

THE COUNTRIES

ANALYSIS PAPER

Reality, Dilemmas and Challenges of Military Missions

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Latin America and the Caribbean, like other regions, face a changing strategic environment, but there are two issues that directly affect the security of the populations in which military forces are actively involved: criminal violence and in the response to disasters caused by natural phenomena and anthropic risks.

Military Forces in Disaster Response Operations

Initially, it is useful to understand the scope of terminology. For example, *disaster risk management* is understood as “the application of disaster reduction policies and strategies to prevent new disaster risks, reduce the risk of existing disasters and manage residual risk, contributing to strengthening resilience and reducing disaster losses”¹, thus involving different sectors and actors that manage policies and strategies aimed at implementing preventive, mitigation and risk reduction measures. While *disaster management* is considered as “the organization, planning and implementation of disaster preparedness, response and recovery measures”², the term emergency management is also used to refer to disaster management.

According to the *State of the Climate in Latin America and the Caribbean* report presented this year, the Americas region was the second most affected region by disasters in 2023. In Latin America and the Caribbean, 67 disasters occurred, with floods and storms having the highest frequency and impact with 55% and 22% respectively, causing 69% of fatalities. The impact of climate change is one of the factors in the occurrence of disasters. In this respect, forecasts on global risks according to the *Global Risk Report*, presented in January 2024 by the World Economic Forum, indicate that extreme weather events will occupy second place among the risks in the next two years. In 10 years’ time, environmental risks will be among the top four:

1) extreme weather events; 2) critical change in earth systems; 3) biodiversity loss; and 4) system collapse and natural resource scarcity.

In the framework of risk management at the State level, in Latin America and the Caribbean there are mechanisms for risk management and disaster response that operate on the basis of regulatory guidelines that define inter-agency institutional systems to coordinate the response, from the moment the event occurs until the recovery phase. However, it is also noted that the early warning, prevention and mitigation phase is an area that needs to be strengthened. While in the response phase, the military forces are consolidating their role in the region, particularly due to their logistical and organizational capacities, in some cases they are considered as one of the missions to be fulfilled in support and coordination with civilian entities.

An example of this role that military forces are assuming in emergency management is the performance during the global pandemic caused by COVID-19, which demonstrated an efficient role of military forces in health assistance, distribution of food and/or drinking water, maintenance of public order and support for the enforcement of isolation measures, border control, operations and logistics.

Regarding cooperation at the regional level, there are some mechanisms for disaster management and risk management that provide guidance and promote coordination strategies between civilian and military actors with a clear objective of protecting people and their property, such as the Coordination Centre for Disaster Prevention in Central America and the Dominican Republic (CEPREDENAC), the Andean Committee for Disaster Prevention (CAPRADE), as well as the Disaster Cooperation Mechanism (MECODE) created within the framework of the XIV Conference of Defence Ministers of the Americas (CMDA), whose objective is to promote information on disaster response capabilities.

¹ See terminology used by the United Nations Office for Disaster Risk Reduction (UNDRR). Available at <https://www.undrr.org/terminology>

² Ibid.

Military Forces in Internal Order Operations

Transnational organized crime is both a trend and a threat that is eroding the capacity of States to ensure security. The scenario that the region is experiencing comprises a diversity of criminal activities and actors, which are interconnected and transnational in nature. In addition to the cocaine trade, the most prevalent criminal markets include arms trafficking, human trafficking and environmental crime, among others.

In this context, and based on the conception that the reason and duty of the State is to guarantee the security of populations, one issue that deserves particular attention concerns the use of force, given that in countries with high levels of violence caused by criminal groups and actors, military forces, by government mandate and in coordination with police forces, carry out violence containment operations with the possibility of using force, which raises various questions regarding the applicable legal framework. Since the use of force at the internal level is of an exceptional nature³ and the intentional use of lethal weapons is permitted only when strictly unavoidable to protect a life.⁴

In this sense, and in view of the fact that military preparedness is particularly oriented towards the use of lethal force, it is relevant to know what mechanisms are in place to guide military action in scenarios in which the use of force is required at the domestic level, as well as to know the applicable legal framework and the protocols and guidelines that have been developed for this purpose. One of the questions to be observed is whether, in a scenario of generalized violence, it is justified to seek legal options that make it possible to plan and conduct operations under an appropriate legal framework that guarantees the action of the forces in actions aimed at protecting the population.

One case study to note is Ecuador's recognition of the existence of a non-international armed conflict (Executive Decree No. 111), which considers 22 transnational organized crime groups to be part of the conflict, meaning that the legal framework regulating the use of force would in principle be International Humanitarian Law (IHL), pointing out

that the application of human rights does not cease in the context of an armed conflict. In this sense, these groups could, on the one hand, be considered legitimate military objectives according to IHL and, on the other, be subject to internal legislation, which means that the use of force in the context of the conflict would be simultaneously regulated by IHL and by the internal order that regulates the maintenance of order. However, the simultaneous application of the two legal umbrellas could lead to operational and legal complications when determining the use of force against legitimate military targets in the context of non-international armed conflict.

The Challenge

With regard to public security operations, it is appropriate to recognize the existence of a dilemma of action, given that, although military forces act at the behest of the government, such political decisions can affect the institutionality of defence and its credibility in the future, which is why it is essential to promote civilian oversight of the decisions and actions that are carried out in this regard.

Regarding military action in disasters and/or emergencies, in some cases it is considered vital mainly when the magnitude of the events endanger populations. However, these humanitarian assistance operations should be in support of civilian entities and strictly focused on the disaster response phase. On the other hand, promoting the strengthening of civilian capacities should be one of the priorities of governmental management, especially in the face of risk and threat scenarios derived from climate change.

Faced with the reality of the increased involvement of the region's military forces in non-traditional missions, the greatest challenge is to encourage today's political decisions to have a forward-looking perspective and avoid unintentionally provoking the de-institutionalisation of defence. In this area, it is imperative to involve civil society in order to observe the legal framework for such actions, as well as the obstacles related to the preparation, training and inter-agency coordination of military forces, and to promote that such actions take place within the framework of respect for human rights, as well as to observe the dilemmas that the execution of such operations poses in the civil-military relationship.

³ Art. 3 of the Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979, states "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duties". Available at <https://www.ohchr.org/es/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>

⁴ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, 27 August to 7 September 1990. Adopted on 7 September 1990. Available at: <https://www.ohchr.org/es/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>