejército de Nicaragua as well as professionalizing the officer corps did this issue decrease in importance. The final group of actors were the United States and, by extension, Nicaraguan émigrés in the United States. The Sandinistas had seized land during the revolution, and many of the former land owners had fled to the United States. They applied pressure on the US government to regain their land, some of which the Sandinistas had taken for themselves during the last days of the Ortega regime. One of the pillars of US policy toward Nicaragua in the post Cold War time frame became the return of land to (or recompense for) the former owners. US policy was larger than that issue alone, however. Senator Jesse Helms maneuvered to prevent any support from the US for the Chamorro regime. One of his major problems with Nicaragua was continuing Sandinista domination of the military. Even with that domination ended after General Cuadra changed the military, Helms kept up the pressure.

Costa Rica was the only country in the region that did not require any peace process whatsoever. Steering between the United States and the insurgents in other Central American countries, Costa Rica managed to keep internal friction to a minimum through their traditional method of providing social services such as education and retirement benefits to the masses.

Panama did not require a peace process that ended in a settlement, however did require a process that created peace and political stability. The dismantling of the PDF started the process. Placing Guillermo Endara in position as the President after Noriega had stolen the election in 1989 started the political healing. Although not a very effective president, he was at least not from the Partido Revolucionario Democrático (PRD), which had been the party of Torrijos and Noriega. With the peaceful transition of power to a PRD candidate, Ernesto Perez Balladares in 1994, peace was permanently established.

Overall, peace is the basis for the functioning of a state. Getting buy in from security services is essential, as they are supposed to hold the monopoly of power on the behalf of the state. If security services do not agree to peace, then they are in a position to continue the conflict. Any military that the United States is involved with needs to understand that peace is the ultimate objective and that these militaries need to cooperate in the peace. This has already

proved problematic in places like the Philippines, Indonesia, and Afghanistan. The lack of a peace process in the Philippines ensures that the military must continue the conflict. In Indonesia, the military is seen to be a part of the problem by some separatist movements (as in Aceh, East Timor, or Irian Jaya). In Afghanistan, the lack of a functioning Afghan army is preventing the extension of government control over vast areas of the country, leaving warlords in place and preventing peace.

### **Subordination to Civil Authorities**

Subordination to civil authorities is a central pillar to civil-military relations. This is not the natural state of affairs in Latin America. As seen in 'Antecedents', above, the military has been in a position of power since the conquest of the New World. To require the militaries of Latin America to be subordinate to civil authorities required a significant change to the mindset of these militaries. Some have done better than others. Luis Rial says that overall there has been "a gradual withdrawal of the military from politics and a normalization of civil-military relations" in Latin America.<sup>30</sup>

Subordination to civil authorities is important for several reasons. It is also another one of those 'theories' that are promulgated by the developed world (i.e. the United States) to change things in Latin America, as is democratization. Several civil-military relations theorists, however, do indicate that the subordination of the military to civilian authority is very important to the functioning of a country. Samuel Huntington assumes the 'normal' state of civil-military relations is a professional military subordinated to civil authority.<sup>31</sup> Eliot Cohen analyses the relationship and concludes that civilian leaders must be involved in military business to ensure compliance.<sup>32</sup> David Mares claims that "the dynamics of the civil-military relationship fundamentally affect the consolidation of democracy".<sup>33</sup>

One of the largest problems with subordinating Latin militaries to civil authorities in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries is that, no matter how willing the military, civil authorities are usually not competent to supervise the militaries. This is not due to a lack of capability on the part of the civilian leadership, but due to a total lack of experience in dealing with military issues. Where the Ministry of Foreign Affairs or the Ministry of the Presidency may have excellent bureaucrats to help run things, a civilian Minister of Defense typically has no experienced



civilian staff. This situation stems from several causes. First is the Latin American tradition of a complete turnover of civilian staff in a government when a new president comes in to office. The second is caused by the historical situation with these militaries. Previously, militaries enjoyed impunity when it came to civil-military relations. Civilian leadership existed (if at all) at the sufferance of the militaries. Civilians were not allowed to even see the military budget, much less participate in the budgetary process. As such, the current civilian leadership has no experience running a military. Imagine if you will a US Secretary of Defense attempting to lead the US military with an Office of the Secretary of Defense staff that changed every four years and had no experience in military matters. The Center for Hemispheric Defense Studies at Ft McNair in Washington DC has the mission to train both civilians and militaries (but concentrating on civilians)<sup>34</sup> on how to consolidate civilian control of the military in Latin America. The Western Hemisphere Institute for Security Cooperation is a companion institute at Ft Benning, GA with a similar mission, concentrating on military personnel but also training civilians and police from Latin America as well.<sup>35</sup>

Guatemala suffers from several problems when it comes to subordination to civil leadership. The first is that the Constitution requires the Minister of Defense to be a colonel or general.<sup>36</sup> Guatemala had a referendum in 1999 to update the Constitution with the changes agreed upon in the Peace Accords. One proposed change was to make the Minister of Defense 'civilian or military'<sup>37</sup> however the constitutional changes were not approved when a referendum to accept the details of the peace accord into law was defeated. Since the Minister of Defense is constitutionally required to be military, it is difficult to convince the Guatemalan military or civilian leadership that they need a civilian Minister of Defense. The second problem is the tradition of impunity for the Guatemalan military. Just as with the Salvadoran military, the Guatemalan military of the 20<sup>th</sup> Century enjoyed widespread capability to act without any checks or balances. In part, this was due to the history of military involvement in the political process. In part, it was due to the prerogatives that the military 'earned' in their role of protecting the nation. The civilian leadership of Guatemala allowed the military to dominate national security in exchange for distancing themselves from the conflict.

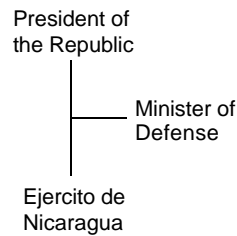
El Salvador had a significant problem with civil-military relations during the conflict; however the ESAF has wholeheartedly embraced the idea of subordination to civilian

leadership. Although not constitutionally prohibited from having a civilian MOD, El Salvador has continued to maintain a military MOD. This is in the process of changing, however. The current MOD, General Varela of the ESAF Air Force, has retired while continuing to serve as the MOD. Although he continues to wear his uniform, he is *de jure* a civilian MOD.<sup>38</sup> Although this is a very fine distinction that would not necessarily be appreciated in a country where the military is historically subordinated to civil leadership, in a country like El Salvador this is a large improvement. This appears to be the first step in a process that will end with the appointment of a fully civilian MOD, perhaps as early as the next administration.<sup>39</sup>

Honduras currently has no problems with subordination to civil authority. They are the only country in Central America with a military and a functioning civilian MOD. Both U.S. and Honduran sources cite civil-military relations in the country as a model.<sup>40</sup> This, however, may be due to a total lack of capability by the Honduran military. Their force structure has shrunk. The USDAO in Tegucigalpa says that the Honduran Army is the 'fourth best in Central America'.<sup>41</sup> The immediate past Chairman of the Joint Chiefs of Honduras admitted to me that he could not even put uniforms or boots on his recruits.<sup>42</sup> This may be unfair to the Honduran military in that Col Stephen Brown, USDAO Tegucigalpa also says that BG Barahona, the current Chairman of the Joint Chiefs of Honduras has made subordination to civil authorities one of his main priorities.<sup>43</sup>

Nicaragua poses the greatest challenge of the 'changed' militaries. While they do have a civilian MOD, the EN does not feel that they report to the MOD. When discussing this issue, officers from the EN emphasize the fact that they have totally subordinated themselves to their civilian leadership – in the person of the President of Nicaragua. These same officers will claim that the MOD is not in their chain of command. The EN Operations and Plans Directorate (The equivalent of the Department of the Army G3) shows a command brief complete with the chain of command.<sup>44</sup> In this brief, the line of command goes straight down from the President to the Commander in Chief of the EN. The Minister of Defense is shown in an advisory capacity, with his box set off to the side, like this:

## Nicaraguan Civil-Military Relations



Although the EN views the MOD as an advisor to the President, the Nicaraguan Constitution of 1987 as updated in 1995 says that The EN “will be subjected to civilian authority which will be exercised directly by the President of the Republic in his character as the Supreme Chief of the Nicaraguan Army, or through the corresponding ministry”.<sup>45</sup> Nicaraguan officials are dismissive of the role of the MOD. This does not bode well for the future of civil-military relations in Nicaragua.

Costa Rica and Panama have no military. The security forces of Costa Rica are subordinated to the Minister of Governance, Police & Public Security.<sup>46</sup> The security forces of Panama are subordinated to several different ministries. All public forces with the exception of the Institutional Protective Service (similar to the US Secret Service) are subordinated to the Ministry of Government and Justice.<sup>47</sup>

Subordination to civil leaders is very important to integrating militaries and security forces into the government of a country. In the early 21<sup>st</sup> Century, it is also important to the long term legitimacy of these services, especially in terms of international recognition and assistance. If a military is seen as not subordinated to civilian authority, it is generally not accepted or assisted by other actors. The current isolation of the Guatemalan military is partially due to an international perception that they are not sufficiently subordinated to civil authorities. Around the

world, the United States is dealing with nations that have varying amounts of military subordination to civilian leadership. Some countries have fairly autonomous militaries (such as Indonesia), some have militaries that even rule the country (such as Pakistan). In order to avoid being smeared with connections to these militaries as they were during the Cold War, the United States must ensure that all militaries that they work with are sufficiently subordinated to their civilian leaders, even if this is not convenient in the short term.

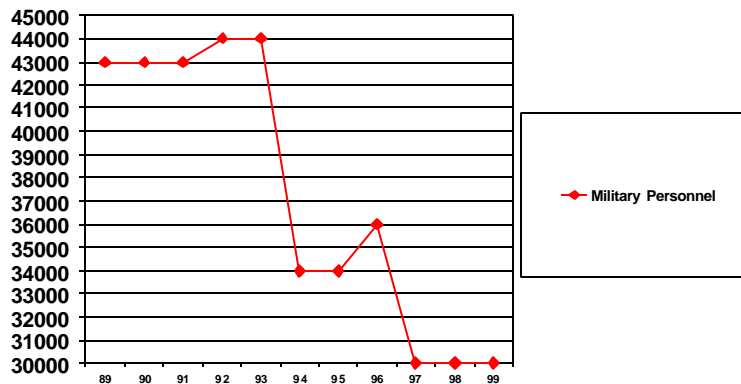
Part of subordination to civil authorities is accepting civilian guidance on the mission, budget, and force structure of the military. In the next section, we separately examine these aspects.

### **Force Structure, Mission and Budget Changes**

One important part of the military is the force structure. This force structure and the budget that goes with it should be driven by the mission. The mission should be driven by the threat. While this seems obvious to personnel in a truly professional military, in a military that has not yet completed the transition to professionalization it is not so easy. In some cases, the military is used to political power. In other cases, the structure and the budget have nothing to do with the mission. In still other cases, the militaries

In Guatemala, there have been huge changes in the force structure, the mission, and the budget. During the height of the Cold War, the Guatemalan military totaled some 52,000 men. As a direct result of the Peace Accords of 1996, the military was downsized to 30,000.<sup>48</sup> Currently, the Guatemalan military is planning another downsizing, with a stated goal of another 20% reduction in end strength.<sup>49</sup> Although some see this as a big change, others say that it is actually the result of an admission by the Guatemalan military that they cannot support a larger force and that they are actually changing the force structure numbers to meet the reality of the current situation. The chart below displays the size of the force since the end of the Cold War.<sup>50</sup>

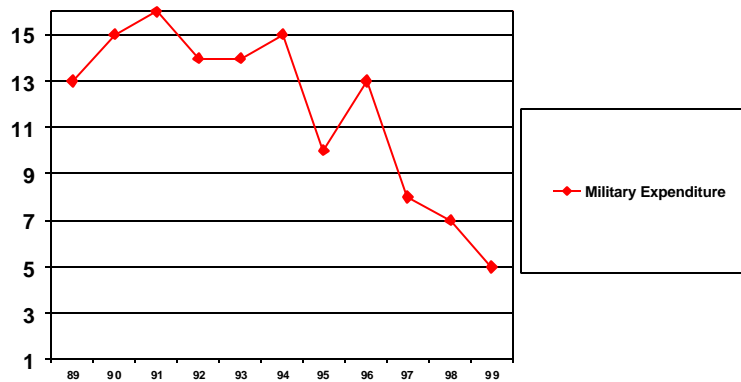
# Guatemala Military Personnel



In terms of the mission of the Guatemalan military, there has ostensibly been a change away from an internal focus to an external one. Guatemala produced a new “Doctrina del Ejército de Guatemala” in December of 1999. This document changes the doctrine of the Guatemalan military. It says that “In terms of the internal (defense), it is prescribed that the Guatemalan Army has to be a factor of integration and cooperation, working to create conditions for the conciliation of Guatemalans based in the respect of human rights, recognition of the multiethnic, pluricultural (i.e. multicultural) and multilingual character of the Guatemalan nation and reinforcing democratic institutionalization”.<sup>51</sup> This is a huge change for the Guatemalan military. Unfortunately, when I spoke with a main author of the work in late 2001, he laughed when I talked about the change. He said that it sounded good, but that they had “tossed it on the shelf” right after the production of the Doctrina.<sup>52</sup> Although they seem to have ignored the last Doctrina, there is a new equivalent to a National Security Strategy in Guatemala, published in August 2002.<sup>53</sup> As a result, the Guatemalan military is working on the equivalent of a National Military Strategy, with a proposed publication date of August 2003.<sup>54</sup>

The budget of the Guatemalan military has shifted downwards as well. The chart below provides a look at the Guatemalan military budget as a percentage of the central government expenditures since the end of the Cold War<sup>55</sup>

## Guatemala Military Expenditures\*

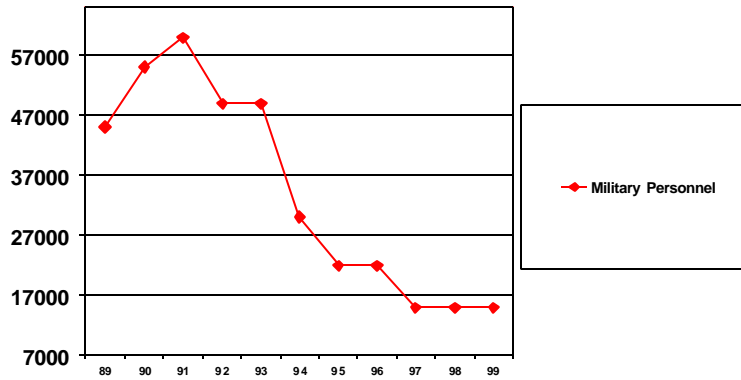


\*% of Central Government Expenditures

The only problem that appears in the case of the Guatemalan military budget is the imposition of budget changes by the executive branch of the government. Funds are moved around within the budget which allows more money to be expended on behalf of the military. By the nature of these movements, it is literally impossible to quantify the amount of funds moved, however. COL Richard Nazario, the USDAO in Guatemala City, remarks that the Congress does not know about the budget.<sup>56</sup> Robert Copley of the Political Section at the US Embassy in Guatemala City says that they “need transparency in the national budget”.<sup>57</sup> Even some military members in Guatemala indicate that they are uneasy about the lack of transparency in the budget.<sup>58</sup> One common area of concern cited was the migration of funding for food for the rural poor into the military budget. Overall, no one outside the Ministry of Defense and the Presidency appears to know how the budget is doing. All of the people I discussed this with do agree that the budget has shrunk, but there is still some distance to travel before budget transparency is achieved.

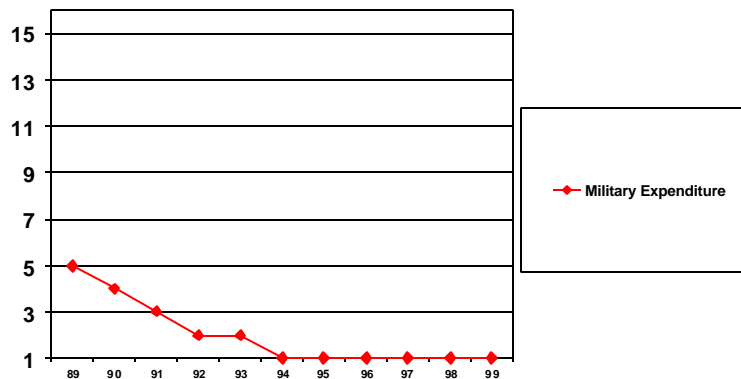
In El Salvador, there have been huge changes in the force structure, the mission, and the budget. At the height of their part of the Cold War, the ESAF strength stood at 61,000. Now they have 15,000 personnel.<sup>59</sup> The chart below shows the change in the numbers of ESAF personnel since the end of the Cold War.<sup>60</sup>

## El Salvador Military Personnel



The budget has changed as well. Unlike Guatemala, El Salvador has solved the problem of off-budget items finding their way into the operating fund of the ESAF. The chart below shows the budget changes since the end of the Cold War<sup>61</sup>

## El Salvador Military Expenditures\*



\*% of Central Government Expenditures

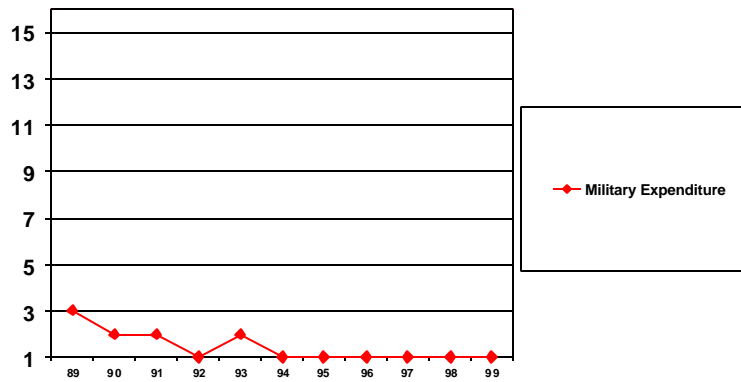
The budget has recently been improved, due mainly to the excellent performance of the ESAF during the earthquakes of 2001. Ambassador Leon of El Salvador quotes President Flores of El Salvador as saying that “without the military, we would have been lost”. The local FEMA equivalent collapsed within 12 hours after the first earthquakes of January 2001, and the President was forced to go to the military almost immediately, naming a Brigadier General of the ESAF to coordinate earthquake relief. The end result was that, after exemplary performance on the part of the ESAF, their stock has risen tremendously both in the view of their civilian leaders and the population of El Salvador.<sup>62</sup>

The mission of the ESAF has changed as well. All US and Salvadoran sources will say that they have firmly changed their orientation away from internal security, and have produced doctrine to that effect. The only operations that create some unease with disbelievers is that the ESAF has deployed a large amount of troops in support of internal security. The 1983 Constitution (as updated in 2000) allows the President of the Republic the power to deploy the military in order to deal with internal security, however provides several safeguards in order to prevent any problems with that duty.<sup>63</sup> The ESAF has indeed been deployed internal to the country in order to provide security in conjunction with the National Police. The ESAF is very careful to point out that they are only deployed in support of the Police and that only the police have arrest powers. Needless to say, the FMLN, the United States, and the international community are keeping a very close eye on operations internal to El Salvador. Thus far, no one has mentioned these types of operations as being a problem. The other major change in the mission of the ESAF has been the addition of disaster relief as a mission. Although all Central American militaries have this as an additional mission, the ESAF has grasped this mission as their own more so than any other military in the region.

In Honduras, there have been some changes in the force structure and the budget. Both the force structure and the budget have shrunk since the end of the Cold War. The mission has remained the same, defense of the country against foreign aggression. Having fought a war with El Salvador in 1968 and having suffered from an incursion by the EPS in 1988, Honduras remains very focused on that mission. The Honduran military has also maintained some internal security mission, but this mission is quite limited. That last time that the Honduran military prosecuted internal defense missions was in the late 1980s when they eliminated a group of ‘insurgents’ in north central Honduras.<sup>64</sup> Their expenditures demonstrate this lack of relevance.



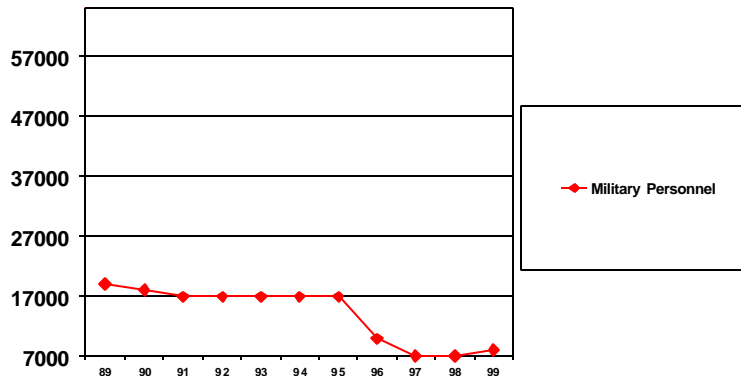
## Honduras Military Expenditures\*



\*% of Central Government Expenditures

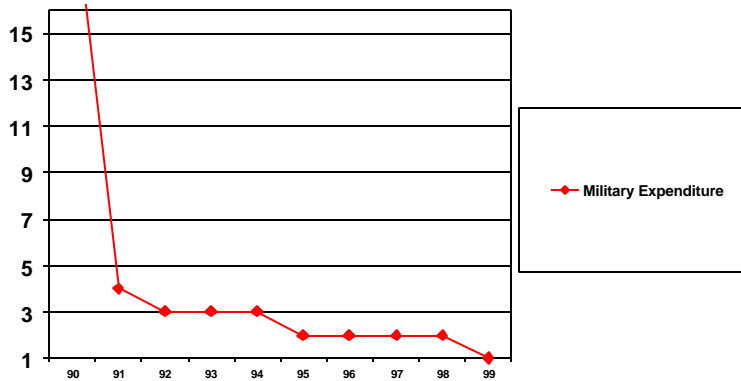
Honduran force structure changes also demonstrate the perceived lack of their relevance in Honduran society today. As the second poorest country in the Western Hemisphere, the Government of Honduras has relegated the military to a position that is very difficult to sustain.

## Honduras Military Personnel



In Nicaragua, there have been huge changes in the force structure, the mission, and the budget. Their changes have been the most wrenching in Central America. The EPS and auxiliary services totaled some 150,000 personnel at their height in the mid 1980s. Huge arsenals arrived from communist countries. The military received huge amounts of the budget. Since then, the budget has plummeted, as shown in the following chart.

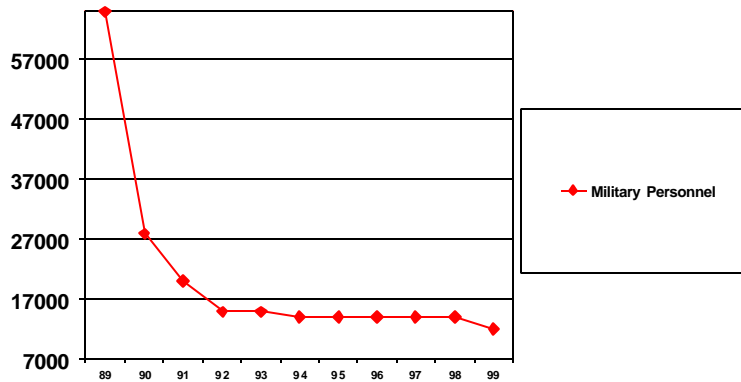
## Nicaragua Military Expenditures\*



\*% of Central Government Expenditures

Their force structure has changed the most of all of the countries in Central America. As is shown here, the EN is now down to little over 10000 personnel. The EN has had to adjust to the most wrenching changes in Central America, exacerbating a situation that was difficult to deal with since 1990 when the Sandinistas lost the election.

# Nicaragua Military Personnel



In Costa Rica, there have not really been many changes in the force structure, the mission, and the budget. Their missions have not changed over the years since 1989, although their traditional missions have expanded somewhat to include counterterrorism internal to Costa Rica and the counter drug mission in Costa Rican territorial waters.

In Panama, there have been changes in the force structure, the mission, and the budget not as a result of the end of the Cold War, but as a result of the destruction of the PDF at the hands of the US military. Once the elected officials took office, the PDF was disestablished. This was just recognition of the reality of the situation, where the PDF had been dismantled by the US military as a result of Operation Just Cause. The Government of Panama redesigned their security services to provide police service, maritime service, air service, security for government officials, and security for the Panama Canal.

The force structure, the mission, and the budget of militaries are essential to their functioning. These should all be the end result of an analysis process that is designed to address the threat and the goals of the country that the military serves. In countries that the US assists during the War on Terror, the US should stand ready to assist the government with this type of analysis. As an example, the United States provided technical assistance to the Government of Panama during the drafting of their 'National Security Plan', which provides the conceptual backbone of the force structure, missions, and budget of the Panamanian security services.

Once the equivalent of a National Security Strategy is complete, the countries in question should use that plan to determine the mission of the security services. Once the missions are determined, the country should design a force structure to meet the missions. After that, they should budget to support the force structure and the missions.

## **Impunity**

Impunity is an important aspect of civil-military relations in Latin America. Impunity has a long history in Latin America itself. Class and race relations in the area have always revolved around the rights of the few and powerful over the many and weak. As mentioned earlier in the 'Antecedents' chapter, Latin America was not colonized, it was conquered

As the military had developed during the *reconquista*, the route of becoming a warrior was one of the few ways to get ahead in class conscious Spain. Great riches came to those who conquered the New World, mostly in the form of *encomiendas* where the conquerors received large grants of land and the use of the people already living on the land. Another technique favoring the strong was the *fuero*. Literally meaning 'outside', a *fuero* was an exemption from societal requirements, usually taxes. Originally used to motivate people to settle newly reconquered areas in the Iberian Peninsula, this technique continued in use in the Americas. One of the uses of the *fuero* was as a part of military reorganization under the Bourbon reforms during the late 1700s. In order to motivate creoles to join the militia, the monarchy gave a *fuero* to the members of the militia that exempted them from civilian law. It set up military courts which were the only place that the military could be tried. This would be the biggest step towards granting the ability to act with impunity to the militaries of the New World.

As time went on, and human rights became an issue, the ancient *fueros*, many of which were still on the books, exempted the militaries from being tried by civilian courts. Very few military courts in Latin America would bother trying anyone on human rights charges. Until many of the *fueros* were revoked in the late 20<sup>th</sup> Century, impunity was an option for the militaries in question.

Another place where impunity was supported was within the military itself. In order to create horizontal linkages within the militaries, a system was usually set up revolving around a graduating academy class. The bonds in this 'year group' system proved to be very difficult to deal with. The most famous of these set ups was the '*Tanda*' system of El Salvador. Less famous but no less influential was the system used in Guatemala.

## **Conclusion**

Huge changes have occurred in Central America regarding civil-military relations. Most changes have occurred on the part of the militaries, where huge budget and force structure cuts have rendered the militaries much weaker. Additionally, with the end of the Cold War and the end of their own civil wars, popular support for military rule or even overweening influence on the political process was at an end. After egregious human rights violations in the 1980s, no one was willing to allow these militaries to continue these violations. In the end, Central American militaries were forced into a new role, subordinate to their own civil authorities and answerable to the international community for their actions. These results can be used as lessons learned by the US military in our role as advising, changing, and rebuilding militaries as a result of the war on terror. Keeping the lessons learned in mind, emphasizing democratization, respect for human rights, and rational budget and force structure levels, the US military can help to build a new world for the 21<sup>st</sup> century.

Word Count 10,602

## ENDNOTES

- <sup>1</sup> Larry Diamond, Jonathan Hartlyn, Juan J. Linz, and Seymour Martin Lipset eds *Democracy in Developing Countries – Latin America* (Boulder CO, Lynne Reiner Publishers, 1999), 1
- <sup>2</sup> Amartya Sen, *Development as Freedom* (NY, NY, Anchor Books, 1999)
- <sup>3</sup> Interamerican Development Bank, *Democracies in Development – Politics and Reform in Latin America*, (Washington DC, Interamerican Development Bank, 2002) 11
- <sup>4</sup> Freedom House <http://www.freedomhouse.org/research/freeworld/FHSCORES.xls>. Political Freedom and Civil Liberty scores are inverted in order to graph properly. Freedom Level is based on three scores – Free, Partly Free, and Not Free. In order for these scores to graph properly with the other freedoms (which have scores from 1 to 7), I have assigned scores of Free=7, Partly Free=4 and Not Free=1.
- <sup>5</sup> Mahoney, James, *The Legacies of Liberalism – Path Dependence and Political Regimes in Central America*, (Baltimore MD, The Johns Hopkins University Press, 2001) 260
- <sup>6</sup> COL (retired) John Wagelstein, interview by author, 03 Jan 03, Providence RI
- <sup>7</sup> Stanley, William, *The Protection Racket State – Elite Politics, Military Extortion, and Civil War in El Salvador* (Philadelphia PA, Temple University Press, 1996) 7
- <sup>8</sup> Freedom House
- <sup>9</sup> Mahoney, 247
- <sup>10</sup> Freedom House
- <sup>11</sup> General de Brigada Manuel Salvatierra, Nicaraguan Attache to the United States, Discussions with author, Jun 00-Jul 02
- <sup>12</sup> Gen Javier Carrion, Comandante en Jefe del Ejercito de Nicaragua, interview by author, 04-08 Feb 02
- <sup>13</sup> Freedom House
- <sup>14</sup> Constitution of Costa Rica, Artículo 12.- Se proscribe el Ejército como institución permanente. Para la vigilancia y conservación del orden público, habrá las fuerzas de policía necesarias. Sólo por convenio continental o para la defensa nacional podrán organizarse fuerzas militares; unas y otras estarán siempre subordinadas al poder civil; no podrán deliberar, ni hacer

manifestaciones o declaraciones en forma individual o colectiva

<http://www.georgetown.edu/pdba/Constitutions/Costa/costa2.html>

<sup>15</sup> Licenciado Rogelio Ramos Martínez, Ministro de Gobernación y policía y seguridad pública, interview by author, 07 Feb 2002

<sup>16</sup> Freedom House

<sup>17</sup> Constitution of Panama, Artículo 305.- La República de Panamá no tendrá ejército. Todos los panameños están obligados a tomar las armas para defender la independencia nacional y la integridad territorial del Estado. Para la conservación del orden público, la protección de la vida, honra y bienes de quienes se encuentren bajo jurisdicción del Estado y para la prevención de hechos delictivos, la Ley organizará los servicios de policía necesarios, con mandos y escalafón separados. Ante amenaza de agresión externa podrán organizarse temporalmente, en virtud de la ley, servicios especiales de policía para la protección de las fronteras y espacios jurisdiccionales de la República. El Presidente de la República es el jefe de todos los servicios establecidos en el presente Título; y éstos, como agentes de la autoridad, estarán subordinados al poder civil; por tanto, acatarán las órdenes que emitan las autoridades nacionales, provinciales o municipales en el ejercicio de sus funciones legales

<http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>

<sup>18</sup> Denis Allen Frias, one of the three Magistrates of the Electoral Tribunal of Panama, interview by author, 21 March 2002 and Enrique Sanchez, local representative of electoral tribunal of the town of Veracruz, Panama, interview by author, 27 March 2002

<sup>19</sup> Carlos Bares, Director General of the Panamanian National Police during a visit to the Inter American Defense Board, interview by author, 04 Apr 2002

<sup>20</sup> Samuel Huntington, *The Soldier and the State – The Theory and Politics of Civil-Military Relations* (Cambridge MA, The Belknap Press of the Harvard Press, 1957)

<sup>21</sup> Human Rights Office, Archdiocese of Guatemala (REMHI), *Guatemala Never Again!*, (Guatemala City, Archdiocese of Guatemala, 1999)

<sup>22</sup> REMHI

<sup>23</sup> Stanley, 3

<sup>24</sup> Government of Guatemala, Secretariat of Peace, <http://www.procesodepaz.gob.gt/index-enfrentamiento-a-paz.html>

<sup>25</sup>Waghelstein interview

<sup>26</sup>Mark Danner in *The Massacre at El Mozote* (NY, NY, Vintage Press, 1994) lists 767 but admits that numbers fluctuate markedly based on the version of the account

<sup>27</sup>Joel Reifman, Department of State Panama Desk Officer, interview by author, 16 March 2003

<sup>28</sup>COL Richard Downie, Director of Western Hemisphere Institute for Security Cooperation, interview by author, 23 Jan 2003

<sup>29</sup>General Fred Woerner, interview by author, 11 December 2002

<sup>30</sup>Luis Rial cited in Larry Diamond and Marc F. Plattner, eds, *Civil-Military Relations and Democracy*, (Baltimore MD, The Johns Hopkins University Press, 1996)

<sup>31</sup>Huntington, *The Soldier and the State*

<sup>32</sup>Eliot Cohen, *Supreme Command – Soldiers, Statesmen, and Leadership in Wartime*, (NY NY, The Free Press, 2002)

<sup>33</sup>David Mares, Ed, *Civil-Military Relations – Building Democracy and Regional Security in Latin America, Southern Asia, and Central Europe*, (Boulder CO, Westview Press, 1998) 238

<sup>34</sup>Margaret Daily Hayes, PhD, Director of the Center for Hemispheric Defense Studies, interview by author, 29 Jan 2003

<sup>35</sup>COL Richard Downie

<sup>36</sup>Constitution of Guatemala, ARTICULO 246: Cargos y atribuciones del Presidente en el Ejército. El Presidente de la República es el Comandante General del Ejército e impartirá sus órdenes por conducto del oficial general o coronel o su equivalente en la Marina de Guerra, que desempeñe el cargo de Ministro de la Defensa Nacional.

<http://www.georgetown.edu/pdba/Constitutions/Guate/guate93.html>

<sup>37</sup>Change reads: Artículo 246: Cargos y atribuciones del Presidente del Ejército. El Presidente de la República es el Comandante General del Ejército e impartirá sus órdenes por conducto del Ministro de la Defensa Nacional, quien podrá ser civil o militar; en caso de ser militar deberá llenar los requisitos establecidos en la Ley Constitutiva del Ejército.

<http://www.georgetown.edu/pdba/Constitutions/Guate/reforms99.html>

<sup>38</sup>COL Robert Zayas, USDAO San Salvador El Salvador, interview by author, 19 Nov 02

<sup>39</sup>Rene Antonio León Rodríguez, Ambassador of El Salvador to the United States, interview by author, 30 Jan 03

<sup>40</sup>All subjects interviewed about the subject agree to this point



<sup>41</sup> Col Stephen Brown, USDAO Tegucigalpa Honduras 21 Nov 02

<sup>42</sup> BG Lopez Carballo, Jefe del Estado Mayor Conjunto of Honduras, 18 July 01

<sup>43</sup> Col Brown interview

<sup>44</sup> BG Cesar Delgadillo, Chief of Plans & Operations, interview by author and briefing by LTC Corea, Chief of Operations for the EN, 22 Nov 02

<sup>45</sup> 1995 Constitution of Nicaragua, Title V, the National Defense, 'Only' Chapter, Article 95 says "ARTICULO 95. El Ejército de Nicaragua se regirá en estricto apego a la Constitución Política a la que guardará respeto y obediencia. Estará sometido a la autoridad civil que será ejercida directamente por el Presidente de la República en su carácter de Jefe Supremo del Ejército de Nicaragua, o a través del ministerio correspondiente. No pueden existir más cuerpos armados en el territorio nacional, ni rangos militares que los establecidos por la ley.

<http://www.georgetown.edu/pdba/Constitutions/Nica/nica95.html>

<sup>46</sup> Minister Ramos of Costa Rica interview

<sup>47</sup> Minister Bares of Panama interview

<sup>48</sup> Guatemala Peace Accords <http://www.procesodepaz.gob.gt/index-acuerdos-de-paz.html>

<sup>49</sup> COL Richard Nazario, USDAO Guatemala City Guatemala, interview by author, 18 November 2002

<sup>50</sup> World Bank Database – *World Development Indicators* (WDI)

<http://publications.worldbank.org/subscriptions/WDI/>

<sup>51</sup> Ministerio de la Defensa Nacional de Guatemala, *Doctrina del Ejercito de Guatemala*, (Ciudad de Guatemala, Ministerio de la Defensa Nacional, 1999) Prologo.

<sup>52</sup> Guatemalan senior officer, interview by author. Name and date of interview withheld due to potential problems in Guatemala, but available from author

<sup>53</sup> Robert Copley, Second Secretary/Political Officer at the US Embassy in Guatemala, interview by author, 18 November 2002.

<sup>54</sup> Cnel Carlos Chavarria, former Attaché to the United States, currently chief of the NMS process, interview by author.

<sup>55</sup> WDI

<sup>56</sup> COL Nazario interview

<sup>57</sup> Robert Copley interview

<sup>58</sup> Several Guatemalan officers over the years have admitted this in private. Author willing to discuss this further personally however is withholding the identity of these officers to protect them from potential ill will.

<sup>59</sup> COL Zayas

<sup>60</sup> WDI

<sup>61</sup> WDI

<sup>62</sup> Ambassador Leon interview

<sup>63</sup> Article 168, Paragraph 12 says that the President has the power to: Disponer de la Fuerza Armada para la Defensa de la Soberanía del Estado, de la Integridad de su Territorio. Excepcionalmente, si se han agotado los medios ordinarios para el mantenimiento de la paz interna, la tranquilidad y la seguridad pública, el Presidente de la República podrá disponer de la Fuerza Armada para ese fin. La actuación de la Fuerza Armada se limitará al tiempo y a la medida de lo estrictamente necesario para el restablecimiento del orden y cesará tan pronto se haya alcanzado ese cometido. El Presidente de la República mantendrá informada sobre tales actuaciones a la Asamblea Legislativa, la cual podrá, en cualquier momento, disponer el cese de tales medidas excepcionales. En todo caso, dentro de los quince días siguientes a la terminación de éstas, el Presidente de la República presentará a la Asamblea Legislativa, un informe circunstanciado sobre la actuación de la Fuerza Armada

<sup>64</sup> Gen Woerner interview



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