Armies and Public Security Missions

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1 Approach. Introduction

Over the past decade various Latin American countries have developed reflections and experiences that are relevant to the missions of armies in the context of the current and future challenges confronting the security and defence sectors. This has included the need to tackle complex themes related to characteristics of conflicts that are under study not just in this region but across the world, such as violence and citizen insecurity or the increased risks posed by natural disasters, issues that among other things require doctrines and plans to be updated. This supposes the study and analysis of tendencies, the elaboration of roadmaps, and dialogue with the distinct strands of domestic stakeholders.

As a result of a project directed by RESDAL and funded by the Canadian Global Peace and Security Fund, this paper seeks to contribute to the process of transformation set in motion by the Colombian Army, promoting a transmission of experiences from the Latin American region at a time when the current Colombian experience – a 21st century post-conflict process - is put into the spotlight.

2 Definitions, Myths and Realities

Defence National defence is understood to concern the political and military activities developed by modern states to avoid or to repel military attacks that other states could eventually carry out.[1] A more up-to-date concept includes a response to the threats provided by non-state actors, such as, for example, terrorist groups, companies, etc., generally transnational in nature, that resort to illegal practices. The activities more typically related to national defence are referred to the Armed Forces and have traditionally been linked to war. Although recent developments signal that confrontations between states are rare, the conflict of interests is more or less permanent, and as such other activities and

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1 According the Spanish language dictionary published by RAE, the term 'defensa' (defence) has its origins in the Late Latin term *defensa*. And recognizes among its first four meanings: 1. The action and effect of defending or of defending one's self. 2. Weapon, instrument or other object with which one defends one's self from danger. 3. Safeguard, protection, assistance. 4. Fortification work that serves to defend a square, a camp, etc.
In the same Dictionary, the word 'defender' (to defend), also derived from Latin, is included. *Defendĕre,* to which the following meanings are attributed: 1. To shelter, free or protect. 2. To maintain, conserve, sustain something against the judgement of others. 3. To refuse, prohibit. 4. To prevent, impede. Retrieved from http://dle.rae.es/?id=C249PSF.

policies are intimately related to national defence. It is within this framework where concepts such as new threats[2] and secondary or subsidiary missions of the armed forces appear.

Thus, national defence comprises the group of institutions, actions, human resources and materials that each state devises to protect itself from any possible attack. In the majority of cases, and with respect to institutions, there exists a ministry of defence within the governmental apparatus that is responsible for the respective policy.

Armed Forces, Public Force, Armies, and Militarized Police Forces

The armed forces are a hierarchical organization, formed by all the military forces of a state that are dedicated principally to ensuring external security. Although they can be placed under a unified command – generally given the name of joint command – in other cases each force maintains its independence, albeit with the intention being for them to coordinate their actions. Traditionally they are divided into three large branches: the Army, Navy and Air Force, in accordance with the environments in which they act. They are the military forces of the land, sea and air. However, for a long while the division between them has not been so neat. For example, navies tend to possess a naval air wing and infantry units, such as marines or naval fusiliers, while armies tend to possess a military aviation service.

In some countries the core personnel of the armed forces – the subordinates - are composed of professionals, something which is further accentuated in navies and air forces. In other cases, conscription or compulsory military service remains, by virtue of which every citizen over a certain legally-defined age is obliged to enrol and to serve for the time outlined in law. Some states incorporate women into compulsory military services, and since the end of the 20th century the presence of women in the armed forces has become the normality, while little by little it is becoming possible for them to serve in all capacities. In some countries, the incorporation of persons of diverse genders into the armed forces has become accepted, although the issue continues to provoke polemical responses.

The formation of states supposed the existence of an armed force as the sole repository of the monopoly of legal and legitimate force. In almost all states their principal mission is national defence, in terms of ensuring territorial integrity in the face of a foreign threat, but they tend to be assigned additional con-

2 See Perelli C. & Rial, J. (1995). Changing Military World Views: Old Menaces, New Linkages. In Millet, R. L. & Gold-Biss, M. (eds.): *Beyond Praetorianism: The Latin American Military in Transition*. Miami: North-South Center Press, University of Miami.

stitutional functions, such as upholding the constitutional order or contributing to economic and social development.

The heart of any military organization is its command corps, a body of professional officers, the majority of whom are graduates of professional institutions created specifically for this purpose.[3] Given that armed forces have real power, their relationship with civil authority, customarily referred to as civil-military relations, has not been easy. Tensions and conflicts between civil and military authorities occur throughout history,[4] and, especially in peripheral countries, power has laid in the hands of the military over certain periods of time. [5]

The creation of police forces separate from the military is the product of a long process. Very important to this is the process of real territorial coverage on the part of a state organization, and the increasing and constant process or urbanization. The first rural police forces were of military character and gave rise to the diverse "intermediary" forces that still exist today. The processes of increasing urbanization allow for the creation of civil police bodies that "will compete" with the military force, replacing them in relation to the treatment of crime.

But it is not always possible to do the same at the rural level. As such, to this day a militarized police force exists in a range of countries. They are diverse bodies or groups that are specially trained in order to perform the work of national security. Traditionally these forces constituted a military reserve force and in many cases were employed as combat forces. This was the case with the Spanish Guardia Civil, the Italian Caribinieri or the Guardia di Finanza, or the French Gendarmeria, which also acted (and in many cases continue to do so) within the urban environment. And it is the case, in Latin America, of the Venezuelan Guardia Nacional[6], the Carabineros of Chile[7], and the *Gendarmería* in Argentina.[8] There also exist forces with dual functions, as well as naval forces

3 Rial, J. (2017a). Modelos de enseñanza militar en América Latina. *Transformación Militar*, Bogota: CAEEF-COTEF, 2 (3), 36-47.

Rial, J. (2017b). *Instituciones de formación de oficiales de los Ejércitos de América Latina.* Buenos Aires: RESDAL.

4 See Rial, J. (2017c). *Las relaciones cívico militares en un contexto de democratización.* Buenos   Aires: RESDAL.

Rial, J. (2017d). *Construyendo instituciones democráticas. Ministerios de defensa y de seguridad.* Buenos Aires: RESDAL.

5 See Goodman et al, L. (Eds.). (1992) *Los militares y la democracia: El futuro de las relaciones cívico-militares en América Latina.* Montevideo: PEITHO. Especially the works of Fernando Bustamente and Juan Rial.

6 Created in 1937 following the Spanish model of the Civil Guard, the force currently totals some 92,000 professional troops. Known currently as the Bolivarian National Guard, it is a fourth armed military force and carries out functions around the maintenance of public order.

7 In 2012, the Ministry of Interior became the Ministry of Interior and Public Security, assuming civic and political control of the Carabiniers, who still, however, retain their military training.

8 With some 80,000 personnel, it is placed under the authority of the Ministry of Security, although it maintains its military character when it comes to training and education. It was created in 1938 as a purely military force to replace forces from the army in peripheral areas of Argentine territory.

that are of purely military or police character.[9] But the emergence of subversive movements in peripheral countries always ended up being confronted by military forces, although in some cases they initially sought to contain them through the employment of police.

Today, a real "existential crisis" is registered in military "intelligentsia" circles in the face of the rarity of armed inter-state confrontations. The response has been their transformation into multi-mission forces, which sees their secondary, subsidiary missions converted little by little into their principal daily occupation. In this manner, and depending on the country in question, they act in order to further development and environmental protection, as part of the fight against drug trafficking and crime (clearly police functions), in international peace missions, in risk management in the face of natural disasters, in protection at events, etc.

All of this leads to the reform of doctrines, training, and the recruitment of personnel, as well as different needs when it comes to financial budgets. In a complex post-conflict situation, where an insurgent organization has halted its actions but is unable at the same time to put aside its ties with other criminal organizations, and in a geographical framework where state presence is precarious, the force present to control public security is the military. Only with the passage of time is it possible to have a force characterised by a police ethos and training as the primary force responsible for the security of inhabitants.

In various countries the public force is formed by the armed forces and the police forces, with these exercising the monopoly over the legitimate and legal use of force. This is the case in Colombia, where both institutions are placed under the authority of the Ministry of Defence and the Police have ranks and uniforms similar to those of the Army.

War, Armed Conflict The word 'war' comes from the language of the Franks, '*werra*', and this from the Germanic *proto* '*werso*' (disorder, fight). In ancient Greek, we find the word '*polemos' (polemoz)*, from which terms such as polemic are derived. In Latin we find the word '*bello*' o '*bellum*', from where the Spanish words '*bélico*' (warlike) or '*belicoso*' (bellicose) originate.[10]

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9 For example, the US Coast Guard is one of the seven armed services with a national reach, counting on 36,000 personnel, more than 30,000 auxiliary staff and reserves, and some 7,000 civilian officials. It is a multimission force, dependent on the Department of Homeland Security, which can be transferred to the authority of the Navy by Congress during times of war. In Argentina, the Argentine Naval Prefecture is a purely police force of some 29,000 personnel. The Canadian Coast Guard is a federal agency responsible for carrying out search and rescue, navigation support, and responding to sea contamination. As an agency of the Department of Fisheries and Oceans, the CCG is a civil organization without civil or law enforcement responsibilities. In Chile, the maritime authority is the General Directorate of Maritime Territory and Merchant Marine (DIRECTEMAR), a dependent of the Chilean Navy (Ministry of Defence). In Spain, various bodies exist, including the Maritime Security and Rescue Society, the Civil Guard's Maritime Service, the Customs Surveillance Service, and the recently formed Galician Coast Guard Service.

10 Coromines, J. (Editor) (1991). *Diccionario crítico etimológico castellano e hispánico*. Madrid: Gredos.

In the Spanish Language Dictionary, the *Real Academia Española de la Lengua*, the term '*guerra*' (war) denotes discord and the breaking of peace between two or more powers. It is also used to denote armed conflict between two or more nations or between factions of the same nation.

Definitions of war are plentiful and highly varied, with all of them influenced by political, religious, historical and cultural beliefs.[11] For example, Cicero – who defined war as "a contending by force' – wrote that war is "the state of contending parties, considered as such", while for Hobbes war was also an attitude, a state of things, and one that can exist even when its operations have discontinued. Diderot referred to war as "the convulsive and violent disease of the body politic".[12] The most classical definitions of war – those of Machiavelli, Clausewitz and Schmitt - speak among other things of the variable, of the unpredictable, of the infamous expression of the continuation of politics by other means, and of the concept of the other.

One version, which in part followed Clausewitz, led to the tragic idea of total war and the involvement of entire populations, as opposed to only combatants, in conflict. Popularized and propagated by Ludendorff, it was put into practise, at least partially, by Generals W.T. Sherman and P. Sheridan in the American Civil War of the 19th century, and by the British in the Second Boer War. In turn, the situation of catastrophic confrontation, product of the mutually assured destruction that resulted from the emergence of nuclear bombs, led to the idea of indirect wars, which have become more prevalent since 1945.[13] A subproduct of this was the "revolutionary war" and its counter-subversive antidotes. Un subproducto de ello fue la "guerre revolutionaire" y sus antídotos contrasubversivos.[14]

Philip Quincy Wright, who had an "optimistic" vision, considered as being wars only those entered into by states, that is to say those that are "symmetrical".

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11 See the work of Sergio Prince Cruzat en *Apuntes para una definición de guerra*. Retrieved from https://biostheoricos. org/2011/10/08/notas-para-una-definicion-de-guerra/. October 8th, 2011.

12 Moseley, A. (2003). *A Philosophy of war.* New York: Algora Publishing.

13 Clausewitz, C. (1969). *De la Guerra*. Buenos Aires: Mar Océano. The first two books are highly relevant.
Luddendorff, E. (1964). *La guerra total.* Lima: Imprenta del Gabinete Militar. No. 16 of the Biblioteca Militar del Oficial.
Jünger, E. (2003). La movilización total. In *Sobre el dolor seguido de La movilización total y Fuego y movimiento.* Barcelona: Tusquets.
See also Aron, R. (1987) *Pensar la Guerra, Clausewitz.* Buenos Aires, Centro de publicaciones Ministerio de defensa. Aron, R. (1963). *Paz y Guerra entre las naciones.* Madrid: Revista de Occidente.
Liddell Hart, B.H. (1960*). Estrategia. La aproximación indirecta.* Buenos Aires: Círculo Militar.

14 See Perelli, C. (1993). From Counter Revolutionary Warfare to Political Awakening. The Uruguay and Argentine Armed Forces in the seventies. *Armed Forces & Society.* 20, (1). 25–49.
Perelli, C. (1994). "Memoria de Sangre: Fear, Hope and Disenchantment in Argentina". En J. Boyarin, (editor) Remapping Memory: The Politics of Time Space (pp. 39-66). Minneapolis / London: University of Minnesota Press. We also cite the classic references of the "guerre revolutionnaire", where perhaps the best summary is that off the Italian-Algerian film *The battle of Algeria (La battaglia di Algeri)* by Gillo Pontecorvo, 1966, as well as the novels by Jean Larteguy (pseudonym of Jean Pierre Lucien Osly) *The Centurions, The Pretorians* and *The Mercenaries.* It is of course also necessary to include the works of Mao Ze Dong, etc., and in recent works we cite only the book by David Kilcullen, *Counterinsurgency.* New York: Oxford University Press. 2010, based on the current manual on the subject within the the US armed forces.

The rest were considered revolts or uprisings from below, or repression and punition from above[15]. For this reason, he favoured agreements among the international community to reduce the impact of conflicts between states. This is in line with the Briand-Kellogg pact of 1928 and the subsequent creation of the United Nations. In Latin America, it led to the promotion of measures to foment mutual trust.[16] Lewis Coser combined structural functionalist theory with that of conflict: in a disintegrating society a conflict with another can reinstitute the integral core. The obvious conclusion is that, although it changes in terms of character, mediums and intensity, conflict is permanent. [17]

Finally, we cite Foucault and his ideas on biopolitics, which involve control over the population body through technology applied to social control, discipline and constant regulation, which in the present day appeals to the use of social communication.[18]

The detail presented - just as an example - forms part of that which is received during military training. But this coexists with current events, where military actions are conceptualized as asymmetric conflicts, hybrid in nature, where clashes dominated by tactics predominate, and actors operate in strategic frameworks that they do not control and often do not fully interpret or understand. These conflicts are between state forces and very diverse actors: non-state subversive organizations, warlords, diverse mercenaries, organized criminal organizations, gang members. etc., which, with only limited resources, develop tactical actions that usually have important strategic repercussions, if they are adequately communicated, disseminated urbi et orbi. The weaker "wins" simply if he survives, while the stronger one "loses" if he does not impose himself totally, causing the adversary to completely disappear.

And in this way the extension of Clausewitz's concept led to that of total war; military confrontation today could not be conceived without repercussions beyond the military. In the minimum case, civilians can be seen as similar to sports spectators, observing only (not always directly), while in the maximum case they are protagonists, usually involuntary, of the confrontation. The permeability of multipurpose operations brings the constant mixture of military-civilians

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15 Quincy Wright, P. (2016). *Estudio de la Guerra.* Madrid: Instituto Gutiérrez Mellado. (Translation of the abbreviated version of 1962, carried out by the wife of Wright, from the 1942 original published by the University of Chicago).

16 Francisco Rojas Aravena is the leading expert on the subject and has written extensively on it. As an example, we cite: Rojas Aravena, F. (2000). América Latina, las medidas de confianza mutua y de seguridad regional. Evaluación y perspectivas. *Estudios Internacionales*, 129. Retrieved from http://www.jstor.org/stable/41391630.

17 Coser, L. A. (1961) *Las funciones del conflicto social*. Bass, B., Betancourt, R. & Ibarra, F. (trad.) Sánchez Sarto, M. (rev.) Mexico: Fondo de Cultura Económica.

18 Foucault, M (2000). *Defender la sociedad.* Buenos Aires: Fondo de Cultura Económica. Transcript of the 1976 lecture at the College de France.

to new forms of "total war", in which social communication, immediate, and in a certain way "anarchic", plays a preponderant role. All this obviously points to the substantial importance of personnel training, which will not be discussed here, as well as to the consequences of implementating these kind of concepts in internal conflicts, which in the experience of several Latin American countries has had serious consequences for civil-military relations, has led to challenges to military professionalization, and has impacted on social cohesion.

Security, National Security, Public Security

Security is a word that comes from the Latin *securitas*,[19] which is itself derived from the adjective *segurus*. The root *se* means without, and *cura*, care or procuring, which means without fear, or carefree. In everyday usage it can refer to the absence of risk or to trust in something or someone. However, the term can take on diverse meanings according to the area or field of security to which it refers. In general terms, security is defined as a state of wellbeing that humans perceive and enjoy.[20]

The concept of security "in the broadest sense of the term, refers to the search for means to avoid or to repel risks or threats, as much in the field of international affairs as in the individual sphere of physical persons. Security, conceived as such, concerns states, governments and individuals. It is a term which has undergone transformations and which has held differing conceptions throughout history, due to political, economic and social changes at the global level. Prior to the 20th century, especially after the First World War, security was not a key concept in international thought. Up until then, only the strand of individual security had been understood. According to Hobbes, the meaning and the primordial measure of security was individual security, although the power to regulate it had to be conferred upon the state, which was the entity whose duty it was to avoid situations of insecurity for its people. By the 20th century, above all following the First World War, states included the concept of security within their discourse. According to one of the founders of realism in international relations, Edward H. Carr, the dominant idea was to transmit to society the idea that the interests of dominant groups were the same as those of the people. Thus, the status quo used the banner of security to "keep the peace", when in reality, the dominant sectors wanted only to maintain their privileged position." [21]

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19 Real Academia Española y Asociación de Academias de la Lengua Española (2014). *Diccionario de la lengua española* (23rd edition). Madrid: Espasa.

20 See https://es.wikipedia.org/wiki/Seguridad. A simple definition that serves the purpose of not being introduced into the large number of debates that exist over the concept of security.

21 Perez Ventura, J. (2015). Introducción al concepto de seguridad. In *El Orden Mundial en el Siglo XXI*. Retrieved from https://elordenmundial.com/2015/02/02/introduccion-al-concepto-de-seguridad/. (Own translation).

This led to the concept of national security, which has had a strong practical expression in the United States. National security is the condition that results from the establishment and maintenance of protective measures that assure a state of inviolability in the face of antagonistic acts or influences. Perhaps the most repeated expression is that which was developed by the US Secretary of Defence Robert McNamara: security requires development, without this there can be no security.[22]

The corollary was a countersubversive doctrine that was very different from that practised previously[23] and opposed to the repressive prescriptions spread by the French, which involved the religious support of Catholic priests.[24] In the south of Latin America, counter-revolutionary orientations were applied in all territories, especially in Argentina.[25] Moreover, the knowledge was exported to other South American countries as well as to Central America,[26] and not only "technically", in the style of Aussarresses,[27] but also as a strategic concept. In both Guatemala and Peru, an internal confrontation between peasant communities was invoked, leading to the arming of self-defence patrols.[28]

We will not refer, due to its lack of operability, to the broadest concept of "human security", which has been cited constantly over the course of the first decade of the 20th century.

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22 "Security in the contemporary world". Speech in Montreal on 18th May 1966, in *Congressional Record*, May 19, 1966, vol. 112, p. 11114.

23 We refer to the Small Wars Manual of the Marine Corps, based on the report of Samuel M. Harrington from 1921 and C.J. Miller from 1923. The first manual was published in 1935, renamed in 1940, *The Small Wars Manual: Fleet Marine Force Reference Publication 12-25*. Sunflower University Press, July 1940.

24 A book written by a representative of so-called "liberation theology", it sought to exculpate the Catholic Church. Joseph Comblin, SJ. (1977). *Le pouvoir militaire en Amerique latine : l'ideologie de la securite nationale*. París: J.-P. Delarge. Genaro Arriagada Herrera compiled a book of responses, published in 1976: Arriagada Herrera, G. (1976). *Seguridad Nacional y bien común*. Santiago: CISEC.

Arriagada Herrera, G. (1981). *El pensamiento político de los militares. Estudios sobre Chile, Argentina, Brasil y Uruguay.* Santiago: CISEC.

25 Díaz Bessone, R. G. (1986)-*Guerra revolucionaria en la Argentina, 1959-1978.* Buenos Aires: Editorial Fraterna.
Périès, G. (1999) *"De l'action militaire à l'action politique : impulsion, codification et application de la doctrine de la "guerre révolutionnaire" au sein de l'armée française (1944-1960)".* (Doctoral thesis: Science politique: Paris).

26 Armony, A. C. (1999). *Argentina, los Estados Unidos y la cruzada anticomunista en América Central, 1977-1984).* Buenos Aires: Universidad Nacional de Quilmes. English edition: *United States, and the Anti-Communist Crusade in Central America, 1977–1984,* Ohio University Press, 1977.

27 We refer to Paul Aussaresses, French general that admitted that torture was a key element in the repression of the Algerian rebellion, as he indicated in his book *Services spéciaux, Algérie 1955-1957.* Paris, Perrin, 2001. It earnt him the loss of his military status. He had been previously contracted by the US military at Fort Bragg. The character of Julien Boisfeuras in the novel by Larteguy, *Los Centuriones*, would have at least partially been inspired by the then Colonels Aussaresses and Roger Trinquier (author, among others, of *La guerre moderne.* Paris: La Table ronde. 1961).

28 See39 SeeSeeSee Comisión para el Esclarecimiento Histórico: Capítulo 2 (1999). "Patrullas de Auto defensa civil" (online edition), in *Guatemala: memoria del silencio.* Programa de Ciencia y Derechos Humanos, Asociación Americana del Avance de la Ciencia.
Degregori, C., Coronel, J., Del Pino, P. & Starn, O. (1996). *Las rondas campesinas y la derrota de Sendero Luminoso.* Lima: Instituto de Estudios Peruanos.
Degregori, C. & Ponce Mariños, M. (2000). Movimientos sociales y estado. El caso de las rondas campesinas de Cajamarca y Piura. In *No hay país más diverso. Compendio de antropología peruana*, Degregori, C. (editor.): Lima: IEP/PUCP/Universidad del Pacífico.

But if we talk about public and citizen security, as we mentioned on a previous occasion attention should be paid to the subject of language. Public security "conceptually refers to the need for the State to protect its inhabitants from criminal action. In this context, inhabitants are non-participating passive subjects, and the responsibility for security rests fundamentally on the collective organization that orders the social control of a society. This should be differentiated, however, from the concept of public order, which implies the existence of rules for coexistence and the use of public spaces; these normally come into consideration when they have negative effects, such as their alteration in cases of protest which would imply the loss of 'public peace'. However, little by little, and given that a large part of protest demonstrations are the product of social inequality and marginalization, tolerance towards 'disorder' has grown markedly. But in this field also we maintain the framework through which state design is seen as responsible for its existence. The notion of citizen security implies the participation of the community and, moreover, points to a 'guarantee' of liberties. In practice it supposes that the collective citizenry is defended, although pointing to each individual more specifically."[29]

3 International Tendencies

There are no new concepts at the international level, but instead effective practices that seek to manage conflict through new means. These include, for example, constant cybernetic attacks and defences and a strong usage of social communications networks, many of which disseminate false news that holds influence by breeding fearful and uncertain societies vulnerable to manipulation. In this framework, traditional concepts of defence and security fade away quickly.

The concept of good governance of the security sector (security sector governance) remains prominent in academia. It implies constant reform (security sector reform – SSR) of sectors responsible for state security (military, police, intelligence, border control forces, etc.), within a framework of the rule of law and the validity of democratic principles.[30] The objective is to achieve effective control over conflicts, preventing them and aiming for their stabilization if and when they do manifest themselves. The SSR process is considered as a key element in the

29 Rial, J. (2011). Seguridad pública, seguridad ciudadana: sobre información y lenguaje. In *Índice de Seguridad Pública y Ciudadana en América Latina. El Salvador, Guatemala y Honduras.* Buenos Aires: RESDAL. P.88.

30 Geneva Centre for the Democratic Control of Armed Forces (DCAF) (2015). *Security Sector Governance: Applying the principles of good governance to the security sector.* Geneva: SSR Backgrounder Series.
OECD DAC. (2005). *Security System Reform and Governance.* Guidelines and Reference Series. Paris.

management of international financial aid and support of all kinds,[31] which requires all states to achieve transparent and *responsible* (accountable) legislation within democratic principles.[32] SSR includes reform of the security sector (SSR), of the judiciary, and the broadest sector of governance (SSG/R).

It is obviously difficult to establish a single definition and, as we indicate, practice diverges significantly from these concepts. The OECD defines four basic standards: 1. establish effective governance, oversight and accountability in the process of sector reform; 2. improve justice; 3. the process is managed by local and not international authorities; 4. sustainability and continuity in the timing of the process.[33]

The scope of the SSR process includes central actors (armed and police forces, intermediate gendarmerie-type bodies, border guards, intelligence and information bodies), as well as political management bodies (ministries of defence, security - sometimes referred to as interior or government ministries, procurators or ombudsmen representing citizens or residents, tribunals or courts of auditors, judicial, prosecution and penitentiary bodies within the sphere of traditional justice), and non-state forces, such as private security companies or local militias.

4 Regional Tendencies

In Latin America, and as a fundamental result of the conflicts that took place towards the end of the 20th century, concepts were opted for that sought a clear distinction between defence and security. Argentina provides the clearest example, at least juridical, of countries in the region. As you "climb" geographically up the American hemisphere, the sharp distinction established in Argentina becomes increasingly diluted. [34]

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31 UNDP (2013). "UNDP sees Security Sector Reform as foundation for Peace and Development". Retrieved from http://www.undp.org/content/undp/en/home/presscenter/articles/2015/02/13/undp-sees-security-sector-reform-as-foundation-for-peace-and-development-.html

32 United Nations (2014). Security Council Resolution 2151 (S/RES/2151) on Security sector reform: challenges and opportunities. Retrieved from: https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014).
International Security Forum (2016). "Security Sector Governance in West Africa: Regional norms, local experiences". Retrieved from: http://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_2_Security Sector Reform.pdf
International Security Forum (2015) "Security Sector Reform: Applying the principles of good governance to the security sector" (PDF). SSR Backgrounder Series. Geneva: DCAF. Retrieved from: http://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_2_Security Sector Reform.pdf

33 OECD DAC (2007). *Handbook on Security System Reform (SSR) - Supporting Security and Justice*. Paris: OECD DAC. 2007. Retrieved from https://www.eda.admin.ch/content/dam/deza/en/documents/themen/fragile-kontexte/224402-oecd-handbook-security-system-reform_EN.pdf

34 With respect to this, see the laws of national defence (of 1988, regulated in 2006), of internal security (of 1991 and its modifications), and intelligence (2001). In 2005 the Airport Security Police was created by decree, in 2010 an Internal Security Council was created and the Gendarmerie, the Naval Prefecture and the Airport Police were placed under the authority of the Ministry of Security.

A. Agreements and Schemes in force

We will briefly present here the experiences of military forces in ensuring public order, obviously appealing more to how it ought to be than to the reality, citing in particular the cases of Latin American countries. We will base ourselves substantially on the work produced by RESDAL in the Comparative Atlas of Defence[35] and in what has been provided by the researchers of the present project, concentrating on the two key variables: the legal system, and the activities that are carried out in practice.

The missions in constitutions and laws

According to constitutional regulations, the military are guarantors of internal order in Brazil (Art. 142), Ecuador (Art.158), El Salvador (Art. 168 and 212), Guatemala (Art. 244), Honduras (Art. 272), Mexico (Art. 89), Nicaragua (Art. 92), Peru (Art. 137 and 165), Dominican Republic (Art. 252) and Venezuela (Art.328). There are no references to the subject in the constitutions of Argentina, Cuba (although Article 35 of the Defence Law authorizes the Council of State to use the Armed Forces to maintain internal order) or Uruguay, but cooperation with police agencies is covered by legal procedures. In Bolivia, Article 6 of the Organic Law of the Armed Forces establishes the preservation of public order as one of its tasks. In Colombia, it is established through Art.217 of the Constitution (and the existence of a unified public force -military and police - should furthermore be taken into account).

Constitutional provisions thus in general cover the internal mission. This has been accompanied in several cases by laws that refer specifically to the subject:

Argentina

The Constitution makes no reference to the Armed Forces. Participation in internal security missions is defined through the internal security law sanctioned in 1992 (Law No. 24,059), which provides for the extraordinary use of the armed forces in restoring internal security, with its use being limited only to the provision of logistical support, without this affecting doctrine, equipment or organization. A previous national defence law (No. 23.554) clearly stipulated that the use of the armed forces is for national defence.

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35 RESDAL (2016). *A Comparative Atlas of Defence in Latin America and Caribbean.* Buenos Aires: RESDAL.

Brazil

The constitutional reference in Article 142 establishes the mission of the Armed Forces as being to "Defend the country and the guarantee of constitutional powers, and, on the initiative of these, law and order." This role has been present in all constitutional versions prior to the current one, which dates from 1988.[36] On this constitutional basis, the Presidency is able to arrange for the employment of the armed forces through the use of specific provisions that specify a particular time and place for that action. Complementary laws No.97, 117 and 136 also contain within their mission to act preventively and repressively against cross-border crimes in land border areas, at sea and in inland waters. And they are also able to cooperate with federal institutions in the suppression of crimes through the provision of logistical support, intelligence, communications and instruction, if required.

Chile

The Chilean Constitution establishes that the Armed Forces exist for the defence of the homeland and states that they are essential for national security, while the Public Order and Security Forces - especially Carabineros and Investigative Police - "constitute the public force, exist to give effectiveness to the law, guarantee public order and internal public security "(Article 101). The legislation governing states of exception attributes the responsibility for security to the military authority in the area, but these functions are in practice covered by the police force. [37]

Colombia

Participation in public security missions is based on Article 217 of the Constitution, which states "the Military Forces shall have as their primary purpose defence of the sovereignty, independence, and integrity of the national territory and constitutional order."[38] In this case, a variety of laws and decrees that ad-

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36 Estre, F. (2017). *La Actuación del Ejército de Brasil: Roles Tradicionales y No Tradicionales.* Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of Brazil.

37 Segura, V. (2017). *Chile: Breve descripción de la institucionalidad vigente respecto del empleo de las fuerzas armadas en tareas subsidiarias.* Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of Chile.

38 The Colombian Army's doctrinal manual explains in the preamble corresponding to the section on land operations law that "According to what is established in the Political Constitution of Colombia, the primary function of the National Army is to defend the civilian population, so that citizens are able to enjoy their constitutional rights and guarantees within the conception of a social State under the rule of law. In this sense, the Political Constitution establishes as a specific function of the Army the defence of the integrity of the national territory, sovereignty, independence and constitutional order, for which the arms of the State have been granted." National Army of Colombia (2017). *Manual Fundamental del Ejército.* MFE 6-27. *Derecho Operacional Terrestre.* Bogota: Military Army Press. August 2017. P. IX. Own translation.

dress different aspects of the military institution can be found, but the question of the public security mission is not yet observed. However, Law No. 578 (2000) gave the President of the Republic extraordinary powers to issue regulations relating to the military forces and national police.

Ecuador

Article 158 of the Ecuadorian Constitution proposes as a complementary mission of the Armed Forces the provision of support to the comprehensive security of the country, according to what is set out in law. The Public and State Security Law (No. 35, 2009) establishes that the Armed Forces may support the operations of the National Police in internal protection, the maintenance and control of public order, and citizen security. Inclusion of the concept of "sovereignty" in the 2008 constitutional reforms, together with that of the Armed Forces as an institution together with the National Police in protecting the rights, freedoms and guarantees of citizens, provides the context in which internal security missions are carried out. [39]

El Salvador

In El Salvador, and in accordance with the constitutional text that was reformed following the Peace Accords, the President may "exceptionally dispose of the Armed Forces for the maintenance of internal peace" (Article 212), having previously defined its exceptional character in Article 168: "if the ordinary means for maintaining internal peace and public security have been exhausted".[40] In this way, various Executive Decrees have been issued (the first one, following the Peace Accords, was registered in 1994 and has been renewed annually since 2003).[41] The Organic Law of the Armed Forces, No. 353, includes the maintenance of internal peace within the military's mission.

39 See Bermeo Lara, D. y Pérez Enríquez, D. (2017). *Fuerzas Armadas en Ecuador: demandas de transformación. Institucionalidad frente a la seguridad pública, gestión de riesgos y género.* Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of Ecuador.

40 "The constitutional reform left open the possibility of involving the Army in public security tasks in the form of a presidential attribution (...). The difficulties and needs of the post-conflict transition, marked by a rise in crime in the country, led the authorities to involve the Armed Forces in tasks to support public security, beginning almost from the end of the conflict." Amaya Cóbar, E. (2017). *Ejército y Posconflicto en El Salvador.* Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of El Salvador.

41 RESDAL (2011). Índice *de Seguridad Pública y Ciudadana en América Latina. El Salvador, Guatemala y Honduras.* Buenos Aires: RESDAL, pp. 32-33.

Guatemala

As laid out in the Constitution, the Guatemalan Army's mission is "to maintain the independence, sovereignty, and honor of Guatemala, the integrity of its territory, peace and internal and external security" (Article 244). As such, the employment of the military for internal security is constitutionally protected. This mission is also referred to in the Constitutive Law of the Army (No. 72-90); the National Security System Framework Law (No. 18-2008) distinguishes between internal and external security, without contradicting the logic of the constitutional provision.[42] A Law for Support to Civil Security Forces was approved in 2000 and establishes that support may be provided to such forces by the military if the circumstances of the country so require it.

Mexico

In the case of Mexico, specific missions are not outlined in constitutional references to the armed forces. It is through the Organic Law of the Army and the Air Force that "guaranteeing internal security" appears as one of the five general missions attributed to them. The Internal Security Law was passed in 2017, establishing in Article 20 the procedure by which this employment is understood: "The Armed Forces, without prejudice to the missions assigned to them in the Political Constitution of the United Mexican States and in their Organic Laws, will only intervene through the issuance of a Declaration for the Protection of Internal Security when the capabilities of Federal Forces prove insufficient in reducing or containing the threat in question." The sanctioning of this law was accompanied by controversies at the national level, with the military forces having long asserted this in framing the actions that they have historically carried out in matters of internal security, exacerbated by the so-called "war on drugs."

Nicaragua

The Nicaraguan Constitution establishes the defence of sovereignty, independence and territorial integrity as military missions. However, it establishes the exceptional character of their employment in internal security: in exceptional cases - Article 92 states- the President may order the military to intervene in support of the National Police, when the stability of the country is threatened by

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42 "In that context, and given the lack of any constitutional reforms, the Army of Guatemala becomes a multipurpose institution whose central action lies fundamentally in operations that are not conventional for the defence of the sovereignty of the State and the integrity of the territory." Ogaldes, C. (2017). *Misiones y roles del Ejército frente a amenazas no tradicionales. El caso de Guatemala.* Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of Guatemala.

major internal disorder (as well as calamities or natural disasters). The sanctioned laws recall the constitutional principle;[43] the Law to Reform the Code of Organization, Jurisdiction and Military Social Welfare (No. 855) incorporates collaboration with the National Police in the fight against drug trafficking as one of the functions pertaining to the Army, under presidential orders.

Employment of the armed forces

In practice, all Latin American armed forces intervene in questions of public security.

Many countries in the region employ military personnel for police tasks, sometimes as support to the police force, and in others as operational forces, especially in combatting criminal organizations that commercialize illegal drugs. We cite only two examples: in Mexico, the marine infantry carried out much of the fight against drug cartels up until 2015. And as observed in the previous description, legal references to the actions of military forces in public order missions have been constant, although the question of legal protection for personnel is something that may not be so clear. In this regard, it is worth bearing in mind that in every conflict the parting position is that the strongest actor must respect human rights, international humanitarian law, and the rules of engagement. The weaker actor should stick to the same rules, but often does not. In this context, in which states also resort to the military as a hierarchical, obedient, non-deliberative institution, when confronting a problem for which a "normal" solution is not found, many military regulations are of a summary nature, and move little beyond the 1768 Bourbon ordinances. This is one of the areas in which greater joined up work by experts is required (who must at the same time possess knowledge over the subjects of military, police, and legal action both at the accusatory level – prosecuting - as well as the specifically judicial, including legal defence.

This means that one of the biggest debates in the future - of maintaining the quantity of programs and actions that the armies carry out in internal security - probably revolves around the requirement, or not, for enhanced legal frameworks.

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43 Cajina, R. (2017). *Misiones y roles del Ejército frente a amenazas internas no tradicionales: el caso de Nicaragua.* Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of Nicaragua.

Maintenance of public order and crime control

Military forces carry out activities connected to the maintenance of public order in Brazil, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Cuba and the Dominican Republic. In Mexico, (SEDENA and SEMAR forces), the fight against criminal organizations that traffic illegal drugs is the responsibility, principally or in a supportive role, of the military. In the majority of these it is an effectively subsidiary role, and if there is any risk of direct confrontation with citizens in urban spaces, the basis of an express presidential authorization is sought in the form of a decree.

The largest scale interventions occur in support of police forces, controlling crime in urban spaces. In cases such as those in Central America - with the exception of Nicaragua, where the only support provided to the National Police in security provision is in rural areas - or Ecuador, military personnel participate in patrols accompanying the police. In Mexico, mixed operations bases provide support to public security institutions in both patrols and fixed positions. Protocols of action guide their work, especially with regard to police powers and procedures in the case of arrests, a subject that receives particular attention.

In cases such as Guatemala and El Salvador, the provision of support to security forces has led to the involvement of military personnel in perimeter control operations at prisons.

Only in the cases of Colombia and Guatemala do military forces participate in the fight against crimes such as kidnapping and extortion.

Borders, contraband and organized crime in general

With the exception of Chile, all of the region's countries also entrust the military with crime prevention in border areas. In Argentina - where said role along land borders corresponds to the National Gendarmerie - military forces provide support to operatives on the northern border, especially counter-narcotics, through the provision of radars and collected information.

All of Central America's northern triangle countries engage in military activities against the "maras", the gangs, whose criminal activities have become notoriously widespread. In El Salvador, FERES and FIRT have been implemented. These are multi-agency forces that bring together military, police, judicial and prosecutorial officials, and are usually focused on combatting organized crime (which use young "mareros" - gang members - as a "labour force").

Protection of border areas is more than relevant in relation to the actions undertaken by the Brazilian Army, and added to this are other programs such as control of the Amazonian territory. This issue is also particularly relevant in the case of Ecuador; in all cases, surveillance and the control of borders in the fight against smuggling and drug trafficking are perhaps key to the actions and concerns of the existing programs undertaken by the different armies. And - in the case of Mexico and Central America - the other great challenge: the fight against illegal migration, and especially the trafficking of migrants.

Drug trafficking

Also linked to the question of borders, but going beyond them, is the employment of the military in the fight against drug trafficking. This brings together all the cases analyzed, with the exception of Chile. They develop specific plans and programs, generate commands, task forces, and interagency groups incorporating other institutions such as the police and public ministries (offices of the public prosecutor):

It is the issue that produced, for example, the shift in Argentine policy away from keeping the armed forces out of internal security tasks: since 2007, *Operativo Fronteras* (Operation Borders) permits the Army and Air Force to act in the north of the country - and since 2016, through an emergency public security declaration- to support the National Gendarmerie and local police efforts, especially in the fight against drug trafficking. They provide what they call neutral data - that is, raw information for subsequent intelligence analysis - and carry out patrols.

One of the most interesting examples in Brazil is that of *Operation* Ágata (Operation Agatha), which has been carried out since 2011 within the framework of the strategic border plan. It involves not only the Ministry of Defence, but also more than a dozen other ministries and agencies who hold jurisdiction on the subject, such as the Brazilian Intelligence Agency, the tax office, the Federal Police, and state and municipal police bodies. [44]

The employment of military forces against drug trafficking in Colombia is widely known. It is worth mentioning the creation of the *Special Forces Counter Drug Trafficking Brigade* within the Army in 2000. On the other hand, and in relation to inter-agency matters, the novel experience of the *Agamemnon Military and*

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44 For more details about this operation and others carried out within the framework of the constitutional mission to guarantee law and order, see the study by Felipe Estre and the chapter on Brazil in RESDAL's Comparative Atlas of Defence, both cited above.

Police Operation stands out. It was developed in order to act against the Gulf Clan, and two editions have already taken place.

In Ecuador, a permanent reinforced presence of the Army on the northern border with Colombia has been arranged in order to provide support to the Police in counternarcotics activities. The same permanent surveillance and seizure operations are carried out on the border with Peru, as part of which the Armed Forces work not only alongside the police but also with Customs and the Judiciary.

In El Salvador, the *Cuscatlán Joint Group* stands out, which is an initiative between the Ministry of Defence and the Ministry of Public Security. Created in 2012, it is in its organization a joint task force involving military forces and the National Police, and includes Customs, Migration, Finance and the Attorney General of the Republic.

Guatemala also organizes actions in this area through task forces integrated by the Ministries of Interior and Defence, and in mechanisms that include agencies such as customs and tax authorities and the Public Ministry[45]. Over the years, various departments around the country have been declared to be under a state of siege, and special units have been created in the Army to participate in these forces.

In the case of Mexico, the previosuly mentioned declaration of a war on drugs by President Calderón in 2006 frames the preparatory work and special actions taken by the Army in relation to this matter. The Army participates in border strategies, mixed operations bases, and coordination groups that link up federal, state and municipal levels.

The Nicaraguan Army carries out a specific plan for combatting drug trafficking, and another for security in rural areas. Especially in relation to the latter, actions carried out with the National Police provide one of the clearest cases in the region of cooperation between institutions in charge of security and those responsable for defence.

These kinds of initiatives, designed as part of an inter-agency strategy, imply present and future challenges to be faced by military institutions, especially in terms of preparations to work with national, state or municipal police and with the judiciary.

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45 The Government Agreements created by these task forces state that they have the objective of: 'effecting inter-institutional operations in the area of security, with the aim of preventing, combating, dismantling and eradicating criminal actions throughout the Republic." The same document indicates that priority will be given to border areas as well as those areas where there is a high incidence of crime perpetuated by common or organized crime. In addition, operations must be carried out that dismantle, eradicate and combat. These forces have receieved support in terms of equipment and also military and police training from the United States of America and Brazil." Ogaldes, C. (2017). *Misiones y roles del Ejército frente a amenazas no tradicionales. El caso de Guatemala*. Project: Contributing to the Colombian peace process: collaborating with the Army's process to a peacetime footing through the provision of regional experiences and expertise from the Latin American region. The Case of Guatemala.

The protection of strategic infrastructure

The armed forces are employed in this area in only some cases. In Argentina or Chile, the absence of this issue in relation to military actions is intimately linked to the existence of gendarmerie-type forces. Meanwhile the army is employed in other cases that involve large territorial areas, and where intermediate forces do not exist, such as Brazil, Colombia, Ecuador or Mexico. In addition, these are cases in which infrastructure comes within the protection of highly valuable natural national resources, such as oil. In Nicaragua it also features within the missions granted to the Army.

Impact of international peace missions

Eight South American countries, three Central American, and also Mexico contribute, or have contributed, part of the contingents and senior expert officers that make up UN peace forces (4,705 military and 105 police personnel as of August 1st 2016) deployed on deterrence missions separating combatants, observation missions, and those providing security in conflict environments that lack a relevant or respected state force. The Colombian battalion deployed as part of the multinational force stationed on the Sinai must also be included in this security assignment. And despite the financial difficulties faced by the international community and the "permanent" nature of many of the conflicts having reduced their attractiveness, lowering the expectations of the armed forces in relation to these missions, most of the tasks performed in these scenarios are those that at the national level would be called "public security", and this also has an impact within the military institution.

B. Historical Context

The democratizing process in Latin America

A democratization process began in the region towards the end of the 1970s. Little by little, the political activities of armed bodies were brought to a close. In the majority of cases it was the product of arduous negotiations, such as those which occurred in Central America in the 1990s or across the Southern Cone in the 1980s. There were few cases of non-negotiated transition (Argentina in 1983 and Peru in 2000-01).

The dictatorships were hugely repressive, but politically they did not seek to re-establish their justification. None repudiated democracy, despite it being kept in "animated suspension". All the dictatorships acted as extreme forms of a *com-*

missarial dictatorship,[46] in some cases not putting in place time limits and, obviously, leaving to one side the representative liberal republican framework.

With such regimes having triumphed in all confrontations with insurgents, and having lost the support of the United States under the administration of President *Jimmy* Carter, democratic regimes were installed little by little. In Central America, it was not until the end of the Cold War that the process occurred. The authoritarian regime headed by the diarchy of Alberto Fujimori and Vladimiro Montesinos, which achieved the subordination of the armed institutions, produced a dictatorial regime that succumbed to hubris and strong internal contradictions in 2000, when the situation that had set the scene for the April 1992 autocoup had been overcome.

Only the case of Colombia displayed military forces engaged in long-term confrontation with insurrectional forces (which, in addition, protected drug traffickers as one of their ways of obtaining financial income during the final phase) without, at the same time, taking control of the government.

For military and civilian leaders, the democratizing process involved a very difficult process of mutual accommodation (for Brazil, see the study by Alfred Stepan[47]). Alfred Vagts summed up past experience when he pointed out in his 1937 book that an armed force is born to defend a particular regime and disappears with it. Vagts did not take into account the cases in which corporate interests permit institutional survival if another military force does not impose itself.[48]

The Argentine case is paradigmatic. Despite suffering a military defeat against Great Britain and not negotiating the departure of the government, they survived by gradually conceding changes.

Outside the Latin American region, the clearest example was the disappearance of the Soviet armed forces, substituted by those of Russia and the republics that emerged with the implosion of the internal and external empire of the USSR between 1989 and 1991.

Returning to Latin America, accommodation meant the maintenance of the armed forces and their bases without substantial changes, thus eliminating only part of their autonomy. The main issues discussed were, and remain to a significant extent, the responsibilities of the military in abuses of human rights during authoritarian periods, and those related to budgetary resources.

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46 Rial, J. (1991) "Transitions in Latin American on the threshold of the 1990s". *International Social Science Journal.* 128. Basil Blackwell/Unesco. Available in several languages.

47Stepan, A. (1988). *Repensando a los Militares en Política. Cono Sur: un Análisis Comparado.* Buenos Aires: Grupo Editorial Planeta.

48 Vagts, A. (1960). *A History of Militarism: Civilian and Military.* London: Hollis & Carter. 1960 original of 1937.

For party political elites, the principal interest was to maintain the armed forces as an instrument, however with it under their control as opposed to that of the military command. It meant nominating politicians to the ministries of defence and subordinating the military command to this political authority. The concepts elaborated by Huntingdon with reference to professionalism were interpreted in simplified form, thus considering military commanders to be depoliticized, whereas in reality there were not. Likewise, ideas relating to subjective control were applied in the search for trustworthy command.

While there were marked differences in each country, in general the democratization process implied: the maintenance of a classic structure of the armed forces divided between a corps of officers and enlisted personnel, leaving guidelines for recruitment, training and personnel discipline to the military command, and leaving decisions regarding deployment and territorial positioning in the hands of the military command. And, initially, it also meant leaving the system of military jurisdiction untouched and delaying the assignment of responsibility for human rights abuses.

The assumption of responsibilities for defence and for political leadership of military institutions motivated the construction of civil bureaucracies, a task that remains incomplete and unfulfilled. The lack of cadres of experts almost 40 years since the process was initiated remains apparent. Changes to legal frameworks were made in some countries in order to define and separate military and police functions. Efforts were made to put in place defence policies and to react to orientations from abroad that sought to incorporate new changes and adaptations to forces in the region. This included, for example, those referring to the incorporation of women into military cadres, reducing the jurisdiction of military courts, and increasing participation in peace operations. In almost all countries the temptation to use the military in non-military missions, and especially within the ambit of public security, was and remains constant.

Police capabilities

The police institutions that exist in Latin America are extremely diverse. Larger countries have non-unified systems in which national forces coexist alongside subnational forces.

Thus, in Argentina 23 provincial organizations exist in addition to the metropolitan police of the City of Buenos Aires. Intermediate forces such as the National Gendarmerie, Naval Prefecture, the Airport Security Police - created in the 21st

century – and the Federal Penitentiary Service have national reach alongside the Federal Police.

In Brazil, there remain 26 state police organizations, known as military police, in addition to one in the federal district of Brasilia. They constitute the operational and preventive branch, as well as a civil investigative police. The BOPE, a special operations battalion that forms part of the state police, operates in Rio de Janeiro. In Sao Paolo, those under the authority of the state include, for example, the GATE (special tactical operations group) and the GRPAE (Air Group). Constitutional forces such as the Federal Police, the Federal Highway Police, and the Federal Railway Police act at the national level. In 2004, the *Força Nacional de Segurança Pública* (National Public Security Force) was created through presidential decree. It is under the authority of the Ministry of Justice and is composed of police personnel who receive special training from the military police of diverse states, coordinated by the Secretaries of Public Security of the States and the Ministry of Justice. Its first operational unit is the BEPE - *Batalhão Especial de Pronto Emprego* (Special Rapid Deployment Battalion), an elite unit whose headquarters is based in the satellite city of Gama in the federal district of Brasilia.

In Mexico, there are forces in most of the municipalities (some 2,200 organizations, some of them with no more than three officials, in the 2,446 municipalities that exist within the 31 states). Mexico City has a Ministry of Public Security which has several police corporations under its authority, [49] while organizations with a national reach have also been created.

In 1999, the Federal Preventive Police was created within the Secretariat of Government (Interior). A police force with crime prevention faculties and attributions, it integrated within a single body the old administrative bodies of the Federal Highways Police, Federal Fiscal Police and Migration Police. The Secretariat of Public Security was then created, separating the public security branch from the Secretariat of Government, which included the Federal Preventive Police together with the country's penitentiary system. In 2009 a new law transformed the Federal Preventive Police into the new Federal Police, foreseen as an auxiliary to the state, municipality and Federal District police bodies. In August 2014, the National Gendarmerie was created by decree as a division of the Federal Police of Mexico, and primarily aimed at combating organized crime in the country. It is currently composed of 10,000 personnel.

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49 The Federal District Police is placed under the authority of Mexico City's Secretariat of Security. It is formed by Community Police Units; the Metropolitan Police; the Chief of Staff in charge of the Executive Directorate of Helicopters (Cóndores); the General Directorate of Police Investigations (Caminantes); Transit Police; and the complementary police: Auxiliary Police and Banking and Industry Police.

Most countries with unitary political systems have a single civilian police force placed under the authority of the ministries of interior, government or security, and, in a few cases, of justice. Chile had a military organization until it was legally transformed (vide supra).

In the case of Chile, as mentioned, the forces responsible for order are constituted by the Carabineros and by the Investigatory Police, and Chile suffers from the fewest crimes in all of South America. Coincidences and differences exist in the Central American cases analyzed: the police in El Salvador, Guatemala and Nicaragua were born out of the internal conflicts resolved in the 1980s and 1990s. But while the Nicaraguan National Police is a strong institution, with roots in the Sandinista revolution, holds strong coverage of the national territory, and the country is noted for its low crime rates with respect to its neighbors, in the cases of El Salvador and Guatemala the National Police face other challenges. Formed following the respective peace agreements, they have faced difficulties in terms of growing to an adequate size and adequate organization to confront the public security challenges faced in those countries, for which reason the issue of police reform is constantly part of the agenda.

Colombia is the only case we register that has a police organization that, although defined as civil, is under the authority of the Ministry of Defence.

Civil capabilities

Across the entire region, militaries are under the authority of a ministry of defence, although in practice they continue, due to the specific nature of their functions, to have areas of autonomous action. However, they are severely limited by budgetary constraints.

Police organizations are found under the authority of a diverse range of bodies, the majority of civil character. National security councils operate in many countries, with a range of attributes and usually with subnational counterparts in place.

It is also necessary to highlight the very broad range of capacities held by judicial bodies, prosecutors, procurators and ombudsman, as well as the civil society organizations that accompany and monitor their actions, the special technical bodies focused on combating crime – of police character or otherwise, and forensic organizations.

5 Conclusion. Lessons Learned

Specific pieces of work within this project provide the experiences of each individual country.[50] The regional and national Latin American experience shows notable changes across time. Colombia provides the first post-conflict case of the 21st century in Latin America and, as such, what is decided and implemented in this country will provide very important lessons, not just for Latin America but also for other regions plagued by constant armed conflicts.

With respect to the military and public security, the following lessons can be drawn:

1. To paraphrase George Santayana, one could say that seldom are lessons learnt that are applied, or – in a Churchillian version, perhaps apocryphal – history shows that nothing is learnt from history. In more than one case, however, historical processes, or what occurs beyond the borders of the much-referenced Westphalian state, are relevant.

2. If we stick to the theories that are in vogue, it is thought that a military force would be dedicated primarily to national defence tasks while public and citizen security would be the primary task of police organizations. The reality is different; almost everywhere states resort to military forces for public security tasks. This occurs not only in times of crisis, but rather on a regular basis.

3. The key is in the legal measures adopted to cover the employment of the military in security tasks and in the alternative training used. It must be taken into account that the military receives training to confront enemies in lethal conflict and not to confront adversaries who engage in criminal activities within the national context.

4. However, the employment of the military in public security has led to "military policialization" and, as its parallel counterpart, to "police militarization", which manifests itself in the use of similar bellicose equipment and uniforms and tactics drawn from lethal combat. Robotization is a constant temptation.

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50 See in this respect CAEEF −COTEF − RESDAL "Respuestas regionales a los retos cambiantes de seguridad" (Regional responses to changing security challenges) Bogota 2017.

5. The fight against forms of organized crime driven by cartels that traffic drugs, carry out extortive kidnappings, and engage in assassinations, etc., has led state authorities to resort to military force with increasing frequency.

6. On the other hand, there is a growing distrust of the ad hoc units that intervene in these activities and there is a certain resistance among military forces, which would prefer to confine themselves to their specific field of action.

7. The problem also arises in developed countries. The "posse comitatus" (1878 US Law, which doesn't include the Coast Guard) can be set aside by "federalizing" a national state guard, while military tactics are used by the SWAT police and similar units within various police departments. The French Gendarmerie; the Spanish Civil Guard, and the Caribinieri and Garda de Finanza of Italy all receive military training despite being police bodies.

8. If we refer to the south of Latin America, especially in Argentina, a very strong legal separation has been introduced between the concepts of defence and security. Defence is a task for the military, while security pertains to the police. This has also been replicated in Brazil, Chile and Uruguay, with peculiarities specific to each case. However, events have led, even in Argentina, to the employment of military forces in security tasks.

9. The participation of the military in deterrence forces abroad is not unconnected to this. This includes as part of UN or similar forces where the task is, in practice, of a policing nature or humanitarian assistance.

10. That which occurred in countries where there have been intense lethal conflicts, such as the case of El Salvador and Guatemala, is more interesting. The peace accords extinguished subversive insurrections, but not the violence. In all cases, military forces continue to engage in public security tasks. Perhaps the clearest case is presented in Honduras with the aforementioned FUSINAS. Furthermore, 5,000 soldiers are being transformed into military police. In addition, in the absence of legal protections and stirring up conflict, Mexican military forces engage in the fight against drug trafficking.

11. The missions and responsibilities of a military force in a situation of post-conflict in which violence continues, be it latent or manifest, are multiple. They can include bolstering state presence (in many cases minimal), implying not only security provision but also basic support to everyday life, both in terms of health (for example vaccination campaigns and evacua-

tions), education (literacy campaigns, for example), developmental support (basic lines of communication), up to complex tasks, such as protecting infrastructural works (hydroelectric works, transmission lines, oil pipelines, etc.), protecting the environment (some countries have created specialized units to address this issue). One issue with a complex edge that is very difficult to deal with is illegal mining, where social and business pressures, legitimate or not, are very high.

These pressures are also seen in the fight against the production and distribution of narcotics. Likewise, difficult issues appear such as the need to address human trafficking and cross-border migration.

The task of preventing smuggling across "dry" borders is difficult. Here there are two major phenomena: the illegal trafficking of goods by large organizations and the much smaller smaller-scale "ant" form, motivated by price imbalances or a lack of supplies. This means, for example, confronting a population that does not consider an activity that ensures their daily survival to be a criminal activity.

There are tasks undertaken by the military that are valued very highly, such as mine clearance, or the provision of natural disaster assistance.

In all cases, activities should aim at protecting the most vulnerable, such as children, women and the elderly, as well as leaders of diverse social movements that defend a legitimate interest. Achieving this implies the effective disarmament of the population and the establishment of a culture of dialogue and peace.

12. It is not easy to innovate within a framework that privileges the fulfilment of established rules or norms (*compliance* is a requirement imposed by the international community). Imposed to avoid abuses, to further transparency and to fight against corruption, it however shows its dark side in not permitting innovation.

13. We live in market societies. Recent history shows that people live longer and better than in the past. On the downside, new challenges are presented. Day by day, security is increasingly compromised, yet few are willing to participate in its conservation without monetary compensation for doing so. Egotistical decisions based on self-interest are imposed, and this is something that any military servant should keep in mind. The old heroic warrior values are diluted when the conflict is permanent, with no end date in sight, and when those who participate in the effort are driven by diverse interests.

Hence the relevance acquired by the services of private companies such as Academy, Garda, or Triple Canopy, etc., who recruit well-trained and experienced army personnel to act in many parts of the globe.

14. The decisions made by business create a new need for military forces to rapidly develop. They imply, firstly, having a better level of information and analysis of the situation across different levels and domains, which requires adequate recruitment of personnel in tune with the task. This implies skills that depart from the traditional. Many of the personnel required for these functions have no reason to comply with the physical standards of a combatant. They also imply a broader and more inclusive approach, allowing groups that are not normally incorporated to form part of them. Perhaps this need is most evident when dealing with cybersecurity issues, one of the most rapidly developing forms of conflict at the moment.

15. Finally, all forces must consider the possible emergence of "black swans" (Nassim Nicholas Taleb: "The Black Swan. The Impact of the Highly Improbable." 2007). In an uncertain and changing world, only those who adapt quickly to changes, often abrupt and unpredictable, will survive, albeit without this implying forgetting the values of the past.