



Report on the Security Sector in Latin America and the Caribbean

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INTRODUCTION

Security is one of the most urgent problems in Latin America and the Caribbean today. The topic is a central concern of citizens in practically all of the countries. Moreover, it is one of the central issues affecting relationships among states and government finances. From the perspective of individuals, it affects the daily life of the population. Moreover, in many of these countries, the institutions affiliated with the security sector have taken on roles beyond those originally assigned to them. In the past, in various countries, security sector institutions have directly intervened in national political life, which with the installation of democratic regimes, has required an effort to “adjust” to new political systems. It is in this context that reform efforts arise that, in many instances, are not in line with the goals of strengthening the rule of law, democracy, and professionalism of the sector.

The principal goal of the **Report on the Security Sector in Latin America and the Caribbean** is to contribute to the understanding of the political and institutional processes taking place in the region related to the security sector since the return to democracy. The development of a systematic vision of the multiple institutions linked to the sector is, without a doubt, one of the remaining tasks in the process of democratic consolidation in the region. Advances in this area

have been uneven on both a thematic and territorial level. For example, the armed forces were heavily analysed during the 1990s in Central America and the Southern Cone, where they played active roles during the civil wars and dictatorships. Similarly, police institutions were the focus of important changes after the signing of the Central American peace agreements. However, in most of the countries in the region, reform and research initiatives relating to the armed forces, police and intelligence services are still very limited. This is particularly true of the intelligence sector—progress is still much less evident and, in many instances, reform processes have not yet begun.

The consolidation of democracy in Latin America and the Caribbean requires security services that function within a constitutional framework, respecting human rights and the decisions of the ruling government. Within a context of high levels of public insecurity, it is necessary to professionalise the institutions affiliated with the security sector. The development of comparative studies will permit the recognition of political and institutional processes underway, thereby allowing for the identification of weaknesses and the necessary conditions for an agenda to strengthen civilian and democratic management of the sector.

There are seven central parts of this agenda, which are included in the study:

WHAT IS THE SECURITY SECTOR?

The Organisation for Economic Co-operation and Development (OECD) defines security sector reforms in the following way: "Term used to describe a security system that includes all actors, their roles, responsibilities and actions, working together to administer and operate the system in a way that is congruent with democratic norms and principles of good governance. In this way, it contributes to the good functioning of the security framework."

Organisation for Economic Co-operation and Development (OECD), *Security Sector Reform and Governance: Policy and Good Practice*. The DAC Reference Document (Paris, 2004).

i) It is necessary to limit the autonomy of the armed and security forces

There is evidence of significant remaining levels of autonomy among the armed forces, police and intelligence services. This autonomy is manifested in decision-making powers related to budgets, strategy, and intervention initiatives, as well as in the limited participation of civil society in the design and implementation of initiatives related to these institutions. In many countries in the region, as long as they are not directly contradictory, the military, police and intelligence "spheres" function in parallel to government policy. Under these circumstances, the ability of civilian governments to transform internal and external security into a public policies, applying the same procedures and mechanisms as in other sectors like education or health, is becoming increasingly difficult. Policies that create external checks and accountability mechanisms are essential in this area.

ii) It is necessary to strengthen the capacities of civilians working in the security sector

A second element is the weakness of civilian control over the security sector. While there is evidence of advances in the analysis and civilian intervention in topics related to the armed forces, expert participation in police and intelligence is still preliminary. In some cases, civilian participation has not developed because of the barriers that institutions construct, but in other cases it is because of the lack of civilian expertise in the topic. Without a doubt, the recent emergence of internal security problems has made these institutional reforms a priority for the political agenda. A first important step took place with the changes in the judicial systems in various countries in the region. The Center for Justice Studies for the Americas (CEJA) conducts research, support and evaluation of these processes. However, similar processes have not occurred with other institutions, particularly the police and armed forces.

iii) It is necessary to create policies to regulate the intelligence sector

Intelligence is an invisible topic in Latin America and the Caribbean. In the majority of the countries in the region, very few changes have been made in this area, and even fewer studies of how the sector operates. In fact, there is evidence of political manipulation of intelligence as well as uncoordinated, and often chaotic, interventions in the different intelligence sectors by the armed forces and the police. Concerns for national security are often used to limit knowledge of the activities undertaken by the intelligence institutions. It is, however, necessary to generate institutional spaces for the democratic control of an activity in which governments have only implemented policies to a minimal extent.



iv) It is necessary to specify and limit the institutional missions of the security sector

Confusion in the definition of institutional missions is evident. Currently, more and more countries have “politicised” their military forces. In fact, in many cases the armed forces are responsible for fighting common crime and dealing with internal security problems. This situation has generated overlap in institutional missions and definitions of responsibilities for crime prevention and control strategies. In a context in which internal security becomes increasingly relevant, the risk is run that social problems will be countered with solutions that only make violence worse. Moreover, mechanisms to determine what kinds of interventions are carried out by the armed forces in internal matters have not been developed, despite being requested by the authorities.

v) It is necessary to coordinate sectoral policies

There is a lack of coordination among institutions. There are many different challenges relating to coordination because there are multiple, complex and, in some cases, contradictory institutions. This situation is even more challenging in federal systems, where the levels of government are multiplied and, therefore, so are the police institutions. For example, in Mexico the coordination of more than 1,600 police institutions is, without a doubt, a challenge of enormous magnitude for the development of a rigorous public security policy. But coordination is also critical among the diverse security institutions, like the armed forces, police and intelligence sectors; this does not imply the duplication of work or the unification of perspectives, but does recognise the ever more important need for effective coordination mechanisms.

vi) It is necessary to limit the political use of the armed forces and the police

Another factor in the region is the political use of, or intervention in, these institutions by the government in power. This sixth element is central to the professionalisation and consolidation of security institutions because of the need for mechanisms that put these institutions in the technical realm. Therefore, it is necessary to minimise the political interventions that break institutional codes and use the security infrastructure for political purposes. Obviously military coup attempts and political declarations by the armed forces are not common occurrences in the region, but there is evidence of an increase in the number of organisational complaints related to salaries and institutional issues.

vii) It is necessary to strengthen the role of the legislature in security issues

Considering the diverse powers of the state, there is a relative lack of legislative participation in the security sector. This seventh element suggests that roles in monitoring and evaluation are often avoided by legislatures perhaps due to low levels of specialised training and limited work experience in security-related topics. This further weakens accountability mechanisms

It is within this context that the **Report on the Security Sector in Latin America and the Caribbean** proposes as its principal objective the creation of an applied academic agenda that will permit advances in the development of the necessary reforms in the areas described in the previous paragraphs. By proposing comparative analytical topics in an area rarely studied in the region, the report aims to contribute to the process of democratic consolidation.

A regional focus for this project was selected, analyzing specific topics present in the three areas of security policy with relevance for democratic governments: defence, public security and intelligence. In this first edition, the report presents an institutional description of these three areas in twenty countries in the region (Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic and Uruguay). We are attempting to establish a base line analysis, due to the lack of comparative institutional analyses relating to security and defence.

DIFFERENT ACTORS IN THE SECURITY SECTOR

Central actors

Armed forces, police, paramilitary forces, gendarmes, presidential guards, intelligence and security services (military and civilian), coast guard, immigration guards, port authorities, reserves or local security units (civilian guards, for example).

Administration of security and control units

The executive office; national support units in national security areas; special legislative committees; ministries of defence, of internal affairs, financial administration bodies (finance ministries, budget offices, financial auditing and planning units) and civil society organisations.

Justice and public order institutions

Justice Ministry, Supreme Court, prisons, criminal investigations, public defence, public ministries, human rights commissions

Other security forces

Guerrillas, private security forces, armed militias

Organisation for Economic Co-operation and Development (OECD), *Security Sector Reform and Governance: Policy and Good Practice*. The DAC Reference Document (Paris, 2004).

With this purpose in mind, the following report contains institutional descriptions of three transversal topics relating to the defence, public security and intelligence sectors: autonomy, democratic civilian leadership, and professionalisation, analyzed through the construction of indicators that permit the development of institutional ratings. This structure is designed to identify the central themes of the reforms being undertaken (if they are being undertaken) and providing an initial overview of the institutional capacities of the sector. Later reports will cover other historical and political dimensions that affect the reform processes of the sector. In this way, by limiting the analysis to the three areas mentioned, obviously other important components were left out, such as justice and gendarmes.

It should be said that, with the aforementioned criteria, we do not intend to establish a ranking of countries, but rather to develop analytical typologies that can be used to design explicit policy interventions to improve the quality of the security sector in the region. The challenge has not been small. Three things posed central obstacles to the development of the report: first, limited expert knowledge across fields, which means that specialists in police matters lack similar expertise in military or intelligence topics, and vice versa. Second, the countries in our region often have formal institutional and legal frameworks that differ from daily practice. Third, although the comparison among diverse realities in the region has been an interesting experience and an enormous collaborative effort, the need for better and deeper levels of sub-regional expertise that allows the advance of common agendas among countries confronting similar problems is clear.

The methodology used in the current report allowed us to overcome many of the challenges mentioned above. Without a doubt, this is the result of an ample collaborative process in which the core team of the Facultad Latinoamericana



de Ciencias Sociales, FLACSO-Chile has been enriched by the participation of more than thirty specialists from Latin America and the Caribbean, who have contributed a variety of perspectives to the work. The strategy adopted was to collect information in the three sub-sectors (defence, public security and intelligence). First, in each of the countries analyzed, contact was made with a noted expert in the field to provide and systematise primary information. Then, the FLACSO-Chile team compiled secondary sources on the topic.

DIMENSIONS OF SECURITY SECTOR REFORM

Policy: Based especially on the principle of civilian oversight of the military and security forces.

Institutional: Refers to the physical and technical transformation of security bodies (for example, the number of troops and equipment, etc.).

Economic: Relates to the financing and budget of the security forces.

Social: Relates to the role of civil society in monitoring programs and reforms of security policies.

The first step in this process was to edit the twenty national reports that presented detailed institutional assessments of each of the analyzed sub-sectors. These reports are available in digital format through the FLACSO-Chile webpage (www.flacso.cl), as well as through the Political Database of the Americas of Georgetown University (www.pdba.georgetown.edu) and the Legal Defence Institute of Peru through its Defence and Legal Reform Area (www.defensaidl.org.pe).

Finally, the analysis of the compiled information is contained in this report. It is important to note that three countries were excluded from this report for reasons related to the difficulty of collecting information. First, Cuba presented serious problems to acquire the necessary information on the security sector. Second, Haiti was a particular challenge because the United Nations force was just re-establishing the security institutions in the country; under these circumstances, any analysis of the situation could not have been useful in the long term and, therefore, consistent with the purpose of this report. Finally, Venezuela presented difficulties in the collection of institutional information. The initial consultations with specialists showed a large disparity and diverging accounts of the situation. Venezuela is also currently conducting a reform process of its numerous police institutions, which would have complicated any comparisons established.

Finally, considering the previous observations, the report is divided into four chapters: the first presents the central characteristics of the defence sector, specifically the corresponding ministry and the armed forces. The elements reviewed in this sub-sector are diverse, but all emphasise the three central themes mentioned above. The second chapter focuses on the public security sector, particularly police institutions. Given the differences among these institutions in the region, those dedicated to crime prevention at the national level were chosen, except in federal countries where state institutions were also analyzed (Buenos Aires, Mexico City and Río de Janeiro). The third chapter focuses on the institutions related to the intelligence sector, which is clearly one of the least studied areas of the security sector and as such, also the area presenting the most challenges in the short and medium term. Finally, various policy recommendations are made to promote the consolidation of a professional and autonomous security sector with greater political subordination, higher



levels of professionalisation in each of the sub-sectors, and increased collaboration among specialists. These recommendations are also

meant to consolidate civilian oversight of the security sector in the region, promoting greater efficiency and respect for democracy.



I. DEFENCE SECTOR



I. DEFENCE SECTOR

One of the most important challenges for democratic governments in Latin America and the Caribbean is to recognise the defence sector as a subject of state policy—in other words, as a sector that demands resources, definition and political-strategic management decisions, as well as a sector in which developments and impacts should be monitored and evaluated. This chapter focuses on the institutional aspects of the sector, which implies the management of the organisations in charge of defence of the country—the armed forces—their mission and functions, as well as existing internal and external control mechanisms.

One of the challenges that have inhibited the establishment of democratic policies in the defence sector is that democratic regimes have been the exception rather than the norm in the majority of the countries included in this study. Additionally, if one considers the relevant roles and participation of the armed forces in these regimes, it can be concluded that the chances to develop and maintain a defence policy over time have been rare. In recent years, practically all of the countries in the region (except Cuba) have come under democratic control, and some have undertaken significant efforts to promote

changes and policies in the defence sector. An example of this trend is that in the last decade fifteen countries published defence white papers that specify and make public respective defence policies.

From an institutional perspective, as a first step, the capacities of the sector are evaluated based on the existence of defence ministries and their planning abilities, roles vis-à-vis the armed forces, and budgetary powers. Second, the specific ability to manage the defence sector is analyzed, considering three dimensions: the role of civilian authorities in the oversight of the sector, their authority over the commanders-in-chief and over hiring and firing, as well as the existence of permanent professional advisors in defence ministries.

Regarding the armed forces, their general missions as defined in legal documents are analyzed, as well as their roles, assignments, and use of joint command structures. Additionally, internal and external institutional controls of the armed forces are studied, including the prescribed roles for Congress and civil society in military oversight.

1. Context of the reform of the defence sector: historical background

The countries of Latin America and the Caribbean share a common history of political, economic and social instability—military coups, institutional ruptures, and high levels of internal conflict. With the exception of the Caribbean countries belonging to the Commonwealth and French Guyana, the large majority of the countries in the region have experienced periods of political upheaval during the twentieth century. Paradoxically, this is the region of the world with the fewest number of military conflicts between states, but with highest levels of military interventions in internal affairs. Inter-state conflicts are generally low-intensity and in the majority of cases have resulted in bilateral or multilateral agreements to prevent escalation. Among the principal interstate conflicts of the twentieth century are the Football War (Honduras and El Salvador), the Chaco War (Bolivia and Paraguay), and the Cenepa War (Ecuador and Peru).

In terms of the evolution of internal policy, it is important to mention that the region has experienced intermittent cycles of democratisation, from oligarchic regimes at the beginning of the twentieth century to a wave of democratic elections in the middle of the 1980s. It is important to note that democracy in the region has been the exception not the norm. In a recent study that considers nineteen countries of Latin America and the Caribbean, Peter Smith concludes that democratic electoral systems have prevailed only 26 percent of the time in the twentieth century.¹ In contrast, 47

percent of the time non-democratic systems have held power, 18 percent of the time competitive oligarchic systems, and 10 percent of the time semi-democratic systems.

The idea that democracy has been the exception and the intervention of the armed forces in internal affairs relatively frequent is not simply an opinion. The lack of a strong democratic tradition and the weakness of institutions appear as recurring themes in the history of Latin America. This, coupled with the economic and social instability of the region, generates a situation ripe for the recurrence of internal crises. As shown in Table 1.1, during the twentieth century military regimes held power in the region for a total of 481 years. Chronologically, the dominance of military regimes is concentrated in the 1930s and then from the end of the 1970s to mid-1980s.

Reform of the security sector occurs in a context in which a democratic tradition does not exist, and therefore sectoral policies have been directed toward, and associated with, the defence and public security institutions themselves. Partly due to this situation, in many countries the security sector has been absent from the reform and state modernisation processes that have been prioritised since the third wave of democratisation. In general, a consistent policy on the part of democratic authorities to manage and plan coherent security policies has also not existed. Such a state policy would include plans for human resources, as well as organisational and institutional modernisation.

¹ Smith, Peter. *Democracy in Latin America: Political Change in Comparative Perspective*. Cary, North Carolina, Oxford University Press, 2005.



Table 1.1
Military Governments in Latin America and the Caribbean during the XX century

Country	Periods under military governments during the XX century ^a	Total different years under military governments during the XX century
Argentina	1930-1932; 1943-1946; 1955-1958; 1966-1973; 1976-1983	27
Bolivia	1930-1931; 1936-1946; 1951-1952; 1964-1966; 1969-1980; 1980-1982	33
Brazil	1964-1985	22
Chile	1924-1925; 1932; 1973-1990	21
Colombia	1953-1957	5
Costa Rica	1917-1919; 1948-1949	5
Ecuador	1911; 1935; 1937-1938; 1947; 1963-1966; 1972-1979; 2000	18
El Salvador	1931-1982	52
Guatemala	1921-1930; 1931-1945; 1951-1966; 1970-1986	58
Honduras	1956-1957; 1963-1971; 1972-1982;	24
Mexico	1914-1919	6
Nicaragua	1937-1947; 1950-1956; 1967-1985	37
Panama	1968-1969; 1952-1955; 1972-1978; 1989	14
Paraguay	1936; 1940-1948; 1949; 1954-1993	51
Peru	1914-1915; 1930-1939; 1948-1956; 1962-1963; 1968-1980	36
Dominican Republic	1930-1962; 1965	34
Uruguay	1973-1985	13
Venezuela	1935-1959	25

a/ The periods do not necessarily indicate a single government. Periods of military rule which lasted for a certain number of months in a year are included, even if they did not total a full year.

• Source: *In house, 2006.*

The third wave of democratisation has resulted in the most sustained period of democratic governance and encompasses a large number of countries in the region. In terms of military intervention in political affairs, there have been fewer cases in which the military has attempted to assume political power. Some of these attempts include crises in the Dominican Republic (1978), Paraguay (1996), and Ecuador (2000). In the first case, the government of Antonio Guzmán Fernández initiated reforms to depoliticise the armed forces and national police. Due to the removal and forced

retirement of an important military unit, a group of generals led an uprising. Tensions eased and the involved parties were arrested and tried. In the case of Paraguay, in April 1996 General Lino César Oviedo, Chief of the Armed Forces of Paraguay, led a rebellion (classified as a failed military coup) against the government of the first publicly elected president in the country in almost forty years, Juan Carlos Wasmosy. Oviedo was forced into retirement that same month, focusing his political career on the 1998 presidential elections.

In Ecuador, the economic, political and social situation during the government of President Jamil Muhuad (1998-2000) reached a critical level in 2000, leading to the withdrawal of support for the president by the armed forces and an attempted military coup to overthrow him. In this attempted coup, Cornel Lucio Gutiérrez along with Antonio Vargas, President of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), and Carlos Solórzano, a retired member of the Supreme Court, led a group which called itself the Assembly for National Salvation. The *de facto* government was not recognised, and the Ecuadorian armed forces intervened to re-establish constitutional order. Power was transferred to the Vice-President Gustavo Noboa, not the coup organisers. Cornel Gutiérrez and the other members of the military involved were brought to justice and removed from their military posts. Gutiérrez later re-emerged as a presidential candidate, winning the 2002 elections and taking office in January 2003.

Elsewhere in the region, military uprisings have also occurred in defence of institutional interests. In Chile, public protests by the army have occurred after the return to democracy in 1990, 1993 and 1995. In Argentina, meanwhile, between 1987 and 1990 four uprisings by the armed forces took place—the first over the possibility that they would be tried for human rights violations, and the others due to discontent with civilian authorities and their “interventionism.” In both cases, the military took to the street in protest of the transition agenda and the defence of specific military interests.

In the case of Bolivia, the most important institutional protests in recent years occurred during the events following President Sánchez

de Losada’s departure from office in October 2003. Confrontations between the protesters and the armed forces resulted in a significant number of injuries and deaths. The second case relates to the investigation of the “Chinese missiles,” when members of the armed forces—then under the command of President Eduardo Rodríguez Veltzé—deactivated missiles and handed them over in an irregular manner to the military mission of the United States in La Paz to smuggle them out of the country. This resulted in the removal and investigation of the head of the military, who was supposedly involved in the case. The accusations and ultimate dismissal increased tensions between civilian authorities and the armed forces.

In Guatemala, the only mobilisation by the military after the 1997 Peace Accords was a mutiny of the Ambulatory Military Police, who resisted demobilisation. This resulted in the confinement of those who disapproved to army barracks and counter-deployment of those who remained loyal. The situation was ultimately resolved pacifically. Apart from this incident, public declarations have been recorded by spokespeople and the minister in defence of the military’s institutional rights in financial matters, services and trials. In general, these statements have generated public debate but not political problems. In Honduras, closed-door meetings took place between the military high command and the president, but they were only designed to create pressure and to air complaints, while some units were in alert. In the case of Peru, the President Alberto Fujimori led a self-coup in 1992 with the consent of the armed forces, although they did not directly participate in the shutdown of Congress or the radical transformation of national institutionalism.



Table 1.2
Table 1.2. Participation of the armed forces in contingency policies (post-transition)

Sub-region	Countries	No attempted coups	Yes, they have occurred	Received sanctions	Public protests
Caribbean	Barbados	✓			
	Belize	✓			
	Jamaica	✓			
	Dominican Republic		✓ (1978)	✓	
Central America and Mexico	El Salvador	✓			
	Guatemala	✓			✓
	Honduras	✓			✓
	Mexico	✓			
	Nicaragua	✓			
Southern cone	Argentina	✓			✓
	Brazil	✓			✓
	Chile	✓			✓
	Uruguay	✓			
	Paraguay		✓ (1996)	✓	
Andean region	Bolivia	✓			✓
	Colombia	✓			
	Ecuador		✓ (2000)		
	Peru	✓			

• Source: *In house, 2006.*

Democratic normalisation also implies a review of the role of the armed forces within a democratic framework. Two key elements related to the rights of members of the armed forces are: the right to vote and the right to run for political office. Regarding the latter, most countries in the region do not guarantee this right, and in the cases where it is permitted (Brazil, Colombia, Nicaragua and Uruguay), military officers must retire before becoming candidates. Regulations that establish a waiting period after leaving military posts are not common. Regarding the right to vote, this prerogative permits military personnel and the institution itself to be considered part of society and not an agent outside democratic processes or an observer acting to guarantee

institutionalism. The armed forces thereby contribute to the defence of the country and respect for democratic processes by voting. In Bolivia and Peru—since the presidential elections in 2006—the armed forces are allowed to participate in electoral processes. In Colombia, Ecuador and all of Central America, active military personnel do not have the right to vote. In Colombia and Honduras, the explanation may be that the armed forces are responsible for the security of elections in the country and are therefore excluded from participating. The rest of the countries consider suffrage a civil right that is not forfeited by assuming military duty. Finally, in various countries in the region, the armed forces are responsible for controlling security during electoral processes.

2. Institutionalisation of the defence sector

The existence of a defence ministry (DM) can be used as an indicator of the degree of institutionalisation of the relationship between

civilian authorities and military forces. In the words of Bruneau and Goetze: "Citizens who formulate policy can control the armed forces through a DM."

Table 1.3
Elements of military participation in politics

Sub-region	Country	Element	By law, the armed forces must ensure order during elections		Members of the armed forces have the right to vote			Members of the armed forces have the right to present themselves as candidates for political office	
			Yes	No	Yes	Only in retirement	No	Yes	No
Caribbean	Barbados			✓	N/I	N/I	N/I	N/I	N/I
	Belize			✓	N/I	N/I	N/I	N/I	N/I
	Jamaica			✓	N/I	N/I	N/I	N/I	N/I
	Dominican Republic			✓	N/I	N/I	N/I	N/I	N/I
Central America	El Salvador			✓		✓			✓
	Guatemala		✓			✓			✓
	Honduras		✓			✓			✓
	Nicaragua		✓		✓			✓	
Southern Cone	Argentina			✓	✓				✓
	Brazil			✓	✓			✓	
	Chile		✓		✓				✓
	Paraguay			✓	✓				✓
	Uruguay			✓	✓			✓	
Andean Region	Bolivia			✓	✓				✓
	Colombia		✓				✓	✓	
	Ecuador		✓				✓		✓
	Peru		✓		✓				✓

• Source: *In house, 2006.*



Similarly, the DM normally evaluates the effectiveness of the roles and missions of the armed forces, while the group of lawyers, economists and accountants—both civilian and military—in the DM analyze how efficiently resources are used.”² The creation or reform of a ministry presents an opportunity for the authorities to define functions, strategic frameworks, and capacities in the defence sector.

In this section, we observe the level of institutionalisation of the sector based on four dimensions: the existence of a defence ministry that manages specific sectoral policies (publication of a white book and reform proposals); the existence of strategic planning abilities; the ministerial powers and capacity to determine and oversee the defence budget.

2.1 Creation of the defence ministries and policy design

The creation of a defence ministry is a fundamental step for the organisation of the defence sector in each of the countries in the region. In the case of Latin America and the Caribbean, the creation of ministries in the sector occurred in very different historical moments (Table 1.4). The first countries to organise defence ministries—Chile, Ecuador and Uruguay—conceived of them as administrative bodies, with privileges and powers over the armed forces. This first cycle of defence ministry formation began during the thirties and lasted until the middle of the sixties.

A second turning point related to the institutionalisation process occurred during the eighties. Post-conflict institutional reorganisation led El Salvador, Honduras and Nicaragua to significantly change the legal status

of their defence ministries. The decade can therefore be considered an important period of institutional transformation. For different reasons, ministries were created in Peru (1987) and most recently in Brazil (1999). The cases of Mexico and the Dominican Republic are also worth considering, given that the former does not have a defence ministry and the latter does not have a defence ministry per se, but rather a Secretary of State of the Armed Forces.

In terms of the design of policies for the sector, the process began in the middle of the nineties when the countries included in the study began to define publicly the policy areas relating to defence through white papers or defence documents. This is the first democratic attempt in the region to define and establish institutional parameters. The first countries to establish such policies were Brazil (1996), Chile (1997), El Salvador (1998) and Paraguay (1999).

Frequent updating of the contents of the white papers is a good indicator of the extent of institutionalisation. The countries that stand out in terms of updating defence materials are El Salvador (three times); and Brazil, Chile and Ecuador (two times each). The recent emphasis on such initiatives is demonstrated by the fact that in seven of the fifteen countries studied these updates occurred after 2005.

The creation of these public documents also indicates the opening of spaces for dialogue between civilians and the military about defence policy. A notable example is Guatemala, where the publication of the 2003 White Book played an important role in strengthening civil-military relations. In the aftermath of the peace accords, the defence ministry called for the creation of a Defence Community made up of civilian and military experts. The group worked together to address the challenges and requirements of

² Bruneau, T. and Goetzen R. Las relaciones civil-militares en Latinoamérica. In *Military Review*. U.S. Army, Combined Arms Center, Hispanic-American Edition, September-October 2006. In: <http://usacac.army.mil/cac/milreview/spanish/SeptOct06/Bruneau.pdf> (visited June 13, 2007).

the defence sector, resulting in the publication of the 2003 White Book. However, despite the progress made in this area, there are still aspects that require further advances. For

example, some white papers have been developed exclusively for internal debate within the defence community.³

Table 1.4
Institutionalism and the white books on defence in Latin America and the Caribbean

Country	Year DM created	White book or defence document
Chile	1932	White Book (1997, 2002)
Uruguay	1933	Defence document (2005)
Ecuador	1935	Policy on National Defence (2002, 2006)
Paraguay	1943	Defence document (1999)
Guatemala	1945	White book (2003), Policy on National Defence (2005)
Argentina	1958	White book (1999), Defence document (2001)
Colombia	1965	Defence policy and Democratic security (2003)
Jamaica	1974	National security strategy (2006)
Belize	1984	Not available
Peru	1987	White book (2005)
El Salvador	1992	Defence documents (1998, 2004, 2006)
Honduras	1996	White book (2005)
Nicaragua	1997	White book (2005)
Brazil	1999	National defence policy (1996, 2005)
Mexico	No	White book (2005)
Barbados	Not available	Not available
Bolivia	Not available	White book (2005)
Dominican Republic	Not available	Not available

Note: The year of the creation of the Ministry is based on the moment when defence-related topics are concentrated in a single state portfolio, and is the criteria used in the table to organize the countries. While El Salvador, Honduras and Nicaragua have had a state portfolio dedicated to defence for a long time, these have been modified after the post-conflict periods, and therefore the last modification has been listed as the date of the creation of the Ministry.

• Source: *In house, 2006.*

³ See RESDAL (Security and Defence Network of Latin America). *Comparative atlas of Defence in Latin America*. Buenos Aires, RESDAL-SER, p. 51.



Another recent trend is the numerous reforms on topics related to the constitutional role of the armed forces, such as the hierarchy or presidential mandate over the military, the organic structure of the defence ministries, training, and military justice. In this regard, priorities for reform have been the

organisational structures of defence ministries, military training, and the constitutional role of the armed forces. Less attention has been given to the constitutional role of the president over the armed forces and military justice (Table 1.5).

Table 1.5
Military- and defence-related reforms in Latin America by country and region

Sub-region	Country	Constitutional role of the armed forces	Mandate of the president over the armed forces	Organic reform of the defence ministry	Military training	Military justice
Central America and Mexico	El Salvador	✓	✓	✓	✓	✓
	Guatemala			✓	✓	✓
	Honduras	✓	✓			
	Mexico	✓ ^a		✓ ^b	✓	
	Nicaragua	✓	✓	✓	✓	
Southern Cone	Argentina	✓	✓	✓	✓	✓
	Brazil	✓	✓	✓	✓	✓
	Chile	✓	✓	✓	✓	
	Paraguay	✓	✓	✓	✓	✓
	Uruguay			✓	✓	
Andean countries	Bolivia	✓	✓			
	Colombia			✓	✓	✓
	Ecuador				✓	
	Peru			✓		

a/ In the Mexican case, where there is no defence ministry but rather a National Defence Secretariat and Navy Secretariat, not all of the reforms apply to both of the branches of the armed forces. In the nineties, the mission of civil protection was formally incorporated under the defence area into the charter of the army and air force, but not the navy.

b/ The Mexican Port Secretariat promoted diverse reforms during the government of Vicente Fox, including: new internal regulations of the Port Secretariat (2001), Charter of the Army (2002), and Navy promotion laws (2004). However, the most important reform was the incorporation of various parts of federal law relating to transparency and public access to government information.

● Source: In house, 2006.

2.2 Planning capacities of defence ministries

The capacity of a DM to develop a strategic plan for the institution is critical for organising and prioritising its missions and tasks. It also strengthens civilian management and provides opportunities for high level decision-making. In the majority of the countries in the region, strategic planning groups or departments exist, which would lead one to believe that institutional abilities to plan activities in the medium- and long-term relating to defence policy also exist. However, in many cases, this planning is relegated to low-level divisions within the ministry, or tasks are developed by the members of the military themselves without participation of civilian authorities. In this sense, the development of practices like publishing the defence white books has had a positive impact by generating opportunities to reflect and define short- and medium-term policies for the sector. In all the countries, it is the president who, among his duties, is responsible for planning and executing defence-related policies. The participation of the armed forces in some aspects of policy development and the execution of plans and programs is a

concession. Planning mechanisms correspond to different institutional areas, but are not necessarily exclusionary. They can be grouped into four different types:

National Advisory Councils. The first form of planning is one in which the executive power (president and minister) have the authority to develop defence policy, but also rely on a consultative body that includes members of the military and civilians. These are national councils presided over by the head of state and usually consist of ministers from different areas, high-ranking army officials, and even members of the judicial and legislative bodies. During this consultation, inter-sectoral coordination must be established and national political strategies proposed. This type of body exists in most countries, with the exception of Brazil, Guatemala, Mexico, Nicaragua and Uruguay.

Defence Ministry. A second planning mechanism is when, within the defence ministry, there is a special section dedicated to policy development that then reports to the executive. This is the case in Brazil and Paraguay.

Table 1.6
Planning mechanisms, summary table

Has a ministerial strategic planning unit at the defence ministry level	National council	
	Yes	No
Yes	Argentina Colombia Ecuador Honduras Peru Paraguay	Brazil Guatemala
No	Bolivia Chile El Salvador	Mexico Nicaragua Uruguay

• Source: *In house, 2006.*



Informal coordination. The third type is an informal process to coordinate and involve civilians and members of the military in the planning process, given the absence of norms or directives regarding the policy development process. In these instances, the level of military participation is very high. This occurs in Honduras, Mexico and Nicaragua. Nicaragua is in this process, but the policies developed are still dictated by the necessities of the armed forces and not based on state policy.

Lack of planning. Finally, there are cases in which no planning directive exists, such as in Uruguay.

Although in many instances coordination and strategic planning within institutions are simply formal procedures to certify processes of policy formulation, there are cases in which there is not even a minimal level of ministerial or high-level authority involvement in the process.

2.3 Responsibilities of defence ministries vis-à-vis the armed forces

One of the most significant difficulties of the defence sector is the lack of ministerial capacity to define, implement and evaluate sectoral policies. As noted previously, in some countries there is no ministry with the institutional capacity to formulate policies. In several countries where ministerial structures exist, these are bureaucratic-administrative bodies in which there is no opportunity for high-level decision making that would allow for the formulation, planning and coordination of policies.

Another weakness of the defence ministries is the lack of legal standing to lead or participate in topics crucial to the functioning of the sector, like troop deployment, infrastructure, doctrine, training, management of human resources, and promotion and demotion policies among the different branches. A comparative analysis of

the responsibilities of the defence ministries in the region vis-à-vis the armed forces shows that the majority of these roles are assumed by the armed forces to the detriment of a defence ministry that could be capable of establishing public policies in these matters.

Military institutions are responsible for some of these topics in almost all of the countries in the region; among the most common powers are those related to military doctrine and training. For example, there are very few cases in which curricula or education topics are defined by civilian defence authorities. In the cases in which debate has occurred about the nature of military training (Argentina, Brazil, Chile and Peru), it has been due to the intervention of civil society organisations and government authorities that have recommended modifying curricula to include human rights. Notwithstanding, there seems to be no debate about the fact that the armed forces still have maximum authority over curricula design.

2.4 Defence budget

The mechanism for proposing, monitoring and evaluating the distribution of resources is, as in any public policy, a sensitive topic. Given its importance, it is an excellent test of public policy formulation. In the case of the security sector, it is a complex topic because it includes several additional factors: the budget is for a public good ("security"), which is intangible and which, in general, is viewed by the public as relevant in crisis situations or in daily life (an international crisis in the case of national defence or a robbery in the case of public security). Second, it is a good that is guaranteed by institutions which depend on political power, but which also have a monopoly on arms, making them unique organisations. Finally, it is a topic that requires special levels of "discretion" under public scrutiny, although the same is not necessarily true regarding state authorities.

Table 1.7
Mechanisms for defence policy planning in Latin America and the Caribbean

Sub-region	Country	National council	Ministerial unit
Central America and Mexico	El Salvador	National Security Council	Does not exist
	Guatemala	Does not exist	Department of Defence Policy
	Honduras	National Security and Defence Council (not operational)	National Defence Policy Division
	Mexico	Does not exist	Does not exist—each secretariat does its own planning
	Nicaragua	Does not exist	Does not exist—planning is the responsibility of the ministry and the Major General of the Army
Southern Cone	Argentina	National Defence Council	General Policy Division of the Secretariat of Military Affairs
	Brazil	Does not exist	Strategy and Policy Division under the Strategic Policy and International Affairs Secretariat
	Chile	High Council for National Security	Does not exist
	Paraguay	National Defence Council	Strategy and Policy Division
	Uruguay	Does not exist	Does not exist—the president is responsible for planning with the Ministerial Council but each division carries out its plans
Andean Region	Bolivia	High Council for National Defence	Does not exist
	Colombia	High Council for Security and National Defence	Advisory Office to the Deputy Minister of Institutional Management
	Ecuador	National Security Council	Division of Future and Strategic Planning
	Peru	National Council for Security and Defence	Policy and Strategy General Division

• Source: *In house, 2006.*

Three dimensions are relevant to consider regarding the analysis of the assignment of resources for the sector: first, the decision-making process, meaning who decides when and how funds are spent, who monitors military expenditures, and how results are evaluated; second, the presence of internal and external control mechanisms for the use of sector resources; and third, the transparency of

defence expenditures. In this section, we focus on the decision-making process and budget transparency in the region. We will consider control and monitoring of the defence sector in a later section.



Table 1.8
Responsibilities of the defence ministry (M) vis-à-vis the armed forces (F)

Sub-region	Country	Troop deployment	Infrastructure	Doctrine	Training	Management of Human Resources	Promotions and demotions
Central America and Mexico	El Salvador	F	F	F	F	F	M-F
	Guatemala	F	F	M	M	F	M
	Honduras	F	F	F	F	F	M-F
	Mexico	M	M	M	M	M	M
	Nicaragua	F	F	F	F	F	F
Southern Cone	Argentina ^a	F	F	F	F	F	F
	Brazil	F	F	F	F	F	F
	Chile	M	F	F	F	F	F
	Paraguay	M-F	M-F	M-F	M-F	M-F	M-F
	Uruguay	M	M	M	M	M	M
Andean Region	Bolivia	M-F	M-F	F	F	M	F
	Colombia	F	F	F	F	F	F
	Ecuador	F	M	F	F	F	M
	Peru	F	F	F	F	F	M

a/ The Argentine case considers the situation before the reforms carried out by Néstor Kirchner's government in the middle of 2006, which were precisely oriented to limit the autonomy of the armed forces, but the results of which have not been possible to monitor. In terms of training, the defence ministry has promoted reforms that open military education to the civil sector, but continue to be an area dominated by the military, principally by petty officers and recruits.

• Source: In house, 2006.

Defence budget allocation decisions

While the determination of the defence budget is a central power that should be the responsibility of defence ministries, their real capacity to participate in the formulation, monitoring and evaluation of military spending is often limited. This occurs for several reasons: legal conditions that establish minimum budgets for the armed forces, lack of technical capacity within defence ministries and/or lack of civilian leadership to carry out the reorganisation of ministries. This explains why in some countries in the region, budgets are still designed—in part or whole—by branches of the armed forces with very limited participation by defence ministries or legislatures. The lack of civilian training in defence and the lack of professional expertise

in military affairs inside defence ministries in most of the region exacerbate the situation. This generates a negative situation in which the armed forces “negotiate” budget items directly with the treasury or economic ministries, depending on the country.

In many Latin American countries, there are legal clauses that establish floors and ceilings for defence spending (Table 1.9). In the case of Guatemala, there is no guaranteed minimum budget, but rather a maximum. This has been the case since the 1996 Agreement on the Strengthening of Civil Authority and the Functioning of the Army in a Democratic Society. The Agreement established a budget ceiling equivalent to 0.66 percent of GDP. In Chile, the Charter of the Armed Forces establishes a

minimum floor for military expenditures, which is readjusted annually for inflation. The minimum floor was established by the military regime before leaving power in 1989. Additionally, the Law No. 13.196, Cooper Reserve, taxes 10 percent of the profit on copper sales abroad and the products of Codelco, the state copper company. This norm, which dates to 1958, charged a specific tax on copper but the rate differed substantially from current rates. In 1976, it was established that 10 percent of Codelco's sales abroad had to be deposited in the Central Bank to finance military purchases. The norm also establishes a minimum annual contribution of 180 million dollars, which is covered by the Public Budget Law in years when copper sales are less than the minimum contribution. Until 2002, the funds were divided in thirds, with a third designated to each of the three military branches (army, navy and air force), even if the funds were not used during the year. After 2002, the General Controller of the Republic declared that these funds could be deposited in "reserve accounts" created under the Law No. 13.196 and used for joint projects. But this was only agreed to by the commanders-in-chief with the understanding that each branch would receive no less than 75 million dollars annually. Formally, defence acquisitions are determined by the National Defence High Council (CONSUDENA), but as in the case of many other defence councils, the council operates more on paper than in reality.

In Peru, a fund for the armed forces was established, and the national police were assigned complementary finances through the national budget. The income for this fund is provided by the Public Treasury, which contributes 25 million dollars. The rest comes from taxes paid to the Peruvian state for the exploration of Camisea gas. Specifically, income enters the fund according to the following division: in 2005, 20 percent of the income came from Field 88; in 2006, 40 percent came from

Field 88 and 30 percent from Field 56. The exploration of gas fields began in 2006, in accordance with granted concessions. A committee made up of the President of the Ministerial Council and the Ministers of Foreign Affairs, Economy and Finance, Defence, and the Interior is in charge of administering the fund and assigning resources in accordance with strategic modernisation plans. The committee is also in charge of refurbishing, renewing, replacing and repairing of equipment. The fund is distributed equally among defence institutions, with a quarter going to each branch. The fund is controlled by the General Controller of the Republic, the National Defence Council, the National Defence Commission, Internal Order, Intelligence, Alternative Development, and the Fight against Drugs of the National Congress, which are responsible for its supervision and funding.

In many cases, defence budgets are determined based on the previous year's budget (Bolivia, Chile, Colombia, Ecuador, El Salvador, Honduras, Jamaica, Nicaragua and Uruguay). There are no policies for assignments that extend beyond one budgetary year, just as there are no medium-to-long-term strategic policies at the ministerial level. These longer-term strategic policies are generally designed by the armed forces themselves, since they are related to the purchase and renovation of materials for warfare.

Budget evaluation units within the defence ministries are fairly common in the region. However, the national experts who participated in this project suggested that these units generally have little authority. Less common is the existence of auditing units within the ministry to monitor spending. Such units existed in only six of the eighteen cases included in this study. Although there are auditing units within other branches of government, generally these groups do not have any impact—at least



explicitly—on the use of resources in the defence sector.

Finally, it is important to mention that only in two cases (Colombia and Mexico) have defence ministries made the defence budget public of their own accord. Some countries have nonetheless begun to develop a more transparent process based on the publication of defence white papers, which often include the defence budget. However, this is not a common practice.

The Central American and Caribbean countries (with the exception of the Dominican Republic) are exceptional cases in which defence ministries control the budget. Guatemala is a particularly noteworthy case. In terms of defence ministry budget control and transparency, Guatemala appears to be the most advanced country in the sub-region. However, its defence ministry remains weak in other areas, such as strategic planning capacity.

Table 1.9
Budget control mechanisms

Sub-region	Countries	Expenditure defined by law	Expenditure based on last year's budget	Presence of an evaluation unit within the defence ministry	Presence of an auditing unit within the defence ministry	Publication of the budget within the defence ministry
Caribbean	Barbados Belize Jamaica Dominican Republic		✓		✓	
Central America and Mexico	El Salvador Guatemala Honduras Mexico Nicaragua	✓	✓ ✓ ✓	✓ ✓	✓ ✓	✓
Southern Cone	Argentina Brazil Chile Uruguay Paraguay	✓	✓ ✓	✓ ✓ ✓	✓	
Andean Region	Bolivia Colombia Ecuador Peru	✓	✓	✓ ✓ ✓	✓	✓

• Source: *In house, 2006.*

Although ministerial control over the defence budget remains limited, the current position of the defence ministries and the growing will of government to increase transparency has facilitated monitoring of military spending and negotiation with the armed forces. The size and specific expenditures of the defence sector are increasingly the object of scrutiny by other ministries and state bodies responsible for reviewing public spending. Close analysis of defence budgets by other institutions will allow for greater civilian control over the defence sector. At the same time, the relative importance of the DM as a state institution can also be understood in terms of the resources assigned to it in relation to overall government spending.

Transparency in defence budget allocation

One of the biggest challenges in the region is to establish a common definition for what constitutes a “military expense.” Although there have been some efforts to standardise its measurement,⁴ common criteria have not yet been established in the region to conceptualise and measure military expenses. The methodological challenge is doubled because, on the one hand, defence authorities seem unreceptive to efforts to increase transparency in military expenditures, and on the other hand, there are “grey areas,” which we explore further in a subsequent chapter, where the armed forces carry out public security tasks beyond national defence. Similarly, there are often mechanisms for reserve spending, such as in Argentina which has a high level of civilian control over military expenditures. Paraguay is

notable for the almost complete lack of information in this area. The Andean region, while it does not show extensive use of reserve spending, demonstrates other weaknesses in terms of general transparency of information (information which is usually available through finance ministries or their equivalent). In Central America, several countries such as Guatemala are known to have clear spending limits in “secret” areas. In Honduras, on the other hand, there is a finance system that provides little information beyond insignificant figures. In the Caribbean, there is no evidence of the presence of secret budget items, which suggests that the majority of the expenditures are made public.

Transparency, in the form of an annual public accounting of expenditures by sectoral authorities, is not a common practice among governments. In several countries, public accounts are part of the executive branch. Reports are produced by the different ministries, including the defence ministry. The lack of a standard methodology to measure military spending leads to accounting statements based on impressions and little evidence. It is important to advance toward standardising statistics on defence spending. To exemplify the problems related to the measurement of military spending, Chile reports discrepancies of almost 300 million dollars, depending on the source of the budget figures (Table 1.10).

In the case of Honduras, the differences are less extreme, although discrepancies do exist (Table 1.11).

⁴ In the cases of Chile and Argentina, see the Economic Commission for Latin America and the Caribbean (ECLAC), Standard methodology for the measurement of Defence expenditures. Santiago. ECLAC, 2001.



Table 1.10
Military spending in Chile

Year	Variable	RESDAL ^a	SIPRI ^b	Defence Book ^c	Military Balance ^d	Others ^e
1998	Amount (millions of pesos)	unknown	1,249,000	Unknown	1,386,000	unknown
	Amount (millions of dollars)	unknown	2,115	Unknown	2,100	1,908
	% GDP	unknown	3.4	Unknown	3.7	3.8
2001	Amount (millions of pesos)	unknown	1,615,000	735,834	unknown	unknown
	Amount (millions of dollars)	unknown	2,461	Unknown	unknown	2,008
	% GDP	unknown	3.7	1.74	unknown	3.24
2005	Amount (millions of dollars)	3,113	3,401	Unknown		unknown
	% GDP	5,3	unknown	Unknown	unknown	unknown

a/ Security and Defence Network of Latin America (RESDAL), <http://www.resdal.org/presupuestos/presupuestos-cifras.html>

b/ Stockholm International Peace Research Institute (SIPRI), <http://www.sipri.org/>

c/ http://www.defensa.cl/libro_2002/index.htm

d/ International Institute for Strategic Studies. *The Military Balance* (Oxford: Oxford University Press, 1999)

e/ Santos, E. *Análisis del gasto de defensa en Chile: 1989-2002*. In: Sohr, R., Escobar S. and Santos, E. *Seguridad, modernización del Estado y gasto en Defensa*, de. Santiago, Institute for International Strategic and Security Studies, Universidad de la República, 2003.

- Source: In house 2006.

Table 1.11
Military spending in Honduras

Year	Variable	Defence Book ^a	RESDAL ^b	SIPRI ^c
2004	Amount (millions of dollars)	50.4	unknown	49.5
	% GDP	0.68	unknown	0.7
2005	Amount (millions of dollars)	52.8	unknown	49.1
	(millions of lempiras)	1,003.4	933.4	1,003.5
	% GDP	0.65	0.59	unknown

a/ <http://www.ffaah.mil.hn/libro/index.htm>

b/ Security and Defence Network of Latin America (RESDAL), <http://www.resdal.org/presupuestos/presupuestos-cifras.html>

c/ Stockholm International Peace Research Institute (SIPRI), <http://www.sipri.org/>

- Source: In house, 2006.

3. Civilian control of the defence sector

Civilian control or administration of defence is a central component in the consolidation of democracy for several reasons: first, it helps deepen the rule of law, as it becomes the responsibility of civilian authorities to direct the destiny of the nation in all areas of public interest, including defence; second, it results in an improved relationship between political authorities and the armed forces; and third, it generates opportunities to strengthen democratic norms with respect to institutional duties, particularly regarding human rights.

Civilian control of defence can be assessed in three complementary dimensions: 1) *Presence in positions of authority*—in other words, the presence of civilian authorities in positions of power in the defence sector; ii) *Legal*—the

presence of legal instruments to establish political authority over the defence sector; iii) **Organisational**—the existence of technical assistance for the decision-making process. While the presence of a civilian defence minister is an important symbolic and political advance, it does not alone guarantee consistent democratic control of the sector. This position must have specific powers to exercise authority over the sector and technical teams to facilitate adequate and informed decisions. In many countries in the region, defence decisions were previously made by military authorities. However, the recent democratisation process has resulted in a new domestic and international context that favours civilian policy formulation in the defence sector. In this section, we evaluate these changes based on three dimensions: presence, law and organisation.

3.1 Civilian presence in positions of authority

In the majority of the countries included in this study, there are no legal requirements or limitations for holding the office of defence minister. This position is open to active or retired military personnel, as well as civilians. While it is common that members of the military are not allowed to hold public office, they are allowed to hold defence positions that may require their particular expertise. Table 1.12 shows the presence of civilian ministers in the defence sector during the last five administrations up until the end of 2006. The sub-region with the highest number of civilians in the DM is the Southern Cone. In Central America, Mexico and the Andean Region, there is greater variation. In some countries, civilian presence is significant (Bolivia, Colombia, Honduras, and Nicaragua). In others (Ecuador, El Salvador, Guatemala and Mexico), there is no civilian presence in the administration of the DM or defence sub-divisions.

Table 1.12
Civilian presence in the DM during the last 5 administrations, until 2006^a

Sub-region	Frequent presence (5-4)	Medium presence (3)	Low presence (2-0)
Caribbean			Dominican Republic (0)
Central America and Mexico	Honduras (4) Nicaragua (5)		El Salvador (0) Guatemala (0) Mexico (0)
Southern Cone	Argentina (5) Brazil (5) Chile (5) Paraguay (5) Uruguay (5)		
Andean Region	Bolivia (4) Colombia (5)	Peru (3)	Ecuador (0)

a/ To describe clearly the level of civil involvement in defence leadership positions, retired military personnel have not been considered as civilians.

- Source: *In house, 2006.*



In Ecuador, Guatemala and the Dominican Republic, legislation states that defence ministers must be active or retired military personnel. In Ecuador, this policy changed when President Rafael Correa took office in 2007, appointing civilian authorities of the defence ministry. While a general tendency may exist to install civilians as defence ministers, military personnel often dominate direct report positions, like sub-secretaries or deputy ministers.

As indicated at the beginning of this section, the presence of a civilian minister does not necessarily guarantee a more democratic sectoral policy because several different factors affect this process. In Bolivia and Colombia in the last few years, civilian ministers have been named defence ministers, although their actual responsibilities have remained at the level of deputy secretaries or lower, with real leadership still dominated by military personnel. In Peru, until recently the position of defence minister was held by a member of the military, but the government of Alan García—elected in 2006—named a civilian to the post. In the Southern Cone, although some countries do not explicitly prohibit military members from the position of defence minister, the last five ministers have been civilians in all the countries. It is worth noting that in Paraguay, the defence minister is not in charge of the armed forces. His duties are expressly limited to policy formation and administrative responsibilities. In Chile, the defence minister is restricted in his operations; the position was originally conceived of as an administrative post not responsible for high-level decisions. In 2006, the Chilean Congress began to debate a reform proposal to restructure the defence ministry, given that the ministry has maintained the same basic organisational structure since its creation in 1932. Surprisingly, the minister does not have the right to vote in the National Security Council; the same is not true for the

commanders-in-chief of the three branches, who are allowed to vote in the Council. In Central America, the situation varies considerably. In some countries, the ministers have always been civilians, whereas in others, like El Salvador and Guatemala, there have only been military ministers. For example, in Guatemala, the law stipulates that the position must always be held by a military officer. In Honduras, there are civilian ministers, but they are often subservient to active or retired military officials and lack independent support.

In terms of female representation in high-level defence positions, there has been an increasing presence of female ministers in recent years. In Colombia, Chile, Argentina and Uruguay, the naming of civilian females to this position was seen as a symbolic illustration of the participation of women in areas of primary concern to the government. The president of Ecuador, Rafael Correa, named for this first time in history a woman to lead the Ministry of Defence. However, she was tragically killed in an accident two weeks after assuming the position. Correa later named a second woman to lead the sector (2007). Clearly, this decision showed an attempt to ensure greater equality in the policy-making process. However, this does not necessarily imply a strengthening of policies to include women in the armed forces; in fact, women continue to represent the minority in institutional ranks, and in some cases like Brazil, their participation is limited to certain areas.

3.2 Roles and powers of the president

In all the countries in the region, responsibility for the armed forces lies in the hands of the president of the republic, as defined by each country's respective constitution. Differences exist in the military title that is assigned to the president, which can range from high commander to supreme commander. The only sub-region that uses standard terminology is

Central America and Mexico, where the president is given the title of general commander or supreme commander of the armed forces. In South America, terminology differs. For example, in the Andean countries, the president is the supreme commander in Peru, the general captain in Bolivia, and the maximum authority in Ecuador. In the Southern Cone, the president is the high commander (with the exception of Uruguay where the president is only the superior authority).

In the Caribbean, the situation is distinct given that these countries belong to the Commonwealth and have relatively small armed forces. The civilian authorities in charge of the defence forces differ. In Belize, the general governor, representing the Queen, is the person who names the military commander with prior approval from the prime minister. The resolution also requires the governor's approval. Additionally, there is a national security council, which is a subcommittee within the cabinet that coordinates policy for the defence sector. The minister of defence is in charge of the defence board and serves as the chief executive officer. Barbados also has a prime minister, but in contrast to Belize, it has a minister in charge of both defence and security. The defence board, which also exists, plays an important role in the defence system. However, the general governor has the power to name and remove the chief of staff, who also receives orders from the prime minister. In Jamaica, the structure is the same, with the exception that the prime minister acts as the defence minister. As in the other cases, it is the general governor who names the chief of staff. The governor has the power to call for the resignation of the chief of staff in the name of the public good and if required by the defence board, although this situation has never occurred. The exception in the Caribbean is the Dominican Republic, which has a presidential

system. As such, the president is the chief of the armed forces and the person responsible for naming the secretary of the armed forces—a position of exclusive presidential confidence—from among the general officials, as well as each deputy secretary of the branches.

The consensus about who occupies the defence command does not necessarily carry over to corresponding defence powers. As shown in the Annex, the commander may have different powers, including the following: naming the joint chief of staff or respective position, as appropriate; organising and deploying force; offering high-ranking promotions; and approving the security and defence strategy.

3.3 Appointment and removal of commanders-in-chief

One of the principal indicators of civilian authority over the armed forces is the ability of civilian authorities to appoint and remove commanders of the armed forces. In the following section we present the different arrangements that exist in the region for appointment and removal.

In terms of appointments, in almost half of the cases studied (Barbados, Belize, Bolivia, Colombia, Honduras, Jamaica, Mexico and Paraguay), the president is not restricted in appointing the high commander of one of the branches of the armed forces (Table 1.13). In three cases (El Salvador, Guatemala and Nicaragua), the president receives nomination proposals from the armed forces. In the first case, it is the president who names the heads of each branch, based on proposals elaborated by the major joint chief and presented to the minister (also a member of the military) and ultimately the president.⁵ In Guatemala, it is at the president's discretion to appoint the

⁵ Charter of the Armed Forces of El Salvador. Legislative decree No. 353, 1998. Articles 31 and 39.



commander in chief of the army—who has the operative command of the armed forces if the joint chief is absent, but is responsible to the minister. The president makes the appointment in conjunction with the defence minister, who must be a member of the military. So while the requirements to be head of the joint chiefs are the same as to be minister (grade, length of service, and formation), the candidate requires military approval.

Finally, in Nicaragua, in accordance with the Law No. 181 (Military Organisation, Jurisdiction, and Social Security Code), the president names the commander-in-chief of the army based on the recommendation of the military council. However, the president has the power to reject this proposal and to request another. The military council is a consultative body of the high command in charge of doctrine, strategy, institutional development and planning matters related to defence. It is presided over by the commander-in-chief. Its secretary is the head of the joint chiefs. Finally, in the cases of Argentina, Brazil, Chile, Ecuador, Peru, the Dominican Republic and Uruguay, the president names the superior commander of the armed forces from among the most senior members of the defence ministry. This implies an indirect restriction, depending on the criteria used to define rank and length of service, which are determined by the armed forces themselves.

Another interesting dimension to highlight relates to the tenure for the position. In seven cases (Bolivia, Chile, Colombia, Ecuador, Nicaragua, Peru, and the Dominican Republic), term limits are established that do not necessarily coincide with the presidential terms limits. In Chile, for example, the commander-in-chief remains in the positions for four years—the same as the president—but not during the same period, meaning that the president names

military authorities in the middle of his or her term in office. In Nicaragua, under Law No. 181 which organises the army, the president receives the proposal to name the commander-in-chief on November 21 of each year corresponding to the appointment process. The post lasts five years and the candidates may not be re-elected. The naming of high posts in the Colombian military structure is strictly a presidential responsibility. In this regard, the general commander of the military forces, the commander of the joint forces, and the commanders-in-chief of each of the branches of the military forces—army, navy, and air force—are selected from among the general officials (or admirals), including those in retirement. The president tends to make this appointment based on a list of candidates prepared by the defence ministry. The maximum time that military commanders can remain in the post is four years, although until recently, it was unusual to retain commanders for more than two years because they depend on the president. Generally military commanders assume the position during the first year of the presidential term. For this reason, in Bolivia the charter of the armed forces states that the commander-in-chief and the commanders of each force are named by the president for a period of two years. The position of commander-in-chief alternates among the branches. No details are provided about how to appoint the commander-in-chief. Finally, in Peru the position of the joint commander-in-chief is selected from among the three most senior commanders for a period of no more than two years with the possibility of extension for one more year.⁶

Table 1.14 synthesizes the presidential powers to name the commander-in-chief. In the cases of Guatemala, Honduras, Jamaica, Mexico and Paraguay, there is no restriction for these

⁶ Law 27860 of the Defence Ministry, Peru, November 2002. Art. 23.

assignments (no term limits, no seniority requirements, no recommendations from the armed forces). In these cases, the appointment is at the full discretion of the president. Chile, Ecuador, Nicaragua, Peru, and the Dominican Republic, on the other hand, have high levels of restrictions on the president's ability to name

the commander-in-chief, including term limits and clauses that limit possible candidates (seniority requirements or internal candidate proposals). The three cases in which the armed forces propose the candidate for the highest post are El Salvador, Guatemala and Nicaragua.

Table 1.13
Presidential authority to designate commanders in chief

Sub-region	Countries	Designation			
		No restriction	Based on the proposal of the armed forces	Among most senior members	Pre-defined period (years)
Caribbean	Barbados	✓ ^a			n/i
	Belize	✓ ^a			n/i
	Jamaica	✓			n/i
	Dominican Republic			✓	(2)
Central America and Mexico	El Salvador		✓		No
	Guatemala		✓		No
	Honduras	✓			No
	Mexico	✓			No
	Nicaragua		✓		(5)
Southern Cone	Argentina			✓	No
	Brazil			✓	No
	Chile			✓	(4)
	Paraguay	✓			No
	Uruguay			✓	No
Andean Countries	Bolivia	✓			(2)
	Colombia	✓			(4)
	Ecuador			✓	(2)
	Peru			✓	(2)

a/ In the case of Belize and Barbados, appointment is made in agreement with the Defence Board. This is a body that formally provides consultation and is made up of both civilians and members of the military.

• Source: In house, 2006.



Table 1.14
Presidential authority to name the commanders in chief

		Pre-defined term limit	
		Yes	No
Restriction on the assignment ^a	Yes	Chile Ecuador Nicaragua Peru Dominican Republic	Argentina Brazil El Salvador Guatemala Uruguay
	No	Bolivia Colombia	Honduras Jamaica Mexico Paraguay

a/ By “restriction on the assignment” we mean the seniority requirements and the requirement that the eligible candidates for the commander in chief, or similar position, come from a proposal made by the military institution itself.

• Source: In house, 2006.

In terms of the removal of commander-in-chiefs, in most cases there are no restrictions on the presidential authority. There are two exceptions. In Nicaragua, the law establishes that the president can remove the commander-in-chief of the army only for specific causes: insubordination, disobeying presidential orders to carry out assigned tasks, transgression (through opinions or actions) of the apolitical and non-partisan position of the army, criminal conviction (that carries more than a correctional sentence), or mental or physical incapacity established by law.⁷

In the case of Ecuador, the joint commander-in-chief and the general commanders of the different branches remain in their posts for two years after being named. They can be dismissed for the following reasons⁸: end of the assigned period, death, voluntary separation from active

duty, mental or physical incapacity, a personal or professional situation incompatible with the post, or presidential order. Despite the discretionary responsibility of the president, the minister of defence can also recommend removal. In addition, the general council can be convened when there is a conflict of opinion.

To summarise, comparison shows that the mechanisms by which the president removes the commander-in-chief are relatively uniform across the region. The principal restrictions apply to appointments, the most complicated of which are when the president must choose from a list of candidates provided by the armed forces or from the most senior officials. Non-concurrent terms seem to be an interesting institutional solution to avoid complete presidential discretion over appointments.

3.4 Appointments and retirement of military officials

Another dimension of political authority refers to the presidential ability to name and remove officials. These powers must be clearly stipulated to avoid their abuse for political ends; therefore, a balanced mechanism is required that reinforces presidential authority and, at the same time, limits partisan intervention in the armed forces. In practically all of the countries in the region, a strong tendency exists to institutionalise the requirements and instruments for promotions. The majority of the requirements are based on years of service (defined by grade and title), personal and professional experience, participation in specialised training courses, and supervisor recommendations, among others. In this sense, promotion processes are not only determined by the armed forces, but also by the ministry of defence and even by the parliament in some

⁷ Military Organisational, Legal and Social Security Code, Law No. 181, article 6, number 20.

⁸ Charter of the Armed Forces No. 109.RA, Ecuador. September 28, 1990.

cases. Honduras is an interesting case in which the president intervenes in military appointments from the rank of second lieutenant and above, as established in the constitution. Meanwhile the norm in the region is that politicians only control appointments of higher positions.

By contrast, while there are relatively similar mechanisms for dismissal, they are less frequently reviewed by civilian authorities. For example, the lack of external control mechanisms over the institution allows for higher levels of autonomy on the part of the armed forces. However, in most of the region, the president has the ability to retire the commanders of the armed forces and their respective deputies. The most significant difficulty is the lack of established intermediary institutions between the head of state and the military. This means that the head of state must take into account the unquestionable expert opinion of military authorities, despite being partial and possibly biased.

3.5 Specialised defence training: organisation, administration and evaluation

Civilian control of defence does not only require norms for appointing high-level positions and civilian administration of the sector; an organisational support framework for the political-strategic management of the sector is also necessary.

One of the principal weaknesses of the defence sector is the lack of support teams for high-level decision-making processes. For this, it is necessary to hire personnel trained in defence management. Such personnel need more than a university education, rather, they must have specialised defence training in order to understand the specifics of the sector. Otherwise, the team will be restricted to a group of experts in their respective areas (engineering, law, administration and political science), but

with limited capabilities to envision and carry out changes in the defence system.

Likewise, civilian personnel must have received training in a relevant defence area. For this, several elements are required. First, a strong task-oriented work environment is needed to make employees responsible to the goals and tasks determined by the defence program and not simply to the dictates of the current government. Second, thematic working groups must respond to needed defence functions rather than those rooted in inherited administrative divisions. And third, incentives and responsibilities to improve the administration of defence must exist. These improvements will not only help retain and recruit qualified personnel, but will also generate interest among future generations to join the defence apparatus. All of these areas could be improved through the use of standardised recruiting and training systems for defence ministry personnel. Currently, even the total number of employees is difficult to estimate.

A preliminary assessment based on expert evaluations (see Table 1.15) shows that Central America and Mexico have the most significant weaknesses in terms of technical expertise at the ministerial level. In the majority of the countries where there are ministerial advisors, they are relatively small teams that combine civilian functionaries and military ones (active or retired). These advisors are not considered members of the permanent staff of the ministry. In general, reforms to the organic structure of defence ministries are chances to professionalise the defence ministry and create a permanent civilian support staff.

In cases where the defence minister must be a member of the military, there are fewer opportunities for civilian advisors to participate in defence decisions. Support positions tend to be filled by military personnel. Defence advisors



Table 1.15
Technical assistance in the defence ministries

Sub-region	Countries	Permanent advisory staff	Civil advisors	Military advisors
Caribbean	Jamaica	✓	✓	No
	Dominican Republic	✓	No	✓
Central America and Mexico	El Salvador	✓	No	✓
	Guatemala	No	No	No
	Honduras	No	No	No
	Mexico	No	No	No
	Nicaragua	No	No	No
Southern Cone	Argentina	✓	✓	No
	Brazil	✓	✓	✓
	Chile	No	✓	✓
	Uruguay	✓	No	✓
Andean Region	Bolivia	✓	✓	✓
	Colombia	No	No	No
	Ecuador	✓	✓	✓
	Peru	✓	✓	✓

• Source: *In house, 2006.*

must have similar qualifications to those of ministers, given that they support political authorities and must be independent experts in defence. One would hope that the experts would create specialised technical assistance departments; however, there is a lack of detailed information about the existence of advisory cabinets that have been institutionalised in the organic structures of the various defence ministries. The exception is Ecuador, but there is a clear military orientation. In this case, the minister as well as the joint commander-in-chief and the commanders of each division have advisory institutions, such as the Expanded Council of General Officials and the Council of Generals or Admirals of the Forces. In Peru, there is a similar body called the Committee of Advisors that works directly with the ministry on development and defence

topics, as well as the formulation of defence policy.

One of the tasks associated with ministerial advisors is evaluation. Evaluation of the effectiveness of public policies is an important government responsibility. However, while projects in other areas of government undergo extensive impact evaluations related to the use of resources, this does not occur in the defence sector. Impact and management evaluations are not common. With the single exception of Colombia, which includes management indicators in its Strategic Planning Guide, most countries in the region have devoted little attention to defence evaluation. In countries where evaluation is uncommon, there is no clear correlation between resources spent and results obtained, which makes it almost impossible to measure effectiveness. Therefore, it is necessary to formalise, or establish, monitoring and evaluation units to examine the use of public resources for security.

4. The armed forces: missions and functions

One of the strategic tasks of defence policy is the definition of the missions and functions of the armed forces. Only once these have been established is it possible to assign resources, responsibilities and rights to each of the actors involved in defence strategy. At the same time, the clear definition of mission and functions of the armed forces allows authorities to limit the scope of action of military institutions, forcing them to cover only areas for which they are trained and assigned, rather than interfering in the work of other institutions.

When speaking of a “mission,” we are referring to the broad definition of the objectives and purpose of the armed forces as specified by each country. Charters generally define these purposes and orientations, from which specific activities and functions are then derived. A

“function” means the specific tasks or duties that compose the operations of the armed forces. These functions determine the use and operations of military institutions. This interpretation of function is referred to in Anglo-Saxon literature as the “roles” of the armed forces. Adopting the structure developed by Shemella,⁹ it is useful to divide military functions into macro and micro roles—in other words, between those that are developed at the policy level (macro) where governments decide how the armed forces will be used in internal and external matters, and those that determine how the security forces will be used in terms of the specific roles of each branch (micro). The roles generally can be found in the specific legal documents and charters of the armed forces.

4.1 Missions

The missions of the armed forces are defined as the major objectives that each country wishes to accomplish. Missions are specified in national constitutions and restated in institutional charters or military codes. A detailed comparative analysis of the constitutional texts that define the missions of the armed forces allows us to establish that the principal missions are organised—at least at the level of discourse—around several tasks: defence of national sovereignty, protection of institutional order, maintenance of public security, and contribution to national development. It is important to mention that in some countries (Argentina, Barbados and Mexico), it is specifically stated that military participation in public security is only possible when specified by law and by legal exceptions. This classification was made only in the law books of these countries, which according to our judgment, may indicate that the missions are actually being defined by the armed forces.

The constitutional missions of the defence sector can be classified using an organisation chart (Figure 1.1), synthesizing the ways in which all of the countries perceive the armed forces. Their principal function is defined as defence of the nation, but there are also three other missions: acting as guarantors of institutional order, participating in internal security, and participating in national development, the last one being the least common.

The mission of the armed forces is defined in all of the cases included in this report as *defence of the nation*—in other words, it is the institution charged with defending national sovereignty, territory and independence against external aggressions. However, it is common that the military is assigned other responsibilities beyond external defence relating to internal affairs. The countries with the most restrictive missions for the armed forces are Argentina, Barbados and Nicaragua (although in the latter, the military has several roles). There are also some cases in which certain unusual qualifiers are added to the basic mandate of defending the nation. This is true in Bolivia and Guatemala, where the armed forces are also charged with the defence of the *honour* of the country. There are also countries such as El Salvador and Honduras where the constitution broadens the mission of the armed forces to include public security, not simply external defence.

The Caribbean is a unique sub-region because the missions of the armed forces leave open the possibility that the armed forces carry out duties established or solicited by the defence board or the governor. These duties might include cooperation with other state institutions in areas such as health, security, emergency relief, etc. In the table 1.17, cases are

⁹ Shemella, P. The Spectrum of Roles and Missions of the Armed Forces. In Bruneau, T. and Tollefson, S. eds. Who Guards the Guardians and How. Democratic Civil-Military Relations. Austin, TX, University of Texas Press, 2006.



Table 1.16
Missions of the armed forces in Latin America and the Caribbean

Sub-region	Country	Defence of the nation	Guarantee constitutional order	Guarantee law and public security	Public security in specific instances	Collaborate in the country's development
Caribbean	Barbados	✓			✓	
	Belize	✓		✓		
	Jamaica	✓		✓		✓
	Dominican Republic	✓	✓	✓		
Central America and Mexico	El Salvador	✓	✓	✓		
	Guatemala	✓		✓		
	Honduras	✓	✓	✓		
	Mexico	✓			✓	✓
	Nicaragua	✓				
Southern Cone	Argentina	✓			✓	
	Brazil	✓	✓	✓		
	Paraguay	✓	✓			
	Chile	✓	✓			
	Uruguay	✓	✓	✓		✓
Andean Region	Bolivia	✓	✓			✓
	Colombia	✓	✓			
	Ecuador	✓	✓			
	Peru	✓		✓		

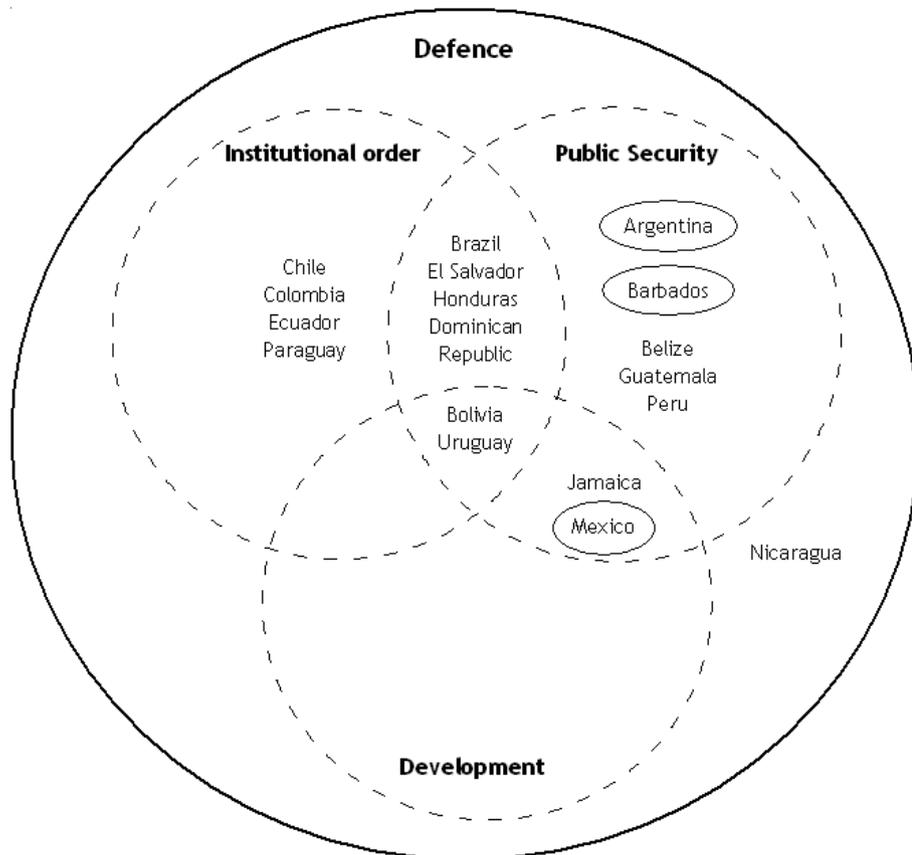
• Source: In house, based on national constitutions and specific charters of the sector, 2006.

presented in which the definitions of military missions have some type of peculiarity.

The extension of the missions of the armed forces beyond the realm of external defence can be observed in many countries in the region. In some cases, there is ambiguity within legal documents about the military's functions. This is true in Bolivia, where the 1967 Constitution states that, "The mission of the armed forces is fundamentally to defend and conserve the independence of the nation, security and stability of the Republic, national honour and sovereignty; to ensure the functioning of the

political constitution, guarantee the stability of the legally established government and cooperate in the integral development of the country" (Article 208). The Brazilian Constitution of 1988 states that the armed forces, "are dedicated to the defence of the country, guaranteeing constitutional rights, and, in support of this mission, law and order" (Article 142). In the case of Colombia, Decree No. 1512 of 2000 establishes that among the missions of the armed forces are, "the defence of sovereignty, independence, integrity of national territory, and constitutional order" (Article 27). In Central America, two countries

Figure 1.1
Missions of the armed forces



Note: Argentina, Barbados and Mexico are circled above because their missions explicitly establish that the military can only participate in internal security in exceptional cases.

• Source: In house, 2006.

have similar articles: in El Salvador, the 1983 Constitution defines the mission of the armed forces as, “ensuring the defence of the sovereignty of the state and territorial integrity, maintaining peace, tranquillity and public security, and the execution of the constitution and other active laws” (Article 212). The Hondurian Constitution of 1982 establishes that the armed forces, “are called upon to defend the territorial integrity and sovereignty of the Republic, maintain peace, public order and the execution of the constitution, the principle of the right to vote, and the term limits of the President of the Republic” (Article 272). Finally,

in Paraguay, the 1992 constitution indicates that the armed forces must, “protect territorial integrity and . . . defend the legitimately constituted authorities, as defined by the constitution and its laws” (Article 173).

In at least ten of the eighteen cases studied, a political component is included among the military’s missions, such as references to the armed forces as guarantors of stability and government. Such clauses are most common in the Andean Region. Bolivia and Paraguay stand out because their constitutions state that the armed forces must guarantee the “stability of



Table 1.17
Peculiarities of missions of the armed forces in Latin America and the Caribbean (selected countries)

Country	Mission of the armed forces
Barbados	May be called on to collaborate with the police in emergencies.
El Salvador	Maintain public security.
Honduras	Guarantee suffrage rights and ensure the rotation of the president.
Jamaica	Assist in the building of the nation.
Mexico	Help the population in cases of public needs.

• Source: In house, based on the national constitutions, 2006.

the legally constituted government” and “defend the legitimately constituted authorities,” respectively. In Central America, the missions of the armed forces focus on the defence of national territory and sovereignty, excluding political responsibilities. This is not the case in Guatemala and Honduras where it is explicitly stated that the missions of the armed forces include the defence of public security, which in practice frequently implies supporting police operations.

4.2 Functions

A deeper analysis of the norms of the armed forces (charters) allows for the identification of routine military functions defined by law. In addition to the standard function of the protection of national territory, other important recurring roles include: *police* functions, including participating in routine public security checks and safeguarding public order in specific

situations (for example, during elections); *fireman* functions during emergencies and disasters; and *social worker* functions relating to human development needs.

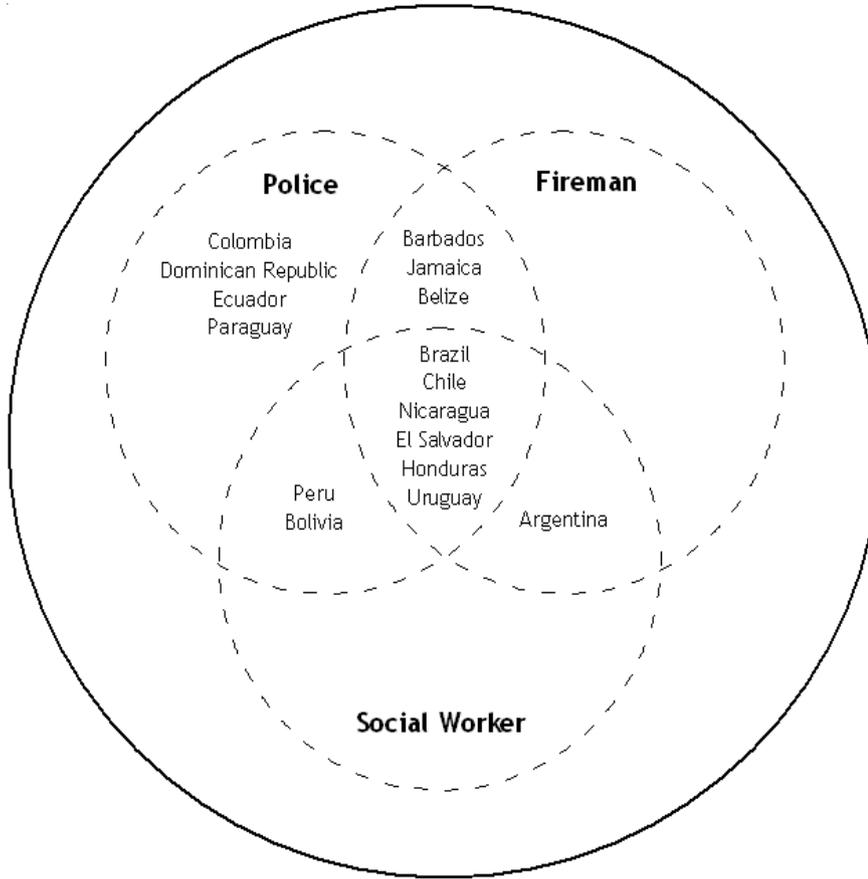
In most cases, the combination of these three functions is explicitly stated in the norms, along with functions related to national defence. In several cases, the functions related to development assistance are combined with those related to public security and disaster situations (Brazil, Chile, El Salvador, Honduras, Nicaragua and Uruguay).

In El Salvador and Nicaragua, national norms allow for the military to carry out public security functions in exceptional circumstances. To illustrate another type of military function, Honduras and Nicaragua specifically allow the military to play a role in the control of drug trafficking and organised crime, as well as in supporting police operations. This specific situation can be explained by the lack of human and technical resources within the police forces, as well as the magnitude of the organised crime problem, which overwhelms civilian authorities. The same situation has occurred in Brazil and Paraguay, where laws have been passed to allow military operations to maintain and restore internal order and public security.

In relation to the domestic deployment of the armed forces, the following trends can be noted:

- **Ambiguous definition of roles.** In several cases, legal ambiguity exists about the specific roles of the armed forces in domestic affairs. For example, in Bolivia, Colombia, Guatemala, Mexico and Peru, the law only establishes the mission, but not the specific functions for the armed forces, stating in general terms that the armed forces can act in internal security matters in some cases. In Argentina and Nicaragua, military missions are general, while functions during

Figure 1.2
Functions of the Armed Forces in Latin America and the Caribbean



Note: See annex for details about these functions and sources consulted.

• Source: In house, 2006.

peacetime vary. For example, this is very clear in Nicaragua where the mission only discusses military functions, but the military charter and defence book specify thirteen additional functions that range from collaboration in the fight against human trafficking to the protection of the environment.

In the Caribbean, civilian authorities can determine short-term roles for the armed forces. For example, Belize has established roles for the military in the prevention of illegal immigration, collaboration in anti-narcotic operations, and the search and rescue of missing

people. Similarly, in the Dominican Republic, when the executive requests military participation, the armed forces can help guarantee respect for the constitution and laws, maintain public order, and intervene in civilian operations and country development programs. In Barbados and Belize, the armed forces are required to collaborate with the police.

- **The continuing role of the armed forces as “police” in the region.** Although several constitutions establish clear divisions between police and defence roles, in practice, the laws have tended to allow the intervention of the armed forces in public



security, particularly to control violence, drug trafficking and human trafficking. In some cases, the armed forces are even responsible for prison security (Paraguay and Uruguay). The exceptions are Argentina and Chile, which establish clear distinctions between the two institutions and do not allow—at least legally—the intervention of the armed forces in public security, except in exceptional circumstances.

- **Social conflicts as triggers for military participation in internal affairs.** In several cases (Bolivia, Brazil, and Ecuador), recent social conflicts have catalyzed the intervention of the armed forces to control social violence. Brazil particularly stands out because the constitution establishes that political authorities can order the intervention of the armed forces in internal security. A special law determines the procedures and timing for these interventions, allowing the armed forces certain levels of autonomy in particular geographic areas.
- **Armed forces as the nexus between the state and remote regions.** In several cases (Brazil, Bolivia, Chile, Colombia, Ecuador and Peru), the armed forces take on certain roles because they are the only link that the state has with particular remote communities.
- **The role of the armed forces in development.** In many cases, the law considers the armed forces to be responsible for national development activities within their sector or for specific social development projects (literacy, health campaigns, etc.). For example, in Brazil, the armed forces must “participate in institutional campaigns of public utility and social interest.” The specific task of providing security during electoral processes only exists by law in the charters of Chile and Nicaragua, but the military carries out this role in practice in other countries as well, such as in Colombia, Ecuador, Mexico and Peru. Finally, assistance during catastrophes or national emergencies, environmental protection, and collaboration with civilian defence activities are cross-cutting responsibilities present in several countries with no concentration in one particular sub-region.

BRAZIL: A CASE STUDY OF FREQUENT MILITARY PARTICIPATION IN PUBLIC SECURITY

In several countries in the region, the increase in urban violence and the incapacity of governments and police to handle the situation have led authorities to allow the armed forces to intervene to control violence. In fact, the constitutions and charters that regulate the armed forces often establish that the military can assist in the prevention of crime and drug trafficking.

Brazil is one of the countries with the highest frequency of military interventions in internal affairs. The presence of highly organised and sophisticated criminals, large quantities of arms in circulation, and enormous sums of money managed by criminal organisations, in addition to the poverty and marginalisation that affect a large portion of the population, create a situation in which complete areas of the city have been “captured” by lawless groups. The most recent military intervention in domestic security matters occurred in April 2007 when the governor of the state of Rio de Janeiro asked the president for military support in some parts of the city, like the *favela* (slum) Morro de la Mineira, where serious confrontations between drug trafficking groups had resulted in numerous deaths. The death toll included drug traffickers, police and innocent bystanders. The climax of the violence—which spilled into other areas of the city where buses were burned and murders occurred—produced tremendous fear among the population. This atmosphere combined with the lack of military police in Rio de Janeiro—despite having an elite special operations unit (Batalhão de Operações Policiais Especiais, BOPE)—led the authorities to request the help of the Brazilian army. In addition to entering critical zones, the army troops monitored the principal access routes and highways of the state. The armed forces did not patrol the streets, which remained the responsibility of the military police.

Coordination between state and federal government authorities was a priority to ensure that no conflict occurred between the police and the military troops. While this was the first military intervention during 2007, in 2006 the army had intervened in both Rio de Janeiro and São Paulo, two of the most violent and populous states in the country.

The armed forces—as stipulated in the federal constitution and Complementary Law 97, which establishes general norms for the organisation, preparation and use of the armed forces—can intervene to maintain order and public security, although only on an exceptional and occasional basis. When institutions that normally ensure public order are overwhelmed, it is possible to call for the intervention of the armed forces to help resolve a particular problem. The president or the governor of the state must make this request. With presidential approval, the armed forces can intervene in specific, established areas for a limited time. It is further stipulated that the operative control of the police forces is transferred to the head of the military during the intervention period in order to better coordinate these efforts (Article 16, Complementary Law 97, 1999). The law establishes collaboration between the military commanders and the state public security organisations (Secretary of Public Security) through an operations coordination centre established for the particular situation. The use of the armed forces to guarantee law and order is established as a military activity in the military penal code for crimes committed during peace time. This means that civilians are judged in military courts during the course of the operation.

In general, the state governors must request for the president to send federal troops to the states to monitor, capture, and combat criminals, when they determine that the police are incapable of controlling the situation. Brazil does not establish “exceptional situations” for military intervention, although the regulations are similar.



4.3 Joint command of the armed forces

In the Latin American tradition, each branch of the armed forces has developed organisationally and operatively in an autonomous and independent way from the others. Given this reality, a crucial element for the security sector is the coordination of military institutions. To accomplish this goal, the establishment of a joint command has been one of the most effective mechanisms to improve intra-institutional defence cooperation. A joint command can act not only as a way to unify defence policy, but also to increase the effectiveness and efficiency of the armed forces. In practical terms, the possibility of making joint purchases represents an important savings for the state. Yet the most important result of a joint command is the creation of coordination mechanisms among the armed forces. In general, the task of the joint command is to plan, coordinate and lead the operations of the armed forces.

Not all the countries in the Southern Cone have a joint command structure with control over the branches of the armed forces, which would allow for unified decision-making and more coherent management of the system. Although in some cases joint military decision-making does occur, these decisions have no legal power over the commanders of the armed forces. Joint command leaders have a lower rank than the top commanders of each branch. For example, in Argentina with the recent reforms to the defence sector in 2006, the commander-in-chief of the joint forces can make important decisions that used to be in the hands of branch commanders. The commander-in-chief of the joint command therefore acquires functional control over the armed forces with the possibility of giving orders and mobilising troops. Under the title “defence commander” in Brazil and Chile and “joint commander-in-chief” in Paraguay and Uruguay, support and planning for

the defence ministry is carried out by members of the armed forces of lower rank than the commanders in chief of each branch. In Paraguay, there is also a commander of the military forces, which is a position of exclusive presidential confidence, occupied by the highest-ranking general of one of the branches of the armed forces. The commander of the military forces is responsible for all the logistics and transmission of orders made by the president. A similar situation occurs in Central America and Mexico, where each branch of the armed forces has its commander or general and chiefs of the joint command are responsible for ministerial assistance and general activities of the armed forces, but do not necessarily have oversight capacity.

5. Internal and external controls of the defence sector

Civilian oversight of defence activities, and particularly the operations of the armed forces, is one of the most important steps toward democratic consolidation. Civilian control increases transparency and promotes specific mechanisms to verify the work carried out by the defence sector. It is important to note that all of the countries included in this study have undertaken numerous attempts to make defence policy more transparent through the publication of defence documents or white papers. These documents are without a doubt a positive step. However, there are still many challenges remaining in terms of the financing and monitoring of defence sector programs.

It is worth bearing in mind that transparency, control and monitoring of the defence sector must necessarily take place on a different scale than with other institutions. This is because the specific nature of defence requires certain levels of “confidentiality” to meet specific security objectives like deterrence. It requires, therefore, legitimate and democratic control,

Table 1.18
Maximum military authority

Sub-region	Joint command	Commander in chief	Only commander in chief for each branch*	Other titles
Caribbean				Belize (Commander) Barbados (Chief of Staff) Jamaica (Chief of Staff)
Central America and Mexico		El Salvador Honduras		Guatemala (Commander in Chief of the Army) Mexico (Commander of the High Authorities)
Southern Cone		Paraguay Argentina Uruguay	Brazil Chile Uruguay	Paraguay (Commander of the Military Forces)
Andean Region	Ecuador Peru		Colombia	Bolivia (Commander in Chief of the Armed Forces)

* Under one title or another, all of the armed forces have a commander in chief for each branch; what is described in this column are some countries where the military chiefs of the army, navy and air force do not have another commander above them.

• Source: *In house, 2006.*

monitoring and transparency mechanisms, but these mechanisms do not always have to be public.

Policies to make the missions, roles, expenses and programs of the defence sector clearer is part of the transparency initiatives promoted by the majority of countries studied. Only in the last ten years have initiatives begun to make military objectives explicit through the publication of defence books. At this point, the principal challenge is to establish comparable standards among countries, which has not occurred thus far. The clearest illustration of this problem is defence budgets, which are measured according to very different standards depending on the country. No regional or international efforts to standardise their measurement exist, with the exception of an initiative in Chile and Argentina to use a common methodology through which aspects of defence spending will be measured. Transparency

requires specific government action, as well as comparable measurement tools and verification methods that instil confidence among the different stakeholders.

In terms of "control and monitoring," several necessary steps for democratic institutional strengthening can be identified. The first is carried out within the armed forces to verify that procedures are followed. These are internal auditing mechanisms that require officials with investigative capacity and the ability to recommend the sanction of higher authorities. These officials tend to report directly to the commander-in-chief. Although necessary, these mechanisms alone do not guarantee democratic strengthening of the defence sector since they depend exclusively on the prerogatives of the military. A central requirement for internal audits is that civilian authorities can access and request reviews of these military auditing authorities.



A second level of control and monitoring occurs within the ministry of defence. The ministry has auditing mechanisms to verify that objectives are met and procedures carried out correctly within the armed forces. Reports are delivered directly to the minister of defence. This mechanism is effective only when it is independent of the armed forces (in other words, it cannot be carried out by an official of the armed forces) and when the auditor has investigative powers. A third level, still within the executive branch, is monitoring and control by bodies outside the defence ministry, such as the controller general. This auditor may be vested with authority to verify administrative actions, or a budgetary mechanism to verify that spending goals are met. In general, in Latin America, these oversight mechanisms are weak or not considered a function of the armed forces.

A fourth level refers to monitoring and control mechanisms outside the executive branch. These allow for the verification of specific operations, accounts, and investigative mechanisms (like legislative commissions). External controls may authorise specific authorities to request information from the armed forces. They may allow actors outside the state apparatus to participate in monitoring, like civil society organisations that are concerned with public sector operations in general or the armed forces specifically.

5.1 Internal control mechanisms

In terms of internal controls, in all of the countries in the region, mechanisms to oversee the activities of the defence sector and the armed forces have been established. This control can be carried out within the military organisations themselves, or through a ministerial body charged with controlling military activities, such as budget expenditures or military discipline. Generally, administrative

agents, like inspectors, are responsible for monitoring discipline and progress toward program objectives, or auditors who focus on the budget. The military justice system also acts as an internal control mechanism, as it regulates the actions of military personnel. In the case of the Andean countries, they have a body above the armed forces that oversees military activities. In some cases, these kinds of bodies also exist within the armed forces.

In the Southern Cone, Argentina, Brazil and Paraguay have a ministerial bodies that direct and control the armed forces. In Chile and Uruguay, there is no special body; instead, internal controls focus on administrative and budgetary aspects more than disciplinary aspects. Discipline depends on the hierarchy of the institution itself. In Central America, control mechanisms exist within the armed forces and defence ministries, with the exception of Nicaragua. This is particularly the case in El Salvador where an internal control body reports to the joint chiefs. There is little information on internal control mechanisms for the Caribbean.

5.2. External control: the powers and role of the Legislative Power

An effective system of external control needs two components: legal mandates to exercise control and monitoring powers and institutional capacities to make such powers effective. As far as the latter is concerned, the legislative power has the legal power to make decisions in times of security crises. These legislative powers should be debated long and hard before becoming reality. Among these powers, the following stand out and are common in the region:

- **Authorisation to declare war and sign peace agreements.** This legislative power, which requires that the president consult the

THE CHALLENGES OF MILITARY JUSTICE IN LATIN AMERICA AND THE CARIBBEAN

The role of military justice (MJ) is to deal with matters of significant public concern of a different nature than those dealt with by common criminal regulations. Given the type of work carried out by the armed forces and the police, separate justice systems exist to judge their employees' crimes. These are based on military or police regulations, with special rights and duties. These may not only refer to those crimes or misdemeanors relating to general law, but also others referring specifically to the personnel of said institutions. Thus, MJ upholds the values strictly necessary for the functioning of these institutions, such as order, discipline, fulfillment of duty, subordination, hierarchy, efficiency and morality. Respect for these values ensures military personnel fulfill their duties and guarantees that the institutional mission is achieved.

MJ reform is a matter still pending in the region. In some countries, military tribunals exercise jurisdiction that goes beyond the military (and even the police) sphere. Military justice often applies to civilians who are involved in crimes against military or police personnel and assets, as well as crimes classified as terrorism or treason. Moreover, in some countries, such as Argentina, Brazil and Chile, members of the armed institutions are still judged by military tribunals even when they have acted against civilians. In these circumstances, when accused of committing a crime against a civilian - including abuse of authority and human rights violations - security service personnel are investigated, judged and sanctioned by the military justice system. Thus, it can be deduced that the process favours members of the military not civilians, since the former are judged by their own institution and enjoy privileges different from those of civilian tribunals. This is in direct contrast to countries like Ecuador and Nicaragua, which distinguish between acts committed in the course of duty (judged by military tribunals) from common crimes committed by security personnel (judged by civilian tribunals).

Under military dictatorships, the military courts were used as an "express" way of processing those who opposed authoritarian regimes. When democracy was reestablished, the guarantee of justice for all citizens was reinstated as a fundamental right. However, this right has not been granted in practice, since MJ has not been fully reformed in any country. In Peru, for example, the 2006 MJ reforms were declared unconstitutional. Objections to the military justice system were raised by the Public Prosecutor's Office and the Lima Bar Association before the Constitutional Tribunal. It was argued that military courts constituted a parallel justice system. The Constitutional Tribunal ruled that military courts could maintain jurisdiction over crimes which involve both civilians and military personnel, yet separate military courts raise concerns about impartiality. The military is both the judge and the accused. This is because military, as opposed to civilian courts, are not made up of military personnel who are legal professionals, separate and independent from other institutions. Rather, military courts are generally composed of active military officials and enlisted personnel, temporarily assigned to court duty and required to answer to the officials in command. This explains why there is no division between the institution and the judges. Thus, military justice mixes the administrative and disciplinary power of the commander-in-chief with criminal authorities.

Efforts to reform the military justice system and adapt it to the region's democratic reality should favour judging civilians in the civilian court system, except in limited circumstances (war, collusion with military personnel in military crimes or others crimes defined according to the country's needs). At the same time, it must be ensured that the military and police are judged by their own tribunals for military crimes. This should not occur when military or police personnel are accused of crimes covered by civilian law. In these cases, security service personnel do not need the separate jurisprudence that marks them as different before the law. It is also necessary that civilian tribunals have jurisdiction over crimes committed against civilians during the fulfillment of military or police tasks, particularly where abuses of power and violations of human rights are involved. This is fundamental, above all at a time when the armed forces in many Latin American countries are increasingly involved in activities to maintain security and public order.

In addition to what has previously been mentioned, establishing MJ institutions that are specially trained, specialised and impartial is also fundamental. This requires more professional positions and also civilian participation in some cases. These reforms require, at least in some countries, the introduction of constitutional changes and the creation of new or reformulated codes of justice. Such legal changes require legislative consensus and acceptance from the military. Since this can be difficult to achieve, the general tendency is to implement partial MJ reforms and to maintain the current system in countries where the armed forces have shown strong resistance to any process which would take away their judicial powers.



As examples of partial reforms, Argentina, Brazil and El Salvador stand out. In Argentina, the police do not fall under MJ's jurisdiction; military privileges, on the other hand, remain. As far as Brazil is concerned, judgment of military personnel (including military police) accused of malicious crimes against civilians was transferred from the military to the civilian justice system in 1996. However, this modification was revoked and maintained only for the military police. In El Salvador, the MJ code was reformed in 1992, excluding military courts from processing civilians and leaving military courts solely in charge of processing active military personnel who commit crimes in the line of duty. In Paraguay as well, the 1992 Constitution reformulated MJ, leaving only military crimes committed by active military personnel under its jurisdiction and removing civilians from military court jurisdiction. Colombia makes a similar distinction and, though MJ includes police and the military, civilians cannot be judged in military courts.

legislative body before beginning or ending a war, is clearly stated in national legislation across the region. The only exceptions are Ecuador (articles 181 and 182 of the 1998 Constitution appear to give the President a 48-hour window to start a war before Congress can intervene); Nicaragua (the 1995 Constitution, according to articles 95 and 138, subordinates the army to the President but does not explicitly state that legislative approval is required for the declaration of war); and Colombia (the 1991 Constitution, in article 189, point 6, authorises the President to declare war without the authorisation of the Senate when faced with foreign aggression).

- **Authorisation for the entrance and deployment of troops.** This prerogative means that the Legislative Power must be consulted before permitting foreign troops to enter the country and before deploying national troops abroad. The Legislative Power has this role in every country in the region, with the exception of Colombia, Ecuador and Guatemala. Given the absence of recent conflicts, the deployment of national troops is generally authorised for peacekeeping missions.
- **Authorisation and pronouncements on exceptional circumstances.** This parliamentary faculty implies that any decision which affects citizens' rights during

emergency situations cannot be taken unilaterally by the Executive Power. This right only exists in Guatemala and in the Southern Cone countries, with the exception of Uruguay.

- **Budget revision and approval.** A topic as relevant to a country as the annual public spending budget should be checked and approved by Parliament once it has been drawn up by the Executive Power. According to the specific case, legislators can approve or reject, discuss and reformulate the budget before it is passed. In every country, the annual budget specifically includes the amount assigned to national defence and the armed forces. As such, Parliament has the ability to control defence and army spending. Certainly, legislative revision of the budget is intended to control the amount and distribution of spending. As was described previously, strong technical skills to decide how defence funds are allocated are not common.
- l **Approval of presidential appointments.** The ability to approve the appointment of the armed forces' high-ranking officials is a legislative power that only exists in some of the region. As a form of control over the promotion of high-ranking officials made by each military institution according to their own regulations, external approval is required for appointments. This approval can

come from the Executive or Legislative Powers. It is usually the Executive that grants approval, but it is a legislative power in Argentina, Bolivia, Colombia, Honduras and Paraguay.

- **Formulation of bills.** The formulation of bills, their approval or rejection and the modification and repeal of laws are central responsibilities of the Legislative Power. The ability to carry out such tasks in all matters of national interest allows for legislative powers to extend to the defence sector. This can be seen across the region; in no country is the legislature prohibited from considering matters of defence. Even if high-level decisions are made by the Executive Power or a specialised council, legislators are not prevented from proposing bills related to national security, defence and the armed forces. Only in Bolivia is Parliament prevented from proposing legislation regarding the budget and resources of the armed forces, but freedom exists on all other topics related to defence.

At the same time, as a counterweight to the Executive Power, Parliament has the faculty to legislate and investigate the actions of public bodies in all areas of government, which, depending on the country, includes questioning state ministers, asking for documents, creating special investigative commissions and submitting public authorities to trial. This supervisory role extends to defence matters and includes, in some countries, the ability to sanction the highest officials of the armed forces. Nevertheless, it is necessary to point out that the possibility of proposing, modifying, revoking and approving laws of defence matters works as a control mechanism for the sector only when said legislative activity occurs. Similarly, oversight of public officials is a legislative power, which works to control

the activities of the armed forces only when political will exists to exercise these powers.

- **The power to request information from ministers** that may lead to accusations against different authorities and sanctions for their poor performance is another legislative power present under various guises in parts of the region. As a legislative power, it is particularly notable in Central America where every country's Parliament has the ability to request information and open investigations that may end in accusations against government employees. In Nicaragua, the Parliament can ask for specific information on any subject, including defence. In El Salvador, the Legislative Power can question the defence minister. In Guatemala and Honduras, government employees can be accused of poor performance. In Chile, the law explicitly allows the Legislative Power to request information and even accuse generals and admirals of the armed forces.

As well as the specific attributes that Congress may possess, the institutional capacities it has to carry out these tasks are also relevant. This can be seen by studying some basic indicators, such as the existence of specific defence commissions and a permanent staff to study these matters. A legislature that has a commission with specialists dedicated exclusively to investigation will have more chances of presenting quality reports to help legislators make decisions. The multiple divisions of the defence sector make the job of expert consultants even more complex and, at the same time, even more critical.

Considering these dimensions, it can be determined that only seven of the eighteen countries studied have a specific defence commission in both Houses. Of those seven, only three have a permanent staff in Congress to



Table 1.19
Defence Commissions and Permanent Staff in Parliament

Sub-region	Countries	Parliamentary commissions		Permanente staff in Parliament
		<i>Defence specific</i>	<i>Responsible for defence amongst other duties</i>	
Caribbean	Belize	N/I	N/I	No
	Jamaica	N/I	N/I	No
	Dominican Republic	No		
Central America and Mexico	El Salvador	✓	No	No
	Guatemala	✓	No	
	Honduras	✓	No	
	Mexico	✓	No	No
	Nicaragua	No	✓	No
Southern Cone	Argentina	✓	No	✓
	Brazil	No	✓	✓
	Chile	✓	No	No
	Uruguay	✓	No	No
	Paraguay	No	✓	N/I
Andean Region	Bolivia	No ^a	✓	✓
	Colombia	No	✓	No
	Ecuador	No	✓	No
	Peru	No	✓	✓

a/ In Bolivia, the commission is exclusively dedicated to defence in the Chamber of Deputies.

• Source: The Latin American Security and Defence Network (RESDAL) and national experts (2006).

monitor the sector’s policies. In nearly all of these cases, this consists of commissions which also deal with various other matters, including public security, domestic security, intelligence and foreign relations, amongst others.

5.3. Civil society and control in the area of defence

Another dimension of control and monitoring is related to the existence of civil society groups concerned with monitoring the defence sector, in areas as diverse as human rights, control of

spending and specialised studies on sector reforms. Although in nearly every country the presence of specialised civil society groups that monitor the sector’s actions can be found, they are mainly organisations that consider defence as one of many other issues of concern. The specific nature of the defence sector, the complexity of the subjects (military spending, acquisitions, institutional reforms, military industry) and the limited access to information on defence limit opportunities for civil society engagement in the field.

However, innovative projects have been developed by various actors and should be highlighted. In Peru, the Institute of Legal Defence developed a project on civilian-military relations that quickly positioned the organisation as a group that could speak about reform in the sector. The Institute has held seminars and conducted research on various topics, such as the defence ministry, military justice and intelligence reform. In the case of Argentina, the work carried out in 2000 by RESDAL (the Latin American Security and Defence Network) and SER should be mentioned. These are groups that have contributed to the systematic study of the defence sector. They have initiated debate and maintain a network of centres on the topic. In Central America, the participation of civil society in defence matters is still in its early stages. Many existing organisations were only created recently and are also focused on other related topics, such as public security. Nevertheless, for example, in Guatemala - a country where organised civil society groups participated in the negotiation of the peace treaties - several groups, such as the Guatemalan Centre for Studies (CEG), Democratic Impact (IDEM) and the Myrna Mack Foundation, should be highlighted. The Institute for Strategic Studies and Public Policies (IEEPP) in Nicaragua, the National Human Rights Commission (CNDH) and the Centre for Investigation and Economic Resources (CIDE) in Mexico can also be mentioned as groups that monitor and research the defence sector.

6. Conclusions

Defence sector reforms are carried out in a context characterized by a legacy of military autonomy, institutional weaknesses, limited capacity of some states to adequately respond to social demands, social fragmentation and violence (where transnational threats are increasingly important). In the majority of the cases studied, changes can be observed, such

as the stating of defence policies through the publication of defence books, legal transformations that reinforce presidential authority over the armed forces and institutional changes. These reforms are particularly important in post-conflict situations, such as in Central America.

In the Southern Cone, almost every country has modified - or specified - the role of defence and the armed forces in defence, limiting the military's actions to the defence of national territory from external threats. This is not the case in Uruguay though, because it already used these definitions of the military's role. On the other hand, the Southern Cone countries have strengthened the mandate of the President, detailing the strict subordination of the armed forces to civilian authorities by law. In Brazil and Paraguay, these changes - together with modifications in other areas of state - took place during the writing of new constitutions in 1998 and 1992 respectively. As far as Argentina and Chile are concerned, their constitutions modified articles and revoked others. In the case of Argentina, the National Defence Law and the Law for the Restructuring of the Armed Forces reaffirm the roles of the different defence institutions, while other subsequent reforms established mechanisms to ensure compliance with these roles.

As far as reforms within the ministries of defence are concerned, advances can be noted in all the Southern Cone countries. Reforms in Brazil stand out because it did not have a Ministry of Defence until June 1999, but rather had five military ministries in the cabinet. These reforms mean that the defence sector is now better organized. Advances have also been made in Argentina, Paraguay and Uruguay through the creation of special bodies for human rights and control of military activity. In Chile, a bill for ministerial reform is pending approval by Congress, while in Paraguay the Ministry is no



longer part of the chain of command of the armed forces. Once again, the success of these ministerial reforms is not only due to the existence of new institutions but also due to changes in how they function. In many cases, ministerial reorganization has not been sufficient to generate changes in the operation of the sector.

Military personnel training programmes have faced modifications, especially in the case of military institution officials, who receive professional training of a university level in almost every country. These modifications have not necessarily been accompanied by legal reforms. The inclusion of human rights courses in their training is also an advance. As far as military justice is concerned, there has been progress in restricting its jurisdiction to the military sphere. Paraguay has advanced in this area, ruling that civilians cannot be tried by military tribunals and military personnel must be tried in civilian courts when they are involved in a crime not specified as military. In Brazil, attempts were made to reform the law so that the military would be tried by civilian courts when they are accused of crimes against civilians, but the measure was revoked. In Argentina, military privileges remain intact, as in Chile, where military tribunals frequently try civilians. Meanwhile, Uruguay has not reformed its military justice system, since it had already made the changes now being implemented in the rest of the countries.

In the case of the Andean sub-region, defence reforms are scarce. The exception is Colombia, which, due to the nature of its internal conflict, grants priority to matters of defence and security. It has reformed its Ministry of Defence and the training programs of each of its branches. In addition, Colombia passed the Military Criminal Code in 1999, delineating the jurisdiction of military tribunals and excluding civilians from any criminal responsibility when

in the military, except in the cases of military crimes classed as military, such as genocide, torture and forced disappearances. In Bolivia, the only time that defence matters have been tackled was during the process of the drafting the armed forces' charter in 1992. The charter introduced slight minor changes to the previous law in 1976. It outlined the expansion of the armed forces' role to include national development and reaffirmed the subordination of the military to civilian power. In Ecuador, the Constitution of 1998 was considered a milestone in the beginning of a new democratic period of defence management, given that it modified the role of the armed forces to fit within a democratic framework. Since then, only legal reforms linked to training programmes have been approved, which have led to new subjects at the armed forces' training schools. Only Peru has implemented reforms to the charter of the Defence Ministry, making the ministry the defence sector's top authority in 2002. In 2006, two laws were passed superficially modifying the military justice system: the Law Organizing the Functions and Duties of Specialized Criminal and Military Jurisdictions and the Code of Military and Criminal Justice (Legislative Decree N° 961). However, they were both declared unconstitutional.

In Central America, the picture is less homogenous; each country has begun reforms which have generally required national agreements about the need for reform. However, these reforms have been timid in some areas and more radical in others. Such reforms have been aimed at the consolidation of democratic civilian control, the creation of institutions in charge of military training to suit the new national and international contexts and the control of spending. Thus, for example, El Salvador and Nicaragua reformed all the areas mentioned, but the depth of reforms differed. In El Salvador, reforms to defence functions and the armed forces were carried out through

reforms in certain articles of the Political Constitution. In these constitutional reforms, public security was established as a separate task under the command of a separate civilian ministry. Military participation in public security could only occur in exceptional cases. Reforms to military training were implemented through the creation of the Command for Military Doctrine and the Regulations of the Armed Forces' Education System. The reforms experienced some opposition, but this could not overcome both national and international pressure. In Nicaragua, the reform process was different: there were also constitutional modifications, but accompanied by an agreement of a military and political nature that allowed the armed forces to survive in the case the Sandinistas lost the elections. Nevertheless, the armed forces continued maintain certain powers and the armed forces proposed demobilisation. Nicaragua also had the help of international bodies in formulating a program of changes to civilian-military relations, but these recommendations were not completely fulfilled.

In Guatemala, the reform process was and still is slower than in other countries since the main agreement on military topics (the Agreement on the Strengthening of Civilian Power and the Function of the Army) was rejected by plebiscite. Faced with this failure, the reforms focused on the charter of the Defence Ministry and training programs. In El Salvador, such reforms resulted in the creation of new institutions; in the case of Guatemala, three new institutions were created - the Department of Human Rights and the Department of Strategic Analysis in the Ministry of Defence and the Command of Education and Doctrine of the Armed Forces. Finally, in Honduras the reform process has also been gradual. To establish civilian control, Presidential supreme command was decreed and civilian ministers appointed. To improve efficiency and effectiveness, police

investigations were removed from the responsibilities of the military, mandatory military service was eliminated and budget cuts were made.

Reforms cannot be analyzed in the same way in every country, since each country has unique reform processes that touch on different defence-related subjects. In Mexico's case, legislation on the armed forces dates from 1944 and recent revisions aim to incorporate civilian defence into the functions of the armed forces, as well as other minor reforms to the rights of the members of the armed forces. During Vicente Fox's government many legal changes were made to the secretariat of the navy, from its charter to regulations on different aspects of operations.

In the Caribbean, we can divide reforms into two types: those which respond to specific needs and those which have been proposed as part of a general modernizing effort and have not resulted in concrete advances. Barbados and Belize fall into the first category. In Barbados, changes focused on improving transparency and relations with other state agencies, while in Belize the most important reform occurred in 1984 with the creation of a Ministry of Defence. Most recently, Belize established a Commission of Security Services and the National Coastguard Service. Jamaica and the Dominican Republic fall into the second category. In Jamaica, the national security strategy was established under civilian command, establishing reform guidelines and, as opposed to what has happened in other Latin American countries, it took charge of security, given the high levels of violence in the country. In this process, the armed forces (Jamaica Defence Force, JDF) have also drawn up their own proposals, directed towards the reconfiguration of the command structure and the creation of new units. Finally, there have been more sweeping changes in the Dominican Republic. The primary



changes occurred between 2000 and 2004 with reforms to military training, such as the creation of different centres and institutes for civilian education in defence. Meanwhile, a reform commission was specially created to propose legal and doctrinal changes and create a reference book on defence. Changes were also made to the Ministry of Defence (State Secretariat) and the Commission of Defence and Security was established in Congress. The number of generals and officials was reduced.

In short, this analysis of the defence sector shows some relevant trends that should be highlighted:

- **Legal reforms do not necessarily strengthen institutional capabilities.** A weakness in several countries of the region worth highlighting is the limited institutional capability to manage the defence sector. Abilities to plan, civilian monitoring, permanent groups of consultants and external control mechanisms tend to be weak in the region.
- **Lack of definition of aims and limited monitoring of their completion.** A lack of initiatives to define the institutional aims and encourage the participation of different players on a national level, including from the defence sector, is clear in this process. Meanwhile, reforms are implemented without adequate mechanisms for the government to monitor, control, and evaluate

their effectiveness. This explains why reforms are often only partially implemented in almost every country studied. Finally, it can be observed that reforms often respond to domestic crises and do not have long-term institutional aims in mind.

- **Persistent levels of military autonomy.** Important levels of military autonomy in matters such as the definition of the budget, doctrine, missions and functions, modernization of the armed forces and weapons acquisitions can be seen in the countries. Additionally, the military are sometimes still involved in domestic politics, as is observed in some countries facing serious internal conflicts. This often leaves decisions with political implications in the military's hands, compromising their supposedly impartial role.
- **Missions and functions of the armed forces.** It should be pointed out that there are a wide range of definitions of the missions and functions of the armed forces. Regarding their missions, their roles stretch from providing defence to guaranteeing institutions and collaborating in domestic security matters. Regarding their specific tasks, the law can include roles for the military in development, control of homeland security and national emergency situations. The expansion of military functions is a highly contentious internal question.





II. PUBLIC SECURITY SECTOR



II. PUBLIC SECURITY SECTOR

Few systematic and comparative studies exist on the police institutions of Latin America and the Caribbean. During the nineties, the emphasis was placed primarily on reform of the armed forces, leaving police reform off the agenda. This can be clearly seen across the region with the exception of the Central American countries, where, after the signing of peace treaties, practically new institutions were created. Undoubtedly, the analysis of the police is vital to understand the processes of democratic consolidation, since the population's security and the maintenance of public order are the responsibility of public employees vested with the necessary faculties to effectively carry out those tasks. For this reason, the state has the monopoly on force, which it administers through police institutions.

To compile this report, only one of the main police institutions existing in each of the twenty countries that formed part of the study was chosen. For republics, the national preventative police were chosen, while in federal systems, the institutions that carry out preventive policing in the most important city were selected. Thus, the Military Police of Rio de Janeiro were chosen in Brazil; the Police of the Province of Buenos Aires in Argentina; and the Police of the Federal District in Mexico.

Table 2.1
Institutions analyzed in the study

Country	Police institution
Argentina	Police of the Province of Buenos Aires
Barbados	Royal Police Force of Barbados
Belize	Police Department of Belize
Bolivia	National Police of Bolivia
Brazil	Military Police of Rio de Janeiro
Chile	Carabineros de Chile
Colombia	National Police of Colombia
Costa Rica	Public Force
Ecuador	National Police of Ecuador
El Salvador	National Civilian Police
Guatemala	Civilian National Police of Guatemala
Honduras	National Preventative Police
Jamaica	Constabulary Force of Jamaica
Mexico	Preventative Police of the Federal District
Nicaragua	National Police of Nicaragua
Panama	National Police of Panama
Paraguay	National police of Paraguay
Peru	National Police of Peru
The Dominican Republic	National Dominican Police
Uruguay	National Police of Uruguay

• Source: In-house, 2006.

The areas where substantial changes in police operations can be seen are numerous. In this chapter, we hope to provide the first systematic and comparative study of the police through some of the key aspects to their functioning: doctrine, roles and accountability, as well a study of police institutional in Latin America and the Caribbean and the challenges they face.

The context in which these reform processes are analyzed is marked by a substantial and sustained increase in crime, as well as the appearance of more complex and organised criminal methods. The operation of organised criminal groups has been reinforced by their adoption of new advances in communications and technology. The increasing sophistication of organised crime, especially as far as drug dealing and money laundering is concerned, has occurred in a context where police institutions are notorious for their poor working conditions, low wages, lack of institutional prestige and dependency on the political party in power. All of this implies a serious challenge to the consolidation of effective public security policies.

1. Key features to understanding police institutions

The analysis of police institutions can be approached using various strategies that emphasise the various features of the police: the tasks performed, effectiveness of police operations, respect for democracy, etc. In this report we have chosen to highlight three aspects considered vital to institutional characterisation, as well as to demonstrate possible reform paths. These aspects are the analysis of police doctrine, the functions of police forces and accountability mechanisms.

1.1 Police doctrine

The existence of doctrinal principles and clear criteria for action as far as public security is concerned ensures harmony and coherence between different decisions. There is no doubt that decisions taken in the different aspects of criminal policy have a direct impact on the police. Thus, for example, justice reform that has taken place in several of the countries considered in this study has relevant consequences on police action. In the same way, the measures adopted by police institutions in terms of resources, training, equipment, criteria and the creation or strengthening of specialised areas have consequences in all the institutions of the criminal justice system. Reforms in the allocation of human or technical resources affect the functioning of the system as a whole.

Considering the extent of interdependence, it is essential to specify doctrinal guidelines, since police agents must always interpret measures and orders. The type of decision they take and the quality of the procedure adopted are heavily shaped by the guiding concepts, perceptions, doctrinal guidelines and principles on which the police institutions are based. Consideration of such principles by members of the institution is very important, because in democratic systems obtaining acceptable levels of security should occur through respect for human rights and through the establishment of a public security system. Considering the advance of democracy, countries across the region must define the doctrine of police institutions through collaboration with other governmental institutions and citizen participation.

Undoubtedly, the orientation of police doctrine has changed over time. From the sixties onwards, for example, the role of the police in the maintenance of order and public security was framed within the doctrine of national security. The aim was to fight the internal enemy



in those years, meaning the individuals and groups considered subversive. In several of the region's countries, once the military dictatorships and civil wars were over and democratisation processes underway, police institutions tried to change their orientation to bring them closer to the public. Nevertheless, they continue to be questioned, mainly due to the perception that police bodies are inefficient and corrupt. This explains why various public opinion polls carried out in Latin America and the Caribbean show low levels of public confidence in the police.

1.2 Police functions

Analysis of police functions shows the range of police activities in democratic society. Police institutions exist dedicated to the *investigation* and to the *prevention* of crimes; the latter is the subject of this report. Preventive police have two main areas of operation: internal order and public security.

The maintenance of internal order is directly linked to the maintenance of public order; public order can be threatened by demonstrations, riots or even attacks on the institution itself; additionally, monitoring of large sporting, political or cultural events is part of this type of function. Public security for its part is connected to the protection of people and property. To achieve this aim, the police control violence and delinquency and use prevention strategies. The balance of both functions is a matter of major political and public concern. Thus, in those contexts where political and social conflicts are more intense, there is a greater police presence.

However, since police resources are clearly finite, an increased emphasis on one function impacts the other. Given that the majority of Latin American and Caribbean countries currently face a situation of instability, marked by an increase in crime, the police's main aim is public security. However, the strategic

decision on how many personnel to make available for each one of the functions is not neutral, in the sense that it is politically charged. Thus, the concentration of police actions and their evaluation depends on civilian leadership, given that they must define strategies of action to protect the population and guarantee security.

1.3 Accountability for police actions

Police institutions must *respond* to the framework in which their acts are developed and their consequences, allowing them to be subjected to public scrutiny. In addition, the many strategies that the police develop daily should be *evaluated* in terms of their effectiveness, efficiency and impact. In general, the evaluation of police services shows that police do not evaluate these criteria - effectiveness, efficiency and impact - and simply register the number of actions executed, such as arrests, fines, notifications, investigations, etc. To this it should be added that expenditures lack adequate monitoring and assessment of effectiveness.

This simplistic vision of police evaluation is being overcome by systems which include indicators of the impact of crime initiatives and changes in citizen insecurity. The development of an integrated statistical information system is an indispensable requisite for this task, as well as coordination with other criminal justice institutions. This would make it possible to evaluate the results of police activity by constant monitoring of their actions. In this way, the statistical system would show information about structural and functional aspects of police bodies, as well as the indispensable information that allows for operations, strategic management, vigilance and prevention tactics, faster responses, daily evaluation of the crime situation and the identification of critical areas where services must be improved.

Though the factors that contribute to this evaluation are multiple, the perception of inefficiency, corruption and abuse of force play the most important roles. In the case of security bodies, internal and external control mechanisms are required precisely due to the police's monopoly on the use of force and the important discretionary power that police enjoy.

The authority or discretionary power of the police consists in defining when the law applies and making decisions about when to act. Each police agent must exercise their discretion when applying the law because the law contains, more or less, general definitions that must be applied to a great number of similar, but not identical, situations. That discretionary power also applies to the many options that the police have when they decide to act. Their discretion may be determined by their own personality and history, experiences, values and situational factors, among other things. All of these involve risks as far as how each police officer controls their actions (both defining the crime and deciding to act), how they ensure that their actions follow democratic principles and how they minimise the danger of arbitrary arrests.

As far as internal control mechanisms are concerned, these are directly related to institutional capacity and willingness to punish employees for inappropriate conduct. In this way, by means of example, a doctrine of professionalism and respect for democracy is consolidated. In many countries, these bodies

only function partially and are complemented by external controls exercised by civil society. It is important to highlight that external controls are generally limited in their reach, but they fulfill a fundamental role in the consolidation of a professional police force. Trust is linked to the public's evaluation of police performance. Though the factors that contribute to this evaluation are multiple, it is the perception of inefficiency, corruption and abuse of force that plays a more important role. Acts of corruption have a particularly strong impact on the public's view of security, a perception which does not vary significantly from case to case. According to information from the Latinbarometer, Bolivia is among the countries with the highest distrust of police. This is not a coincidence, since the National Police have been accused of corruption and infiltration of their ranks by drug dealers on various occasions¹. The situations in Argentina, Guatemala, Mexico and the Dominican Republic are also worrisome, with more than 37% of the population responding that they have no confidence in these institutions. At the other end of the regional spectrum are Chile, El Salvador and Honduras, with the largest percentages of the population who say that they have a lot of confidence in the police institutions.

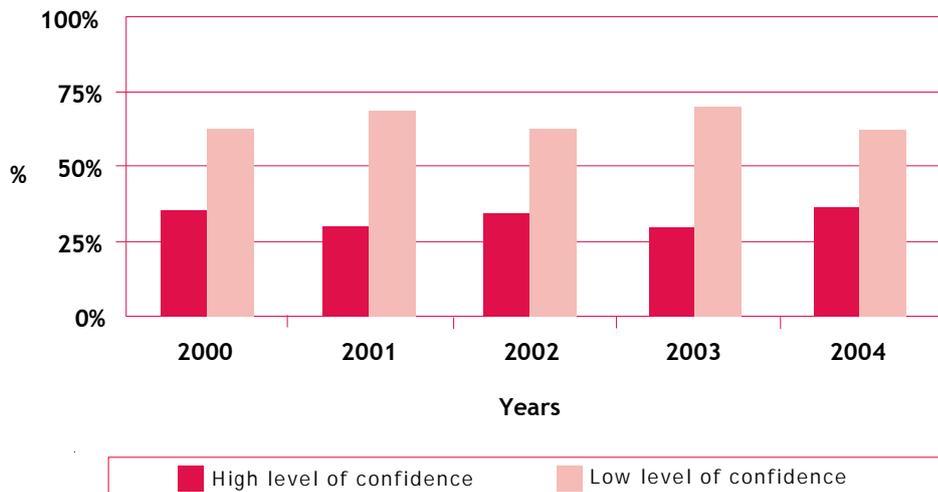
¹ Quintana, Juan Ramón. Police and democracy in Bolivia: a pending police institution. La Paz, PIEB Foundation, 2005, pages 206-220.



CITIZEN EVALUATION OF POLICE PERFORMANCE IN LATIN AMERICA

The international evidence compared shows that public confidence in the police is generally low, which is reflected in the number of people who state that they have little trust in the police. Despite slight improvements in indicators of public trust in the last few years, the regional situation is no less worrying as far as institutional disrepute and the risk that it implies for social life, development and democratic advances in the region are concerned. Some countries are exempt from this trend, such as Colombia and Chile, where the percentages of citizens who trust police institutions are far higher than the regional average.

Graph 2.1
Confidence in the police in Latin America (2000-2004)



• Source: Latinbarometer 2000-2004. Corresponds to the question 'How much do you trust the police?'

2. Structure of the police in Latin America and the Caribbean

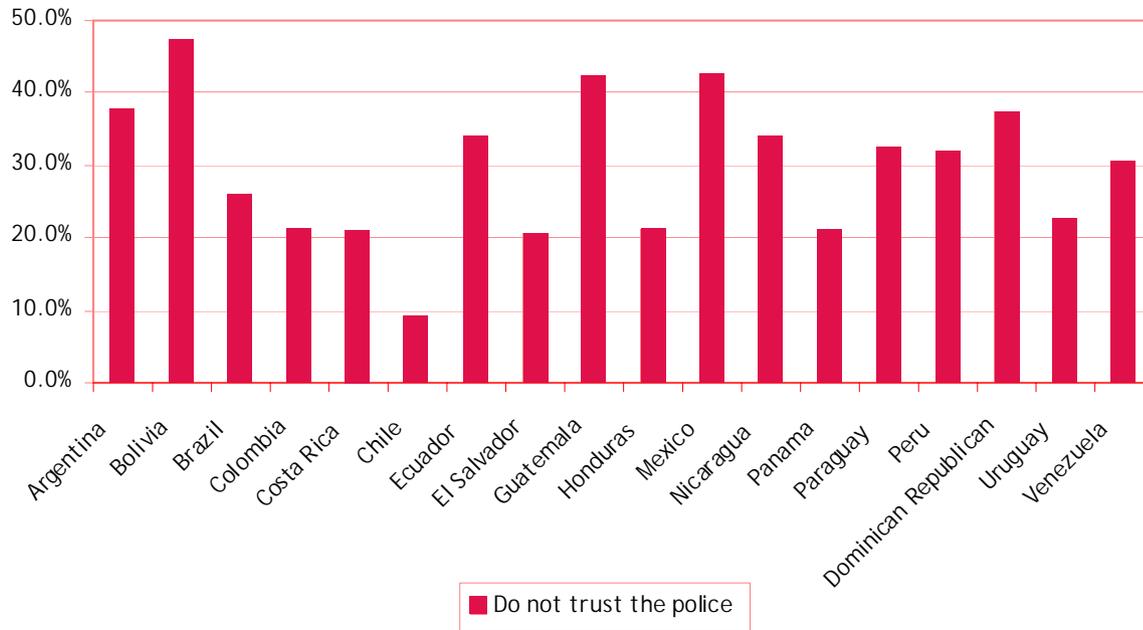
Taking into consideration the context just outlined, we analyzed the different Latin American and Caribbean police institutions. This consisted of systematically organising the main legal, institutional, budgetary and civilian institutions, as well as related features of the respective police bodies and features associated with institutional modernisation processes. These features are described next.

2.1 Definitions of public security policy

A central element that must be addressed to advance the analysis of police institutions is their hierarchical dependency. To this, we must also add the character and attributes of police institutions, as well as their management and policy formation abilities regarding public security policies and police strategies. In Latin America and the Caribbean, the police depend on civilian authorities, which, the majority of the time, are the ministries in charge of public



Graph 2.2
Levels of confidence in the police by country (2004)



• Source: Latinbarometer 2004, corresponds to the question 'How much do you trust the police?'

security, called either the ministry or secretariat of the interior, home affairs, security or justice. In the case of Colombia, the police are dependent on the National Defence Ministry, due to the process of internal warfare which affects the country's general security strategies. The police institutions considered in this report, except in the case of federal states, are also centralised. In the case of the three federal states studied - Argentina, Brazil and Mexico - it should be added that there is little coordination and integration between the different police forces. There are a range of different police institutions, whose responsibilities are not necessarily clearly defined. Interaction between police institutions is not clearly defined either.

Another aspect relevant to this analysis is the police's strategic planning capacity, carried out either by a special ministry unit, by the police or by a national council. This is an important

area, due to the fact that multiple institutional and strategic decisions must be taken, as well as medium and long-term police management strategies established. The most common arrangement is to have a unit dedicated to planning within the secretariats of ministries in charge of public security. Responsibility for planning is generally shared between these special units and political authorities, such as the minister or sub-secretariat. In Costa Rica and Peru, this responsibility is assumed by a commissioned unit; in Guatemala, a planning unit was created within the Ministry of the Interior in 2000, but the unit still does not have the capacity to take over strategic planning. On the other hand, the Minister of Security in Buenos Aires assumes planning responsibility directly, while in Colombia and Nicaragua, the National Police Force is responsible for strategic planning. Honduras and Bolivia are among the countries that do not have specialised units. There are also two cases where national councils



in charge of strategic planning have been created. In Ecuador, responsibility for security planning is assigned to the Minister of the Interior, the Sub-Secretariat for Public Security and the Council of Public Security, a body created in 2006. In Panama, this responsibility belongs to the President in consultation with Council of Public Security and National Defence (CSPDN). This all shows that strategic planning has not assumed the integrated and strategic character hoped for, but rather exists as disjointed proposals and execution of plans and programmes, resulting in greater levels of institutional autonomy.

Whatever the formula, it must be pointed out that a clear definition of the authorities responsible for designing the guidelines for public security policy does exist in many of the region's countries and is regulated by law. Among the countries which have not regulated the planning process is Colombia. Colombia has experimented with various different formulas, from assigning this responsibility to the National Police to the direct emission of guidelines by the President of the Republic to the Council of Public Security and National Defence.

Without a doubt, as with any other public policy, the guidelines of security policy fall under the charge of the political governmental authority, with this function being assigned to the corresponding ministry - in consultation with specialised units - or directly to the President. Nevertheless, there are cases when the police play a dominant role in the definition of these guidelines. Such is the case in the Dominican Republic, where this function falls to the Commission for the Implementation and Monitoring of the Security Plan (to which the Chief of Police belongs) together with the Supreme Police Council. It is important to take into consideration that when the police hold

the greatest power in the definition of police policy guidelines, attempts to integrate and coordinate strategic definitions becomes more complex.

Once the political limits of the sector have been established, the guidelines can be turned into plans, projects and/or programmes for the police institutions. In this respect, the trend in the region is that all these instruments are defined by the executive branch with the participation of the police; there are, however, cases at the extremes as far as the levels of guidance and intervention granted to the state power. For example, both the civilian and military police in Rio de Janeiro translate basic political strategy into plans, programmes and aims for each institution. At the other extreme, in Panama the executive branch defines police plans and programmes, as well as executing them. In the middle of these two extremes is Peru, where the police define public security policy and fight against organised crime and terrorism using Ministry of the Interior guidelines². In terms of public security policy, in Peru the Council of National Public Security (governed by the Minister of the Interior) approved the 2004-2006 National Plans, drawn up by the Technical Secretariat.

Another indicator considered in the study is the presence of technical teams of advisors working with those in charge of the policies' design and implementation. Related to this, the participation of specialised civilian personnel in government management is an important, but not common, feature in the region. In Nicaragua, the Dominican Republic and El Salvador, this is not found in the institutional organisation chart. Meanwhile, in Uruguay and Brazil, there are active and retired police personnel in the consulting teams. As well as these specific cases, in the majority of the

² As indicated by Gino Costa, expert on Peru.

countries, there are advisory structures used mainly by people with few links to the organisation's administration (indicating that they are trustworthy). In this sense, hopes to create specialised, trained and permanent teams have not been fulfilled.

Finally, it is evident that monitoring and evaluation of police operations is essential for identifying strengths, areas for improvement and challenges. It can be observed that the majority of the countries in the region have some kind of body dedicated to monitoring. There are also some that have advanced in planning, but not in evaluation activities. This could be developed by government commissions, the legislature, specialised units dedicated to the issue in the corresponding ministry or by the president. There are cases where the evaluation system is clearly defined, for example in Colombia, where the police must annually report the results of their actions to an integrated evaluation system (SINERGIA). In Honduras, police plans and programmes are not evaluated, since these are created outside a referential framework. The National Council for Interior Security (CONASIN), which is legally responsible for drawing up the policy's guidelines, does not function on a permanent basis. Ecuador does not have a specialised evaluating body and even if it did, there is no national centralised planning carried out by the Ministry of the Interior, only plans and programmes created separately in some of the country's cities and regions. It could thus be said that one of the main deficits of the police is the lack of public evaluation of police activities and reforms carried out in the past decade. Community policing, police decentralisation/centralisation and task force programmes are among reform initiatives developed, but their results are unknown.

2.2 Regulation, character and dependency of police institutions

As was previously mentioned, in the majority of the region's countries, the police are a civilian organisation regulated by rules with diverse legal frameworks (for example, in Chile they are included in the Constitution). In addition, police regulations can be defined in the Constitution, where reference is made to the institutional mission, although the law usually establishes their mission and functions, structural aspects and institutional and personnel fundamentals.

There are different types of police in the region, grouped into two general categories: on the one hand, the preventative civilian or military police who take orders from the ministry or service in charge of public security³ and, on the other, the civilian judicial police who take orders from the ministry of justice or from the judicial branch⁴. They can also be classified according to whether they are federal or local, in other words, by their type of territorial administration. In Costa Rica, due to the abolition of the army, the police have mixed functions, including national defence, as established in the General Police Law. Uruguay is a special case in the sense that the police are attached to the Ministry of Interior, while they also carry out security tasks. In this ministerial division of duties, which is also police-related, even the people in charge of intelligence and health issues are police officers. In the same way, in Mexico City, the Secretariat of Public Security's sole function is to organise preventative policing. Even though the position of secretariat has been carried out by civilians, the organisation clearly suggests that a police officer fill the position.

³ Only in Colombia and Chile do they depend on the Ministry of Defence.

⁴ Except in the case of Chile, which depends administratively on the Ministry of Defence.



Table 2.2
Institutions responsible for the definition of public security policies

	Country	Planning body	Coordinating body	Civilian staff in Ministries	Evaluation body
Caribbean	Barbados	Senior Advisory Board	Ministry of Home Affairs	No information	No information
	Belize	National Security Council	Ministry of Home Affairs Commissioner of Police	No information	No information
	Jamaica	Ministry of National Security	Ministry of National Security National Security Council	No information	No information
	Dominican Republic	Department of Planning and Programming (Secretariat of Interior and Police)	Secretariat of Security and Police	NO	Secretariat of Security and Police
Central America	Costa Rica	Office of Institutional Planning	Ministry of Public Security	YES	Office of Institutional Planning
	El Salvador	(Police)	Ministry of the Interior	NO	EFICACIA programme
	Guatemala	Cabinet of Security and Human Rights	Ministry of the Interior	NO	Ministry of Interior Danish Institute of Human Rights
	Honduras	NO	National Council of Internal Security Police	YES	NO
	Mexico ^a	Secretariat of Public Security	Secretariat of Public Security	No information	No information
	Nicaragua	NO	Ministry of the Interior	NO	No information
	Panama	Council of Public Security and National Defence (CSPDN)	Ministry of Interior and Justice		President of the Republic Ministry of Interior and Justice CSPDN
Southern Cone	Argentina ^b	Provincial Planning Department (Sub-Secretariat of Security)	Ministry of Security	YES	Provincial Department of Evaluation and Monitoring
	Brazil ^c	Secretariat of Public Security Institute of Public Security	Secretariat of Public Security	YES	Secretariat of Public Security Military Police of Rio de Janeiro
	Chile	Ministry of the Interior	Sub-Secretariat of the Interior	YES	Ministry of the Interior
	Uruguay	Ministry of Interior	Sub-Secretariat of the Ministry of Interior	YES	General Directorate of State

Table 2.2
(continued)

	Country	Planning body	Coordinating body	Civilian staff in Ministries	Evaluation body
Andean Countries	Bolivia	Ministry of Interior	Ministry of Interior National Police	YES	Government Commissions of Congressmen
	Colombia	Superior Security and National Defence Council	Ministry of National Defence	YES	Integrated System Management
	Ecuador	Sub-Secretariat of Public Security Citizen Safety Council	Sub-Secretariat of Public Security	YES	NO
	Peru	General Planning Office (Vice-Ministry of the Interior)	Ministry of the Interior National Citizen Safety Council (CONASEC)	YES	Technical Secretariat of CONASEC

a/ Corresponds to the Federal District. b/ Corresponds to the Province of Buenos Aires. c/ Corresponds to the State of Rio de Janeiro.

• Source: In-house, 2006

Table 2.3 shows the institutions analyzed according to their nature and dependency. In the majority of the cases, the institutions are found in the civilian/civilian quadrant, in other words they establish the definite civilian nature of the institution and its leadership. Only Chile has a military nature and dependency, a situation which they have tried unsuccessfully to reform up to the time of writing this report. This shows an advance from the type of police institutions that existed in the past which were military in nature, especially in Central America. At the same time, however, it establishes the need to check in detail the advances and regressions that have accompanied these changes. Undoubtedly, it is impossible to propose an "ideal police type", since each country has its own specialised frameworks, traditions and specific cultural processes. However, civilian dependency is a necessary but not sufficient element to advance in the process of making the institution more professional. Democratic civilian leadership, which recognises the specifics of the police's work and gives the police the importance they deserve, is needed, thus avoiding their use for political ends.

Table 2.3
Dependency and characteristics of the police

Characteristics	Dependency	
	<i>Civilian</i>	<i>Military</i>
Civilian	Argentina Barbados Belize Costa Rica El Salvador Guatemala Honduras Mexico Nicaragua Panama Uruguay	Colombia Paraguay Dominican Republic
Military	Bolivia Brazil Ecuador Peru Jamaica	Chile

• Source: In-house, 2006.



2.3 Mission and functions

When studying the mission of the region's police institutions, it can be observed that their main aims are to maintain public security and to guarantee, sustain and reestablish public order (in the case of disturbances). This mission is clearly expressed in the most important laws, such as the constitution and institutional laws – which are becoming a trend – or other laws. There are countries where the Constitution describes the policy's mission in general terms, such as in Colombia.⁵ The concepts of public security or public order are not applied in the description of the laws' functions. Other basic elements that are also sometimes added to the police mission and functions mentioned are police presence in the auxiliary corps of the armed forces, as in Ecuador, and use in national defence, as in Costa Rica where the police must also prevent potential violations of the nation's territorial integrity. Exceptionally, the mission of the police in Costa Rica is not explicitly stated, although their functions are listed. The Mexican Federal District also lacks a clearly stipulated police mission; the mission declared by the Federal District's Secretariat of Public Security (SSP-DF) on its website is adopted, since no mission is stated in law.

As far as the tasks that the police carry out are concerned, public security, public order and the prevention and control of crime are usually mentioned. The police also often carry out investigative tasks of the judicial police, acting as justice assistants or, depending on the requirements of the relevant authority, as assistants in the public prosecutor's office. Some other tasks which the preventative police usually carry out are those concerning migration control (or the surveillance and control of border crossings), traffic control, protection of natural resources and the environment, protection of

national and foreign authorities, protection of embassies and collaboration with the civilian protection institutions in national emergencies.

There are a wide range of different functions which are not necessarily carried out by the police in every state. This is the case with the Colombian National Police. Their duties include promoting and guaranteeing the rules of citizen coexistence, as well as publicising human rights and international humanitarian laws. In Peru, the police are allowed to intervene in air, maritime, river and lake transport. Guatemalan law indicates that one police function is to aid the civilian security forces of other countries. Due to this multiplicity of tasks, we will only examine those common among police forces.

The responsibility that some police forces have in the prison system merits special attention, whether they are responsible for the transportation and custody of prisoners and people under arrest, as in Panama and Peru, or for the control of prisoner uprisings. In exceptional cases like Uruguay, no Ministry of Justice exists so the Ministry of Interior assumes responsibility for guarding and overseeing prisons and detention centres.

It is important to emphasise that assigning a wide range of functions to the police may increase their autonomy with respect to civilian authorities. This means that they can carry out their tasks without effective controls by superior authorities that supervise or oversee them. This happens because the institution on which the police directly depend lacks the necessary technical capacity to oversee activities as diverse and complex as those assigned to police forces. On the other hand, the dispersion of functions in contexts where the police's ability to secure public order is exceeded can distract police institutions from their essential function

⁵ "Its main aim is to maintain the necessary conditions for public rights and liberties to be exercised, thus ensuring public order" (Republic of Colombia, 1933: art.5).

as the institution in charge of formal state control, that is to say, from their responsibilities maintaining internal order and security, protecting the community and enforcing respect for the law.

As table 2.4 shows, in the Andean countries, police functions are varied, while in other sub-regions, the situation is quite different. In any case, a tendency towards assigning the police institutions multiple roles and missions exists. This represents one of the main challenges for the process of making the police more professional.

2.4 Joint police-military activities

In the context described, the need to face up to the complexity and scope of the crime problem has favoured the implementation of operations in conjunction with the armed forces. According to the available information, the main areas where joint activities are carried out are drug smuggling, public order and terrorism.

In the majority of Latin American and Caribbean countries, mainly in Central America and the Andean area, joint operations related to the control of drug smuggling prevail, especially in tasks such as prohibition, eradication, control and disbanding drug smuggling organisations. In addition, at the beginning of 2007, the President of Mexico organised a joint taskforce to confront the main drug cartels. It is important to mention that since the return of democracy, there have only been no recorded joint activities between the armed forces and the police in Chile and Argentina.

In terms of internal security, the situation differs across the region. Many countries use police-military coordination to address internal security challenges, from control of public demonstrations to other acts of urban and social disorder. In other countries, joint operations are

Table 2.4
Missions and functions of the police in Latin America and the Caribbean

Sub-region	Missions and functions	
	<i>Specific^a</i>	<i>Multiple^b</i>
Caribbean		Barbados Belize Jamaica Dominican Republic
Central America and Mexico	Costa Rica ^c Mexico	El Salvador Guatemala Honduras Nicaragua Panama
Southern Cone	Argentina Brazil	Chile Paraguay Uruguay
Andean Countries	-	Bolivia Colombia Ecuador Peru

a/ Considers public security, public order and crime prevention and control.

b/ Considers the missions and functions of the police force in other tasks areas in the country.

c/ Regarded as specific because it fulfils multiple functions but with specialised police.

• Source: In-house, 2006.

more diverse; this is the case in Belize, where joint operations to control crime, aid in natural disasters or border control are also permitted. Something similar occurs in Guatemala, where joint operations take place to guard the perimeters of prisons.

These joint tasks generate questions about the chain of command and ultimately reflect the dominance of one force or another. They also raise questions about military involvement in police intelligence operations. In this respect, three regional trends can be noted: operations



command by the armed forces, by the police and/or by the civilian authorities. Brazil, Colombia, Ecuador, Honduras, Peru and the Dominican Republic all fall into the first category. In the second, where the police have command, are Bolivia, El Salvador, Jamaica and - recently - Guatemala. Finally, among the countries where command is exercised by civilian powers, the most important example is Uruguay. Depending on the operations to be carried out, the Ministry of Defence or Ministry of Interior is responsible for coordinating joint activities in Uruguay. Table 2.6 shows the main elements of joint tasks and the entity in command, depending on the country. On this topic, it is worth mentioning several significant cases, such as the Military Police of Rio de Janeiro (PMRJ), which carry out operations in conjunction with the armed forces. On several occasions, they have intervened in the city's slums in order to recuperate firearms stolen from the army, to break-up bands of drug dealers and to control security for international events and elections. In practice, while trying to maintain law and order, joint operations are not run together, but rather organised by the authorities of each respective institution.

In Guatemala, the army has the power to coordinate with the Ministry of the Interior to carry out support operations to prevent and combat common and organised crime. These are carried out under the Government Agreement 87-2000, which widened the military's activities in internal security to include border and prison control. Coordination of these joint operations is usually in the hands of National Civilian Police, although, according to the records obtained, there have recently been reports of autonomous

military operations in the area of public security. In this context, the President and the Ministers of the Interior and Defence have agreed on the necessity to join forces to combat "gangs" and organised crime. They have created a central command post which should allow for improvements in decision making and institutional coordination. The Verification Mission of the United Nations in Guatemala (MINUGUA) confirms that the results of military participation in internal security from 2000-2003 have been negative and that the army's intervention in the public security crisis has not been the most appropriate solution.

Another emblematic case of cooperation in joint operations is in Colombia, where - according to the Constitution - security forces are composed of military forces and the police. Given the conflicts the country has suffered, both forces carry out different internal security tasks. In this regard, the military anti-kidnapping and anti-drug forces require police support to investigate and prosecute those involved. It is, without a doubt, in anti-drug operations where there is greatest coordination and complementation and assistance, specifically in the detection, control and eradication of crops.

From the nineties onwards, some police and military intelligence units in Latin American countries have carried out training sessions together about the control of drug smuggling and financed by the United States⁶ (mainly in the Andean region). Conditioned by foreign aid, it has been possible to obtain the certification that said country awards annually.

⁶ For more information on this subject, please see Loxton, James. Imperialism or negligence? The militarization of U.S. aid to Latin America, Security and Citizenship Programme Bulletin (on-line). Flacso Chile, N° 1, January 2007. Available on the internet: <http://www.flacso.cl>

Table 2.5
Joint operations between the police and the armed forces.

Sub-region	Joint Activity	No record
Caribbean	Barbados Belize Jamaica Dominican Republic	-
Central America and Mexico	El Salvador Guatemala Honduras Mexico Nicaragua	-
Southern Cone	Brazil Paraguay Uruguay	<i>Argentina Chile</i>
<i>Andean Countries</i>	<i>Bolivia Colombia Ecuador Peru</i>	-

• Source: In-house, 2006.

2.5 Civilian control

Civilian leadership is, without a doubt, a central element in the processes of reform of the security sector. The civilian capacity to help advance the professionalisation of security forces must accompany their efforts to uphold the rule of law. This is why it is interesting to emphasise the democratic nature of this leadership. The main aim of civilian authorities is institutional consolidation, not maintaining order and security. In this process, four variables have been identified which characterise civilian leadership in each country. These criteria help us to understand one of the most important and least studied parts of the security sector that Latin American and Caribbean countries must reform.

The variables used to determine the existence and degree of civilian democratic leadership regarding security are: (i) the presence and operation of internal and external control of police activity; (ii) the presence of civilian technical support in decisions making; (iii) the naming and functions of police staff; and (iv) the process of decision making within police institutions.

Internal and external oversight mechanisms

Regards the existing mechanisms for control in the sector, internal control is not directly related to police management. In practically every country, there are institutions dedicated to this task. In the majority of cases, the institutions in charge of internal control work on administrative aspects of the regulation and internal control of the national police force. In El Salvador, the General Police Inspection Board exists, whose mission is to monitor and control intelligence operations. The Unit for Internal Affairs (for disciplinary faults), the Unit of Disciplinary Investigation, the Unit of Internal Control and the Unit of Human Rights are also dependent on this institution. The Council for Police Ethics exists in parallel with the Inspection Board and is in charge of making sure the intelligence services adhere to the legal framework and internal regulations for their functioning.

The region's countries have fallen behind in the creation of disciplinary regulations for police personnel. With respect to accountability mechanisms, only Barbados, Chile, Ecuador and El Salvador have clear regulations. The case of Ecuador is particularly relevant, since, according to the compiled information, there are types of institutions in charge of internal control: the General Inspection Board, the Department of Internal Affairs, whose responsibility is to detect and investigate irregularities committed by personnel, and the



Table 2.6
Areas of joint operations between the police and the armed forces.

Sub-region	Country	Area of joint operation				Command		
		<i>Drug dealing</i>	<i>Public order</i>	<i>Public security</i>	<i>Other</i>	<i>Armed forces</i>	<i>Police</i>	Civilian
Caribbean	Barbados	✓	✓					
	Belize	✓	✓		✓	✓	✓	
	Jamaica	✓	✓				✓	
	Dominican Republic	✓	✓		✓	✓		
Central America and Mexico	El Salvador				✓		✓	
	Guatemala	✓			✓		✓	
	Honduras			✓		✓		
	Mexico	✓						✓
Nicaragua		✓						✓
Southern Cone	Brazil		✓					✓
	Paraguay		✓					
	Uruguay		✓					✓
Andean Countries	Bolivia	✓	✓				✓	
	Colombia	✓	✓			✓		
	Ecuador			✓		✓		
	Peru	✓		✓		✓		

• Source: In-house, 2006

Disciplinary Regulations document, which regulates police action. The creation of a special control unit does not necessarily imply that it is effective, but undoubtedly shows an institutional concern for the regulation of possible improper actions by the institution's members.

External control can also be divided into three parts - according to its executive, legislative, or civil society organisation - which leads to the revision of police institutions and other entities in the sector. A large number of Latin American countries have this type of unit within the executive branch and their emphasis is on aspects of management control and also the actual police function. In this sense, Colombia

stands out. There is a complete system of control in the executive branch, which integrates various institutions, such as the Ministry of National Defence, the Ministry of Finance and Public Credit, the Controller General's Office of the Republic and the Administrative Department of Public Function. The latter is mainly dedicated to the evaluation of police management. The National Public Prosecutor's Office is also dependent on the Executive body and exercises disciplinary control to promote better institutional functioning of the police and respect of human rights. In general, coordination between sectors increases political control levels because each sector has different specialties.

MILITARY OR CIVILIAN CHARACTERISTICS AND THEIR INFLUENCE IN POLICE FUNCTIONS

In general, Latin American police have elements of military organisation, as in the European police that were the model for their creation. In the eighties and at the beginning of the nineties, the armed forces was or had previously been charged with the oversight of almost all police functions. This intense militarisation of the police in certain periods explains why some organisational attributes exclusive to the armed forces still exist, for example the disciplinary system, recruitment method and information system. As shown by the evidence presented regarding the characteristics and functioning of the region's police, their military or civilian nature or the demilitarisation of their respective bodies does not allow for the quality of the service delivered to the community or the democratic definition of police activity to be determined clearly.

In developed countries, the police have military attributes, but are also subordinate to civilian power. This is the case with the Belgian police force, who, since 1991, have been dependent on the Ministry of the Interior (replaced by the Federal Police in 2001)⁷; and the French police, dependent on the Ministry of Defence⁸. This is also the case when the police are subordinate to more than one ministry (as in the case of the Spanish Civil Guard, an armed military institution dependent on the Ministry of the Interior or the Ministry of Defence (for military missions and promotions)). In this way, to varying degrees, the police of developed countries show traits of military police; some, like in Italy or France, have a clearly military structure and nature. An obvious exception is England. In this respect, it is important to consider that the structure and nature of the police force correspond to the history and reform processes of each country; therefore, the police force was established in England in 1829 as a civilian body, unlike the Italian police, which was created as a military body in 1814, even though both are under the command of their respective Ministries of Defence⁹.

In the United States, the first police services were created (at the beginning of the 21st century) as entities dependent on the civilian authorities, but with a military-type structure. This choice reflected the conviction that the military model favoured professionalism and the promotion of values connected to the military world, such as discipline, honour and physical force – conditions necessary to confront risky and dangerous situations- as well as the promotion of obedience to superiors and the rules and the use of force to fulfill duty¹⁰. These were very useful attributes to avoid corruption and political influence.

In the region, it is necessary to encourage the adoption of accountability mechanisms, which allow for citizens to monitor and control police activity, as well as providing systems with integrated statistics, such as has been previously suggested.

⁷ For more information: http://www.polfed-fedpol.be/home_fr.php [Date viewed: 2 April 2007].

⁸ See in: <http://www.defense.gouv.fr/gendarmerie> [Date viewed: 2 April 2007].

⁹ Rico, José María. Justicia Penal y Transición Democrática en América Latina. Mexico, Siglo Veintiuno Editores. 1997. Pgs. 82 and ss.

¹⁰ Ibid.



The external control exercised by the Legislative bodies occurs through the creation of laws and, above all, through its supervisory capacity, carried out through permanent commissions and special parliaments. Countries such as Ecuador, Honduras, Jamaica, Nicaragua, Panama, the Dominican Republic and Uruguay do not have permanent parliamentary commissions to examine police institutions and public security. In contrast, the Chamber of Deputies and the Senate in the Province of Buenos Aires, Mexico and Chile do have legislative commissions to monitor the police. They have the power to formulate laws on the subject and, in the three cases mentioned, both chambers have designated commissions that work explicitly on public security matters.

However, not only the executive and legislative branches have this capacity for supervision. Civil society is significantly involved in public security oversight exercising control over the diverse public matters that affect it. There are many civil society organisations that work on public security issues and, although they differ in their institutional nature and in the aspects on which they focus their attention, the majority look to consolidate democratic practices in security institutions. In general, civil society organisations can be divided into three major groups: (i) those of a definite academic nature, such as universities and research centres; (ii) non-governmental organisations (**NGOs**), especially those connected to the defence of human rights or citizens' rights; and (iii) public interest organisations, such as foundations or corporations.

The relevance of external control is based on its impact on the security sector and its institutions, a possibility that depends on the existence of mechanisms and instruments that allow for the security situation to be evaluated by different sources. An example of the integration of external control mechanisms is

Brazil, where the Legislative Assembly in Rio de Janeiro is able to sanction public security practices and the police and supervise and control the actions undertaken by the State Executive Power. In addition, it has a permanent for Public Security and Police Affairs. As far as civil society activity on security issues is concerned, diverse academic centres play an active role, for example, the Federal University of Rio de Janeiro's Group for Citizenship, Conflict and Urban Violence Studies (NECVU) and the State University of Rio de Janeiro's Programme of the Study of Violence (PEV) or its Group for the Investigation into Violence (NUVEPI). On the other hand, in terms of non-governmental organisations, VIVA RIO, with ample experience, plays an important role in the societal oversight of police institutions. The main activities of organisations connected to civil society, as far as the control of public security and the police are concerned, focus on the diagnosis and critical analysis of matters relating to the security sector, as well as complying with the occasional requirements of the executive or legislature, with the goal of working to improve the training and professionalisation of state police personnel.

A very different situation can be found in Nicaragua and Panama, where external control of public and police security is weak. In the case of Panama, the Legislative Power does not have a permanent commission to consider these matters specifically; at the same time, in terms of civilian security, no organisations exist to carry out evaluations or auditing of these matters. In Nicaragua, the situation is similar, despite the existence of the Institute of Strategies and Public Policies (IEPPP), which has carried out studies on the police; in general terms, the sector has been considered weak even in public debate on a governmental level. In order to change this situation, a bill was proposed in December 2006 which modifies the structure of legislative commissions, with the

aim of incorporating human rights perspectives into the control of defence and public security.

Civilian technical support in decision making processes

A second variable used to characterise civilian control is the presence or absence of civilian involvement in decision making. In this area, we can see that there is a gap between the Executive and Legislative bodies, to the detriment of the latter as far as the existence of teams of civilian advisers who specialise in public security and collaborate in decision making or in the formulation of bills. Barbados, Belize, Bolivia, Guatemala, Mexico, Peru and the Dominican Republic all have experts who support legislative administration, while the other countries only include civilian technical expertise in specific situations depending on what kind of situation arises.

The situation changes significantly with regards to the executive branch, since several of the region's governments have advisers on the subject, with the exception of all the Central American countries and Brazil, Mexico, Paraguay and the Dominican Republic. Ecuador is among the countries in which advice to the Executive Power on the functioning of the security sector is given both by civilian personnel, by members of the police and by ex-employees of the institution.

Appointment and functions of the highest police ranks

The third variable which reflects civilian leadership in the sector is related to the naming of superior police officers and their ranks. According to the Constitution and laws of various countries studied, the President - or the State

or Provincial Governor in the case of federal systems - is the sector's highest authority and is responsible for public security. In this way, it is their exclusive duty to name the highest ranking police official. This does not prevent them, in some cases, from asking the opinion of the ministry or secretary responsible for backing the decision. Thus, the appointment depends on the trust that the civilian authority places in the person who holds this position. The only exception within the region is Uruguay, where it is the Minister of Interior who both proposes and names the Director of the National Police.

In a similar fashion, both the removal from and duration of the position on a regional level differ from case to case. As far as removal is concerned, this depends on the confidence that the President or the state authority has in the police authority. Some countries expressly indicate the causes of removal from the highest police position, which suggests a transparent process and prevents the post from becoming one related to the police. Definitions of this type are applied in countries such as Colombia, Costa Rica, Honduras, Jamaica, Nicaragua, Panama, Peru and the Dominican Republic¹¹. Regards the duration of the post, the situation is very different across the region, since tenure is stipulated in national laws. The country's top authority can also terminate police chiefs at their discretion, based on job performance evaluations. However, it is possible to identify two clear tendencies as far as the duration of the posts is concerned: one which defines the limits for holding the highest police posts - which mainly range from two to four years - and another which stresses the discretionary nature of the appointment and does not specify for how long the post can be held.

¹¹ In Chile, the Director General of the police is appointed by the President of the Republic from among five of the longest-serving general officials, but the retirement of the General Director can only be ordered through a decree that the Chamber of Deputies and the Senate has been informed of.



The regional tendency, with regards to promotions and demotions in the highest ranks, is to leave them in the hands of the executive. In this sense, the President or the police authority responsible for public security, depending on the case, makes decisions about the appointment of the highest ranking police official. There are some cases, for example in Bolivia, where the Legislative body must approve the appointment of the Director General of the police; or Jamaica, where the decision is taken in conjunction with the Governor General and the Police Services Commission. Other countries also have consultation mechanisms that involve the Minister of the Interior or his equivalent.

An initial attempt to illustrate the levels of civilian leadership is shown in table 2.8. This shows that in the majority of the region's countries, there are medium and high levels of the indicators mentioned in the previous table. However, this analysis refers directly to institutional *capacities* and not their *quality* or *development*. Thus, for example, the mere existence of a control mechanism in the Legislative body does not say anything about the effectiveness or quality of the institution, even though it is considered a significant advance. Further study is needed to develop a more detailed characterisation of civilian leadership.

Table 2.7
Democratic civilian leadership elements by country

Sub-region	Country	Mechanisms of internal control		Mechanisms of external control			Civilian consultancy		Superior Police Command			Staff
		Special Unit	Regulations ^a	Executive Unit	Legislative	Civilian society	Executive	Legislative	Trusted by President.	Duration	Causes for dismissal	Promotions and demotions
Caribbean	Barbados	✓	✓	✓	✓		✓	✓	✓	No information	No information	Governor General
	Belize	✓		✓	✓	✓	✓	✓	✓	No information	No information	Governor General
	Jamaica	✓		✓			✓		✓	No information	✓ ^d	Governor General Police Service Commission
	Dominican Republic	✓				✓		✓	✓	No information	✓	President of the Republic
Central America and Mexico	Costa Rica			✓	✓	✓	✓		✓	Indefinite	✓	No information
	El Salvador	✓	✓	✓	✓	✓		✓	✓	No information	No information	No information
	Guatemala	✓		✓	✓	✓		✓	✓	No information	No information	No information
	Honduras	✓		✓		✓		✓	✓	4 years	✓	No information
	Mexico	✓		✓	✓	✓		✓	✓ ^b	No information	No information	No information
	Nicaragua	✓		✓				✓	✓	5 years	✓	No information
Panama	✓							✓	No information	✓	No information	
Southern Cone	Argentina	✓		✓	✓	✓	✓		✓ ^b	Indefinite	No information	Ministry of Security
	Brazil	✓		✓	✓	✓			✓ ^b	Indefinite	No information	National Secretariat of Public Security (SENASP)
	Chile	✓	✓		✓	✓	✓		✓	4 years	✓ ^e	President of the Republic
	Paraguay	✓			✓				✓	No information	No information	President of the Republic
	Uruguay	✓				✓	✓		Min. Interior	Indefinite	No information	Ministry of Interior
Andean Countries	Bolivia	✓		✓	✓	✓	✓	✓	✓	2 years	No information	Congress ratifies the Director General
	Colombia	✓		✓	✓	✓	✓	✓	✓	4 years	✓	President of the Republic
	Ecuador	✓	✓			✓	✓	✓	✓	2 years	No information	President of the Republic ^f
	Peru	✓		✓	✓	✓	✓	✓	✓	Indefinite ^e	✓	President of the Republic Ministry of the Interior

a/ The regulations refer to the internal regulations of the police institutions which define their actions.

b/ Refers to the state or provincial governor.

c/ Depends on the exclusive trust of the President or automatic retirement on reaching 65 years of age.

d/ When reaching 60 years of age.

e/ In accordance with the constitutional reforms of 2005, only the President of the Republic can call on them to retire.

f/ Can consult the Minister of Interior and Police.

• Source: In-house, 2006.



Table 2.8
Democratic civilian leadership

Sub-region	Democratic civilian leadership		
	Low	Medium	High
Caribbean	Jamaica Dominican Rep.		Barbados Belize
Central America and Mexico	Nicaragua Panama Honduras	El Salvador	Costa Rica Guatemala Mexico
Southern Cone	Paraguay Uruguay	Brazil Chile	Argentina
Andean Countries		Ecuador	Bolivia Colombia Peru

Note: The “low” category considers at least two indicators; “medium” three; and “high” four and five. Whether the countries have a unit of control in the Executive and Legislative Powers, in civilian society and civilian consultants in the Executive and Legislative Powers is taken into consideration.

• Source: In-house, 2007.

Decision-making process within the police

Various conditions need to be met for the police to carry out the tasks for which they are responsible. Furthermore, the conditions that proposed police objectives require to be completed can vary with time, which illustrates the need for institutional adaptation and reorientation. This especially occurs with respect to public order and crime prevention. Thus, the police institutions can have more or less autonomy in operative and logistic decision making, depending on the established legal framework, as well as the higher police authorities. In this sense, it is possible to differentiate between a series of decisions that, given their strategic importance, may require greater police autonomy and interaction with

civilian powers in matters of public security. The differences are highly significant and depend on the specific police, institutional and cultural features of the countries being studied.

As far as decision making is concerned, the main actors are the sector’s civilian authority and the police authorities themselves. According to their different fields of expertise, each institution becomes relevant at different moments determined by the institution’s administration, functions, infrastructure and charter. According to the information obtained from experts from each country, we found that, for example, in terms of territorial distribution assignments and promotions and dismissals, there is a greater interaction between civilian powers and the police. In this sense, Brazil, Colombia, El Salvador and Jamaica are important cases. As far as doctrine and personnel training are concerned, the tendency is towards police autonomy in Barbados, Brazil, Honduras, Peru and Uruguay.

In the cases of Argentina and Costa Rica, the respective ministries responsible for security make decisions when they are consulted on certain matters. In turn, in the Nicaraguan National Police force and the Chilean *Carabineros* (police), greater autonomy in this process can be observed, in which the decisive intervention of civilian authorities only exists regarding promotions and dismissals of police personnel.

2.6 Police budget

The budget of police institutions is one of the areas which, when analyzed, demonstrates the sector’s autonomy and its importance and advances in matters of transparency. In order to characterise budgets in the region, we will describe the budgetary cycle, the criteria for determining the budget, the availability of public information on police budgets and the existence of units of evaluation, both within police units and in their respective ministries.

Table 2.9
Decision making in the public security sector

Sub-region	Country	Territorial distribution of resources	Operational and logistical functions	Infrastructure and equipment	Institutional doctrine	Personnel Training	Human resources management	Promotions and demotions
Caribbean	Barbados	Prime Minister Minister of Home Affairs ^a	Minister of Home Affairs	Minister of Home Affairs	Minister of Home Affairs	Minister of Home Affairs	Minister of Home Affairs	Security Services Commission ^d
	Jamaica	Minister of National Security ^b Commissioner of Police Advice ^c	Commissioner of Police Advice	Minister of National Security	Police	Police	Police	No information
	Dominican Rep.	President of the Republic Chief of Police	Chief of Police	Secretariat of Interior and Police	Secretariat of Interior and Police Chief of Police	Secretariat of Interior and Police Chief of Police	Secretariat of Interior and Police Chief of Police	Secretariat of Interior and Police
Central America and Mexico	Costa Rica	Ministry of Public Security	Ministry of Public Security	Ministry of Public Security	Ministry of Public Security	Ministry of Public Security	Ministry of Public Security	Ministry of Public Security
	El Salvador	Ministry of the Interior National Police	National Police	Ministry of the Interior	Nacional Police National Academy of Public Security	National Academy of Public Security	National Police	National Police
	Guatemala	Ministry of the Interior	National Police	National Police	National Police	National Police	National Police	National Police
	Honduras	National Police	National Police	National Police	National Police	National Police	National Police	National Police
	Mexico	Secretariat of Public Security of the Federal District (SSPDF)	Secretariat of Public Security of the Federal District (SSPDF)	Secretariat of Public Security of the Federal District (SSPDF)	Secretariat of Public Security of the Federal District (SSPDF)	Secretariat of Public Security of the Federal District (SSPDF)	Secretariat of Public Security of the Federal District (SSPDF)	Secretariat of Public Security of the Federal District (SSPDF)
	Nicaragua	National Police	National Police	National Police	National Police	National Police	National Police	President of the Republic Ministry of the Interior General Department of National Police
	Panama	Ministry of Interior and Justice Director of Police	President of the Republic Ministry of Interior and Justice Council of Public Security and National Defence (CSPDN)	President of the Republic Ministry of Interior and Justice Director of Police	President of the Republic Ministry of Interior and Justice Council of Public Security and National Defence (CSPDN)	President of the Republic Ministry of Interior and Justice Director of Police	Ministry of Interior and Justice Director of Police	Ministry of Interior and Justice Director of Police



Table 2.9
(continued)

Sub-region	Country	Territorial distribution of resources	Operational and logistical functions	Infrastructure and equipment	Institutional doctrine	Personnel Training	Human resources management	Promotions and demotions
Southern Cone	Argentina	Ministry of Security	Ministry of Security	Ministry of Security	Ministry of Security	Ministry of Security	Ministry of Security	Ministry of Security
	Brazil	Police Secretariat of Public Security	Police Secretariat of Public Security	Police	Police	Police	Highest level of State Police	No information
	Chile	Police Carabineros	Police Carabineros	Police Carabineros	Police Carabineros	Police Carabineros	Police Carabineros	President of the Republic and Police Carabineros
	Paraguay	Police	Police	No information	No information	No information	Police	No information
	Uruguay	Ministry of Interior Police	Ministry of Interior	Ministry of Interior	National Police	National Police	Ministry of Interior	No information
Andean Countries	Bolivia	National Police	National Police	Ministry of Interior	National Police	National Police	National Police	Legislative Power (Congress) ^e National Police
	Colombia	National Police Ministry of Defence Local Executive Power	National Police	National Police	National Police	National Police	National Police	President of the Republic Ministry of Defence National Police
	Ecuador	National Police	National Police	National Police	National Police	National Police	National Police	National Police
	Peru	Ministry of the Interior National Police of Peru (PNP)	Director General National Police of Peru (PNP)	Director General National Police of Peru (PNP)	Director General National Police of Peru (PNP)	Director General National Police of Peru (PNP)	Director General National Police of Peru (PNP)	President of the Republic Ministry of the Interior Director General National Police of Peru (PNP) ^f

a/ Minister of Home Affairs.

b/ Minister of National Security.

c/ Commissioner of Police Advice.

d/ Security Services Commission.

e/ For the appointing of generals.

f/ In the case of officials, it is the responsibility of the President of the Republic and the Minister of the Interior, in accordance with the Director General of the National Police of Peru (PNP), whilst for sub-officials and specialists, the responsibility belongs to the Director General of the PNP.

● *Source: In-house, 2006.*

There are three trends in the budget cycles of the police in Latin America and the Caribbean¹², depending on where budgetary proposals originate: budgets which originate in the authority of the Executive body, those which are formulated with the participation of the police and the Executive body and those which are drafted by police institutions. On this point, it must be kept in mind that this complicated classification is only an analytical tool to illustrate general tendencies. The background and feedback from the ministries in charge and the police in the elaboration of the budget are much more complex when described in a regional perspective. In all the cases analyzed, the budget cycle culminates in its approval by the national Congress or Legislative State Assembly (in federal systems).

On this note, in nine of the sixteen countries considered, the budget proposal originates within specific ministry units, usually the ministry in charge of public security. This process sheds some light on the extent of civilian oversight of the budget and the limited autonomy of the police forces in structuring and consolidating their own strategic initiatives (plans or programmes). In these cases, it may occur that the determination of the budget is largely shaped by political considerations, which prevail over technical ones.

In other cases, such as Colombia and Honduras, the budget does not exclusively originate from the state secretariat on which the police depend, but rather it is a job shared with the ministries in charge of state resources. Thus, for example, in the case of the Colombian National Police, the Ministry of Finance is in charge of administrating and putting the central government's operational costs in order, while it is the duty of the National Planning Department to administer and distribute

resources. Meanwhile, in Honduras, the budget also originates with the Ministry of Finance. The budget limit for each year is established and costs are assigned as a matter of habit, based on the previous year's budget. The National Police then take charge of distributing the budget through their Budgetary Unit.

Another method is that the police and the respective ministerial unit control the process of formulating the budget. One of these cases is Guatemala, where the National Civilian Police's General Sub-Department for Finances and Logistics has the job of elaborating the institution's annual budget project in coordination with the Ministry of the Interior's Unit for Financial Administration. This body also has the job of evaluating the budget, administrating and optimising the items assigned to the institution and the units which carry them out.

There are also countries like Chile and Peru, where the police themselves have the capacity to initiate the institutional budgetary cycle. This shows a greater degree of autonomy in relation to government authorities. In Peru, the National Police have a Department of Economy and Finance, which is in charge of preparing and administrating the budget and then referring it to the Ministry of Economy and Finance for approval.

A special case of the institutional abilities to propose the budget is the Dominican Republic. The budget is allocated to the Secretariat of Interior and Police. However, the police chiefs play a leading role in the determination of the Secretariat's autonomous budget for the institution, according to Article 126 of Institutional Law N° 96-04 of the National Police (December 2003). This law also establishes - in conjunction with those responsible for Police

¹² Information on budgetary matters from Barbados, Belize and Jamaica was not obtained, so this definition only includes the Dominican Republic.



Directives - the police's responsibility in the preparation of the draft of the budget that will be presented before the Supreme Police Council.

As far as the criteria for determining the budget are concerned, two variants are observed. One of these, used in Bolivia, Colombia, the Mexican Federal District, Panama and the Southern Cone, is the proposal of the budget based on the sector's priorities and needs. The tendency in Ecuador, Peru, the Dominican Republic and Central America is to copy the previous year's budget and index it to inflation. In any case, these methods of determining the budget are independent from the type of body which proposes the budget.

Regarding public access to information on police budgets in Latin American and the Caribbean, it is important to emphasise that this information is always available to the public because the annual budget is part of national law. As such, budgetary information exists in the Official Gazette and/or the web page of the respective ministry or congress in all of the region's countries. Nevertheless, it should be noted that, in general, the published information refers to aggregate figures categorised by item, with several variations in terms of what is published relating to salaries, social security contributions and capital spending. Therefore, the true amounts of budgetary spending cannot be established, although it can be inferred that the bulk of the items are used to cover the daily operating costs for personnel, while the remaining percentage is distributed between maintenance costs, infrastructure and investment in equipment.

A last topic on budgets that should be considered is the existence of programme evaluation units, which monitor and control resource management. For this task, they use indicators of results and completion of the aims defined in the annual plans. These units may be located either within the police institution itself or in an external body. In this area, the region has a poor record, since evaluation units do not exist in every country and, when they have been created, they have mainly been installed outside the police institution, as external evaluation units. A way of carrying out these controls and more effective evaluations is by defining result indicators that correspond to essential police functions.

The available information indicates that evaluation units dependent on police and ministerial administration exist in all the Andean countries, as well as in Uruguay. Meanwhile, the countries that possess lower levels of external evaluation in budgetary matters are located in the Caribbean and Central America. In some cases, these countries have legislation and established ministerial units, but their work, in practice, is deficient. For example, an Internal Audit Office exists in the Nicaraguan Ministry of the Interior to carry out external control functions, but its work is relatively limited, since its evaluation focuses only on accounting. In Honduras, the budget is administered by the police's Budgetary Unit and there is no body in charge of spending evaluation in the Ministry of Security.

Table 2.10
Police institution budgetary aspects

Sub-region	Country	Budgetary Cycle		Definition Criteria		Evaluation unit		Characteristics	
		Origin	Approval	Repetition	Autonomous	Internal (Police Admin.)	External	Public	Private
Caribbean	Barbados	No information	✓	No information	No information	No information	No information	No information	No information
	Belize	No information	✓	No information	No information	No information	No information	No information	No information
	Jamaica	No information	✓	No information	No information	No information	No information	No information	No information
	Dominican Republic	Secretary of State of the Interior and Police	✓	✓		Administrative Department National Police		✓	
Central America and Mexico	Costa Rica	Ministry of Public Security	✓	✓			Legal Department General Administrative and Financial Department	✓	
	El Salvador	Ministry of the Interior	✓	✓			No information	✓	
	Guatemala	Ministry of the Interior Police	✓	No information	No information	No information	Financial Administration Unit (UDAF) Ministry of the Interior	✓ ^a	
	Honduras	Secretariat of Finance	✓	✓				✓ ^a	
	Mexico	Secretariat of Public Security	✓			✓	No information	✓ ^a	
	Nicaragua	Ministry of the Interior	✓	✓			No information	✓	
	Panama	Ministry of the interior and Justice	✓			✓	Department of General Services	✓ ^a	
Southern Cone	Argentina	Ministry of Security	✓		✓		No information	✓	
	Brazil	National Secretariat of Public Security (SESNAPE)	✓		✓				✓
	Chile	Police (Carabineros of Chile)	✓		✓	✓		✓	
	Paraguay	No information	No information	No information	No information	No information	No information	No information	No information
	Uruguay	Ministry of the Economy Ministry of Interior	✓			✓	✓	Internal Auditing Office of the Nation	✓



Table 2.10
(continued)

Sub-region	Country	Budgetary Cycle		Definition Criteria		Evaluation unit		Characteristics	
		Origin	Approval	Repetition	Autonomous	Internal (Police Admin.)	External	Public	Private
Andean Countries	Bolivia	National Police Vice-Ministry of Budgeting and Accounting (Ministry of Interior)	✓		✓	National Administrative Department	General Department of Administrative Matters	✓	
	Colombia	National Planning Department (Ministry of Finance)	✓		✓	Department of Finance Ministry of Defence	Supervising Planning Office Vice-Ministry of Institutional Management	✓	
	Ecuador	General Command of the National Police	✓	✓		Financial Headquarters National Police	Sub-Secretariat of Administrative Development	✓	
	Peru	National Police	✓	✓		PNP	Budget Office. General Planning Office Ministry of the Interior	✓	

a/ Only global figures are published.

- Source: In-house, 2007.

2.7 Private security

Ineffective crime control by the government, as well as increasing public demands for security, mistrust of police institutions and sometimes insufficient police capacity to respond to the wide range of situations they are supposed to confront, have led to the emergence of new public safety practices. Depending on the economic and organisational capacities of the individuals involved, private security guards hired to protect residential areas or for personal protection have become more widespread in the last decade: in 2003, the number of private security guards in the region totalled 1,630,000¹³.

The growth of the private security industry has forced the relevant authorities to legislate and supervise private security's role in public security. Almost every country has some kind of legislation on the matter - the only country that does not have a specific law on the subject is Nicaragua. Therefore, many different general and specific police laws, decrees and regulations exist. There are specific institutions to control, supervise and ensure that the private security industry's activities and services are carried out according to existing regulations. Responsibility for supervising the industry falls to special units within the respective ministries or police departments, with these tasks distributed differently among the region's countries. An example of the responsibility allocated to ministerial units is the Executive Directorate of Public Security in the Federal District of Mexico, dependent on the Secretariat of Public Security; and the General Auditing Directorate of Private Security Agencies in Buenos Aires, dependent on the Ministry of Public Security. In other cases, supervision is in the hands of the police; this is so with the General Command of the Bolivian National Police and the Division of Private

Security Services of the Civilian National Police in El Salvador. The Dominican Republic is the exception, since the institution in charge of this task is the Central Directorate for Control and Supervision (of police units or private security guards) dependent on the military.

The tasks that the region's private security companies carry out involve security and personal protection, surveillance and property protection and the custody and transport of belongings and valuables. Though these companies are important in terms of the number of existing agencies and personnel, the work they carry out is secondary and complements that of the police. A country that deserves special mention on this topic is Jamaica, which has a large private security sector that operates with police cooperation, even when cooperation is less than that demanded by the state. This shows the importance of private security companies in the country.

In general, the connection between private security companies and police forces is rather informal and mainly based on the fact that the majority of private security company executives are active or retired police officers. The informality of the situation of the private security companies', coupled with the relationship between these agencies and police institutions, the large number of private security companies, the wide range of services that they offer and the lack of resources for supervision all hinder effective control of private security services by supervising institutions.

Among the elements that contribute to the current proliferation of private security firms is a condition that characterises a large number of the region's police services: their unstable working conditions. Poor working conditions forces some police to work in private companies

¹³ Abelson, Adam. Private Security in Chile: An Agenda for the Public Security Ministry [on-line]. Bulletin from the Security and Citizenship Program. Flacso Chile. N° 6, August 2006. Available on the internet: <http://www.flacso.cl>



on their days off in order to generate extra income. Due to this, legislation to determine the compatibility of police work with the provision of private security services has become a priority. There are two stances adopted in the region: a categorical prohibition that makes police work incompatible with private security provision and another that leans towards allowing this practice, generating institutional mechanisms for its organisation and operation, in other words, authorising each member to freely choose to work for a private security firm in their free time. Private security jobs are forbidden - or viewed as incompatible with police duties - in almost all the Southern Cone countries (apart from Uruguay). In Brazil, although the ban exists, there are no sanctions for those who carry out private security activities¹⁴. In Colombia, private and public security are incompatible, while in the Andean sub-region's other countries, the situation is institutionalised and the police can provide services to private companies.

In Central America, the provision of police personnel to private security firms is only allowed in El Salvador and Panama. In the Dominican Republic, jobs related to private security and developed through programmes called 'companies' are permitted. These operate without specific legal or other regulations.

Table 2.11
Type of supervising body and the possibility for police personnel to carry out private security activities

Police can carry out private security jobs	Supervising body	
	<i>Civilian</i>	<i>Police</i>
Yes	Ecuador Mexico Panama Peru Uruguay	Bolivia El Salvador Dominican Republic
No	Argentina Colombia ^a Costa Rica	Brazil Chile Guatemala Honduras Nicaragua

a/ In the case of Colombia, the Superintendence of Surveillance and Private Security is attached to the Ministry of Defence, but maintains financial and administrative autonomy.

Note: No information is available for Barbados, Belize, Jamaica and Paraguay.

• *Source: In-house, 2006.*

¹⁴ According to the expert on Brazil, Paulo de Mezquita.

THE INSTITUTIONAL CONTEXT FOR PRIVATE SECURITY COMPANIES IN CENTRAL AMERICA

As far as the provision of private security services to individuals and/or companies is concerned, the Central American police initiatives of the National Police of Panama and the Civilian National Police of El Salvador should be highlighted because these initiatives illustrate the precarious nature of employment for private security companies.

In the case of the National Police of Panama, a payment programme was created for the police to provide security services to private companies that requested their services. Of this, a percentage of the profits goes to the police agent and the rest to the institution.

On the other hand, the Civilian National Police of El Salvador created the Police Employment Bureau in 2002, which has around 700 members, from agents to inspectors who perform private security services. These private security activities are mainly for artistic events and nightclubs, buttressing existing private security services for special events or popular locations. Police officers can even perform private security functions when on leave, using both the institution's uniform and equipment. To apply for these jobs, the institution demands an impeccable disciplinary record and justification of economic necessity. The Civilian National Police establishes the cost of the service and deducts an amount for the institution and a percentage for the shift worked by the police officer. This type of security function used to be carried out without any particular legal controls and came under question in November 2005 after the deaths of two officers while providing private security services.

2.8 Reforms and modernisation

Since the nineties, the region's countries have implemented a series of police reforms through constitutional changes. The aim of these reforms has been to redirect police work to fit the new socio-political context. Thus, the different police institutions existing in Latin America and the Caribbean have had to recreate or transform their police structures, moving away from the national security doctrines that dominated in the 1970s and 1980s.

Therefore, the modernising¹⁵ reforms and processes promoted have, among other things, tried to generate a move away from the repressive practices of the police and to thus change people's perceptions of the institution. In this sense, the reform process has tried to return or instill trust in the police, legitimise

their actions and improve their public image. To this end, through various means, governments have laid the foundations to create modern, transparent, effective and efficient police forces, where citizen protection is the priority and respect for individual rights is guaranteed. With this aim, the government and police authorities have had to address the challenges of the current regional reality, characterised by violent crime and the growing concern and fear among citizens confronted with rising crime. These trends are reflected in high crime rates and victimisation surveys. The complex array of activities assigned to the police and challenges of police corruption should also be considered.

In this setting, the reforms developed across the region cover a wide range of areas, such as the constitutional role of the police force and

¹⁵ This process is defined as the set of operational initiatives that considers the institutional modernisation, changes in management models, incorporation of technology, purchasing of equipment, changes in the institutional pyramid and changes in the years of training that have occurred in the last two decades in the region.



its structure, charter, personnel training, dependency and rankings. All the reform initiatives work to strengthen and consolidate the democratic system, recognising the civilian, apolitical and professional nature of police institutions.

Given the special features of each national reform process, it is difficult to generalise about police reforms, although sub-regional tendencies can be observed. For example, reforms to Central American police forces occurred after the signing of peace treaties. As such, the reforms were meant to reorganise the security sector for the long-term, setting up new structures and reformed police bodies. This process was related to the need to remove the police from military control; the police had long been heavily dependent on the armed forces. International cooperation in areas such as planning, logistics and financial support must also be mentioned, since it has allowed countries such as Guatemala and Nicaragua to move ahead with major reforms in the sector. The proposed reforms respond to specific features of the police and there are no system-wide examinations of the police system. This gap is due to several factors, such as election processes, political quarrels and the very same criminal reality that has forced the introduction of specific reforms that respond to rising crime rates and give rapid results. This type and speed of the reform process does not mean that the reforms promoted are less important or effective, but rather that they often lack detailed plans for their execution.

It is also worth pointing out that the outbreak of major scandals related to corruption and human rights violations has acted as a catalyst and placed crime on the public agenda forcing reforms. A clear example of this was the attack on the Mutual Israeli Argentine Association building and crimes against the graphic reporter Jose Luis Cabezas in the mid-nineties in the Province of Buenos Aires. Police officers from Buenos Aires were involved in both cases, exposing the need for serious police reform in the province. This culminated in the promulgation of the Province of Buenos Aires' Police Law in 1998, the dissolution of the current police force and the creation of four police bodies.

Another striking case is the National Police of Bolivia, which, in the last twenty years, has faced, among other problems, accusations of irregularities, abuse, extrajudicial killings (the Los Espejos rehabilitation centre), links between police officers and drug dealers (the Panoso case) and embezzlement scandals (even involving the police chief, Ivar Narvaez). In these cases, not all the scandals resulted in reforms, although there was a purge of personnel, reorganisation of the institutions dependent on the police and a change in the high command following the cases with the most far-reaching implications, such as the Narvaez case.¹⁶

¹⁶ Quintana, Juan Ramon. Police and democracy in Bolivia: a pending political institution. La Paz, PIEB Foundation, 2005.

REFORMS MOTIVATED BY CRISES AND SCANDALS

Police institutions should be subject to periodic evaluations so that any necessary changes can be carried out as a result. However, the most substantial reforms in the region are usually implemented after major scandals that result in institutional crises that affect both the police and the government. The subject of governability has become more and more sensitive to what occurs in the area of public security.

There are at least two interpretations of this reactive pattern of reforms by political authorities. One is to think that it is acceptable that governments react to an event which shocks and seriously brings into question the policies and conduct of the police force. The other is to think that this manner of institutional change is not the most appropriate for modern democratic states and that any crisis reactions respond simply to the political authority's need to maintain a certain level of control and governance. Whichever interpretation is correct, when changes are not motivated by reasons directly linked to the need to protect the people and improve police services, they end up being short-term and limited, unsustainable in time or not consistent with other actions or decisions adopted on public security matters.

In Latin America, the second situation is certainly more common. This is in contrast to developed countries, which, faced with scandals and crises, often adopt radical, permanent and long-term solutions, planning for their sustainability in time.

It must be pointed out that the general police reform process has, in some countries, involved prominent players who have opposed the new measures and pressured the relevant authorities. These types of situation have varied in intensity and with time. The pressure of police personnel for a salary raise is a common element in reform processes where there has been opposition to the approval of certain changes. There are also other important political-institutional players who have opposed reforms. In this respect, the reform of the Civilian National Police in El Salvador where there was strong opposition from the military is worth mentioning. This sector resisted the transfer of police functions to civilian control under a ministry, as was agreed to in the peace agreement and the resulting constitutional reform. The police traditionally reported to the military.

In Uruguay, politicians opposed the reforms. During 2006, members of the opposition questioned the Minister of Interior, pressuring

him to implement various changes regarding policies, criminal strategies and security for child and adolescent lawbreakers. As a demonstration of the pressure that they exerted, at the end of 2006, this group of parliamentarians summoned the Minister to Parliament on more than twelve occasions - including a request for his censure and removal. They never obtained the reforms desired.

With respect to the type of reforms implemented, it can be seen in table 2.12 that the respective reform processes in the region have centred on reforms to the structures and charters of police institutions, as well as police training. These are indicators of the priorities that the police institutions have adopted since the return of democracy, the signing of peace treaties or as a result of historical milestones. They thus illustrate the need to change the law to define their civilian and apolitical character, as well as the restructuring of their functional and organisational bases.



Meanwhile, interest in police training shows concern for the level of professionalism of police bodies, characterised by the creation or restructuring of training institutes and changes in the curriculum. Together with concern for the acquisition of skills and knowledge specific to police functions, subjects such as human rights and democracy have also been incorporated into the curriculum. Efforts made to promote programmes that link the police to the community should be highlighted. These programs reinforce prevention and community work, establishing relationships with residents that help create greater trust of the institution.

Reaffirming what has previously been indicated, but now from a quantitative point of view, it should be emphasised that in twelve of the sixteen countries from which information is available, reforms to police charters have been implemented. These processes are most common in the Andean sub-regions and Central America. The exceptions to these reforms are Brazil, Chile¹⁷, Jamaica and Uruguay.

In general, these reforms have been promoted by the government, in some cases with the collaboration of the police and civil society. The latter can be seen in some Central American and Caribbean countries (Nicaragua, Panama, the Dominican Republic), since, in the framework of the peace treaties, sweeping reform processes were carried out with broad participation. The exception to reforms initiated by the government is the Bolivian case, where the National Police promoted reforms to its charter.

The reform process in terms of police training has been similar, since the ministries on which the police depend pushed for reforms in this

area. The Ecuadorian case escapes this generalisation, since the National Police promoted reform. In the Federal District of Mexico, those in charge of the Secretariat of Public Security of the Federal District (SSP-DF) have emphasised reforms to police training, promoted by civilians.

Many important reforms have made to police forces' institutional structure in the last two decades. In fact, eleven of the sixteen countries carried out some kind of reform in this area. Their aims are to modernise the police's internal organisation - creating, fusing or reorganising departments or units - in a way consistent with the aims and challenges defined by the institution and with the new social and political scenario. In this respect, changes in rankings, sometimes motivated by an attempt to stabilise police forces, have been implemented. The players involved in the implementation of these reforms are the same as those mentioned earlier. It is worth mentioning the Jamaican process, where the Constabulary Force proposed the measures.

In terms of institutional hierarchies, one constant factor is the maintenance of subordination patterns. Police are subservient to the same ministries to which they were attached in previous decades and changes of institutional dependency have mainly occurred in Central America. Following the reorganisation of the security sector outlined in the peace treaties - treaties that aimed to advance the process of democratisation and demilitarisation of the police - police institutions were transferred to civilian control¹⁸. These changes were part of a radical demilitarisation process in the sub-region.

¹⁷ In Chile's case, there are reforms related to the founding of the new Criminal Processing system.

¹⁸ As has already been said, this does not centrally constitute criticism per se of the military police dependent on the Ministry of Defence, but who have the trust of the population (as in European countries).

Two other police forces in the region, the Dominican National Police and the National Police of Paraguay, have changed their institutional dependence in the last few years. During the creation of a planning and coordination body for public security policy, the Dominican National Police were put under the control of a special sub-secretariat (State Secretary of the Interior). After the creation of new police force in Paraguay in 1993, the National Police came under the control of the Ministry of the Interior. Finally, in 2006, Chile began to discuss changes that would put the police under the control of a potential Sub-Secretariat of Public Security in order to institutionalise them.

As far as constitutional reforms to police functions are concerned, the main changes are noted in the Central American sub-region. El Salvador, Honduras, Nicaragua and Panama all made constitutional changes with the already mentioned aim of removing the police from the grip of the armed forces and, along with this goal, of redefining the police's role in the new democratic framework. To achieve these goals, the reforms stress the civilian, professional and apolitical nature of police institutions. This constitutes a turning point with respect to previous security forces, which did not guarantee behaviour in strict compliance with the constitution or the appropriate civilian authorities. Similar to the former countries is

the case of Jamaica, where Parliament was the principal instigator of reform; the Paraguayan National Police due to the aforementioned constitutional change of 1992; and the National Police of Ecuador, with the promulgation of the National Police Law (which gave the police new roles). The most recent case of constitutional reforms is the National Police of Uruguay. In 2006, police regulations that contradicted the constitution were eliminated and a regulatory-legal study was carried out to promote the institutional redesign of the Ministry of Interior and the police.

Table 2.12 shows the numerous areas in which police reform initiatives have been developed. In the majority of the cases, the results have been varied and without substantial long-term impact. However, the central focus of this report is to identify the central institutional reforms in the majority of the region's countries.

Finally, it is worth noting that, together with reform processes, a different type of measure has been carried out, aimed at the institutional modernisation of the police. Among these modernising reforms are changes in management models, modifications to the institutional pyramid, increases in the years of training, incorporation of technology and purchase of equipment. Reform efforts made by police institutions have been concentrated in these last areas.



Table 2.12
Areas of police reform

Sub-region	Country	Constitutional Role	Organic Structure	Charter	Training	Dependency	Ranking	Existing Evaluation
Caribbean	Jamaica	✓	✓		✓	✓ ^a	✓	
	Dominican Republic			✓		✓ ^b		
Central America and Mexico	Costa Rica		✓	✓	✓		✓	
	El Salvador	✓	✓	✓	✓	✓ ^c	✓	
	Guatemala		✓	✓	✓		✓	✓
	Honduras	✓	✓	✓	✓	✓	✓	
	Mexico			✓	✓			
	Nicaragua	✓	✓	✓	✓	✓ ^d	✓	✓
	Panama	✓		✓	✓	✓ ^e	✓	
Southern Cone	Argentina		✓	✓	✓	✓ ^f	✓	
	Brazil		✓		✓			
	Chile				✓		✓	
	Paraguay	✓	✓	✓		✓	✓	
	Uruguay	✓	✓		✓		✓	
Andean Countries	Bolivia			✓				✓
	Colombia		✓	✓	✓		✓	✓
	Ecuador	✓		✓	✓		✓	
	Peru		✓	✓	✓			

a/ Creation of a specific ministry

b/ Creation of a planning and coordination body for the policy of citizen security.

c/ Creation of a specialised ministry.

d/ Determination of the functions and attributers of the Ministry of the Interior.

e/ Creation of a specialised dependent body: Council of Public Security and National Defence.

f/ Creation of the Ministry of Security.

- Source: In-house, 2006.

Table 2.13
Institutional reforms initiated by the sector

Sub-region	Level		
	Low	Medium	High
Caribbean	Dominican Republic	-	Jamaica
Central America and Mexico	Mexico	Costa Rica Guatemala	El Salvador Honduras Nicaragua Panama
Southern Cone	Brazil Chile	Uruguay	Argentina Paraguay
Andean Countries	Bolivia	Colombia Ecuador Peru	-

Note: “Low” level: two or fewer reforms. “Medium” level: between three and four. “High” level: five or more.

• Source: In-house, 2006.

3. Conclusions

The analysis presented in this chapter establishes the need for major advances in police reform in the region. When the state designs security policies or decides to legislate, create or implement changes, the role of the institutions and workers involved must be considered. This is so their participation can be evaluated, arbitrary actions prevented and administrative control mechanisms established. Therefore, the limits between the legitimate use of force and what passes for this limit can vary, depending on factors as diverse as the political situation (democracy or dictatorship), the prevailing ideology (minimalist or criminal), decisive moments (assaults that generate a state of alert or overreaction, etc.), election processes, etc.

A panoramic analysis of the public security institutions in Latin America and the Caribbean shows great dynamism in the last decade in terms of legal reforms. In general, legal reforms have tended to remove the police’s dependency on the military, ranks and structure. The military nature of the police and a definition of functions that tends to be wide rather than focused or limited, have been maintained despite these reforms. Areas of action to be carried out in conjunction with the armed forces in the areas of drug smuggling and public order are also recommended. In the majority of countries, there are internal control and accountability mechanisms, although close to half of the countries included in this study show low levels of external control of police functions. Congress has very low levels of intervention and control in the field of public security in the majority of



Table 2.14
Modernisation processes implemented in police institutions

Sub-region	Country	Institutional modernisation	Changes in management model	Incorporation of technology	Purchase of equipment	Changes in institutional pyramid
Caribbean	Jamaica	✓	✓	✓	✓	✓
	Dominican Republic	✓	✓		✓	✓
Central America and Mexico	Costa Rica	✓	✓	✓	✓	
	El Salvador	✓	✓	✓	✓	✓
	Guatemala	✓	✓	✓	✓	✓
	Honduras				✓	
	Mexico	✓		✓	✓	
	Nicaragua	✓	✓			
	Panama	✓	✓	✓	✓	
Southern Cone	Argentina	✓	✓	✓	✓	✓
	Brazil			✓	✓	
	Chile	✓		✓	✓	
	Paraguay	✓				
	Uruguay	✓	✓	✓	✓	✓
Andean Countries	Bolivia	✓			✓	
	Colombia	✓	✓	✓	✓	✓
	Ecuador	✓	✓	✓	✓	
	Peru	✓	✓	✓	✓	✓

• Source: In-house, 2006.

countries. The budget, operations, acquisitions, creation of the institutional doctrine, human resource management, promotion and demotions all depend on the police in the majority of cases. The budgets are drawn up and proposed by the police without intermediate mechanisms on a ministerial level for the definition of objectives and creation of budgetary targets. In almost half of the

countries in this study, police employees are also allowed to take on private security jobs.

Thus, several central challenges arise, which should be addressed in the short term to achieve significant democratic advances, as well as greater levels of efficiency and effectiveness in the tasks of crime prevention and control.

POLICIES TO INCLUDE WOMEN

Clear policies to include both sexes in policing can be found in Southern Cone countries. These policies attempt to provide equal opportunities and conditions for women's entrance into police institutions, as well as their opportunities for promotion once they enter. These are relatively new policies and are part of more general attempts by governments to improve equality of the sexes across professions.

In principle, inequalities in the treatment of men and women by the police have always been clear in the different ranks for men and women; higher ranking positions were inaccessible to female personnel. It has also been common for women to be assigned to certain areas of police work, directly related to family and children. However, this situation is gradually changing.

In the case of the police of the Province of Buenos Aires, there are no gender limitations to enter training centres¹⁹, nevertheless, the tendency to assign women to tasks related to family matters remains. In Uruguay, positions open to men and women differed until 2001 with women mainly occupying administrative and service positions; that year, the so-called PF (Feminine Police) bracket was revoked and opportunities were established for both sexes to occupy the institution's higher positions²⁰. However, the tendency to assign women to traditionally female tasks persists, with many women still occupying administrative tasks and service positions associated with care for police officers and their families. In the Chilean *Carabineros*, rankings were unified in 2005, but a step towards greater equality had already been taken in 1990, when officers from female ranks could gain admittance to courses at the Political Science Academy and, therefore, access to higher ranks. Finally, in Honduras, inclusion of both sexes has resulted in an open-door policy for all posts, without distinctions based on gender.

It is worth mentioning that the inclusion of women in the police does not only imply the incorporation of female personnel into security institutions, but also opens a diverse agenda of topics that should be emphasised. For example, this new tendency in the police opens up debate about traditional roles assigned to the sexes, the development of institutional policies on sexual abuse, the development of non-discrimination policies, the implementation of equal policies relating to the family for both male and female employees, etc. A wider discussion also becomes relevant about the links between the police and society, bearing in mind differences based on sex.

Doctrine, functions and discretionary power

- To specify the role of the police in urban life and the areas in which intervention is necessary, as well as those roles which are beyond available means. The transformation should include qualitative elements, such as training and doctrine which inspires agents. The kind of relationships and habits that are

found within the institution can be strongly transmitted through attitudes, symbols, behaviour. In terms of police doctrine, there is minimal national legislation which outlines the guiding principles of police action, the ethical principles which guide the police and the aims and views which should govern police conduct²¹. It is necessary and useful to clearly establish these principles in order

¹⁹ In 2004, under the control of the Ministry of Security, the General Department for the Coordination of Gender Policies was created.

²⁰ In 2006, three of the fourteen National Departments had women heads.

²¹ Costa Rica is a country in which this is tackled with an attention to detail that is not found in other Latin American legislation. Thus, the General Law of the Civilian Rights Police, Law 7410, 1994, dedicates a whole chapter to the laws on disciplinary regimen, giving details of the kinds of misdemeanours and criteria to define them, as well as sanctioning and investigation procedures. In addition, it includes fourteen fundamental principles of police action which govern the behaviour of its members (article 10). As far as Colombia is concerned, in Law 62 from 1993, two important principles are mentioned: the protection of the fundamental rights recognized in the Constitution and the jurisdiction of the international agreements signed by the country. These are joined by other duties and principles, such as equality, impartiality, civilian control and the obligation to intervene.



to guide training processes, addressing everything from the contents of the curriculum to dismissals, demotions, candidate selection, etc.

- To regulate the police's discretionary power, it is important to strengthen the way they address concepts associated with individual and institutional responsibility for their actions within a framework of human rights protection.
- To delimit police functions, police should concentrate on essential duties, such as citizen security and maintenance of public order and security; with a more limited set of functions, the ability to fill their roles improves and it is easier to evaluate and control police actions.

Organisational model

- The region's police institutions have very different characteristics as far as their organisational models are concerned, beyond whether they are national or state, civilian or military police, responsible for public security or defence. The quality of the police structure and its integration with other police forces are essential elements for police forces to carry out their work effectively. Integration should occur in the areas of dependency, functions, intervention levels and collaboration with other institutions, in the understanding that different state institutions are working towards the same goal. On the other hand, this integration on a national level is an essential condition for the promotion of sub-regional, regional and international collaboration.

Selection, training and professionalisation

- Steps should be taken to determine valid criteria for the selection of police officers and procedures should be drawn up for a stricter method of selection to meet the institution's goals. In many cases, these procedures are based on a selection process that relies on the elimination of those candidates who do not fit the desired profile, when the selection criteria look to predict the candidates' capacities and performance.

The methods which identify the presence of qualities specific to each candidate evaluate the subject's capacity to react and the quality of this reaction to the different situations they will face as police. Not only is their size to weight ratio and knowledge considered, but also their moral integrity (in a descriptive-objective sense, for example an absence of known moral faults is expected). Among the known global criteria for police officer selection are their physical (weight/size), socio-cultural (ethnicity and gender) and, finally, professional capabilities.

- Improvement of the level of professionalism should be a goal and police institutions should design plans with short, medium and long-term objectives to change the curriculum for the basic training of different ranks; a system for updating knowledge and doctrine during career development, aimed at the institution's different segments; and (individual) job performance evaluation mechanisms that focus on the quality of the service provided to the community.



- Another important element is the status that police work enjoys and its relevance to society, a dichotomy that is reflected in low wages despite the difficult and dangerous tasks police perform. An improvement in wages should accompany improvements in levels of professionalism and the quality of the service provided.

Evaluation and control systems

- If professionalism and accountability are permanent aims for modern and democratic police institutions, evaluation criteria for individual performance in police departments should be adapted, using the quality of the service provided and compliance with existing rules as measures, with the aim of improving institutional prestige and public trust.

- As far as management is concerned, it is necessary to redefine management criteria and indicators, allowing for their results, effectiveness and impact on public security to be evaluated.
- As far as control systems are concerned, the types of crimes that cover acts of police abuse of power and infringements of fundamental rights need to be more clearly established. Nowadays, many of the region's countries only have regulations contained in military justice codes, which, because of the way the codes are written, are difficult to apply. States should also consider compensation mechanisms in cases where it is shown that police agents used excessive force or officers are injured in the line of duty.



III. INTELLIGENCE SECTOR



III. INTELLIGENCE SECTOR

The reform of the intelligence sector is one of the main challenges facing democratic governments of Latin America and the Caribbean. Three considerations make it particularly important: first, intelligence services have been used in the past by the armed forces, the police and even by specific political sectors for repression and/or political control. Second, after democracy was established, there have been cases of improper use of intelligence in some countries. Third, in general, intelligence services have been organised by the armed forces and police themselves without democratic controls.

1. *What are and what purpose is served by the intelligence services?*

The very concept of “intelligence” - in the sense of the process of searching, collecting, processing, disseminating and protecting information that is relevant to and timely for the making decisions regarding security and state operations - is crucial for any democratic system. However, such information is supposed to be collected within a legal framework and with respect for human rights.

There are four main functions of the intelligence services¹: collection, processing, counter-intelligence or intelligence security and undercover intelligence gathering (also called “direct action”). *Collection* is the process of looking for and finding information from sources, whether these are public or not, to supply the intelligence system. In *processing*, the collected information is classified and interpreted and used in reports which highlight relevant information. *Counter-intelligence* consists of the denial, obstruction, detention and destruction of adverse intelligence gathering activities, understanding these not only as services established by foreign governments, but also those of other internal groups whose activities can be considered damaging to the government. Finally, direct actions or *undercover methods* include the use of a wide range of methods intended to influence another state, but in a way that does not involve (at least not formally) either the country or the causal agency.

¹ A common source is Hastedt, Glenn, ed. *Controlling Intelligence*. London, Frank Cass, 1991. 228 pages.

Intelligence is the process of searching, collecting, processing, diffusing and protecting information that is relevant to and timely for the making decisions regarding security and state operations.

Due to the fact that intelligence requires processes to be carried out confidentially and also produces confidential results, the main way to control it democratically is through external institutional mechanisms and through the handling of its associated legal and financial resources. It should be added that, as well as this restriction, the police authorities capable of exercising control over the system are not only small in number, but are also reluctant to participate in an area where they have limited access. However, only these authorities can guarantee the effective completion of the intelligence services' mission.

In a basic classification exercise, we can identify three basic types of intelligence - although in practice they overlap to some extent (see figure 3.1) - depending on the institutional function they serve. Thus we have: *military intelligence*, which focuses on the abilities, organisation and deployment of opposing military forces; *police intelligence*, responsible for the detection and prosecution of individuals, groups or criminal associations that have operated, operate or could operate within national territory; and *political-strategic intelligence*, whose focus is the high-level leadership and coordination of opposing political organisations and the intentions, plans and decisions of their most powerful leaders, whether from foreign countries or from groups willing to use violence against the state. With regards to the latter, it is necessary to emphasise that, in a democratic context, the use of political-strategic

intelligence against internal actors, such as political parties, civil rights organisations or unions and syndicates and so on, is not legal. In fact, the persecution of local opponents of any type characterises intelligence in non-democratic regimes.

2. Intelligence system oversight mechanisms

The previous description shows the importance of improving oversight mechanisms for intelligence. However, the process of controlling intelligence is neither simple nor easy. To achieve it, different mechanisms have been implemented which can be classified into three groups: *high-level oversight citizen control and internal control*. These three types become reality through laws, which are an example of high-level oversight controls through which the other types of control are also channeled.

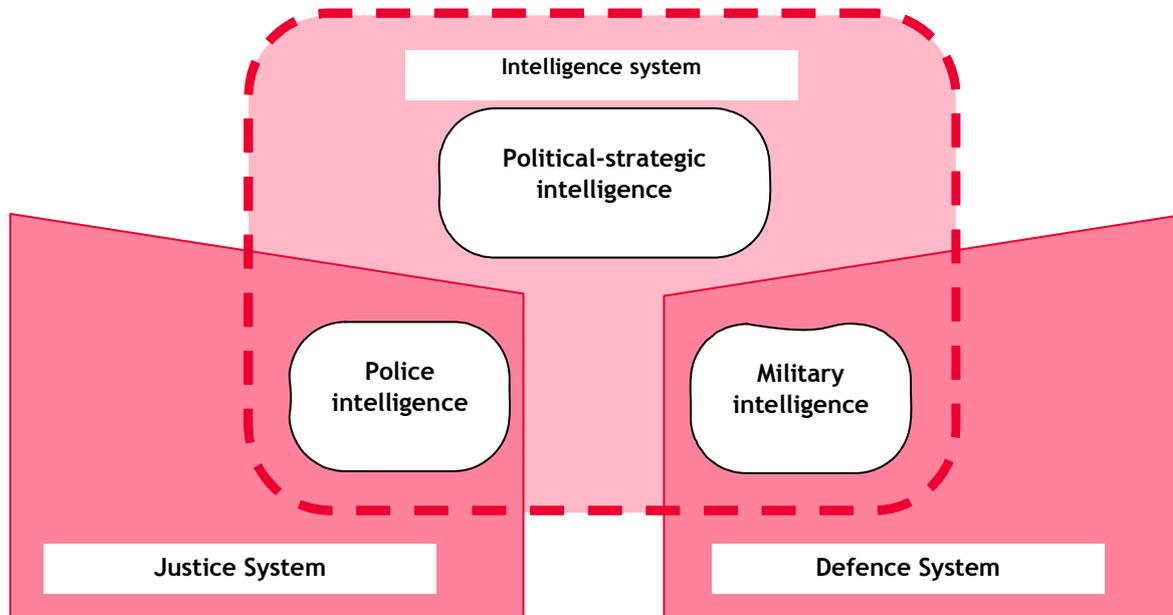
2.1 Higher-level oversight controls

This way of controlling the intelligence system is the most important of all, since it is the one through which the state's high-level political institutions - Executive, Legislative and Judicial Powers - exert control. These controls are illustrations of the will of the people. In this type of social formation of institutional controls, only the political authorities have the power to exercise control over the intelligence system, either directly or by delegation. It is worth highlighting two aspects: one relating to the legal framework in which powers of oversight are used and the other related to the principle of democratic responsibility.

First, the basic instrument for intelligence control is the *legal framework* which regulates oversight. In principle, it is thought that in addition to recognising the need for an intelligence system, the law must establish its components, forms of supervision and means



Figure 3.1
Cross-section of the intelligence, defence, police and legal systems.



• Source: In-house, 2006.

available to said system. Coupled with this, the law should establish sanctions, both for the violation of secrecy and for the misuse of the intelligence system and undue pressure on employees.

Second, the principle of *democratic responsibility* acquires special meaning in the intelligence field, considering the large amount of information about the system which is not available to the public. Therefore, a clear hierarchy, that begins with the agents and ends with the head of the government, is essential so that there is always some form of responsibility to the public. This also assumes a chain of information, which exists or should exist, from subordinates to superiors and guidelines, from superiors to subordinates. This latter function is also partially carried out by the Judicial Power in its supervisory capacity, especially when it has a specialised committee to oversee intelligence activities.

The process of controlling intelligence requires different mechanisms, which can be classified into three groups:

- High-level control.
- Citizen control.
- Internal control.

Additionally, since legislation and supervision are its essential functions, Parliament often plays an important role along with the Executive Power in the *allocation of financial resources* to the intelligence system, as well as in the establishment of the *legal limitations* on intelligence. Since the methods used by the intelligence service are so sensitive, the function of Parliament is to consider the widest possible visions of society in determining

whether to authorise and limit intelligence operation. On the other hand, without special legal measures which allow the intelligence services to carry out and conceal activities and collect and hide information (which is the distinctive feature of intelligence) and without a budget to carry out these operations, the intelligence systems do not differ from any other administrative institution. In these matters, a key tool for the effective control of the system is the ability of the Legislative Power to carefully plan and assign determined economic resources. This is particularly important considering that the authorised use of closed intelligence sources, especially certain invasive measures – such as wiretapping – is what distinguishes intelligence from other state institutions. Insufficient control, while taking into account the naturally secret function of the system, facilitates the use of intelligence to illegal, private or politically-biased ends.

Together with the allocation of resources, a fundamental tool for supervision is the fact that the intelligence system is required to request authorisation for any kind of special measures, record these special requests and declassify them after a reasonable time, particularly if there is suspicion that a granted request did not lead to the discovery of any illegal activity.

2.2 Citizen control

Given that the majority of people have little information about intelligence systems, there are few opportunities to exercise active citizen control over them. In this respect, one of the main ways in which the people can exercise this right is to demand access to basic intelligence documents. The fundamental requirements to make this power viable are: that political authorities must complete their obligation to register information-gathering and processing activities, as well as counter-intelligence and undercover operations should they exist; that

intelligence agents provide access to all intelligence information to a politically responsible and identifiable superior; that citizens are granted access to information, except when a just cause exists for withholding information, in other words, information cannot be customarily or arbitrarily denied without proof that the a higher authority considered the information classified and that it should be controlled to prevent its improper use; and finally, legislators must pass basic intelligence legislation, which specifies what expenses are authorised and those which are expressly forbidden. Finally, people should be able to use the information they obtain to make the authorities politically responsible, through elections or other democratic means.

2.3 Internal control

A third form of intelligence system control is internal control instruments, among which the most relevant *serve to make the system more professional*. Improving professionalism could be seen as a way of increasing the system's autonomy and, therefore, as a counterproductive measure as far as intelligence control is concerned. However, on the contrary, improving professionalism in certain areas reduces sensitivity to political and illegal external pressure; in fact, establishing technical regulations and policies for each procedure limits the possibility of improper behavior.

On this subject, Cepik and Antunes² develop four criteria which allow for the determination of the level of intelligence professionalism: i) if specialisation exists in the activity's methods, contents or goals; ii) if there is a set career path for employees, which improves recruitment and a promotion system, which creates incentives for institutional loyalty and thus makes employees less susceptible to political manipulation; iii) the presence of professional education, in other words, preparation through



specialised training programmes, which creates knowledge experts who do not learn through improvisation or practice; and iv) the existence of a code of professional ethics that establishes rights and duties to follow. To this list, we could add two relevant mechanisms: the presence of a complaint and appeal mechanism to be used in cases of inappropriate influence, which would remove incentives for the misuse of intelligence; and the existence of records of access to intelligence materials, in a way that certifies which information the authorities have received on which matters and makes it impossible for faults in the intelligence system to be justified.

As well as professionalisation, the other mechanism of internal control is the designation of capable intelligence directives, which respond to the multiple tasks imposed on the intelligence service.

3. Intelligence in Latin America: institutional precariousness and potential

The main problem regarding democratic control of intelligence systems is *limited access to information*. A large amount of basic information on intelligence operations exists, but access to it is limited to those who directly control the system, excluding the general public and sometimes the democratically chosen representatives supposedly in charge.

Using this limitation as a starting point, the analysis focuses on three elements considered essential to the identification of democratic challenges and the consolidation of an efficient and democratic intelligence system: institutionalism, oversight mechanisms and reform processes.

3.1 Institutionalism

The existence of legislation which regulates the intelligence system is a basic, although not sufficient, way to define the purpose and means of intelligence operations. Very few of the region's countries have developed *ad hoc* legislation, on which basis employees of different ranks apply their own criteria (sometimes arbitrary) in the collection of information (see table 3.1).

Three elements are essential to the consolidation of intelligence systems that are both efficient and subject to democratic control:

- Institutionalism.
- Control mechanisms.
- Reform processes.

Legislation on intelligence can be considered a valuable instrument both from a theoretical and empirical point of view. In theoretical terms, legislation helps to formalise rules and procedures, delineating areas of discretion. At the same time, these criteria are open to public scrutiny. From an empirical standpoint, all the laws that have been passed on intelligence in the region were established during the democratic period, between the mid-nineties and the present day.

An intelligence law does not only refer to a regulation that establishes the creation of institutions authorised to carry out intelligence tasks. It also implies the creation of a regulatory body that needs permanent mechanisms to

² Cepik, Marco and Antunes, Priscila. The Professionalization of Intelligence in Brazil: Knowledge, Career Path and Values. In: Swenson and Lemony, eds. Intelligence as a Profession in the Americas: New Approaches. Washington, D.C., JMIC Edition, 2003, pages 109-154.

control intelligence activities, establish limits for the means used by intelligence services and encourage coordination and integration between specialised branches. While Argentina, Brazil, Chile, Colombia, El Salvador and Peru have created laws specifically on this subject, their respective laws have not necessarily guaranteed the proper operation of the system. In some countries intelligence activity is hardly even mentioned, while in others, such as Argentina and El Salvador, it is difficult to control. The Central American countries - with the exception of El Salvador, which after the Peace Agreements created a central intelligence institution dependent on the President - find themselves only recently debating bills to regulate the sector's activity. The case of Costa Rica is unique, in the sense that it does not have a specific law for intelligence but rather regulates intelligence activities through a law on the police. In the majority of the Central American countries, there are decrees that create intelligence bodies and boards and that define their organisation, but no laws regulate the sector and establish control mechanisms.

Except in Argentina and Peru, where major scandals have occurred (on this topic, see table 3.7), it is difficult to determine the exact cause which led to the formulation of intelligence legislation and, even in the cases where causes can be identified, it is difficult to isolate a single motivation. Thus, among the triggers of the establishment of intelligence laws, we suggest various preliminary hypotheses:

- **Legal and police reform.** With the rise of crime in the region, especially organised crime, many countries have transformed their justice systems. At the same time, it can be claimed that they have taken advantage of reform processes to establish regulations on intelligence activity. This seems to be the case in Costa Rica.
- **Reform of the armed forces.** Given the former political importance of the armed forces and their important roles in security, there have also been important changes in the organisation of military entities. As in the previous cases, it may be that intelligence was reorganised as part of a greater transformation that begun in a related but different sector.
- **Modernisation of the state.** Amidst general state modernisation processes, many of the region's countries have implemented major changes in their public institutions. Especially within higher-level consultation systems, some intelligence services seem to have been thus reformed. In Brazil, for example, the intelligence system is established both by law and through decrees, with the President's role clearly defined but with little information about guarantees of citizens' rights.

3.2 Coordination mechanisms

In the countries studied, there is a notable lack of mechanisms to coordinate intelligence activities. In terms of internal intelligence control mechanisms, it is necessary to make a distinction between the *coordination of intelligence agencies* (or inter-agency coordination) and the *coordination of information* generated by these agencies that, while related, is different.



Table 3.1
Intelligence legislation

		Existence of intelligence regulations (year created)	
		Yes	No
Referring to control of the sector	Yes	Argentina (2001) Brazil (1999, 2002) Chile (2004) Peru (2005)	
	No	Costa Rica (1994, General Police Law, reformed in 2001) Guatemala (2005 Law of the Civilian Intelligence Department)	Barbados Belize Bolivia Colombia Ecuador El Salvador Honduras Jamaica Nicaragua Panama Uruguay

• Source: In-house, 2006.

Coordination of information refers to the production of material and reports using all the information that the intelligence system collects. This task falls to a central agency with access to the information of other agencies, which allows it, in each area, to collect data and extract relevant information through established relations and links. This allows for improvements in the quality of the information delivered and reveals important aspects of the decision-making process.

Inter-agency control or **agency coordination**, which refers to the task of giving advice on the guidelines of each agency and delimiting their fields of operation, is normally accomplished through a council of intelligence directors. This allows, for example, for the revision of problems in the provision of residual information, meaning information collected by one agency could be

useful to a different one. It also prevents the police authority in charge of intelligence from having to arbitrate on all aspects related to the operations of each agency. This makes it possible for police authorities to concentrate only on the important reforms. Several countries do not have an agency that coordinates information nor do they have a coordinating body for the agencies, which weakens democratic control over the intelligence institutions (see tables 3.3 and 3.4).

In Latin America and the Caribbean, there is a lack of organisations in the intelligence system that would be capable of ensuring the efficient operation of the system and respect for fundamental democratic values. This lack of control mechanisms is congruent with the sector's general precariousness and can mainly be attributed to the centralisation of

Table 3.2
Countries with specific intelligence laws and the laws' main aspects

Country and law	Main aspects
Argentina Law 25.520	<ul style="list-style-type: none"> - Defines intelligence and its functions. - Forbids and restricts the use of certain methods and procedures. - Defines its agencies and who is in charge of them. - Specifically establishes the Intelligence Secretariat, in charge both of the coordination of information and of the other agencies in the system. - Sets out control conditions and the participation of the Executive Power, Legislative Power and Judicial Power.
Brazil Law 9.883	<ul style="list-style-type: none"> - Creates the intelligence system. - Establishes the authority of the Brazilian Intelligence Agency as a body which centralises information. - Establishes the intelligence system, regulated by Decree 4.376.
Brazil Decree 4.376	<ul style="list-style-type: none"> - Defines the system's agencies and dependency. - Establishes the Intelligence Council, its members and components.
Chile Law 19.974	<ul style="list-style-type: none"> - Defines intelligence and its functions. - Forbids and restricts the use of certain methods and procedures. - Defines its agencies and who is in charge of them. - Specifically creates a National Intelligence Agency in charge of centralising information. - Creates the Intelligence Council as the agencies' coordinating body. - Sets out control conditions and the participation of the Executive Power, Legislative Power and Judicial Power.
Peru Law 28.664	<ul style="list-style-type: none"> - Defines intelligence and its functions. - Forbids and restricts the use of certain methods and procedures. - Defines its agencies and who is in charge of them. - Specifically creates the National Department of Intelligence in charge of centralising information. - Creates the Intelligence Council as the agencies' coordinating body. - Sets out control conditions and the participation of the Executive Power, Legislative Power and Judicial Power.

• Source: In-house, 2006.

intelligence control in the Executive Power, the still widespread autonomy of the armed forces who carry out intelligence tasks, the absence of regulations that establish permanent control mechanisms and the lack of protagonists for change among other state institutions and civil society, either because of the way the system is organised or because of a lack of interest. Particularly the English-speaking countries

analyzed - Barbados, Belize and Jamaica - include internal security, defence and intelligence as functions of institutions that analyse national security as a whole. Thus, there are no institutions specifically dedicated to intelligence control. The Dominican Republic is an exception in the Caribbean, since its intelligence institution is different. This, however, does not in reality translate into a



Table 3.3
Intelligence agencies, their dependency and coordination.

		<i>Does a council (or other body) exist that coordinates or controls the departments of the different agencies?</i>	
		Yes	No
Does an agency exist to coordinate information?	Yes	Argentina Brazil Chile Colombia Peru	<i>Ecuador</i> <i>El Salvador</i> <i>Guatemala</i> <i>Uruguay</i>
	No	<i>Nicaragua</i> <i>Panama</i>	<i>Belize</i> <i>Barbados</i> <i>Bolivia</i> <i>Costa Rica</i> <i>Honduras</i> <i>Jamaica</i>

• Source: In-house, 2006.

more organised sector or the existence of specific intelligence control mechanisms.

3.3 The role of the state

In all of the region’s countries, intelligence activity is conceived of as necessary to secure national interests and to guarantee the security of its citizens and institutions. Intelligence has gone from an activity aimed at protecting the stability of a regime and extending its stay in power through the identification and neutralisation of threats from opponents to being recognised as a necessity to confront certain dangers such as terrorism, organised crime and drug smuggling, which frequently affect Latin American countries. However, this recognition does not guarantee democratic control of the intelligence systems nor does it prevent the scandals that occur every once in a while in this area.

In countries with legislation on the topic, intelligence is recognised as a state matter and a necessity so the President (or Prime Minister in some Caribbean countries) together with high-level state administrators have the information necessary to make decisions that correspond to their position. It is this high-level state administration that has to make decisions about intelligence matters and that has the responsibility to ensure that intelligence activities are conducted in accordance with presidential plans and respect for law. In the region, this administrative body with maximum control takes on different forms, but is always based on the authority of the president as the party responsible for intelligence matters (with the exception of Ecuador, where this role is carried out by the Council of National Security with the participation of the President). Depending on the level of the organisation, a council directed at coordinating and reviewing

Table 3.4
Intelligence agencies, their dependency and coordination.

	Does an agency capable of presenting coordinated information and requiring information from other agencies exist? (Who controls it?)	Does a council (or body) exist that brings together intelligence directors, coordinates their work and/or plans their intelligence activities? (Who controls it?)
<i>Countries that only have an agency that centralises information and with an executive coordination council.</i>		
Argentina	Secretariat of National Intelligence (Presidency of the Nation).	Secretariat of National Intelligence (Presidency of the Nation).
Brazil	Brazilian Intelligence Agency, ABIN (Institutional Security Cabinet).	Consulting Council of the intelligence system, belonging to the Institutional Security Cabinet (President of the Republic).
Chile	National Intelligence Agency (Ministry of the Interior).	Intelligence Committee (N.A.)
Colombia	Administrative Department of Security (Presidency of the Republic).	Assembly of Intelligence Council (President of the Republic).
Peru	National Intelligence Department (President of the Republic).	National Intelligence Council (N.A.).
<i>Countries that only have a supervising council</i>		
Nicaragua	No	Department of Intelligence Matters (President of the Republic).
Panama	No	Public Security and National Defence Council (President of the Republic).
<i>Countries which only have an agency that centralises information</i>		
Ecuador	National Intelligence Department (Council of National Security).	No
El Salvador	State Intelligence Body, OIE (President of the Republic).	No
Guatemala	General Department of Civilian Intelligence, DIGICI (Ministry of the Interior).	No
Uruguay	National State Intelligence Department (Ministry of National Defence).	No
<i>Countries that don't have either an agency or a council</i>		
Bolivia	No	No
Costa Rica	No. However, this is due to the fact that there is only one body in charge of intelligence. This agency was created as part of the general police law.	No
Honduras	No	No. In 2006, a reform in the final stages of completion came into effect, modifying a large part of the current intelligence system.

N.A.: Not available due to insufficient or unclear information.

• Source: In-house, 2006.



intelligence activities, which acts as a monitoring institution, exists in Chile, Ecuador, Colombia and Panama in addition to President.

In the cases where the armed forces and police are under the operative control of a ministry, these government institutions - in general, the Defence and Interior Ministries - are included among those institutions which play a supervisory and management role in the sector, as an extension of the Executive Power. Such is the case in Brazil, Chile, Colombia, Costa Rica and Uruguay. In addition, the state intelligence agencies or institutions, which do not belong to the armed forces and the police, eventually end up coordinating the sector or supporting the President in intelligence matters. Thus, although these institutions do not have a clearly delineated supervisory role, agencies with authority to centralise information constitute an intermediary body of control for the sector. This occurs due to their capacity to produce the information to coordinate state functions and due to their relative independence from the defence or police system. This type of institution exists in Argentina, Brazil, Chile, Costa Rica, El Salvador and Peru, among other countries.

Problems of control also occur when the same institution that designs intelligence policy and manages the sector (Executive Power-President) is also in charge of intelligence oversight. This affects the ability to recognise, take responsibility for and correct mistakes. While it is necessary for administrative institutions to exist within the intelligence service, to manage internal control, it is also necessary that institutions external to the organisation (either in different branches of government or in civil society) exhibit interest in and have the legal power to continuously monitor intelligence activities. This does not imply complete knowledge of intelligence decisions - these decisions are rightly secret - but it does require

knowledge about the means used to conduct intelligence operations. In effect, in the case of the majority of the region's countries, there is no institution able to oversee intelligence activity apart from the very directors of intelligence or the occasional committees that do not generally play an active role in its control and monitoring.

As a subject of national interest, intelligence falls under the jurisdiction of Parliament, but rarely does the law establish how this control will be exercised. Legislative reforms are only made in crises. This is particularly clear in Colombia and Ecuador, where legislation does not address the subject and the Judiciary Power has not taken the initiative to consider the matter. In general, countries that have recent intelligence laws also have laws that clearly define the legislature's role in intelligence and thus give legislators a certain measure of control. However, even the mechanisms established are not mandatory, since they do not obligate the Legislative Power to carry out periodic assessments of intelligence activities. That is why, despite the existence of a law and the inclusion of Parliament in the sector's control, illegal intelligence operations have been reported. These incidents confirm the precariousness of instruments of control.

The precise role of the Legislative Power in monitoring intelligence activity is not in itself, after all, a guarantee of greater control. The trend in the region is that political decisions are made in moments of crisis and also that legislation is based on the notoriety of the problems. In the case of intelligence, the lack of scandals does not indicate that the system works well; rather the relatively few scandals may be due to the fact that secrecy surrounds intelligence activities both for the public and the political world. In this way, the debate about legislation for intelligence matters has occurred only in countries that have witnessed scandals,

either because of the sector's inefficiency or because of the incorrect use of the intelligence tools. Crises have generated reforms in the system in Argentina, Chile and Peru due to terrorist acts, knowledge of corrupt acts in which intelligence services have been involved or disobedience of the military command. Central American countries have done the most in terms of institutional reorganisation of security and defence matters, following the periods of conflict they experienced. However, from the very beginning, these efforts did not lead to legislation on intelligence matters. The crisis in public security matters focused attention on other institutions, removing intelligence matters from national debate and converting intelligence into an area of late development.

On the other hand, judicial control of intelligence activities is formally possible in some countries while in others it is not even considered. While by default, the courts tend to have some responsibilities, they depend both on the existence of a law that specifies their participation and complaints and requirements that permit their action. With the inclusion of a third state power, intelligence oversight becomes more complete and detailed, since it is hoped that the Judicial Power will decide whether to authorise the use of specific means of intelligence collection that require authorisation beyond what legal, or even constitutional, regulations normally allow. In this case, the Judicial Power, through a judge, can decide whether certain acts, necessary to achieve extremely important national security aims, are compatible or not with the country's regulations. This judicial role of supervising and overseeing intelligence activities has only been adopted by countries with specific intelligence legislation. The only exception is Brazil, which, nevertheless, allows courts to regulate intelligence activities.

Another shortcoming as far as control of intelligence is concerned is the lack of transparency and information available to hold the sector accountable. The possibility for outside actors to control intelligence activities is established through the legal powers assigned and also through the public access provided to declassified information that allows, at least, for the means used to carry out collection work to be known. In this way, the aim is not to control or question strategic matters that require discretion, but to monitor the way in which intelligence is produced and resources used, guaranteeing respect for national laws and international treaties. Challenges accessing information about intelligence activities are substantial in Central American countries and worse in the Caribbean. It is even more challenging to establish the actors involved in intelligence in each country. The problem arises when information is not readily available to the public, the Legislative Power, the legal authorities or even the President. This situation occurs frequently. This lack of transparency does not only breed mistrust but also shows *a lack of organisation in the sector*.

Another topic regarding oversight is the role that the armed forces play in intelligence activities in the different Latin American and Caribbean countries. It is understood that carrying out specialised intelligence operations is one of the features of military institutions, given their responsibilities to defend the nation and to maintain order and security. In this sense, military and police institutions should have the technical and human capacity, as well as the required experience, to carry out intelligence tasks and contribute to national interests. Nevertheless, to ensure that autonomy of the military does not allow opportunities for intelligence activity to be carried out against the President's interests nor the means used and the information collected hidden from him or her, it is necessary that a close, stable and



positive relationship exists between civilian leaders and the military. For that to happen, the management capacity and control of the sector depends on the existence of control mechanisms within the armed forces and the police, whether these are legal, budgetary or social. Unfortunately, the region does not guarantee the fundamental transparency of institutions and much less so when intelligence work is at stake. The autonomy of military and police entities to define intelligence goals and aims to maintain order in the country is one of the most important causes of the region's instability. This is because of the influence they gained in period of conflict (together with the socio-economic situation). This situation has been replicated under democratic governments because the military and police have been reluctant to hand over power to civilian institutions and accept civilian oversight. That is why, before being able to address specific topics, such as defence, it is necessary to guarantee democracy and democratic stability. Latin America and the Caribbean do not have clear tendencies in this area.

3.4. Reform due to scandals

As has previously been noted, one of the main catalysts for reform in the region's intelligence services has been media scandals showing the lack of control over intelligence activities. By analysing the best-known cases from the last few years (see table 3.7), we find that crises have occurred on numerous occasions in some of the region's countries and more sporadically in others. It is difficult to speculate if this reflects the absence of records of crises, a capacity to hide intelligence scandals, different levels of professionalism that make their occurrence more sporadic or a decrease in scandals due to the control exercised, especially by the media.

As can be observed, many of those responsible for known cases of illegal intelligence activity or military intervention have not been sanctioned. In fact, the population's perception that certain sectors have permanent immunity in such situations is partially linked to the powers that those actors who use intelligence to carry out political interventions enjoy. Both perceptions have an impact on the quality of the reforms that can be carried out as a result of intelligence crises and scandals. Scandals are sporadic in many countries and have a strong media impact, but are limited in terms of long-term institutional reorganisation.

Democracies still working toward consolidation usually show weaknesses in civilian control of intelligence. However, for such failings to be rectified it is not enough to correct the respective institutional deficiencies. Changes must also be generated in certain interrelated aspects that allow these weaknesses to persist. In this sense, it is necessary to reform the following aspects linked to intelligence systems:

- **Limited government interest.** The political authorities in a democracy, in contrast to dictators or employees designated for their merits, are chosen by popular vote. However, with the exception of intelligence relating to police operations, intelligence is not an area that receives much attention from government officials, especially when faced with many other topics on the public agenda that attract more attention and votes. As a result of this, it is difficult to find political experts on intelligence in the judiciary and legislature. A solution to this problem could be achieved through the incorporation of specialised consultants, but this can only occur when there is interest and the resources to implement it.

Table 3.5
Possibility for checking and controlling intelligence activity

Region	Country	President	Ministry	Intelligence Council	Administrative Supervision	Judicial Power	Legislative Power		
							Exercises control	Permanent commissions	Functions
Central America	Costa Rica	Yes	Yes	No	...	No	Yes	No	No
	El Salvador	Yes	No	No	No	No	Yes	No	To oversee and sanction
	Guatemala	...	...	...	...	No	...	...	...
	Honduras	...	...	...	...	No	...	...	...
	Nicaragua	...	...	...	...	No	...	...	...
	Panama	Yes	No	Yes	...	No	No	No	No
Southern Cone	Argentina	Yes	No	No	...	No	Yes	Yes	To supervise and oversee
	Brazil	Yes	Yes		...	No	Yes	Yes	To supervise and oversee
	Chile	Yes	Yes	Yes	Yes	No	Yes	No	To oversee
	Paraguay	...	...	...	...	No	...	...	...
	Uruguay	Yes	Yes	No	...	No	Yes	No	To oversee
Andean Countries	Bolivia	Yes	No	No	...	No	Yes	No	No
	Colombia	Yes	Yes	Yes	...	No		No	No
	Ecuador	No	No	Yes	...	No	No	No	No
	Peru	Yes	No	No	Yes	No	Yes	Yes	To oversee

Note: The Caribbean and Mexico are not included in this table due to lack of sources of information.

- Source: In-house, 2006.



Table 3.6
Legal control and coordination of intelligence

Legal control ^b	Coordination of information among agencies ^a		
	High	Medium	Low
High	Argentina Brazil Chile Peru		
Medium		Guatemala	Costa Rica
Low	<i>Colombia</i>	<i>Ecuador</i> <i>El Salvador</i> <i>Nicaragua</i> <i>Panama</i> <i>Uruguay</i>	Belize Barbados Bolivia Honduras Jamaica Paraguay

a/ To estimate the degree of coordination, both the existence of an agency capable of centralising information and the existence of a council (or other entity) that coordinates the intelligence chiefs was considered. If both exist, the system was classified as high; with the presence of one or two, it was classified as medium; and if neither entity exists, it was classified as low.

b/ To estimate the degree of legal control, first the existence of rules regulating the sector was considered. If they exist, control was classified as high. In the cases where there is no specific law, but the sector is regulated to a certain extent by other laws, it was classified as having a medium degree of legal control. Finally, if the sector is not regulated by any rules, legal control was considered as low.

- Source: In-house, 2006.

SOME OF THE CHALLENGES OF INTELLIGENCE IN DEMOCRACY

Thomas Bruneau

All countries, both established and newer democracies, confront a fundamental and inescapable paradox in combining intelligence agencies that are effective **and** at the same time under democratic civilian control. This is due to the tension between the requirement of intelligence agencies to work in secrecy and the requirement of democratic government for accountability, necessitating transparency. The basic **challenge** is to understand the paradox and to manage it in a regular and productive manner.

There are, in addition, in newer democracies a series of additional challenges. These derive from both the non-democratic nature of the prior regime and the fact that intelligence was really state security focused on controlling, often with horrific human rights abuses, their own people. The cases range from DINA and SNI in Chile and Brazil respectively to Securitate and KGB spin-offs in Romania and the Soviet sphere of influence. Some of the **challenges** resulting from this situation are the following:

- In most of these countries “intelligence” retains a stigma for its association with the non - democratic past and the evils that were done in the name of security of the state. Consequently, it is difficult to recruit new and competent persons to staff the agencies, and to obtain understanding and cooperation from the population.
- There is also the tendency to rely too heavily on recycled, but now supposedly democratically - oriented intelligence agents from the old regime. In relying on these holdovers there is an inevitable tendency to operate as in the past, non - democratic regime, and to limit employment possibilities for a new generation of intelligence experts. Then too, in retiring the old intelligence agents caution must be exercised lest they engage in less than legal business activities.
- There is at least one further challenge, which may initially be the most important, and that is the lack of established institutions (structures and processes) in all areas of security, including intelligence. Lacking these institutions, the potential for abuse of intelligence capabilities (such as wiretaps, surveillance, and informants) increases. Then too, lacking robust institutions, it is all but impossible to combine direction and control mechanisms, including tasking, budgets, and oversight, with the autonomy or independence necessary for creative work in intelligence analysis. Undoubtedly, the most important longer - term challenge is to professionalise the intelligence agencies through the recruitment, education & training, and mentoring of young, energetic, and capable candidates.

As countries transition from authoritarian to democratic regimes they will have to work, to manage the fundamental paradox noted above. Central to this are the **challenges** involved in the following areas:

- To decide how many agencies they require and the division of responsibilities among civilian, police, and military agencies. Next, how to handle and to institutionalise the relationships between the intelligence agencies and the executive? Will there be a direct relationship between the heads of the different agencies?
- The next issue is whether the legislature will have a role in policy, budgets, and oversight?
- And, finally, in all instances involving secrecy, mechanisms will have to be discovered and implemented to deal with classified information, its protection, and determining who has access to it.

In the contemporary era in that international terrorism and organised crime are major threats, there are at least three further **challenges**:

- Intelligence agencies, as part of any government, are by definition bureaucratic organisations with all of the characteristics including hierarchy and rigidity. Yet they are attempting to deal with enemies which are most often networks, and consequently very difficult to deal with adequately. To respond requires very creative and innovative policies by a government and the intelligence agencies, which in turn requires well - designed agencies staffed with creative intelligence professionals. This is a tall order in any country.
- The second challenge in responding to contemporary threats is the fundamental requirement for a robust process of cooperation among governmental organisations, including intelligence agencies, which is especially difficult when organisations deal with secrets as there are a whole set of barriers to sharing information and other resources. The cooperation with foreign agencies in this area of intelligence is even more difficult.
- And last, since terrorism and organised crime are at least in part domestic threats, there is always the issue of finding the proper balance between liberty and security. In many countries, where intelligence was state security entailing human rights abuses, there will be likely a heightened sensitivity to the involvement of security forces, including intelligence agencies, in domestic affairs.

Today, when international terrorism and organised crime are the main security threats for most countries, effective intelligence agencies are the first line of defense. There are, however, a number of major **challenges** for them to both become effective and under democratic civilian control. Once these challenges are identified, policy - makers can begin to determine how best to deal with them.



- **Limited public interest.** Directly related to the previous point is the minimal interest of the general public and even civil society organisations in intelligence. Like many public agenda items, this is complicated when there is a relatively urgent need or an obvious problem that is ignored. As a consequence, with the exception of public security, intelligence attracts public attention only when there is a crisis or scandal. In these conditions, the means to encourage public interest in the topic is to make it easier for the public to access information, so as to open up the debate on intelligence policy and the role and function of intelligence. This would also generate debate among non-governmental organisations, the media and other organisations.
- **Limited knowledge about the topic.** A result of the scarce interest in intelligence is that little is known about the topic. This means that the scant attention that it receives can be manipulated by the intelligence system to divert attention from the need for in-depth reforms. However, it is difficult to separate such interest in specific reforms from debate about the need for and purposes of intelligence itself. While there is no opportunity for civil society to discuss the functions of the intelligence system, the scope of its agencies and the mechanisms to guarantee its control, the public will continue to pay little attention to topics connected to intelligence.
- **Difficulty to implement reforms.** The aspects indicated in the previous point normally require legal, organisational and/or budgetary reforms. However these, in turn, need reforms designed after careful studies and followed by major changes. Thus, reforms to the intelligence system are rarely easy and sweeping. Even when reforms occur, they are usually only partial, since it is difficult to change institutional legacies in the short-term.
- **Difficulty to effectively measure changes.** The inherent complexity of measuring variables and judging progress is exacerbated in the case of intelligence. Given the secret nature of the activity, it is difficult for the few people with access to confidential information to supervise all intelligence activities. Even with full access to information, it is possible that vital elements will be ignored. This could easily pass unnoticed, since it is impossible to continuously check the evaluations. The scarce opportunities to compare and verify evaluation procedures do not favour effective estimates of reform results either. This explains why institutions that are theoretically capable of supervising intelligence activities lack access to the documents and procedures necessary to monitor them or they cannot generate reforms. Even when monitoring institutions have relevant powers, they may not know exactly where to look or what to change; or even when they have all these skills and capacities, they do not have the incentives or the time needed to carry out and promote the needed reforms. That is why, to move beyond partial reforms and implement more substantial changes, the system must be analysed as a whole and the people responsible for the analysis must be sensitive to the requirements of all the state powers.

Table 3.7
Intelligence scandals

	Reports of military intelligence intervention in public security ^a (sanctions?).	Reports of illegal intelligence activities (sanctions?).
Central America		
Costa Rica	No	Yes. In June 1995, the media reported telephone espionage carried out by agents of the Intelligence and National Security Department (DISN) on politicians, businessmen and citizens. A judge ordered a search of the DISN facilities and confiscated documents and equipment (the director of the organisation was suspended from his post and subsequently resigned). The government created a commission to restructure the service, which drew up a report in July 1996. The Legislative Assembly also named that same year a commission to investigate the use of the Telephone Intervention Law.
El Salvador	No	Yes. The participation of the State Investigation Body (OIE) has been reported in activities related to the investigation of high-impact criminal cases with links to the local political classes. This is an activity that is legally reserved for the Police and the D.A.'s Office. It has also been reported that the (OIE) participated in a scandal to do with the interception of telephone lines belonging to civilian bodies and government opposition (no case has been investigated nor have sanctions been applied).
Southern Cone		
Argentina	- Yes. In 2006, intelligence activities were reported in matters of Internal Security carried out by members of the navy at the Trelew base. (Those responsible were sanctioned and removed from their positions as Naval Intelligence Chief and Naval Operations Commander. The others involved were sanctioned with the Military Justice Code's maximum penalty).	Yes. In 2006, there were various reports of employees' and journalists' phones and email being tapped. Up until now, no sanctions have been applied, because the origin and those responsible for said illegal intelligence activities have not been found. On the other hand, several reports of the misuse of funds assigned to intelligence activities are being investigated, namely: - A complaint of bribes being paid in the Senate of the Nation with reserved Secretariat of Intelligence funds regarding the labour reform law in 2000. - Payment with reserved funds from the Secretariat of Intelligence for testimonies is being investigated in the attack against la Israeli Mutual Association (AMIA) and the participation of the Secretariat of Intelligence in the covering-up of said attack. - The misuse of reserved intelligence funds to overpay wages is being investigated (no sanctions have been applied).
Brazil	No. The Constitution in Brazil states that the armed forces are responsible for maintaining law and order and allows their use in public security. Therefore, according to the country's legal system, the participation of the armed forces in internal intelligence tasks is legal.	Yes, both by military intelligence and by the federal and state police, with telephone tapping being the most frequent complaint. One of the most serious cases took place in Sao Paulo in 2002, when the police used condemned prisoners to infiltrate criminal groups (there have been no sanctions in any of these cases).

a/ Given the secret nature of intelligence, reports are incidental; this table is not intended by any means to be comprehensive but simply presents relatively well-known cases.

• Source: In-house, 2007.



Table 3.7
(continued)

Southern Cone		
Chile	No	No. However, in 1992, an important political figure was the victim of telephone espionage. The Capitan of the army, Fernando Diez Vial, confessed to his personal participation (he was not sanctioned). In 2005, a complaint was received about an investigation by police authorities, but the case seems not to have been illegal (in 2005, two soldiers were sentenced for bursting into a consulate two years before, in a clumsily executed operation and for reasons that have not yet been discovered). For more on the Berrios case, please see the Uruguay section (the Chileans responsible are still on trial).
Uruguay	Yes, but concrete investigations have never been carried out and therefore the reports have not been confirmed.	Yes, the so-called "Berrios Case". A Chilean chemist, Eugenio Berrios was transferred by soldiers from his country in 1991, in the middle of an investigation into the homicide of Salvador Allende's ex-Chancellor, Orlando Letelier (Washington, 1976). He hid in Uruguay until 1992, when he was killed trying to escape (as a sanction, the general in charge of the Information Service of the Ministry of National Defence was reassigned and the Police Chief from the Department of Canelones, a retired colonel, was dismissed. Three Uruguayan soldiers were extradited to Chile and are still being tried for the case).
Andean Countries		
Bolivia	Yes. On various occasions, military intelligence has been used to identify social conflicts.	Yes, many. The most important complaints were about the use of military intelligence to favour individual interests in the political arena (these was never brought to trial or sanctioned).
Colombia	No. Cases like these have not been witnessed in recent years (the last 8-10 years). However, the nature of Colombian conflict has caused frequent tension in the discreet definition of the spheres of action of the public security authorities and the national defence authorities. Given this, the military intelligence organisations routinely carry out internal security checks, both on Colombian citizens and foreigners.	No.
Ecuador	Yes. Military and police intelligence activities exist in matters of public security, for example, in the mid-eighties, the tracking of subversive groups that existed in Ecuador. In this case, sanctions were not applied, because it was considered a legitimate activity for the benefit of public security, which favoured the breaking-up of these groups. Currently, there are lawsuits in human rights courts for the disappearances and murders in this period. Jealousy frequently exists between police and military intelligence. Generally, they try to make each institution vulnerable in order to obtain additional resources.	Cases have existed, for example, the interception of telephone lines, monitoring, harassment, and intimidation, and disappearances (a few years ago, sentences were passed against ex-ministers of the intelligence service who are serving time).
Peru	No.	Yes. The tracking of journalists by agents of the then National Intelligence Council was reported (there were no sanctions. The justification for this tracking was that they were collecting information that members of said Council were leaking illegally. This was one of the reasons behind the resignation of the Council Chief in 2003).

3.5 Challenges for democratic control

The *challenges* that arise when trying to achieve an effective intelligence system that meets the requirements of a democracy can be arranged according to several topic area:

Ambiguity of principles, goals and methods

Discretion is part of an intelligence system. Requiring that the intelligence system be completely transparent is the equivalent of making it irrelevant. However, in any democracy, even the most secret aspects and those which are more important to the state are supposedly transparent, at least according to the principles they uphold. Even as Latin America and the Caribbean have made efforts in the past decades to improve transparency and respect for basic human rights, they have barely taken the first steps forward with these changes in the intelligence sector. Any kind of oversight or explicit sanctions are rarely specified for activities supposedly regulated by an intelligence law. This is even less so in the way intelligence operations are measured. In many other aspects, the total discretion of the intelligence chiefs in several matters is the equivalent in practice to an absence of regulations. It is difficult to find a procedure that forces intelligence institutions to *register* the use of special measures or that forces said special measures to be *checked* by a supervising body and *declassified* after a certain amount of time, even when the theory that supports the use of special measures is untested. Besides all these imperfections and challenges, it is difficult to find real national debate on topics related to intelligence actions authorised abroad, authorities responsible for verifying compliance with the rules or the requisites for the use of invasive measures.

High levels of autonomy in setting goals

The high level of autonomy and even complete independence of the region's intelligence services is notable. Nevertheless, this freedom to set goals rarely extends to freedom to define professional competency (where it is most valuable). As a consequence, the organisation ends up following its own agenda, or, instead following political authorities, but not both at the same time. This happens both in military and civilian institutions.

The military intelligence services are structures with little transparency, both because of their military and intelligence components. Of course, there are few possibilities to exercise control over the little-known area of an organisation that is already accustomed to functioning according to its own criteria and to criteria imposed by the chain of command. Intelligence services are, additionally, subject to a series of regulations that make any kind of in-depth reorganisation process difficult. On the other hand, civilian intelligence services are, in some aspects, more open to in-depth reforms by civilian authorities. But, to compensate, the fact that they are newer organisations and do not possess the same quantity of regulations as military bodies, means that their functioning is subject to fewer restrictions.

Insufficient knowledge of the topic

For the effective control of the operations, procedures, employees and records of the intelligence services, greater information and knowledge of the topic is needed. In general, intelligence scandals have been treated in a superficial way. In the worst case, complete organisations or sub-systems have been eliminated. In the best cases, budgets have been



reduced and certain activities forbidden. It is difficult to find cases where understanding of the system has been encouraged or even facilitated beyond formal aspects. Specialised education open to the public or publications of related material are some of the measures that could be adopted in this area. A higher level of education and professionalisation of all the players involved, from employees to supervisors, should also be promoted.

Inadequate organisational structures

Related to the previous problem is the fact that the government systems in Latin America and the Caribbean normally lack effective delegation mechanisms. Thus, high-level employees have the authority to supervise the systems, but organisational structures that make such supervision effective are lacking. Instead of the power to delegate these tasks to another employee, a team of consultants lends support when major changes are to be introduced because employees are not equipped to implement the reforms themselves. The same occurs with the supervision, control and coordination abilities when they are limited to an executive level and organisations capable of monitoring the work of the other institutions and detecting inadequacies does not exist. This affects both the Executive and Legislative Powers. Nor is the Judicial Power exempt because legal procedures to regulate intelligence decisions can be extremely slow. As a result, permanent control is inadequate, given that institutions lack effective or informed control over the system. The problem, in this respect, is that the organisation, from its administrative agencies to its political control bodies, needs to be reformed and its directors held accountable. Up until now, the reforms

have been partial, which is why the intelligence system is usually a collection of unconnected agencies with regulations applied unequally. This results in a duplication of functions and, more serious still, areas of intelligence where responsibilities are not clearly defined.

4. Conclusions

Control of intelligence is a topic linked to civil-military relations³ since the intelligence services were part of the military during the dictatorships in many Latin American countries. Additionally, with the return to democracy, even those countries that maintained civilian intelligence services also had military intelligence services which, in many cases, functioned in parallel and autonomously from civilian agencies. In these circumstances, and considering the power that control of intelligence information implies, it is imperative to establish an arena for civilian-military debate. The main challenge for civilian and military institutions is the consolidation of professionals dedicated to respect for democracy and efficient use of resources.

What are the main dangers that the region's countries face? With the end of the Cold War, few internal political conflicts and the return of democracy, new challenges must be faced, particularly given the growth of organised crime. Such threats go hand-in-hand with new technological advances. These advances further show the need for international collaboration and coordination, as well as the consolidation of technical teams capable of generating valuable information to anticipate possible conflicts and to implement efficient responses when conflicts arise. All these actions must occur within the established legal framework.

³ Bruneau, Thomas C. and Dombroski, Kenneth R. Reforming Intelligence: The Challenge of Control in New Democracies, Chapter 6. In: Bruneau, Thomas C. and Tollefson, Scott D. eds. Who Guards the Guardians and How. Democratic Civil-Military Relations. Austin, Texas, University of Texas Press, 2006, p.145.

THE ABILITY OF INTELLIGENCE TO DEMOCRACY

Carlos Basombrio

The National Intelligence Service (SIN) was the main instrument used by Vladimiro Montesinos and Alberto Fujimori to maintain power and acquire wealth illegally. In 1990, according to some sources, the SIN had a few dozen members, of whom approximately 20% were active officials. The rest were retired military personnel or civilians.

Changes were made by the former captain, Vladimiro Montesinos, lawyer of the then-candidate Alberto Fujimori, after the first round of elections to “fix” Fujimori’s tax evasion problems. Montesinos quickly became a very important consultant in the internal circle of the candidate who would later become President.

When Fujimori became President, Montesinos joined the SIN and turned it into a base for his operations. With the full support of Fujimori, he began to produce changes in the armed forces.

From within the SIN, Montesinos carried out some very important reforms.

- First of all, he transformed it from a small bureaucratic body into an immense organisation with 1,200-1,500 employees and agents, a budget 50 or 60 times greater than in 1990, and power over some 13,500 service agents in the armed forces and the police.
- Secondly, he used the SIN to spy on, manipulate and force changes in the leadership of the armed forces. In this way, he managed to retire or demote to bureaucratic posts the most notable institutional officials who had been called on to command these institutions. In their place, he put “manageable” officials.
- Thirdly, from within the SIN, he managed to control the intelligence services of the military and police institutions, something which had not occurred before. Thus, he used to his own ends not only the SIN’s own resources but also those of all of the intelligence services.
- Fourthly, he turned the SIN into the government’s political device, in charge of carrying out Alberto Fujimori’s political campaigns, spying on the opposition and acting on this information, keeping an eye on and controlling the media, producing law to be approved by Congress and controlling the Judicial Power and the Public Prosecution Office.
- Fifthly, he made the SIN and the political and military system revolve around him. As opposed to the military government between 1968 and 1980, which was basically institutional, Montesinos de-institutionalised and personalized the intelligence services and in part the armed forces.

Even with a solid legal framework in place, continued monitoring is necessary, since the law is not self-enforcing and can be easily violated in the absence of oversight. In many countries, not even intelligence scandals spark public outcries and demands for change. The only exceptions are Peru prior to the Montesinos case and the reform and reorganisation of the Argentine military intelligence systems after the Trelew base episode (in table 3.7). Various

Central American countries have initiated some reforms in response to traumatic experiences suffered during their civil wars. However, this stimulus was very weak. Historical experiences did motivate legislation for the reorganisation of intelligence institutions, but it did not encourage continued monitoring or prevent former agents from joining the new institutions and continuing with their old practices.



Although available information is scarce, there are also serious deficiencies in oversight. Even though every system formally appears to be supervised or controlled, actual practices vary. According to the hierarchy, the President is usually the system's highest authority, either directly or through a ministry. However, a democratic government should also have *legislative controls* which prevent unacceptable collusion between the President and intelligence agencies. This should not be through sporadic but rather permanent commissions. No state powers can substitute for the democratically chosen representatives of the people, which are the only ones that can legitimise the operations of intelligence forces. Along with the former, the authority of the judiciary is also important to allow intelligence services to exercise special powers beyond the normal limits established by the legislature. In other words, provisional measures are sometimes needed to secure the rights of the people and order.

However, the President or even a Minister, subject to a series of more urgent demands, can only sporadically pay attention to the intelligence system. Normally, an intermediary executive body is required between the agencies and political authorities, which has the necessary knowledge, authority and distance to understand the shortcomings and challenges of the intelligence system and, at the same time, has sufficient influence to turn its work into effective actions. This job could be carried out by councils that gather together all the intelligence chiefs. Such a council would resolve

the most recurrent coordination and control problems, without having to wait for a political authority to address these issues. The effectiveness of this body depends, in turn, on the participation of all the intelligence chiefs, the frequency of the meetings, the accountability of those who preside over police and military bodies and the capacity to call on higher authorities when differences cannot be resolved or proposals are not well-received.

Finally, the existence of agencies that do not exchange information makes the duplication of functions and lack of coordination more common. Even with the presence of councils and directors, periodic reports drawn up by established personnel capable of accessing information from the whole intelligence system are needed. This does not necessarily imply that there should be two separate bodies to revise and centralise information. It is difficult to say *a priori* if the procedure is more or less effective; for example, in the case of Argentina the Secretariat of State Intelligence performs both functions. Neutrality in the processing of information is questionable when the body in charge of information processing is the military - as in Uruguay, where the National Directorate of State Intelligence is within the Ministry of Defence and under the command of military personnel - since there is a high probability that the loyalties of such an intelligence processing body will be to the institution to which it belongs. This can introduce a bias in the processing of information that is difficult to avoid or even detect immediately.





POLICY RECOMMENDATIONS



POLICY RECOMMENDATIONS

One of the aims of this report is to generate policy proposals that will improve the quality of initiatives being developed, as well as the institutional framework in which they are implemented. The analysis in the previous chapters allows us to generate recommendations for the region. Without a doubt, each national context is unique; however, we will consider the policy challenges identified as common across the region. In other words, in this first **Security Sector Report**, we focus our attention on the elements across the region that first need to be identified and then confronted in order to advance on a common agenda for security sector reforms.

The challenges are multiple and occur on different levels. In the following pages, we present our recommendations, first in the context of the security sector as a whole and then specifically in the context of each of the sub-sectors examined in this report.

1. *Security Sector*

Policy coordination. The policies of the security sector should encompass defence, public security and intelligence, without ignoring the fact that other sectors play a significant role and influence the defence

sector's work. Therefore, reforms should be considered within an integrated framework, showing the interrelation and interdependence of the different institutions and sectors, while also aware of institutional specificities. Reform processes carried out in the sector can be simultaneous, but undoubtedly require timing strategies that allow reforms to advance with concrete results. If the reforms are not created with a systematic perspective of mind, as well as in sequence and with priorities taken into account, it is likely that advances in certain areas are diminished and even frustrated by deficiencies in others.

The double challenge: Comprehensive and specific reforms. It is important not to confuse a comprehensive, integrated and coherent perspective with the strict separation of military, police and intelligence functions. Security institutions must incorporate democratic principles and work to strengthen civil society. Each sub-sector has specific challenges, tasks and functions and these institutional limits must be clear, even when considered together during the analysis and proposal of reforms. In contexts when joint tasks are carried out, reform deadlines should be specified along with the responsibilities of each player.

Delimit and specify the legal and operational functions of the armed forces. The need to confront organised crime in an efficient way requires strengthening the police institutions in charge of its control. To strengthen the police, it is necessary to implement mechanisms to control the use of force, improve the quality of service and reduce corruption. Military participation in public security should not be a regular practice or a solution to police weaknesses. In fact, advances must be made to strengthen the police and reorganise military forces. In cases where the participation of the armed forces is permitted in matters of internal security, parameters for military actions should be clearly established, including command rules, duration, coordination mechanisms for police work and evaluation procedures.

Greater national and regional coordination. Designing a reform strategy which improves coordination at a national level between different security institutions is a priority. This is affirmed externally, as shown through bilateral and regional policies and concerns of donor agencies. Coordination of reforms avoids the duplication of efforts, as well as allowing for greater monitoring of advances and difficulties.

Develop sub-regional perspectives. Sub-regional institutions should work to identify effective joint actions that would allow for cooperation and inter-governmental coordination to tackle important problems, such as organised crime. The responsible sub-regional body should establish clear goals and aims that, at the same time, are the responsibility of specific people on a national and regional level. High-level ministerial and permanent civilian coordination initiatives, with established agendas and clear goals would increase opportunities for positive sub-regional, regional and international interaction.

Evaluation and monitoring processes. Advances are needed in the systematic evaluation of reforms and the monitoring of their implementation. It is important that national studies are developed - both in the public and the private sectors - which evaluate developments in sector policies. This will allow for improved analysis and thus make it possible to recognise successful reforms. Monitoring reform processes allows for evaluation of the funding, effectiveness and results of adopted measures.

Strengthen legislative oversight and monitoring powers. This aim is part of the short-term agenda for the Latin American and Caribbean security sector. The consolidation of legislative support teams, the establishment of specific commissions for the security sector and the increase in legislative powers to monitor actions and decisions must be priorities. The hiring of personnel, who are specialists on the subject, to form teams of experts to act as consultants to the region's different parliaments is the first step. As has been shown in this report, the legislature should assume a greater role in security supervision, using its existing attributes.

Design and implement accountability systems. The report sheds light on the high levels of autonomy that the three analyzed institutions enjoy. This situation highlights that the design and implementation of accountability mechanisms should be a priority. These measures should not be limited to checking the budget and investments of each sub-sector, but should also include evaluation of the effectiveness of the programmes implemented. The involvement of civil society is critical to reinforce these systems of public accountability. Civil society groups provide constructive criticism and allow for advances on a joint work agenda.



Increase professionalism. Each one of the institutions analyzed show limited levels of professionalism. Thus, it is vital to make progress to improve requirements for armed forces and police personnel, as well as the requirements for incorporation into the intelligence services. To achieve this goal, training would have to be increased in those countries where completed basic education is not an entry requirement. Additionally, the existing training gap must be reduced between officials and sub-officials or those who have direct contact with the population, thus improving citizen relations and service quality.

Strengthen civilian consulting teams. The security sector agenda should be analyzed and developed by civilians, particularly in universities and research centres. Limited civilian expertise on the situation creates a vicious circle where debate about the defence sector stays in the hands of the members of the armed forces, police or intelligence services and lack of civilian participation prevents development of expertise. In this sense, the presence of civilian teams of consultants within the ministries should be a permanent institutional feature to support the development of applied knowledge on the matter.

Establish greater budgetary transparency. The security sector budget should be openly debated to ensure its cost-effectiveness. The proposals submitted by the armed forces, police institutions and intelligence services must be compared with the needs of other government sectors. The Legislative Power must increase its influence in the budget debate, establishing evaluation systems to judge cost-effectiveness. In addition, the Treasury should strengthen its methods to determine the requirements of the sector's different institutions.

2. Defence Sub-Sector

Strengthen institutional capacities. It is fundamental to improve the capacities of democratic institutions involved in the supervision, management and control of the defence sector, especially in terms of policy formulation and strategic planning, areas where the defence ministry still maintains weak control over the armed forces. Increases in civilian personnel should be accompanied by the training of employees to increase specialised expertise.

Develop mechanisms to monitor spending. In many countries, the way in which the defence budget is spent is unknown. Beyond knowing the total sum, it is necessary to increase transparency, as well as the control and evaluation of spending. These should be analyzed in detail by the responsible ministries, the Treasury and special parliamentary commissions.

Democratic civilian command. The report highlights a series of civilian authorities' legal powers with regards to defence, among which the presence of civilian authorities in charge of the sector attributes of the commanders-in-chief, powers over appointments and retirements, etc. are included. However, it should be noted that civilian authorities have limited power in several areas still controlled by military personnel or where civilian authorities do not have the political will or preparation to intervene. Among these areas, military justice, education/military training and budgets stand out.

Missions and functions of the armed forces. The report shows the ambiguity that exists in the assignment of military functions, both in standard military roles and in exclusively police

assignments. However, in the majority of the countries where the military have developed police operations, it seems to be an *ad hoc* response to domestic crises and does not correspond to a sector policy with clear aims and limits. The extension of military functions to areas of public security could constitute a “window of opportunity” for the development of coordinated policies for the security sector, considering the military and police institutions capacities *against* specific domestic needs. For that, it is fundamental that each country, within its specific political and social context, debates the functions, capacities and needs both of the military and police in matters of public security, especially in countries where organised crime is rife.

3. Public Security Sub-Sector

Specify missions and functions. A profound revision of police missions and functions is required. In many countries, police efforts are focused on their own problems of prevention and crime control. Thus, such a revision would mean that numerous jobs be redefined, limiting the police’s capacity to prevent and control crime.

Improve opportunities for civilian democratic leadership. The supervision of security policies should be the responsibility of civilians. Additionally, it is necessary to improve non-governmental supervision so as to limit the political use of the institution. With this aim in mind, citizen audits or national councils of public security with broad representation may be an alternative worth exploring.

Improve recruitment methods and police personnel training. One of the main problems that the report highlights is the limited preparation and training of police. Thus, it is proposed that recruitment methods be revised, increasing the requirements to be met and

promoting training programmes. All this must be accompanied by an increase in the annual salary scale and in social protections for police (medical, education and retirement benefits).

Promote community policing initiatives orientated towards solving problems. The need in the region for the police to be more responsive to communities is clear. For this, the police should emphasise their crime and violence prevention activities and strengthen their capacities to collaborate with citizens. This link with communities is fundamental to extend police goals to include reducing fear of crime and improving social relations and order.

Improve regulation of private security services. The private security services offered in many countries surpass public security services. The former are important actors in the use of force and must be regulated. That is why we propose the establishment of independent regulatory bodies, for example superintendents’ offices, which allow the quality of service to be guaranteed and the appropriate use of force. Greater supervision of private security services will thus protect citizens against an industry that is frequently informal and unprofessional.

Regulate police participation in private security services. This report shows that in several countries, private security is a parallel system that involves the participation of police employees, who have the chance to supplement their income. This may show certain weaknesses in the public security system, which could be counteracted by establishing entry requirements, retraining opportunities and control of activities outside working hours.

Improve the control and evaluation of reforms. One of the measures that apply to all the sector’s institutions is the control and evaluation of policies. Efforts to promote



administrative and operational improvements, as well as accountability mechanisms, are needed. To complement this, civil society may also assume a larger role in the evaluation and monitoring both of officials and beneficiaries.

4. Intelligence Sub-Sector

Include the intelligence services in public policies and establish accountability mechanisms. Even with the best institutional architecture, the intelligence system may not achieve its aims if civil society does not pay attention to it. As in many situations, public interest stimulates the press and government to turn their attention to the sector. It is necessary to tackle the topic of intelligence as part of a public policy that considers regulations for its control, accountability, aims and operating principles (how it acts, trains, etc.).

Clarify the intelligence services' principles, goals and methods. It is not enough to assume that professional norms are sufficient to ensure the functioning of the system. There must be a legal framework which regulates intelligence, defines its mission and the methods it can use. In this way, security needs can be combined with respect for basic rights of citizens.

Establish specific legislation for the sector that allows for greater and better monitoring by the Legislative Power. This goes beyond the existence of special temporary commissions. It includes the need for regular activity reports developed for adequately advised commissions, so as to continuously control the performance of intelligence services for the purposes assigned.

Establish opportunities for inter-sectoral intelligence service coordination. This requires more than monitoring mechanisms and the exchange of ideas; it implies the creation of some kind of committee where all the intelligence, civilian, police and military directors could meet and discuss their differences. One agency could also be given the power to check the information collected by the rest. Finally, it is recommended that a position be created responsible for inter-sector coordination. This would provide another authority, besides the president or prime minister, who could supervise the problems in various areas and responsibilities of each agency.

Develop a clear code that specifies the professional responsibilities of intelligence employees. The recruitment system, career paths, responsibilities and privileges of intelligence employees should be carefully demarcated. On one hand, their work should be orientated to respond to intelligence needs, but on the other hand, it should not be sensitive to personal or political pressures.





APPENDICES



APPENDICES

DEFENCE SECTOR

Table 1
Position and Functions of the President with respect to the Armed Forces by Sub-region

Sub-Region	Country	Position of the President	Functions
Central America and Mexico	El Salvador	Commander General of the Armed Forces	Control political-military relations with the Armed Forces. Organize, oversee, and maintain the Armed Forces. Confer military ranks and assign positions, in charge of or below officials. Deploy the Armed Forces for defence purposes. Make war and peace. Determine the necessary number of troops annually.
	Guatemala	Commander General of the Army	Decree mobilization and demobilization of troops. Promote officials. Confer military decorations and honors. Grant special pensions. Designate generals and admirals.
	Honduras	Commander General of the Armed Forces	Declare war and peace when Congress is in recess. Ensure that the Armed Forces are apolitical and professional. Maintain the peace and internal security. Permit exit and entrance of troops without previous authorization of Congress. Mobilize reserve forces in specific cases. Guarantee defence policies. Confer decorations and military honors. Make promotions from sub-lieutenant to captain.
	Mexico	Supreme Commander of the Armed Forces	Name colonels and superior officials with Senate approval. Name all other officials. Deploy the entire Armed Forces.
	Nicaragua	Supreme Chief of the Army	Deploy the armed forces.

Table 1
(Continued)

Sub-Region	Country	Position of the President	Functions
Southern Cone	Argentina	Commander-in-Chief of the Armed Forces	<p>Manage all defence topics. Not only declare war, but also order reprisals, but always with the approval of Congress. Complete control of war with the assistance of the National Defence Council. Control of the military in war with the assistance of the Minister of Defence and the head of the Joint Chief of Staff.</p>
	Brazil	Supreme Commander of the Armed Forces.	<p>Control of the Armed Forces. Guarantee constitutional powers, law, order and participation in peace missions. Name and remove officials.</p>
	Chile	Supreme Chief of the Armed Forces	<p>Deploy, organize and distribute the air force, navy, and army. In case of war, exercise strategic control. Declare war, but after discussion in the National Security Council. Declare states of exception. Cannot reduce the budget, although can deny authorization for purchase of military materials^a.</p>
	Paraguay	Commander-in-Chief of the Armed Forces	<p>Direct national defence. Elaborate policies for the defence of the state. Dictate military rules. Deploy the Armed Forces. Determine ranks in the army, with prior approval of the Senate in the case of officials.</p>
	Uruguay	Superior Command (conferred by the Minister)	<p>Preserve order and interior peace and external security. Determine military rankings and promotions from the rank of Colonel and its equivalents. Grant retirement and pensions to civil and military employees.</p>



Table 1
(Continued)

Sub-Region	Country	Position of the President	Functions
Andean Countries	Bolivia	Captain General of the Armed Forces	Designate the Commanders-in-Chief of the Armed Forces. Propose to the Senate promotions of generals and admirals in the case of vacancy or war.
	Colombia	Supreme Commander of the Armed Forces	Approve security and defence plans. Approve primary documents on security and national defence. Approve war plans presented by the Superior Council on Security and Defence. Order plans for mobilization and demobilization. Approve security and defence strategies.
	Ecuador	Maximum authority of the Public Force	Designate the high commander. Grant promotions of general officials. Approve the rules of each force. Control war policies.
	Peru	Supreme Chief of the Armed Forces	Preside over the national defence system. Organize, distribute and arrange the Armed Forces. Award promotions. Oversee the internal order and external security of the Republic.

a/ In Chile, the annual budget has an established minimum determined by an organic constitutional law, moreover the resources earned from the “Copper Law” are reserved for the acquisition of arms systems and associated technology. Although the President could eventually introduce proposals to change both these laws, or veto expenses, he or she cannot reduce or reassign the sources of these accounts under existing regulations. This is a function not explicitly established in the Constitution but established through other laws that regulate the defence sector.

- Source: Original elaboration, 2006

Table 2
Functions of the Armed Forces by Law.

Sub-region	Caribbean				Central America			Southern Cone					Andean Countries				
Functions	Countries	Barbados	Belize	Jamaica	Dominican Rep.	El Salvador	Honduras	Nicaragua	Argentina	Brazil	Chile	Paraguay	Uruguay	Bolivia	Colombia	Ecuador	Peru
Security and internal order in exceptional circumstances					✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓
Assist in the fight against drug trafficking and organized crime			✓		✓	✓	✓						✓		✓	✓	✓
Assist in the fight against terrorism					✓										✓	✓	✓
Collaborate with the police.				✓	✓								✓				
Preserve order during elections.		✓	✓	✓			✓	✓				✓					✓
Provide assistance in natural disasters and emergencies.			✓			✓		✓		✓			✓			✓	
Protect the environment.		✓		✓			✓	✓	✓		✓			✓			
Help with community and civic projects.							✓	✓	✓				✓				
Support internal development and collaborate with other state institutions.				✓		✓		✓	✓	✓			✓				✓
Participate in peace missions.							✓	✓	✓		✓						

• *Source: Original elaboration (2007) based on organic laws and other official documents detailing police functions. The table does not include Mexico or Guatemala because their internal norms do not list the functions of the armed forces, although this does not imply that the armed forces do not complete many of these functions in practice.*

- **Barbados:** The participation in emergencies and other basic functions are established in the *Defense Act*, which signals that the Armed Forces can complete any task required by the *Defense Board*. Some have argued that this should have some restrictions or protocol, but nothing has been implemented in this respect. (Barbados Defence Act. 1979. Laws of Barbados, Chapter 159).
- **Belize:** The functions mentioned are those granted to the Armed Forces through an agreement known as the *Defense Act*: "Other occasional responsibilities can be defined by the General Governor." Belize Defence Act., 1978. Laws of Belize Chapter 135. Revised Edition, December 31, 2000.
- **Jamaica:** Strategic Defence Review: A Transformed JDF Enhancing Jamaica's Security, 2006 y National Security Strategy for Jamaica. Towards a Secure and Prosperous Nation, 2006.
- **Dominican Republic:** Organic Law of the Armed Forces of the Dominican Republic, 1996.
- **El Salvador:** Legislative Decree N° 356, Organic Law of the Armed Forces of 1998 and White Book of Defence, 2006.
- **Honduras:** Decree N° 39, Constitutive Law of the Armed Forces, 2001.
- **Nicaragua:** Law 181, Code of Organization, Jurisdiction and Social Military Prevention of August 23, 1994 and Defence Book, 2005.
- **Mexico:** Organic Law of the Army and Mexican Air Force, of December 26, 1996 and Organic Law of the Army of Mexico of December 30, 2002.
- **Argentina:** Decree N° 727 of 2006, that determines the powers and specific functions of the National Defence Council, the Ministry of Defence and the Joint Command, Law 24.054 of Internal Security; Defence Book, 1999.
- **Brazil:** Political Constitution of the Republic, 1988; Complementary Law N° 97 on the Organization and Employment of the Armed Forces of 1999; its reform, Ley n° 117 of 2004.
- **Chile:** White Book on National Defence, 2002.
- **Paraguay:** Law N° 74, from the General Organization of the Armed Forces, 1991 and Decree 17.885, about collaboration with the National Police, 2002.
- **Uruguay:** National Defence Book, 2005; Decree-Law 14757, Organic Law of the Armed Forces of 1974 (modified in 1997) and *National Defence: Notes for a Debate*, National Defence Ministry, 2005.
- **Bolivia:** Organic Law N° 1.405 of the National Armed Forces, *Commanders of the Independence of Bolivia*.
- **Colombia:** Law N° 684, which establishes the norms of the organization and security functions and national defence and establishes other army functions.
- **Ecuador:** National Defence Policy, 2002 and Organic Law of the Armed Forces, Law No. N° 109.RA/1990.
- **Peru:** Political Constitution of Peru, 1993 (article, 171). The function of control of narcotrafficking is found in Law No. 26247 of November 25, 1993; and the role in the security of elections in Directive No. 021 VALP/B/01.



Table 3
Existence of Joint Command, Appointment and Tenure of the Highest Authority of the Armed Forces

Sub-region	Country	Joint Command	Appointment	Tenure
Central America and Mexico	El Salvador	No, there is a chief and sub-chief of the Joint Chiefs of Staff and chiefs of each force.	The president names the high command. The chiefs of each force choose from the candidates proposed by the minister and the head of the Joint Chiefs of Staff.	All employees of the high command are considered appointed officials, for which there is no defined tenure and the duration is at the discretion of the president.
	Guatemala	No, the only high command is the head of the Joint Chiefs of Staff.	Named by the president and dependent on the confidence of the minister and the military.	Usually the position lasts two years, but not established by law.
	Honduras	No, there is a head of the Joint Chiefs of Staff, head of commanders and head of Presidential Chief of Staff.	Appointed by the president.	No set time period, they can be removed freely by the president.
	Mexico	No, there is a commander of Superior Forces.	The president appoints the high command.	There are no direct provisions for removal.
	Nicaragua	There is an army commander-in-chief.	Named by the president on the recommendation of the Military Council.	The position lasts 5 years, but it does not coincide with the presidential term.
Southern Cone	Argentina	There exists a Joint Chiefs of Staff of the Armed Forces and it is responsible for the military means employed during peace times.	The position is the exclusive responsibility of the president. These are selected by the generals, admirals, and brigadiers.	It is an appointed position and therefore there are no specific provisions for removal.
	Brazil	There is not a joint command, only commanders of each force and of the Joint Chiefs of Staff as an adviser.	The President designates the commander of each force.	The removal of commanders is the exclusive task of the executive power, although there are established specific causes for removal.
	Chile	There is no joint command, only commanders of each force and of the Joint Chief of Staff as an adviser.	The President selects the commander-in-chief as the head of the Armed Forces, each branch, and the general director of the police from among the five most senior officials.	The position lasts for four years, but does not overlap with the presidential term.
	Paraguay	There is a commander of the Armed Forces and the Joint Chiefs of Staff as an adviser.	Named by the president.	They are removed by the president and there are no specified causes for dismissal, they depend on the president's judgment.
	Uruguay	There is no joint command, only commanders of each force and of the Joint Chief of Staff as an adviser.	The commanders are named by the President according to rank and seniority.	There are norms for dismissal, but there are no specific causes for removal and it depends on the decision of the executive.

Table 3
(Continued)

Sub-region	Country	Joint Command	Appointment	Tenure
Andean Countries	Bolivia	There is a commander-in-chief and commanders of each force.	Designated by the president, alternates between the forces.	The position lasts two years, but removal is the exclusive discretion of the president.
	Colombia	There is a commander general in addition to the commanders-in-chief of each branch.	The President names the commander general as head of the Joint Chief of Staff and the commanders of each branch from a list of candidates prepared by the Minister of Defence.	The position lasts for four years, depending on the will of the President, and is generally appointed during the President's first year in office.
	Ecuador	Yes, there is a Joint Command.	Designated by the President from among the three most senior officials. The same procedure is followed for the general commanders of each branch.	The position lasts two years, there are specific causes for removal and retirement, but it is the decision of the President and can be recommended by the minister of the Council of Generals.
	Peru	There is a Joint Command and general commanders of each force.	Named by the President.	Depends exclusively on the will of the president and there are no causes for dismissal and no set duration for the position.

• Source: Original elaboration, 2007.



Table 4
Military Oversight Mechanisms

Sub-region	Country	Legislative powers	Legislative commissions	Internal controls
Central America	El Salvador	<ul style="list-style-type: none"> -Determine the budget based on income and expenses. -Declare war and ratify peace. -Approve or deny the movement of foreign troops through national territory. -Question the Minister of Defence and recommend his dismissal when appropriate. -Legislate on all matters of national importance, including defence and the armed forces. 	Legislative Assembly National Defence Commission.	<ul style="list-style-type: none"> -Inspector General of the Armed Forces under the Joint Chief of Staff. -Military Audit Unit and Internal Audit Unit under ministerial control.
	Guatemala	<ul style="list-style-type: none"> -Declare war and approve peace treaties. -Approve or modify the budget. -Ask for information from public officials and accuse them in cases of misuse of power. -Approve or reject defence treaties. -Authorize the declaration of states of exception. -Legislative in all matters of national interest, including defence and the armed forces. 	Congressional Commission of National Defence.	<ul style="list-style-type: none"> -Military Account Auditor under ministerial jurisdiction. -Management control groups within each branch of the armed forces. -Inspectors general within the distinct military branches.
	Honduras	<ul style="list-style-type: none"> -Can declare war and make peace. -Authorize entrance and exit of troops. -Can question members of government and military commanders for misuse of power. -Legislate and finance all subjects of national importance, with the exception of defence and military matters. -Confer ranks on the armed forces from major through division general. -Determine the number of permanent members of the Armed Forces. -Approve the national budget, which includes the defence budget. 	National Congressional Commission on National Defence and Public Security.	<ul style="list-style-type: none"> -Internal Audit under the jurisdiction of the National Defence Secretary. - Internal Judicial Auditor of the Armed Forces. -Inspector General of the Armed Forces.
	Mexico	<ul style="list-style-type: none"> -Ratify the appointments of cornels and highest chiefs of the army, navy, and air force. -Authorize the deployment of national troops, the passage of foreign troops and the stationing of foreign troops for more than one month. -Give consent for the president to deploy the National Guard outside their respective states, using the force necessary. -Authorize the declaration of war. - Issue laws related to maritime rights in war and peace. -Raise and sustain the armed forces and regulate their organization and service. -Give rules intended to organize, arm, and discipline the National Guard. -Issue laws on national security material, establishing the requirements and limits of corresponding investigations. 	<p>Senate Chamber National Defence Commission.</p> <p>House of Representatives National Defence Commission.</p>	<ul style="list-style-type: none"> -Inspector and Controller General of the Army and Armed Forces -Council of Honor of the Army and Armed Forces.

Table 4
(Continued)

Sub-region	Country	Congressional powers	Legislative commissions	Internal controls
	Nicaragua	<ul style="list-style-type: none"> -Approve the defence budget. -Authorize the entrance and exit of troops. -Approve or reject defence treaties. -Solicit reports from the ministries and government entities. -Legislate on all material of national interest, including defence and the armed forces. 	National Assembly Defence and Interior Commission.	-The high command of the army, the Inspector General, who oversees land, air, and naval forces.
Southern Cone	Argentina	<ul style="list-style-type: none"> -Authorize declaration of war and peace. -Authorize entrance and exit of troops. -Authorize declaration of states of exception. -Legislate on defence matters, organization and management of the Armed Forces. -Determine the national budget, including the defence budget. 	Senate Chamber National Defence Commission. House of Representatives National Defence Commission.	<ul style="list-style-type: none"> -National Auditor General for all government bodies. -Audit Unit of the Ministry of Defence. -Control units for operations and supervision within each branch of the Armed Forces.
	Brazil	<ul style="list-style-type: none"> -Authorize declarations of war and peace. -Authorize entrance and exit of troops. -Authorize declaration of states of defence and siege. -Legislate on all matter of interest to the federal union, including defence and the armed forces. -Approve the national budget, including the defence budget. 	Federal Senate Commission of Foreign Relations and National Defence. Senate Chamber Commission of Foreign Relations and National Defence.	<ul style="list-style-type: none"> -Secretary of Internal Control at the ministerial level and in the armed forces. -Internal control structures exist in each command of the armed forces.
	Chile	<ul style="list-style-type: none"> -Authorize entrance and exit of troops. -Can accuse members of government and commanders of the armed forces of poor performance of functions. -Declare if accusations against commanders of the armed forces are grounded. -Legislate and provide funding for matters of national interest with the exception of defence and military expenses. -Approve the national budget, excluding funds from the Copper Law. -Declare states of exception. 	Senate National Defence Commission. House of Representatives National Defence Commission.	<ul style="list-style-type: none"> -There are no specific units within the Ministry, this power resides in institutions charged with general government oversight. -For each branch of the armed forces, an Auditor General and Comptroller General exist directly dependent on the commander-in-chief.



Table 4
(Continued)

Sub-region	Country	Legislative powers	Legislative commissions	Internal controls
	Paraguay	<ul style="list-style-type: none"> - Authorize declaration of states of national defence and peace. -Authorize entrance and exit of troops. -Reform and dictate codes and laws in all type of materials, including national defence. -Can declare states of exception. -Confirm promotions of high-ranking officials of the armed forces and national police. -Approve the national budget, which includes defence spending. 	<p>Senate Chamber Commission of International Affairs and National Defence.</p> <p>House of Representatives Commission on National Defence, Security, and Internal Order.</p>	<p>Within the ministry there is an Office of the Inspector General of the Armed Forces.</p> <p>-Within each branch of the Armed Forces, there is a specialized inspection group.</p> <p>-For all areas of government, there is an oversight body, the Auditor General of the Executive Branch.</p>
	Uruguay	<ul style="list-style-type: none"> -Authorize declarations of war and peace. -Authorize entrance and exit of troops. -Designate the annual funds necessary for the armed forces. -Design regulations for militias. -Legislate on all defence matters and on the organization and management of the Armed Forces. -Approve the national budget, which includes defence. 	<p>Senate Chamber National Defence Commission.</p> <p>House of Representatives National Defence Commission.</p>	<p>-The Internal Auditor of the Nation is responsible for the system of oversight of operations and economic-financial management of all the state bodies including the Ministry of Defence.</p> <p>-Internal oversight of each branch does not depend on a specific institution, but rather is determined by their internal hierarchy.</p>
Andean Countries	Bolivia	<ul style="list-style-type: none"> -Approve the budget. -Authorize declarations of war. -Approve promotion and retirement of officials. -Legislate on all matters of interest to the nation, including defence and the armed forces. -Approve the use of the military in times of peace. -Approve the entrance and exit of troops. -Approve the appointment of high-ranking officials. -Propose laws on defence with the exception of those regarding the budget and funding. 	<p>Senate Comission on Government, Defense, National Police, and the Fight Against Drug Trafficking</p> <p>House of Representatives Commission on Defence and the Armed Forces</p>	<p>- Inspector General integrated into the general command structure and replicated in each branch of the armed forces.</p>

Table 4
(Continued)

Sub-region	Country	Legislative powers	Legislative commissions	Internal controls
	Colombia	<ul style="list-style-type: none"> -Approve the budget. -Authorize the declaration of war. -Approve promotions and removals of officials. -Solicit information on public officials. -Legislate on all themes of national interest, including defence and the armed forces. 	<p>Senate of the Republic Second Commission (International Affairs, National Defence, and Public Forces).</p> <p>House of Representatives of the Republic Second Commission (International Affairs, National Defence, and Public Forces).</p>	-Office of Internal Disciplinary Control within the Ministry of Defence.
	Ecuador	<ul style="list-style-type: none"> -Approve the budget. -Oversight. -Solicit information on public officials. -Approve legal projects on national defence. -Oversee actions related to defence. 	Congressional Commission on International Affairs and National Defence.	NA
	Peru	<ul style="list-style-type: none"> -Authorize declaration of war and peace. -Approve the budget. -Approve the annual accounts. -Authorize the entrance of foreign troops. Legislate on all matters of national interest, including defence and the military. 	Congressional Commission on Defence, Internal Affairs, Intelligence, Alternative Development and the Fight Against Drugs.	<ul style="list-style-type: none"> -Internal control units in each branch of the armed forces (inspectors, auditors). -Institutional Control Organ within the Ministry.

• Source: Original elaboration, 2006.



Table 5
Research centers and centers specializing in defence.

Sub-region	Country	None	Some (quantity)
Caribbean	Barbados	NA	
	Belize		✓ (3)
	Jamaica	✓	
	Dominican Republic	✓	
Central America & Mexico	El Salvador	✓	
	Guatemala		✓ (5)
	Honduras		✓ (1)
	Nicaragua		✓ (1)
	Mexico		✓ (7)
Southern Cone	Argentina		✓ (5)
	Brazil		✓ (3)
	Chile		✓ (4)
	Uruguay		✓ (3)
	Paraguay	NA	
Andean Region	Bolivia		✓ (1)
	Colombia		(4)
	Ecuador	✓	(2)
	Peru	✓	(2)

• Source: Original elaboration, 2006.

RESEARCH CENTERS ON DEFENCE ISSUES

Argentina

1. Fundación Rioplatense. <http://www.frp.org.ar/>
2. Ser en el 2000. <http://www.ser2000.org.ar/>
3. Centro de Estudios Unión para la Nueva Mayoría. <http://www.nuevamayoria.com/ES/>
4. Instituto Latinoamericano de Seguridad y Democracia (ILSED). <http://www.ilsed.org/>
5. Centro de Estudios legales y Sociales (CELS). <http://www.cels.org.ar/>

Belize

1. Association of National Development Agencies (ANDA). No website.
2. Civil Society Organisation (CSO). No website.
3. Belize Human Rights Organisation (BAHRA). No website.

Brazil

1. Núcleo de Estudios Estratégicos de la Universidad de Campinas (UNICAMP). <http://www.unicamp.br/nee/>
2. Grupo de Estudios de la Defensa y Seguridad (GEDES), de la Universidad del Estado de São Paulo (UNESP). <http://www.uesp.br> (no tiene página web propia).
3. Grupo de Estudios Estratégicos de la Universidad Estadual de Río de Janeiro (UFERJ). <http://www.uerj.br> (no tiene página web propia).

Bolivia

1. Observatorio de Democracia y Seguridad de la Universidad de La Cordillera. <http://www.observatoriodeseguridad.org.bo/>

Chile

1. Instituto de Ciencia Política de la Pontificia Universidad Católica de Chile. <http://www.uc.cl/icp/webcp/index.html>
2. Facultad Latinoamericana de Ciencias Sociales (FLACSO). <http://www.flacso.cl>
3. Instituto de estudios estratégicos ARCIS. <http://www.cee-chile.org/>
4. Instituto Libertad. <http://www.institutolibertad.cl/>

Colombia

1. Fundación Ideas para la Paz (FIP). <http://www.ideaspaz.org/>
2. Fundación Seguridad y Democracia. <http://www.seguridadydemocracia.org/>
3. Universidad de Los Andes, en la cual existen dos entidades:
 - (i) Paz Pública http://economia.uniandes.edu.co/share/html/cede/pazpublica/paz_publica.htm
 - (ii) Grupo de Estudios de Seguridad y Defensa (GESED). <http://seguridadydefensa.uniandes.edu.co>

Ecuador

1. *Proyecto “Seguridad y Democracia”*, Facultad de Ciencias Humanas, Pontificia Universidad Católica del Ecuador (no website for specific project).
2. *Programa de Relaciones Internacionales*, FLACSO-Ecuador. <http://www.flacso.org.ec>

Guatemala

1. Centro de Estudios de Guatemala (CEG). <http://www.ceg.org.gt>

2. Incidencia Democrática (IDEM). <http://www.idem.org/>
3. Instituto de Enseñanza para el Desarrollo Sustentable (IEPADES). <http://www.iepades.org/>
4. Fundación Myrna Mack. <http://www.myrnamack.org.gt/>
5. FLACSO, Proyecto Cultura de Paz, Estudio y Promoción de la Seguridad Democrática (SEDEM). <http://www.flacso.edu.gt/>

Honduras

1. Centro de Documentación de Honduras (CEDOH). <http://www.cedoh.org/index1.htm>

Mexico

1. Colegio de México COLMEX. <http://www.colmex.mx>
2. Centro de Investigación y docencia económicas (CIDE). <http://www.cide.edu/>
3. Universidad Iberoamericana. <http://www.uia.mx>
4. Universidad de Guadalajara. <http://www.udg.mx>
5. UNAM Universidad Nacional Autónoma de México. <http://www.unam.mx>
6. Instituto Tecnológico Autónomo de México. <http://www.itam.mx>
7. Comisión Nacional de los Derechos Humanos (CNDH). <http://www.cndh.org.mx>

Nicaragua

1. Instituto de Estudios estratégicos y de Políticas Públicas. <http://www.ieepp.org/index.php>

Peru

1. Instituto de Defensa Legal (IDL). <http://www.idl.org.pe/>
2. Instituto de Estudios Peruanos (IEP). <http://www.iep.org.pe/>

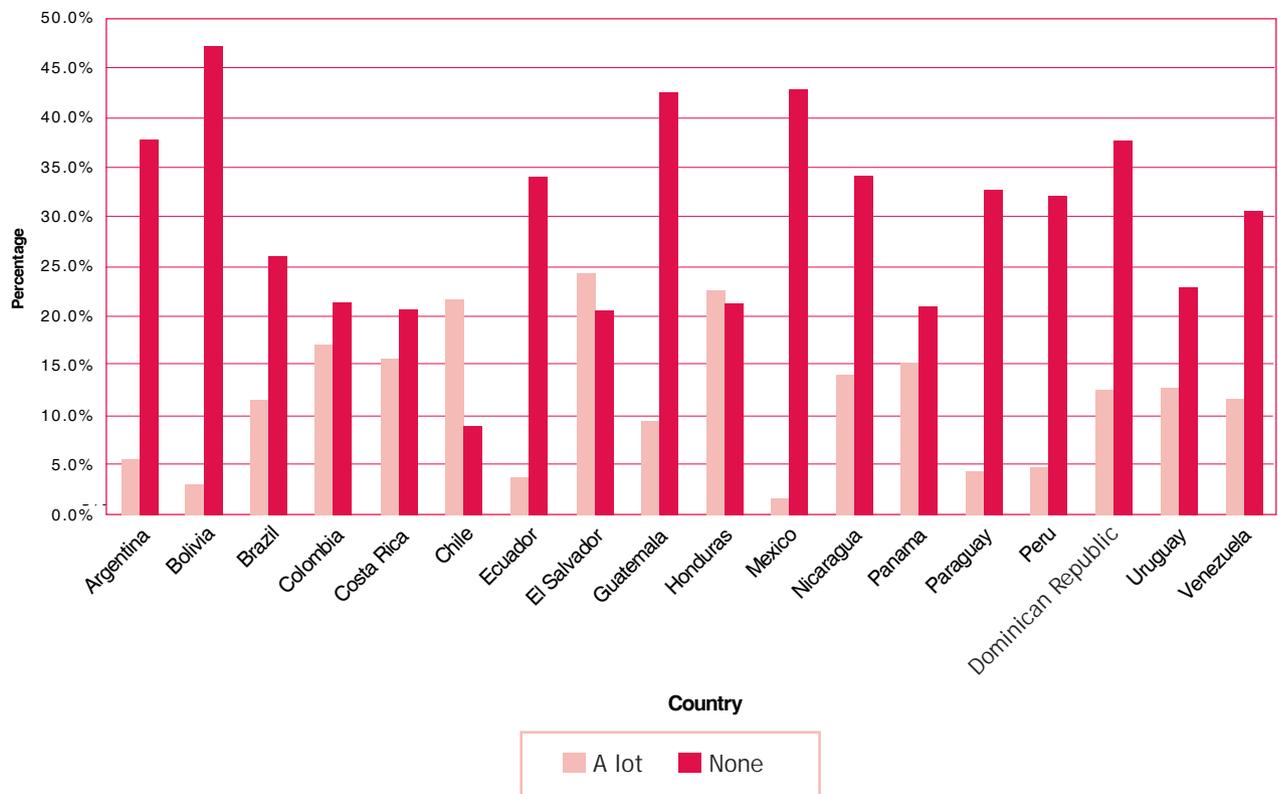
Uruguay

1. Centro de Estudios Estratégicos “Gral. Artigas”. (No website).
2. Centro de Estudios “Gral. Ramagli”. <http://www.calen.gub.uy/aeg.php>
3. Centro de Estudios Estratégicos del Uruguay. (No website).
4. Centro de Estudios de Defensa. (No website).
5. Núcleo de Estudios Estratégicos del Ateneo de Montevideo. <http://www.ateneodemontevideo.com/>
6. Centro Artiguista de Estudios Económicos, Sociales y Culturales <http://www.cadesyc.org/>
7. Instituto Manuel Oribe. (No website)



PUBLIC SECURITY SECTOR

Graph 1
Confidence in the Police by Country



• Source: Latinbarometer, 2004. Based on the question: How much confidence do you have in the police?

Table 6
Missions and functions of police institutions in Latin America and the Caribbean.

Sub-region	Country	Mission established by		Functions					
		Constitution	Organic Law	Public security	Internal order	Prevention and control of crime	Investigations	Border control	Prisons
Caribbean	Barbados								
	Belize		✓	✓	✓	✓	✓		
	Jamaica		✓	✓	✓	✓	✓		
	Dominican Republic	✓	✓	✓	✓	✓	✓		
Central America and Mexico	Costa Rica		✓	✓	✓	✓		✓ ^e	✓ ^h
	El Salvador	✓	✓	✓	✓	✓	✓	✓ ^f	
	Guatemala		✓	✓	✓	✓	✓		
	Honduras		✓	✓	✓	✓	✓		
	Mexico		✓ ^a	✓ ^c	✓	✓	✓		
	Nicaragua		✓	✓ ^c	✓	✓	✓		
Southern Cone	Panama		✓	✓	✓	✓	✓ ^d		✓ ⁱ
	Argentina		✓ ^b	✓	✓	✓			
	Brazil	✓	✓	✓	✓	✓			
	Chile	✓	✓	✓	✓	✓	✓	✓	
	Paraguay	✓		✓ ^c	✓	✓	✓	✓	
Andean Countries	Uruguay		✓	✓ ^c	✓	✓	✓		✓
	Bolivia	✓	✓	✓	✓	✓	✓	✓ ^g	✓
	Colombia	✓	✓	✓	✓	✓			✓ ⁱ
	Ecuador	✓	✓	✓	✓	✓	✓	✓ ^g	✓ ^j
	Peru	✓	✓	✓	✓	✓	✓	✓	✓

a/ None appears as such in the Constitution or the Organic Law, found on the institutional website.

b/ Law does not have the characteristics of an organic constitutional law.

c/ Does not appear explicitly in respective laws, but is inferred from the rest of the functions.

d/ Completes preliminary investigations in places where there is no Technical Judicial Police.

e/ Border Police exists and other migration and foreign control units.

f/ Refers to the control of means of communication, including borders.

g/ Refers to control of migration.

h/ Prison police are under the jurisdiction of the Ministry of Justice.

i/ In coordination and transportation tasks.

j/ In case of internal revolt and emergencies.



- **Barbados:** Barbados Police Act, 1961. Laws of Barbados Chapter 167.
- **Belize:** Belize Police Act, 1951. Laws of Belize Chapter 138. Revised Edition 2000.
- **Jamaica:** The Constabulary Force Act of 1935.
- **Dominican Republic:** Political Constitution of the Dominican Republic, Santo Domingo, August 2002 and Institutional Law of the National Police, Santo Domingo, December 2003.
- **Costa Rica:** Law N° 7.410, General Law of the Police, 26 May 1994, Gazette No. 103 of 30 May 1994, Reformed by Law N° 80.296 of 15 March 2001, Gazette No. 59 of 23 March 2001.
- **El Salvador:** Decree N° 653, Organic Law of the PNC, 6 Dec 2001.
- **Guatemala:** Decree N° 11, Organic Law of the National Civil Police of 1997.
- **Honduras:** Decree N° 156, Organic Law of the National Police, 30 June 1998, The Gazette, Tegucigalpa, Honduras, 18 July 1998.
- **Mexico:** Organic Law of the Secretary of Public Security of the Federal District, Official Gazette of the Federal District of Mexico, 20 May 2003. **Nicaragua:** Law N° 228, of the National Police, 31 July 1996, Gazette N° 162, Managua, Nicaragua, 28 August 1996.
- **Panama:** Law N° 18. Organic Law of the National Police, of 3 June 1997, Official Gazette, Panama 4 June 1997.
- **Argentina:** Law N° 13.482, Law of unification of the Norms of Organisation of the Police of the Province of Buenos Aires. **Brasil:** Law N° 443, about the status of the military police in Rio de Janeiro and other provinces, from 1 June 1981. **Chile:** Political Constitution of the Republic of Chile, 1980 and Law N° 18.961, Organic Law of the Carabineros, 1990.
- **Paraguay:** Constitution of the Republic of Paraguay, 1992 and Law N° 222, Organic Law of the National Police, 1993.
- **Uruguay:** Law N° 13.963, Organic Police Law, Official Diary N° 18560, 26 May 1971.
- **Bolivia:** Political Constitution of the Republic of Bolivia, 1967 with reforms of July 2005 and Law N° 734, Organic Law of the National Police, 1985.
- **Colombia:** Law N° 62, which establishes norms about the national police, creates the public establishment of social security and well-being of the national police, creates the regulation of private security and revises the extraordinary powers of the President of the Republic, 12 August 1993.
- **Ecuador:** Political Constitution of the Republic of Ecuador of 1998 and Law N° 109.RO/368, Organic Law of the National Police, July 1998.
- **Peru:** Organic Law of the National Police of Peru of 1999.

• *Source: Original elaboration, 2006.*

Table 7
Joint military-police operations in Latin America and the Caribbean.

Region	Country	Areas of Joint Operations	Command
Caribbean	Barbados	Narcotrafficking Public order	NA
	Belize	Narcotrafficking Public order Crime control Natural disasters Border patrol	The armed forces in the case of natural disasters and border control. The police in the case of narcotrafficking, public order and crime control.
	Jamaica	Narcotrafficking Public order	National police (<i>Jamaica Constabulary Force</i>).
	Dominican Republic	Public Order Narcotrafficking Arms controls	Armed forces.
Central America	El Salvador	Patrol and territorial coverage of rural zones and recently, urban zones.	Directed by a member of the National Police, members of the Army only lend support.
	Guatemala	Control of prison perimeters, control of narcotrafficking and border control.	Recently created a command located at the National Police headquarters.
	Honduras	Priority to fight against youth gangs ("maras")	Armed forces.
	Nicaragua	Narcotrafficking Interception and capture of narcotraffickers	Law 290 delegate responsibility to the Ministries of Interior and Defence for the coordination of joint actions that involve the Police and the Army of Nicaragua. As such, according to the "Agreement on Cooperation and Coordination in the Combat of Narcotrafficking," the decisions are taken by the respective delegates from both institutions (Army and Police).
	Mexico	Different powers depending on the state, but always related to narcotrafficking.	Federal police institutions: Federal Preventive Police and the Federal Investigation Agency under the command of the Sub-Procurator of Investigation of Crime.



Table 7
(Continued)

Region	Country	Areas of Joint Operations	Command
Southern Cone	Argentina	Does not exist.	Does not exist.
	Brazil	Internal order.	Center of Coordination of Operations (CCO) created specially to coordinate between the government of the State of Rio de Janeiro and the Armed Forces.
	Chile	Does not exist.	Does not exist.
	Paraguay	Internal order.	NA
	Uruguay	Internal order.	Civilian power (Ministry of Defence or Interior)
Andean Countries	Bolivia	Narcotrafficking. Public order.	National Police.
	Colombia	Internal order Narcotrafficking.	Armed forces.
	Ecuador	Public security.	Joint command of the Armed Forces.
	Peru	Narcotrafficking Public security	Armed forces.

• Source: *Original elaboration, 2006.*

Table 8
Institutional aspects of private security provision in Latin America and the Caribbean.

Sub-region	Country	Central aspects		
		Regulation	Oversight	Compatibility with police work
Caribbean	Barbados	Private Investigators and Security Guards Act.	NA	NA
	Belize	Private Security and Investigation Services (Control) Art.	Belize Police Department.	NA
	Dominican Republic	Decree N° 3.222/82 and other posterior regulations.	Central Office of Control and Supervision of Companies or Private Guards.	Yes, through an institutional service.
Central America and Mexico	Costa Rica	General Police Law (Title IV). Law of Private Security Services.	Ministry of Public Security. Division of Private Security Services of the National Civilian Police (PNC).	No. Yes, in free time. Existed since 2000 through a program named "fund for police work".
	El Salvador	Decree 73-70, Law of Private Police. Decree 19-79, Law of Security Institutions of bank, state, and private entities.	General Adjunct Office of the National Civilian Police (PNC).	No.
	Guatemala	Organic Law of the National Police (regulatory attributes are not directly specified in the law).	The General Office of Preventive Services regulates private security services. The Office of Special Investigation Services regulates private investigation agencies.	No
	Honduras	Law of Private Security for the Federal District (2005)	Executive Office of Public Security, dependent on the Secretary of Public Security of the Federal District government.	Yes, although there are no regulations.
	Mexico (Federal District)	There is no specific law.	National Police.	Yes, they can take part in private security assignment in their free time, but there are no regulations.
	Nicaragua	Executive Decree N° 21 1992, which regulates the functioning of private security agencies, Official Gazette, 18 May 1992. Executive Decree N° 22, which regulates the requirements, rights and functions of private security guards, Official Gazette, 14 February 1992.	Ministry of the Interior and Justice through the Department of Public Security.	Yes, police can perform private security tasks in their free hours. There is a compensation program.
	Panama			



Table 8
(continued)

Sub-region	Country	Central aspects		
		<i>Regulation</i>	<i>Oversight</i>	<i>Compatibility with police work</i>
Southern Cone	Argentina	Decree 1002/99.	Secretary of Internal Security. National Arms Registry (RENAR).	No, police and army officials are not allowed to participate.
	Brazil	Law 7.102 of 1983.	Federal Police.	No, active service officials cannot perform private security functions, but given the precarious situation of many police, they do illegally.
	Chile	Law 3.607.	National Police (Carabineros).	No, through internal regulations.
	Uruguay	Decree N° 275 of 1999.	National Registry of Private Security and Guard Providers (RENAEMSE).	Yes, they can provide private security functions outside of working hours, receiving a percentage of the payment (80%).
Andean Countries	Bolivia	Regulation for Private Security Companies.	General Command of the National Police.	During free hours. There is a special unit that provides private security services.
	Colombia	Law 62 of 1993.	Superintendent of Guards and Private Security.	No
	Ecuador	Law of Private Guards and Security	Ministry of Interior, Culture, Police and Municipalities.	Yes, at the institutional level can provide services for public and private entities.
	Peru	Supreme Decree N° 005-94-IN of 1994.	General Office of Control of Security Services, Arms, Munitions, and Civilian Explosives (DICSCAMEC).	Yes, conventions allow the provision of services.

• Source: Original elaboration, 2006.

Table 9
Types of Reform and Primary Proponent

Sub-region	Country	Types of reform						Existence of evaluations
		Constitutional role	Organic structure	Organic charter	Formation	Dependence	Ranking	
Caribbean	Jamaica	Parliament	Ministry of National Security		Ministry of National Security	Government ^a	Police	
	Dominican Republic			President Parliamentary Commission Civil society		✓ ^b		
Central America and Mexico	Costa Rica		Ministry of Public Security	Legislative Assembly	Ministry of Public Security		Legislative Assembly	
	El Salvador	Peace Accords	Peace Accords	Peace Accords Executive	Peace Accords Government ^c	Peace Accords	Government	
	Guatemala		Government	Government	Ministry of Interior		Ministry of Interior	Yes
	Honduras	Political Power Police Civil society	Political Power Police Civil society	Political Power Police Civil society	Political Power Police Civil society	Political Power Police Civil society	Political Power Police Civil society	No
	Mexico			✓ ^d	Civilians			
	Nicaragua	Executive Power Parliament National Police	Executive Power Parliament National Police	Executive Power Parliament National Police	Ministry of Interior National Police	Executive Power National Police	Executive Power National Police	Yes
Panama	Executive Power Legislative Assembly		Ministry of Governance Police	Ministry of Governance Police	Executive Power	Executive Power		
Southern Cone	Argentina		Executive	✓	✓	✓ ^g	✓	No
	Brazil		Executive National Secretary of Public Security (SESNAF)		Ministry of Justice Secretary of Public Security (SESNAF)			No



Table 9
(continued)

Sub-region	Country	Types of reform						Existence of evaluations
		Constitutional role	Organic structure	Organic charter	Formation	Dependence	Ranking	
Southern Cone	Paraguay	✓	✓	✓		✓	✓	No
	Uruguay	Ministry of Interior	Ministry of Interior		Ministry of Interior		Ministry of Interior	
Andean Countries	Bolivia			National Police				Yes
	Colombia		✓	✓	✓		✓	Yes
	Ecuador	Executive		Executive	National Police		✓	No
	Peru		Ministry of Interior	Ministry of Interior	Ministry of Interior			

a/ Creation of a specific ministry

b/ Creation of an mechanism for planning and coordination of citizen security policies

c/ Creation of a specialized ministry

d/ Organic law of the Secretary of Public Security 2003

e/ Determination of the functions and attributes of the Ministry of Governance

f/ Creation of a specialized dependence: Council of Public Security and National Defence

g/ Creation of Ministry of Security

● *Source: Original elaboration, 2006*

Table 10
Police Institutions in Latin America and the Caribbean.

Subregion	Country	Character		Regulation		Type		Hierarchical Dependence
		Military	Civilian	Constitution	Organic Law	National	Federal	
Caribbean	Barbados		✓	✓	✓	✓		Attorney General
	Belize		✓	✓	✓	✓		Ministry of Home Affairs
	Jamaica	✓	✓ ^a	✓	✓	✓ ^b		National Security Ministry
	Dominican Republic	✓			✓	✓		State Secretary of the Interior and Police
Central America and Mexico	Costa Rica		✓		✓	✓		Public Security Ministry
	El Salvador		✓		✓	✓		Ministry of the Interior
	Guatemala		✓		✓	✓		Ministry of the Interior
	Honduras		✓	✓	✓	✓		Security Secretary
	Mexico		✓		✓		✓	Public Security Secretary
	Nicaragua		✓		✓	✓		Ministry of the Interior
Southern Cone	Panama		✓		✓	✓		Ministry of the State and Justice
	Argentina		✓		✓		✓	Public Security Secretary
	Brazil	✓		✓	✓		✓	Public Security Secretary
	Chile	✓		✓	✓	✓		Ministry of Defence
	Paraguay	✓		✓	✓	✓		Ministry of the Interior
Andean Countries	Uruguay		✓	✓	✓	✓		Ministry of the Interior
	Bolivia	✓			✓	✓		Ministry of the Government
	Colombia		✓		✓	✓		Ministry of Defence
	Ecuador	✓			✓	✓		Ministry of Interior, Culture, Police, and Municipalities
	Peru	✓			✓	✓		Ministry of the Interior

a/ The Police of Jamaica (Jamaica Constabulary Force) are defined as a “semi-military” institution.

b/ In addition there are auxiliary forces called the Island Special Constabulary Force and the Rural Police.

• Source: Original elaboration, 2007.



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