
**CIVIL-MILITARY RELATIONS IN NICARAGUA
REPORT OF AN NDI DELEGATION**

March 15, 1993

**NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS**



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The National Democratic Institute for International Affairs (NDI) was established in 1983. By working with political parties and other institutions, NDI seeks to promote, maintain and strengthen democratic institutions in new and emerging democracies. The Institute, chaired by former U.S. Vice President Walter F. Mondale, is headquartered in Washington, DC, and has a staff of 70 with field offices in Africa, Asia, Eastern Europe and the former Soviet Union.

NDI has supported the development of democratic institutions in more than 50 countries. Programs focus on six major areas:

Political Party Training: NDI conducts multipartisan training seminars in political development with a broad spectrum of democratic parties. NDI draws expert trainers from around the world to forums where members of fledgling parties learn first-hand the techniques of organization, communication and constituent contact.

Election Processes: NDI provides technical assistance for political parties and nonpartisan associations to conduct voter and civic education campaigns and to organize election monitoring programs. The Institute has also organized more than 20 international observer delegations.

Legislative Training: In Eastern Europe, Latin America and Africa, NDI has organized legislative seminars focusing on legislative procedures, staffing, research information, constituent services and committee structures.

Local Government: Technical assistance on models of city management has been provided to national legislatures and municipal governments.

Civil-Military Relations: NDI brings together military and political leaders to promote dialogue and establish mechanisms for improving civil-military relations.

Civic Education: NDI supports and advises nonpartisan groups and political parties engaged in civic and voter education programs.



conducting nonpartisan international programs to help maintain and strengthen democratic institutions



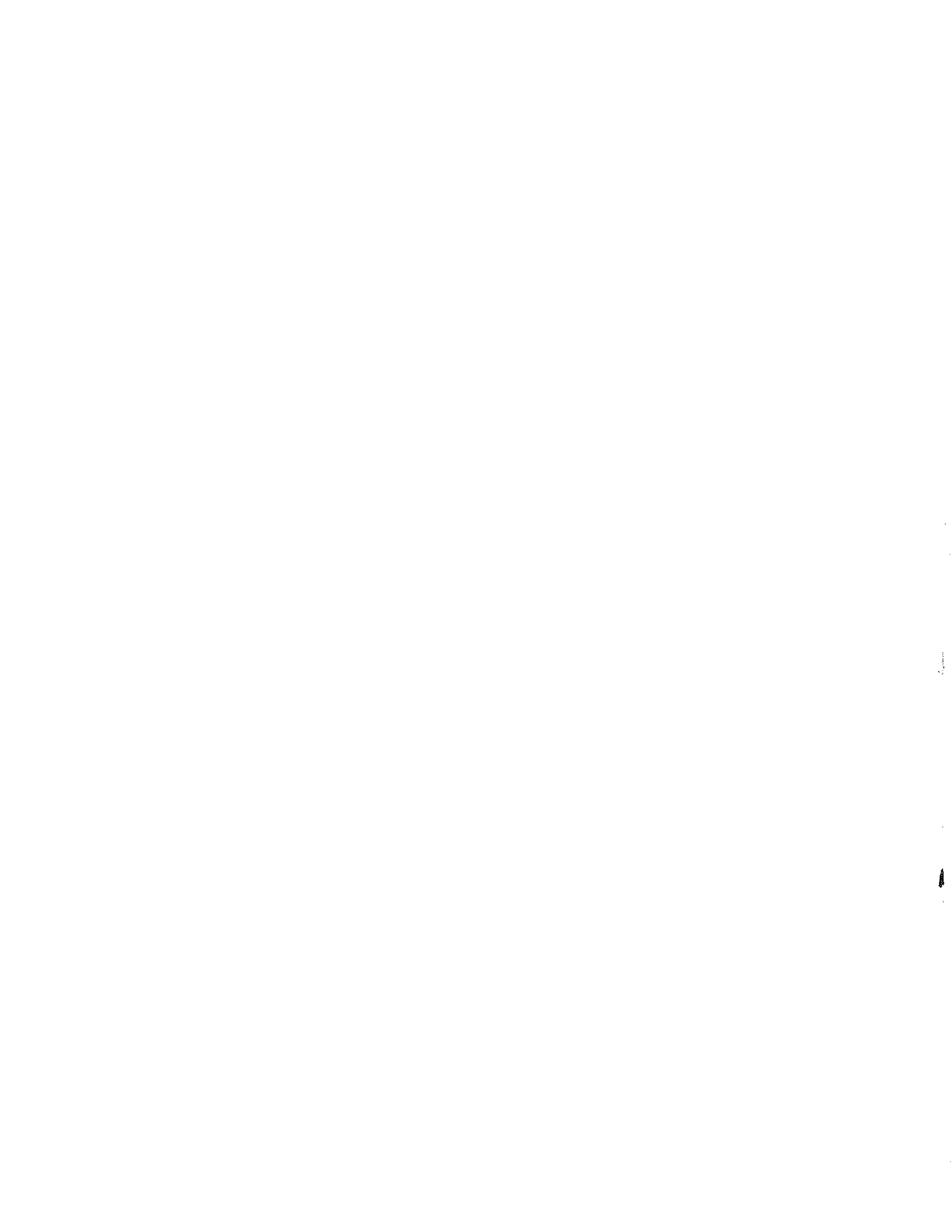


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Editor's Note: The Spanish version of this report contains three further appendices that comprise the Argentine National Defense Law, the Argentine National Security Law and Argentine Ministry Law.

I. INTRODUCTION

This is the report of an international delegation organized by the National Democratic Institute for International Affairs (NDI) that was in Nicaragua from November 30 to December 3 to begin a program designed to encourage healthier civil-military relations. The delegation met with Nicaraguan political, civic and military leaders to share information about how democratic countries have increased the ability of civilians to develop security policy and promote an appropriate nonpolitical role for the armed forces.

The role of the military has been at the heart of most public policy debates in Nicaragua since the inauguration of President Violeta Chamorro in April 1990. The president's decision to retain General Humberto Ortega as head of the armed forces, in addition to having important policy consequences, symbolized to many the undefined nature of the democratic transition. The merging of military and political affairs is nothing new in Nicaragua, however. In the 19th century and early 20th century, political parties achieved power largely through military means. The base of support for the Somoza family for five decades was the National Guard, which functioned as a praetorian guard. The current national army -- which encompasses the air force and navy -- was founded as an ideologically inspired guerrilla force and brought the Sandinista movement into power.

When the Sandinista government lost the 1990 election, it moved into parliamentary opposition. The retention of Ortega as head of the military and the army's continued autonomy have been the object of considerable controversy. While the continuation of a Sandinista military structure may have helped moderate post-election tension, it has proved objectionable to various anti-Sandinista political sectors.

With this mind, members of the National Assembly, political parties and the army recommended that NDI organize a program in Nicaragua on relations between civilian authority and the military. The delegations's trip in November was the beginning of what is envisioned to be a two-year program. Through workshops, consultations and international conferences, the program will inform Nicaragua's political and military leaders about how civil-military relations are managed in selected democratic countries.

The delegation comprised three experts on civil-military relations and three NDI staff members. The delegation members were Colonel Prudencio Garcia, a military sociologist from Spain; Jose Manuel Ugarte, an adviser to the Argentine Congress; and Richard Millet, a professor of history from the United States. They were accompanied by NDI Senior Program Officer Mark Feierstein, Consultant Santiago Canton and Program Assistant Nicholas Van Slyck. [See Appendix A.]

The delegation met with Vice President Virgilio Godoy, Minister to the Presidency Antonio Lacayo; General Humberto Ortega, the commander of the armed forces; National Assembly leaders; members of the Defense Committee and the Economic Committee in the National Assembly; former Interior Minister Carlos Hurtado and members of the Civic Movement, an organization founded to promote abolition of the military. [See Appendix B.]

The delegation arrived in Nicaragua at a critical time. In late October, General Ortega had declared that he would not permit the government to tamper with the military or reduce its budget and would remain as commander of the armed forces until 1997. Critics of the military responded by renewing their calls for Ortega to be replaced.

During the delegation's visit, the Supreme Court issued a ruling nullifying the National Assembly's work since September. The Sandinistas and other deputies that form what is known as the Center Group had been boycotting the Assembly because of a dispute related to the election of the National Assembly's secretary. On grounds that the proper quorum had not been present in the Assembly when the secretary was selected, the Sandinistas and the Center Group filed suit, asking the Supreme Court to void the Assembly's work. On November 24, the Supreme Court agreed.

Also while the delegation was in Nicaragua, the Union of National Opposition (UNO)¹ members of the National Assembly passed a military organization law, but President Violeta Chamorro considered the legislation invalid, as a result of the Court's decision.

Because of these political and legal disputes, the delegation met separately with Sandinistas and members of UNO. The meetings, lasting between 90 minutes and three hours, began with presentations by the international experts and were followed by discussion. Garcia spoke about the transition to democratic rule in Spain, with special emphasis on how military obedience laws were drafted to prevent unconstitutional actions. Ugarte discussed how the Argentine political parties reached a consensus on defense issues and how the Ministry of Defense and Congress have been strengthened to enhance civilian control over the armed forces. Millet addressed the evolution of the role of the armed forces in Central America in recent years and the efforts made to promote civilian control.

The debate that Nicaraguan political and military leaders are engaged in over the role of the military is one many countries experience during democratic transitions. The end of the civil war and improved relations with neighboring countries have prompted a reassessment of the national security threats facing Nicaragua and the army's mission. A consensus on these strategic issues will allow for the resolution of management issues, such as determining the appropriate size and budget of the military.

NDI's goal during the consultations was to provide a wide range of information on how other countries have developed mechanisms, institutions and practices to promote civilian control of the armed forces consistent with legitimate national security concerns. Although every country's experience is unique and cannot be replicated by others, there are certain commonalities among countries to allow for lessons to be shared across borders.

This report is not intended as an authoritative account of the civil-military question in Nicaragua. Rather, the report outlines the terms of debate over the future of the military and the issues facing policymakers in Nicaragua and briefly relates how other countries, particularly

¹ The 14-party coalition that supported the presidential candidacy of Violeta Chamorro in the 1990 elections.

Argentina and Spain, have achieved broad political consensus regarding civilian control over the military. The report was drafted by the members of the delegation and edited by NDI President Kenneth Wollack, Program Director Thomas Melia and Public Information Director Sue Grabowski.

NDI's role during the course of this program will be determined largely by Nicaraguans. The Institute is prepared to bring together Nicaraguan political and military leaders with international experts to share experiences so Nicaraguans may bridge their differences over the role of the armed forces in a democratic society. NDI's interest is to assist the Nicaraguans in developing their own solutions appropriate to their unique historical and contemporary circumstances.

II. NDI PROGRAMS IN CIVIL-MILITARY RELATIONS

NDI programs in civil-military relations are based on the belief that agreement on issues concerning national defense and internal security must be the result of a broad social and political consensus. A military without broad civilian support, reflected in formal political institutions, risks being seen as an occupying force in its own country.

Civilian political leaders with expertise in military affairs are indispensable to the cultivation and preservation of strong, healthy civil-military relations. In countries that have recently returned to democratic rule, however, civilians who have examined security issues closely are often in short supply. It is imperative, therefore, that those who have a role in the debate over national defense and internal security develop the aptitude necessary to carry out informed, well-planned policies. Civil society must also understand and appreciate the legal role of professional, nonpartisan armed forces.

In addition to its program in Nicaragua, NDI has organized programs on civil-military relations for Panama and Argentina. The Argentine civil-military program consisted of three projects held in the Dominican Republic, the United States and Uruguay.

In December 1988, NDI organized a conference in the Dominican Republic that was attended by Argentine political leaders, military officers and academics as well as civil-military experts from Israel, Panama, Spain, Uruguay, the United States, Venezuela and the Dominican Republic. The conference focused on the role of the executive and legislative branches in developing defense policy and drafting the defense budget, the military's role in the economy and the armed forces' integration into civil society.

In April 1989, NDI brought Argentine civilians and military officers to Washington, D.C., for a seminar on the legislature's role in defense policy. The visit included meetings with academics and U.S. policymakers from Congress, the Department of State and the Department of Defense.

In July 1989, NDI convened a three-day workshop in Uruguay to advise Argentine political leaders and legislative staff on defense issues in order to foster a healthier dialogue on

civil-military issues. Recommendations made at the conference were introduced in the Argentine Congress and passed as resolutions. From the information presented in the three-day conference, NDI published a Spanish-language book, *Hacia una Nueva Relacion: El Papel de Las Fuerzas Armadas en una Sociedad Democratica* (Toward a New Relationship: The Role of the Armed Forces in a Democratic Government.) The book has been distributed in Argentina and elsewhere in Latin America.

After the U.S. invasion of Panama in December 1989, NDI convened a series of consultations and workshops to assist Panama's new government in its efforts to reorganize the former Panamanian Defense Forces. The NDI program sought to familiarize Panamanian legislators with issues concerning public security. Specific emphasis was given to drafting new laws and regulations and to providing technical advice to personnel in the Justice Ministry, the National Assembly and members of the newly created police force.

To further these aims, NDI sent teams of international experts to Panama on three occasions. The experts, drawn from Argentina, Costa Rica, El Salvador, Spain and the United States, presented legislative and organizational recommendations to President Guillermo Endara, Vice President Ricardo Arias Calderon and members of the National Assembly. The recommendations were published in two widely distributed Spanish-language reports titled *Panama: Hacia un Modelo Policial* (Panama: Developing a Police Model.)

III. THE ROLE OF THE MILITARY IN LATIN AMERICA

Democratic governments are currently the rule rather than the exception in Latin America. This has not been the case throughout most of Latin American history, however. Since gaining independence in the 19th century, Latin America has been the site of a continual alternation of power between democratic governments and dictatorial regimes in which the military has generally played a dominant role.

The military in Latin America has historically defined its mandate to defend national security broadly, arrogating functions in the area of internal security, and, on many occasions, unilaterally claiming responsibility for maintaining order, as the armed forces defined it. Responsibility for the failure of democracy, however, must be shared by civilians as well as the military. Civilian governments have sometimes contributed to political polarization, thereby creating a justification for the military to intervene, often with broad, public support. Major political parties and leaders have on occasion given their tacit or open support to military coups.

In addition to the historical and cultural factors that account for the dominant role of the military in Latin America,² technical deficiencies have contributed to the strengthening of military establishments vis-a-vis elected governments. Among the latter are a lack of civilian expertise in military matters; institutionally weak ministries of defense and congressional defense committees; defense legislation that grants disproportionate authority and freedom from oversight

² For an excellent overview of the history of the military in Latin America, see Alain Rouquie, *The Military and the State in Latin America*, (University of California Press, 1987).

to the military services; lack of civic and democratic education programs for military personnel; and the absence of schools or institutes that offer education in military issues for civilians.

These technical deficiencies have been exacerbated by the lack of a clear distinction between national defense and internal security. National defense, traditionally the responsibility of the armed forces, implies defending sovereignty, independence and territorial integrity against foreign aggression. Police forces should be responsible for guaranteeing internal security -- that is, protecting and guaranteeing citizens' rights. The division between these two areas has become less clear, and in some countries the division has practically disappeared.³

In recent decades, the national security doctrine has contributed further to this confusion. The national security doctrine was invoked to justify military intervention in internal security matters. The national defense laws in many countries in the hemisphere were modified in accordance with this doctrine in order to authorize the armed forces to intervene legitimately in internal affairs, further eroding the authority of civilian officials.

In order for countries in Latin America to consolidate their nascent democracies, it is necessary to modify the traditional roles that civil and military sectors have played. Both must learn to live and work together in a democracy. In the modern world, national security is best protected by democratic political structures. The efficient defense of a nation requires effective collaboration between those civilians who have received a democratic mandate from the people to govern and the military establishment.

In newly emerging democracies, relations between civilian leaders and the military have too often been marred by misunderstanding and communication failures. Many military officers believe that civilian political leaders are incapable of understanding defense and security issues. By training, patterns of social interaction and choice, members of the military often consider themselves superior to their civilian counterparts. At the same time, civilians often shy away from interaction with the armed forces, out of fear, ignorance or disinterest. In many societies, two separate subcultures with minimal contact appear to have emerged. This cultural separation is perpetuated by many traditional programs designed to promote respect for democracy among the military, such as the International Military Education Training (IMET) program run by the U.S. Department of Defense, which involve education and socialization for uniformed officers, but do not usually include civilian officials.

Many newly elected civilian governments have not taken advantage of the opportunities they have had to accelerate and deepen the democratic process. In particular, they have not sufficiently addressed the absence of an adequate government structure to effectively oversee the armed forces. The executive and legislative branches of Latin American governments lack adequate institutions and mechanisms to control the armed forces. Ministries of defense, which historically have been instruments of the armed forces, are in many cases not controlled by civilians or do not have an organizational structure that permits them to exercise effective control

³ For a comparative analysis of internal security laws, see *Seguridad Interior* (Internal Security), by José Manuel Ugarte, (Fundación Arturo Illia, Buenos Aires, 1990).

from the armed forces and, therefore, justified the government's policy of cooperation with the military. The number of officers, they add, has been reduced from 15,000 to 2,000.

The government points to neighboring Guatemala and Honduras, where civilian efforts to reduce the military have been rebuffed. The reduction in the size of the Nicaraguan military, moreover, has occurred at a time when the economy promises few employment opportunities for former military officers and enlisted personnel.

Government critics are not impressed by these official figures. Some believe the military still has as many as 28,000 members. Many note that the reduction was inevitable when the war ended and claim that desertions account for a large part of the decrease.

Supporters of the military acknowledge that it could be reduced further and still be sufficient to maintain security. A leading Sandinista assemblyman told the NDI delegation that a 10,000-member military might be large enough to guarantee the country's security.

Personnel Issues and Nonpartisanship

Critics of the military charge that rather than being a nonpartisan force at the service of the government, the army is a political institution filled with Sandinista cadres loyal only to the Sandinista Party. Concern over the military and its role in society is partly symbolic. The military is still called the Sandinista Popular Army, it is led by a former member of the Sandinista directorate and nearly all its officers and enlisted personnel are Sandinistas.

Ortega has become the leading symbol of Sandinista predominance in the military and the lack of civilian control. Military critics argue that altering the relationship between civilians and the military will not be possible until Ortega is replaced.

This personalization of the problem affects the military's perspective as well. According to UNO assemblymen, General Ortega assumes that all discussion of military reform is directed against him personally rather than the military as an institution, making dialogue between him and UNO assemblymen more difficult.

Promotions and firings of military personnel are internal military matters. Although Chamorro repeatedly states that she will decide when to remove Ortega as commander of the armed forces, he says he will remain in his post until 1997. The government is afraid that Ortega's replacement would produce unrest in the military and protests from well-organized Sandinista groups. The government maintains that political and social stability can be better preserved with Ortega as head of the armed forces.

Others, however, believe that removing Ortega would represent an important step in the democratic transition because his replacement would signal the assumption of civilian authority over the army and help sever the links between the armed forces and a political party -- one, no less, that lost the last elections. UNO members say that a decision to replace Ortega would initially be met with protests from the military and Sandinista militants but that the order would eventually be carried out without serious disturbances.

The Sandinistas and the army contend, however, that efforts have been made to separate the army from the Sandinista party. Ortega, for example, is no longer a member of the party's directorate, which is headed by his brother.

Government Institutions: A Ministry of Defense

Most UNO assemblymen express concern that the military has retained its autonomy and is beyond the oversight of civilian officials, including the president and her Cabinet. There is no Ministry of Defense. President Chamorro is nominally minister of defense, but the executive branch employs no defense experts. A senior government official told the delegation that the military would be wary of a strong Ministry of Defense because even though the army accepts democracy under the current government, it fears that the ministry might be inherited by a more conservative administration after the 1996 legislative elections.

One of the obstacles to establishing a Ministry of Defense is the dearth of potential qualified staff. In Nicaragua, as throughout Latin America, few civilians have received military training or have been schooled in defense matters. A first step, many argue, would be the naming of a civilian defense minister who, unlike the president, would be responsible only for defense issues and would begin to develop a professional ministry with responsibility for budget, personnel and development of a modern military doctrine.

Government Institutions: The National Assembly

The National Assembly has few members who are versed in security affairs, although a number have been educating themselves and have gained a modicum of expertise. The Assembly, however, functions with practically no professional staff. Members of the Defense Committee, therefore, have no experts to rely upon.

The Defense Committee holds occasional hearings and receives testimony from military officers, but its ability to demand information from and to oversee the army is limited, members say. The Assembly does not have access to all internal military documents, and military officers are often not forthcoming with information, UNO assemblymen complain. The Assembly approves an annual military budget, but not at the level of detail that many members would prefer.

Budgetary Control

Disagreement exists over the size of the military budget. The government and the army say it was \$14 million in 1992, while others contend it could have been as high as \$30 million. The discrepancies can be attributed to the degree of autonomy the military has in overseeing its own finances. As noted above, the military budget the National Assembly approves is not divided into detailed categories. Moreover, some of the military's expenditures are financed by extraofficial sources, as the army acknowledged to NDI.

The military controls its own private enterprises, which according to critics of the military, has made some officers, including Ortega, very wealthy. The military is not just a source of power, but of wealth, some critics of the army say.

Emilio Alvarez, a leader of the Civic Movement, believes the annual military budget could be decreased now to about \$8-10 million. The Sandinistas and the army argue, however, that even if the size of the army is reduced, the budget should be maintained at current levels to improve the soldiers' standard of living. Ortega described the current military allocation as a bare-boned budget ("presupuesto de hambre").

Military Legislation

The greatest obstacle to enacting new legislation dealing with the military has been the lack of consensus between the UNO and Sandinista deputies and between UNO and President Chamorro. The military, moreover, avoids discussion over reform that might better inform the debate, according to UNO deputies.

In December 1992, the National Assembly passed a new law of military organization. The law was passed, however, while Sandinista deputies were boycotting the Assembly sessions and after a Supreme Court decision nullifying the Assembly's work since September. Chamorro had no intentions of signing the bill, and the military opposed it. The Sandinistas charged that the UNO deputies were trying to achieve in peacetime what the contras could not accomplish during the war.

The bill passed by the Assembly would mandate that:

- o Members of the armed forces cannot belong to a political party.
- o The armed forces would be organized into three branches, each with a commander named by the president and subordinate to a minister of defense.
- o Commanders of the armed forces serve a single two-year term. The president could remove a commander at any time.
- o Armed forces commanders could not have been members of the military command during the four years before the publication of the law.
- o Anyone guilty of human rights violations cannot serve as a commander.
- o A Comptroller's Office of the Armed Forces would be created as part of the National Comptroller's Office. The armed forces office would exercise control and oversight of the income, expenses and public property of the army.
- o All private businesses owned or administered by the army would be transferred to the control of the Ministry of Defense to be privatized.

V. THE SPANISH EXPERIENCE:
Societal Consensus Underpinning Military Reform

The success of the Spanish transition derived from a broad-based consensus among political, religious and civic leaders that provided for a gradual transition, albeit with some tension in the military from ardent supporters of Franco. The overwhelming support among civilians for a transition to democracy made military rejection of democracy untenable; but a smooth transition was not guaranteed until the military as an institution opted to support democratic civilian rule.

The Moncloa Pacts of December 1976, accomplished through the initiative of President Adolfo Suarez, demonstrated the wide support for a democratic system. Unprecedented in the history of Spain, the pacts were signed by the monarchists on the right and the communists on the left, as well as all political groups in-between, including conservatives, Christian Democrats, liberals, social democrats, socialists, Catalan and Basque nationalist forces and reform factions of the Franco movement.

The military was the last anti-democratic bastion. In order to change the attitude of military members, particularly older, more conservative officers, the role of King Juan Carlos I was critical. With ultimate authority over the armed forces, the King was committed to the implementation of democracy and willing to take the necessary risks to realize this goal.

But the King's support for democracy and the pro-democratic position of the country's political leadership were not enough to influence the armed forces as an institution. That required the efforts of a small but active democratic faction within the army.

The acts of various high-level military officers led to the military's eventually contributing to the democratic transition. First, Lt. Gen. Gutierrez Mellado, as vice president and minister of defense, guided the military leadership through the most arduous steps of the transition, including the legalization of leftist parties and unions, restrictions on officers' engagement in party politics and the commitment to a multipartisan political system.

Second, during the attempted military coup in February 1981, senior military officers supported the King, dooming the coup to fail. The military courts, with the support of the highest ranking officers in the armed forces, judged, sentenced and discharged perpetrators of the attempted military coups in February 1981 and October 1982.

Third, government authorities disciplined military members when they went beyond their mandate by making public declarations that were considered anti-constitutional or anti-government. In some cases, members of the military were removed from the armed forces.

As the Spanish transition evolved, the vast majority of military personnel acted in a professional manner and began to accept the constitutional supremacy of civilian rule. Their discipline was all the more notable given the terrorist attacks by leftist groups against military personnel at all levels.

Many military officers debated in the press and media the future of the military under a democratic government. The open discussion allowed civil society, and even the military, to realize that no monolithic military bloc was seeking to impede the democratic process. Citizens and military personnel alike learned of the existence of other factions that supported democracy. Gradually, individual military officers rethought their concepts of totalitarianism and underwent a social and philosophical reorientation in much the same way civilians did.

The military's evolving stance in favor of democracy and constitutional order was buttressed by the rewriting of the Spanish Crown Regulations for the Armed Forces, a military code of ethics, which obligated the military to respect the constitution.⁴ Most important, the concept of due obedience of illegal orders was struck from the code of ethics. The new code stated that illegal orders should not be obeyed by subordinates or demanded by superiors. Due obedience was also modified in the Military Penal Code, which established that due obedience could not be invoked for those who carry out illegal orders.⁵

These reforms decreased the likelihood of a coup because ranking military officers could no longer be certain that their orders would be followed by subordinates. The new military code was also designed to diminish human rights abuses by requiring junior officers to disobey orders that would have resulted in the abuse of human rights.

The implementation of a pluralist democratic regime in Spain eventually dispelled the negative images of democracy that had prevailed in the military for more than four decades. Military personnel soon realized that the stereotypes perpetuated by supporters of totalitarianism were inaccurate and that the communist threat, the dangers to private property presented by a socialist government and that the threats of political and social chaos were exaggerated to prevent the Spanish public from living in a democracy.

VI. THE ARGENTINE EXPERIENCE: *Strengthening the Government's Institutional Capacity*

Argentina, like most Latin American countries, has experienced frequent periods of military rule as well as of civilian governments operating under the shadow of the military. The Argentine military historically represented a textbook case of an autonomous armed force beyond the reach of civilians. Military institutions were independent entities responsible for developing

⁴ Article 34 of the code reads: "When orders entail the execution of acts that are clearly contrary to the laws and customs of war or constitute a crime, particularly against the Constitution, no military member will be obligated to obey them; in any case, he or she will assume responsibility for his or her action or omission."

Article 84 of the code reads: "All superiors have the responsibility to demand obedience from their subordinates and respect for their authority, but cannot order acts that are contrary to the laws and customs of war or that constitute a crime."

⁵ Article 21 of the Military Penal Code reads: "Any deed carried out merely to obey an order that involves the execution of acts that are clearly contrary to the laws and customs of war or that constitute a crime, particularly against the Constitution, would not be absolved or attenuated."

the military's doctrine and mission and overseeing and executing its operations. Military personnel designed the armed forces' programs in education and training. The armed forces had their own unofficial resources and controlled the military and civilian intelligence agencies. The army, moreover, was heavily involved in internal security.

As a result of this centralized structure of power in the armed forces, civilian governments felt obligated to request the military's assistance in any circumstance that was perceived to threaten the country's internal order. Civilian governments became, in effect, hostages to the military. This dependency contributed to the debilitating of constitutional governments and led to the alternation in power between civilians and the military.

Before Argentina's return to democracy in 1983, security forces were appendages of the armed forces. The army directed the border police and the navy oversaw the naval police, while the air force commanded the national aeronautic police. The federal police, in accordance with its internal law, was headed by an army official. The Department of State Intelligence, an organ of civil intelligence, also came under the control of a senior official of the armed forces, as was the case with the National Intelligence Agency, a unit that coordinates the gathering of strategic intelligence. Defense industries were owned and controlled by the armed forces. In sum, military officials directed the entire police apparatus, from internal security to intelligence, as well as various private enterprises.

When Raúl Alfonsín was inaugurated on December 10, 1983, a consensus existed in favor of removing the military from politics and exerting civilian authority over the armed forces. The public rejected the methods the military used in the fight against terrorism, which involved extensive human rights abuses. The resounding defeat of the army against the British over the Falkland Islands in 1982 had further eroded the military's prestige and underscored the serious consequences of years of politicization in the armed forces.

The armed forces also supported ending the military interruptions of civilian rule and guaranteeing respect for the constitution. Military leaders also hoped to professionalize their institutions and overcome the shortcomings exhibited in the Falkland War.

Despite this seeming consensus to radically alter the military's role, the new government faced considerable obstacles. The military budget still accounted for 6 percent of GNP, a figure many in the armed forces wanted to maintain. There were also demands on the government to investigate the excesses committed in the fight against terrorism, which complicated the relationship between the government and the armed forces.

Significant progress for the Alfonsín Administration would have been impossible were it not for a consensus reached between his Radical Party and the Peronists, Argentina's leading parties. The parties drafted a National Defense Law, which inspired the formation of the Round Table for Consensus, a meeting designed to promote agreement among the parties on issues of fundamental importance for the country. The National Defense Law limits the concept of defense to responses to foreign aggression and establishes the distinction between national defense and internal security.*

The Round Table for Consensus helped produce the Law of Internal Security, which redefined the missions of the police and military. The Law of Internal Security, designed during the government of Alfonsín and signed into law by the current administration, also delineates the distinction between national defense and internal security and mandates that the Ministry of Interior oversee the police and security.*

The most important instrument for the Argentine transition was a law to reform the organization of the ministries, known as Law 23,023.* That law mandates that the president of the country assume the constitutional duties of commander in chief of the armed forces. The heads of each branch of the armed forces, which had previously functioned with considerable autonomy without having to coordinate with the other branches, were subsumed into a joint chiefs of staff to coordinate planning and actions among the branches. The president, according to the law, would exercise his authority through the Ministry of Defense, which acquired the offices and agencies previously controlled by the chiefs of staff of each branch. The law also abolished the requirement that one be a member of the armed forces in order to occupy certain nonmilitary public positions.

With the authority invested in him through this legislation, the president appointed civilian officials to lead the Department of State Intelligence and National Intelligence Agency. Officials of the federal police, the border police and the naval police became heads of those institutions. The latter two came under the control of the Ministry of Defense, which was presided over by a civilian.

The new administration also strengthened the Ministry of Defense. Traditionally relegated to providing administrative support for the armed forces, the ministry was empowered by the administration to oversee and manage the armed forces. In order to restructure the ministry, Argentina adapted various models, particularly from West Germany, Spain and the United States.

* See Appendices C, D and E in Spanish-language version of this report for text of Argentine National Defense Law, Argentine Internal Security Law and Argentine Ministry Law respectively.

New departments were created within the Ministry of Defense. A department of defense production was established to exercise control over the arms industry and military supplies; a department of technical planning to develop the budget; and an office of policy and strategy to develop defense plans based on hypothetical threats and wars determined by the executive branch. This strategic planning now helps determine the size, composition and budget of the armed forces.

The Ministry of Defense also possesses the authority to issue military reform decrees. The decrees issued to date have sought to eliminate duplicative functions, reduce or eliminate unnecessary costs and increase efficiency. These reforms were possible due to the cooperation of the armed forces.

Additional reforms were achieved by reforming the Code of Military Justice to restrict the jurisdiction of military courts in times of peace for military crimes. Previously, the military courts were responsible for common crimes committed by military officials on duty or in sites under military jurisdiction.

The military budget has declined considerably since the return of civilian rule. It fell from 6 percent of GNP in 1983 to under 4 percent in 1984, 3 percent in 1985 and just over 3 percent since. Since 1989, the reduction has continued, reaching 2.5 percent in the 1993 budget.

The debate in Congress during the mid-1980s over the Defense Law was unique because it involved a sophisticated discussion about Argentina's defense needs. Members of Congress transcended partisan considerations and dealt with the issue in detail. Nevertheless, the absence of any tradition of congressional involvement in defense policy helps explain why few initiatives were approved by the defense committees during the Alfonsín government. Since 1983 the prospect for more informed and aggressive legislative initiatives has improved, as several staff and consultants have been hired by the defense committees. A number of congressmen have also arranged to have advisers provided by private research organizations.

When the military reform process began, few civilians were prepared to fill posts in the Ministry of Defense. Since then, many civilians have acquired expertise in defense issues. There are now a large number of research institutes and nongovernmental organizations dedicated to the study of the military and defense matters.

These achievements were not easily reached. Various obstacles threatened to derail the process and the democratic system itself. For example, the judging of those responsible for excesses in the fight against terrorism created a climate of uncertainty for the armed forces.

Moreover, the reduction in the military budget was not followed by a corresponding reduction of the armed forces. The combination of a reduced budget and an armed forces maintained at the same size led to declining salaries and living standards for military personnel and fewer funds for training and maintenance.

These factors created a climate of discontent in the armed forces, which was capitalized on by conservative sectors that wanted to restore the armed forces' political power. Four military uprisings of various intensity occurred in 1987, 1988 and 1990. All these uprisings were defeated by the government, thanks in large part to civil society's demand that the military remain in its barracks.

VII. CONCLUSIONS

In almost any democratic transition, the role of the military is among the most delicate and important subjects that the government and civil society must address. Legal, political and economic questions are involved. If a rapprochement between the military and the government can be reached with the support of significant sectors of society, the chances for a peaceful, durable transition increase.

The key to the success of the Argentine and Spanish transitions were agreements reached among the principal political actors that established the base for the legal and institutional changes that followed. Attitudes were transformed as the military and civil society began to understand each other better. In neither case were all problems solved at once, as the subsequent attempted coups in both countries demonstrated. But the ease with which the coup attempts were thwarted attests to the importance of the societal concordance. The military officers who led the rebellions were isolated within the armed forces and received insignificant support from tiny sectors of society.

The transition in Nicaragua and the search for consensus there are particularly challenging. A decade of conflict left the country divided and many distrustful of the motives of political opponents. Although the polarization of the 1980s has passed, much of the rhetoric and desire for vengeance has endured into the 1990s.

The search for political consensus is even more daunting given the personalization of Nicaraguan politics. Political parties or constituencies are still largely irrelevant. Power derives from personal relations with other politicians. Political affiliation indicates little of one's ideology or kinship with other politicians.

Nevertheless, the NDI delegation left Nicaragua optimistic about the likelihood of a satisfactory resolution to the civil-military debate. Despite the blunt rhetoric, the roots of a consensus are beginning to emerge. A number of steps can be taken to begin to promote a healthier civil-military relationship.

1) All sides in Nicaragua told the NDI delegation of their willingness to engage in meaningful talks over the future of the military. *The first step to reaching a widely accepted accord would be for members of the National Assembly, the military, the executive branch, political parties and others to meet in a private setting to discuss the role of the military.* Such meetings should begin as off-the-record encounters to allow for frank discussions that would not compromise anyone's public image. Public encounters are more conducive to posturing.

Meetings among civilians and the military might result in compromises on, for example, reduction in the size of the armed forces. A prominent Sandinista assemblyman, as noted above, told the NDI delegation that the military could be reduced to about 10,000 members from its current size of 16,000. The Civic Movement leaders told the delegation that although their ultimate goal is to abolish the military, they believe this should be done gradually. The basis for a compromise may already exist.

Similarly, a high-ranking UNO official told the delegation that the government's preference for gradualism in exerting civilian control and curtailing the power of the military is acceptable as long as deadlines are established for meeting certain goals. Again, public rhetoric may be masking points of convergence.

Consensus on such delicate issues will never include everyone. Extremists on both sides will remain intransigent. That should not be a cause for concern. In Argentina and Spain, some sectors never accepted the concessions made by one side or the other. What was important was that these sectors were sufficiently isolated and not allowed to impede progress.

Although some military officers are skeptical about entering into negotiations with civilian officials who they view as adversaries, the military's image among the public will likely improve if it presents its requests openly in democratic forums. Military secrecy merely engenders suspicions about the army's motives and can spawn unfounded rumors and conspiracy theories, which work against the interests of the military.

As in all transitions, civilian officials in Nicaragua will have to deal with military officers associated with the previous regime. New recruits undergoing less ideological training will not assume high-level posts for many years. One of the challenges for the current government is to negotiate pacts with the current military leadership while developing longer term solutions to depoliticize the military.

2) *Resolving symbolic issues, such as the name of the army, will be particularly important in signaling the public at large that efforts are underway to alter the civil-military relationship. The resolution of those issues will also improve the atmosphere for negotiations over more substantive matters.*

3) The technical capacity of civilians in military affairs has increased noticeably over the last three years. The military law passed by the UNO members of the National Assembly in December 1992, although rudimentary and unclear about the role of the army, manages to address some central civil-military issues. *If comprehensive legislation is passed by the National Assembly and signed into law, much of the uncertainty that clouds and aggravates the civil-military debate will abate.* Defining the terms for military officers, for example, will go a long way toward alleviating the anxiety of military critics, as well as reducing the autonomy of the military in the area of personnel. Delineating the role of the military relative to the police will restrict the army's operations and establish that civilians are to determine the military's mission.

4) As new legislation increases the responsibility of civilians on defense issues, the National Assembly and the executive branch will require personnel well-versed in military affairs. *Think*

tanks should dedicate resources to study the military, and courses on military policy should be introduced into university curriculum.

5) *The government should also begin to think about creating a Ministry of Defense and study models from other countries, as did the Argentine government.* Assistance should be requested from the international community to help design and train personnel for the ministry, just as the government solicited help from Spain to train the country's police. At all times, the army should be kept abreast and involved in such efforts.

None of these goals will be achieved overnight. Their fulfillment will require compromise, sacrifice and comprehension over an extended period of time. Judgments will have to be made over the merits of addressing issues gradually to build confidence versus confronting matters earlier to avoid an institutionalization of the status quo. The decisions will not be easy, and setbacks can be expected from time to time. But the Nicaraguans will not be the first or last to endure this process. They can learn today from the experiences of others, while their deeds are recorded as lessons for future generations.

APPENDICES

APPENDIX A

BIOGRAPHIES OF DELEGATION MEMBERS

Colonel Prudencio Garcia, a military sociologist from Spain, has published articles on the integration of armed forces into democratic societies, particularly in Latin America, and has lectured on the subject in Europe, Latin America, the former Soviet Union and the United States.

Richard Millet is a professor of history at the University of Southern Illinois in St. Louis, Missouri. He is one of the most recognized and widely published U.S. experts on Latin American military and civil-military relations. Dr. Millet is the author of *Guardians of the Dynasty*, a history of the Nicaraguan National Guard, published in 1977.

José Manuel Ugarte, an Argentine attorney, advises the Argentine Congress on security issues. He has drafted internal security laws and is the author of *Seguridad Interior*, a comparative analysis of security laws.

APPENDIX B

DELEGATION SCHEDULE
CIVIL-MILITARY CONSULTATIONS
Managua, Nicaragua
November 30 - December 3, 1992

MONDAY, NOVEMBER 30, 1992

- 7:30 a.m. USAID
- 9 a.m. Sandinista Popular Army
General Humberto Ortega
Lieutenant Colonel Ricardo Wheelock
Colonel Alvaro Altodano
- 12:30 a.m. National Assembly Leadership
Alfredo Cesar, president
Nicolas Bolaños, first secretary
Jaime Cuadra, third secretary

TUESDAY, DECEMBER 1, 1992

- 9:30 a.m. National Assembly Economic Committee
Luis Humberto Guzman, chairman
Armando Zambrana
Adan Morales
Jaime Bonilla
- 5 p.m. Civil Movement
Francisco Mayorga
Emilio Alvarez
Geronimo Giusto

WEDNESDAY, DECEMBER 2, 1992

- 2:30 p.m. Antonio Lacayo, Minister of the Presidency
- 5 p.m. USAID
- 7 p.m. Vice President Virgilio Godoy

THURSDAY, DECEMBER 3, 1992

- 8 a.m. National Assembly Defense Committee
 Luis Sanchez, National Assembly vice president
 Adolfo Garcia Esquivel
- 9 a.m. Carlos Hurtado, former interior minister
- 10:30 a.m. Sergio Ramirez, National Assembly Minority Leader
 William Ramirez, National Assembly Defense Committee