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14. ABSTRACT Mexico is currently in the process of transitioning to a democracy from over 71 years of rule by the Institutional Revolutionary Party's (PRI) authoritarian regime. The PRI lost their grip of power in Mexico in 2000 when President Fox was the first non-PRI president elected in over seven decades. During this period of PRI rule, the Mexican military and the PRI leadership operated under an implicit "pact" which secured the military's loyalty to the PRI party in return for high levels of autonomy for the military free from civilian interference. While Mexico is now attempting to consolidate its democratic gains over the last decade, the military still enjoys an unhealthy amount of autonomy and freedom from civilian control and oversight. This paper discusses the current relationship between civilian and military leaders in Mexico and how the lack of effective civilian control poses a risk to Mexico's democratic future. In order to achieve its democratic aspirations, the Mexican armed forces must be subject to civilian authorities, both in the executive and legislative branches of government. This paper argues that in order to improve and institutionalize civilian control of the military, Mexico must establish a civilian-led Ministry of Defense (MoD) that is accountable to the government. The paper provides arguments on how the establishment of a MoD and increased legislative oversight will improve the civil-military relationships that are required of an effective democracy.					
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CIVIL-MILITARY AFFAIRS IN MEXICO: A WAY AHEAD

by

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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Abstract

Civil-Military Affairs in Mexico: A Way Ahead.

Mexico is currently in the process of transitioning to a democracy from over 71 years of rule by the Institutional Revolutionary Party's (PRI) authoritarian regime. The PRI lost their grip of power in Mexico in 2000 when President Fox was the first non-PRI president elected in over seven decades. During this period of PRI rule, the Mexican military and the PRI leadership operated under an implicit "pact" which secured the military's loyalty to the PRI party in return for high levels of autonomy for the military free from civilian interference. While Mexico is now attempting to consolidate its democratic gains over the last decade, the military still enjoys an unhealthy amount of autonomy and freedom from civilian control and oversight. This paper discusses the current relationship between civilian and military leaders in Mexico and how the lack of effective civilian control poses a risk to Mexico's democratic future. In order to achieve its democratic aspirations, the Mexican armed forces must be subject to civilian authorities, both in the executive and legislative branches of government. This paper argues that in order to improve and institutionalize civilian control of the military, Mexico must establish a civilian-led Ministry of Defense (MoD) that is accountable to the government. The paper provides arguments on how the establishment of a MoD and increased legislative oversight will improve the civil-military relationships that are required of an effective democracy.

INTRODUCTION

From 1929 until 2000, the ruling party in Mexico was the Institutional Revolutionary Party (PRI). Throughout the 71 years of PRI's rule, Mexico basically remained a *de facto* single party government under a civilian president with the Mexican military remaining both loyal to the President and the ruling authoritarian party.¹ Both the Mexican military and the PRI grew dependent on each other for survival, the PRI to remain in power and the military to retain their autonomy from civilian control and influence in military affairs.² To ensure that the military would remain apolitical and loyal to the authoritarian regime, PRI leaders would systematically keep the armed forces in check by limiting budgets, periodically reorganizing military zones and imposing education programs designed to reinforce loyalty to the ruling party. The civilian government leaders were able to manage and co-opt the military's political behavior, in exchange for which the military retained full autonomy to decide promotions, doctrine, strategy and all other military related activities. During this hegemonic period of rule by the PRI, the civil-military relationship in Mexico has been characterized as an implicit "pact" between the PRI party and the Mexican armed forces that resulted in little civilian oversight and high levels of military autonomy.³ As long as both the leadership of the PRI and the military adhered to the "pact", there was no pressing need for democratic-like controls over the military because PRI's manipulation of the military sufficed.⁴

¹ Colin John Campbell, *A Social Constructivist Analysis of Civil-Military Relations: US Mexican Bilateral Military Relations, 2000-2008*, University of Liverpool (2008), 72-82.

² Sergio Villareal, *The Military as a Hindrance in Mexico's Consolidation of Democracy*. Naval Postgraduate School (2001), 23-25.

³ Jordi Diez, "Legislative Oversight of the Armed Forces in Mexico." *Mexican Studies* 24, No. 1 (2008), 113.

⁴ Villareal, *The Military as a Hindrance*, 25-26.

However, Mexico is currently transitioning from the long history of authoritarian rule under the PRI. 2000 proved a dramatic year with the election of President Vicente Fox, the first non-PRI president of Mexico in over seventy years.⁵ Since 2000, Mexico has been transitioning to a democratic society. Though the “pact” between the military and the PRI was nullified in 2000 when the PRI lost the presidency and control of the government, the Mexican military has continued to keep many of its previous prerogatives and a dangerous level of autonomy under both President Fox and his non-PRI successor President Calderon.⁶ The relationship between the armed forces and civilian government demands significant attention because it plays a major role in the democratization process and it can even determine the survival of a consolidating democratic regime. The civil-military relationship constitutes one of the most important challenges for an emerging democracy like Mexico because it signals the full integration of the military into democratic society.⁷ It is widely accepted that a true democracy cannot be maintained without civilian control over the armed forces.⁸ Since the PRI’s loss of power in 2000, there remains a void of control over the military due to a lack of effective executive and legislative controls. This lack of proper civilian and legislative control of the military is a violent mixture that could severely hamper Mexico’s transition to democracy if left unchecked.⁹ In order to improve and institutionalize civilian control of the military, Mexico must establish a civilian-led Ministry of Defense that is accountable to the government.

⁵ Campbell, *A Social Constructivist Analysis*, 17.

⁶ Diez, *Legislative Oversight of the Armed Forces*, 118.

⁷ Donald E. Schulz, *The Role of the Armed Forces in the Americas: Civil-Military Relations for the 21st Century*, Strategic Studies Institute, U.S. Army War College, 1998, 71.

⁸ Katrina M. Weeks, *The Drug War in Mexico: Consequences for Mexico’s Nascent Democracy*, Claremont College, Senior Thesis Paper 143 (2011), 20.

⁹ Villareal, *The Military as a Hindrance*, 23.

OVERVIEW OF MEXICAN ARMED FORCES

The Mexican armed forces are comprised of two main components: an Army referred to as the Secretaria de la Defensa Nacional (SEDENA) and a Navy referred to as the Secretaria de Marina-Armada (SEMAR). The Navy's operational component is called the Armada de Mexico or ARM. The Mexican Air Force is called the Fuerza Aerea Mexicana (FAM) and remains subordinate to the Mexican Army under SEDENA. SEDENA and SEMAR are headed by a 4-star General and Admiral respectively.¹⁰ The FAM is headed by a 3-star general who reports directly to the SEDENA secretary. With regards to chain of command, the President of Mexico is the Commander-in-Chief and has direct control over the military via the secretaries of SEDENA and SEMAR. There are no layers of command or oversight between the independent secretaries and the President.

The Mexican armed forces are assigned the mission of preserving national security, defined by the Mexican Constitution as defense from external enemies and internal threats. Thus, unlike other armed forces in the hemisphere that are legally barred from projecting power internally, the Mexican Constitution explicitly mandates it.¹¹ During the PRI's period of hegemonic rule, Mexico's foreign policy was firmly grounded on the principle of nonintervention, and PRI leaders consistently disavowed the use of military force to solve international problems. In effect, the country did not have an international military policy. This resulted, as has been shown, in a policy/doctrine in which the armed forces focused on the preservation of internal order.¹² The Mexican Armed forces have not historically been used as a conventional fighting force, as it is an accepted tenet of military doctrine that any

¹⁰ U.S. Department of State. *Background Note: Mexico*. (Washington, DC: <http://www.state.gov/>, 2010).

¹¹ Inigo Guevara Moyano, *Adapting, Transforming, and Modernizing Under Fire: The Mexican Military 2006-11*, The Letort Papers. Strategic Studies Institute, U.S. Army War College (2011), 2-3.

¹² Ian Nicholls and Jordi Diez, *The Mexican Armed Forces in Transition*, Strategic Studies Institute, (2006), 10.

potential incursion by the U.S. could not be repelled by direct force and that Mexico's other neighbors, Guatemala and Belize, have neither the intention nor the capability to threaten Mexican territorial integrity.

THE CASE FOR A JOINT MINISTRY OF DEFENSE

Although most modern militaries have gradually integrated component services into unified armed forces, the Mexican Army and Navy have remained entirely independent from each other. Unlike the U.S. model, there is no organization like the Joint Chiefs of Staff, much less an office like the Secretary of Defense.¹³ In Mexico, the lack of any lines of authority between the president and the military has allowed the military to manipulate the civilian leadership and even influence public policies which presents a danger to the democratic process.¹⁴ With the establishment of a permanent military campaign against drug trafficking in the mid-1990s, the military's law enforcement powers have been augmented through modifications to the constitution and the military has been able gradually increase its influence on decision-making in the area of national security.¹⁵ A clear example of the military's increased involvement and influence in political affairs is demonstrated by the 2000 appointment of an Army Brigadier General as Mexico's Attorney General, the first time in Mexico's history that a military officer has ever served in that office. Since that time, several other senior military officers have been named to high level executive cabinet positions.¹⁶ These high level government appointments of military officials demonstrate that aspects of the "pact" are still alive today.¹⁷ The cabinet positions currently filled by active

¹³ Craig A. Deare, "Mexico's Search for a New Military Identity." *Joint Forces Quarterly*, Autumn (2000), 4.

¹⁴ Villareal, *The Military as a Hindrance*, 29-30.

¹⁵ Diez, *Legislative Oversight of the Armed Forces*, 119.

¹⁶ Nicholls, *The Mexican Armed Forces in Transition*, 12.

¹⁷ Monica Serrano, "The Armed Branch of the State: Civil-Military Relations in Mexico." *Journal of Latin American Studies* 27, No. 2 (1995), 443.

duty generals, which gives them a unique relationship to the chief executive, allows the military to influence policies that solidify their prerogatives. Furthermore, these relationships allow the military to have undue influence over other public policy issues.¹⁸ When militaries get involved in politics, civilian institutions that are crucial for the consolidation of democracy are weakened.¹⁹ In Mexico, the process of democratization has not involved a significant reform of the civil-military relationship vital to the country's future.

Academic scholarship on civil-military affairs has consistently identified three common elements that are generally required for democratic control of the military to be established. First, democratic control requires the subordination of the military to the democratic regime and the elimination of the military's political autonomy and influence.²⁰ Though the PRI did exhibit control of the military, it was more of a "subjective civilian control" in which the civilian authority was gained via coercion and manipulation. What is needed in Mexico is referred to by theorist Samuel Huntington as "objective civilian control" which is achieved by a demarcation of civilian and military spheres of influence and stratification.²¹ Due to the high level of autonomy it possesses, the military operates under a great deal of secrecy vis-à-vis the government and society at large and is clearly not under effective civilian democratic control. Second, democratic control of the military requires policy control of the armed forces by elected civilians to whom the military is professionally and institutionally subordinate. Democratically elected civilians, both in the executive and legislative branches of government, must formulate and enforce all decisions related to

¹⁸ Villareal, *The Military as a Hindrance*, 29-30.

¹⁹ Weeks, *The Drug War in Mexico*, 23.

²⁰ Diez, *Legislative Oversight of the Armed Forces*, 119-121.

²¹ Campbell, *A Social Constructivist Analysis*, 4-6.

defense policy, force, budget, missions, and education. Mexico is currently completely lacking any civilian body with such authorities. A third generally accepted requirement for democratic control is that armed forces personnel be subject to the rule of law. Again, Mexico has issues in this respect which is examined later in this paper.²² In order to correct the lack of civilian democratic control over the armed forces, the Mexican government needs to establish and institutionalize a civilian layer of authority over both the secretaries of the Army and the Navy that is responsible to the president and accountable to legislative control and oversight. Appropriate civilian control would involve the ability of civilians to define the goals and organization of defense forces, to formulate defense policies, and to monitor implementation of policy to avert military perceptions of civilian incompetence and to overcome military resistance to democratic leadership.²³ Deciding when and how a nation is to use its armed forces in a democracy is a fundamental obligation of elected civilian officials, not of the leadership of the armed forces themselves. This is an obligation that Mexican leaders have historically ignored and is now threatening the country's democratic future. Most Latin American leaders, Mexico included, have been raised in a patrimonial oligarchical way of conducting politics and have historically and systematically refused to exercise their monopoly of the legitimate state use of violence. In effect, this has amounted to the renunciation of political leadership and diversion of key political power to the Mexican military.²⁴ Another aspect of the problem is that Mexican leaders have had trouble defining national security and thus has had problems assigning roles and missions to its military forces. As a result, the Army and Navy have been left relatively free to define their own

²² Diez, *Legislative Oversight of the Armed Forces*, 115.

²³ David Pion-Berlin, "Political Management of the Military in Latin America." *Military Review* 85, No. 1 (2005), 22.

²⁴ Schulz, *The Role of the Armed Forces*, 78.

missions and set their own prerogatives for the past several decades.²⁵ Not having coordinated government oversight of the Army and Navy has left all force structure and acquisition decisions up to the services individually and has resulted in the readiness and capability deficiencies of the Mexican armed forces today.²⁶ Mexico's conventional capabilities are very limited compared to other armed forces in Latin America. Since 2004, the Army has not spent any of their allotted funds on the acquisition of a single piece of military hardware considered to be within the conventional arms category.²⁷

Another side effect of not having joint oversight of the individual services is a divisive inter-service rivalry resulting in a complete lack of synchronization between the Army and Navy on nearly every issue. Due to being the larger service, the Army has typically held the upper hand and has used its political power to derail some Navy proposed initiatives that would have strengthened the Navy and the Mexican military strength as a whole. For example, in 2007, SEDENA blocked a SEMAR petition to transfer the Army's five amphibious Special Forces groups to the ARM in order to consolidate the Mexican amphibious capability under the Navy instead of maintaining duplicate capabilities in the two services. Also in 2007, plans for SEMAR to acquire six Su-27 fighters from Russia were cancelled since this would have made the Navy's air arm more modern than the Air Force which employs F-5E fighter acquired in 1981.²⁸ Due to the lack of a unified institution responsible for military budgets and acquisitions, inter-service rivalries have negatively impacted Mexico's force structure and operational capability.

²⁵ Deare, *Mexico's Search for a New Military Identity*, 71.

²⁶ Nicholls, *The Mexican Armed Forces in Transition*, 4.

²⁷ Moyano, *Adapting, Transforming, and Modernizing Under Fire*, 19.

²⁸ Diez, *Legislative Oversight of the Armed Forces*, 115.

Contending with the challenges Mexico faces will require the creation of a civilian government structure that is responsible for all Mexican armed forces and is held accountable to both the executive and legislative branches of government. The most common structure used, and the one this paper proposes, is to establish a Ministry of Defense (MoD) that is headed by a civilian leader that is voted on and approved by the elected legislature. National defense policies and military force and mission decisions are fundamental obligations for civilian leaders in an effective democracy. Establishing a civilian led MoD will force the civilian leaders to assume their proper role in developing national defense policies as well as improve oversight and synchronization of all military related activities. A civilian led MoD would provide additional layers of civilian control and remove the troubling element of the military policing itself. The control of the legitimate use of force in society would be put back into the proper hands of civilian leaders. The MoD would also promote balancing the hierarchy of the military departments to equal status, promoting better synchronization and a unified, joint vision.²⁹ The MoD would be responsible for setting and evaluating military roles and responsibilities and by employing lawyers, economists, accountants, and other civilian experts, the MoD would be able to evaluate how effectively resources are being utilized by the services and make budget and acquisition adjustments as necessary.³⁰ These decisions would be based on the needs of the Mexican government and society vice the whims of the individual services. The result would be a more effective and efficient set of military forces. The unification of control over the armed forces by the establishment of an effective Ministry of Defense will lead to more coherent defense policies. This will lead to a clearer rationale for maintaining an armed force and the identification of possible ways to

²⁹ Villareal, *The Military as a Hindrance*, 41-45, 60-61.

³⁰ Richard B. Goetze and Thomas C. Bruneau, "Civilian-Military Relations in Latin America." *Military Review* 86, No. 5 (2006), 71.

eliminate duplication of forces or to strengthen national capability where needed.³¹ The civilian control invested in a MoD structure would include and promote the ability of civilians to define goals and the organization of defense structures, formulate defense policies, and monitor the implementation of such policies to avert military perceptions of civilian incompetence. As the expertise within the MoD develops and matures, the civilian leadership would eventually overcome the military's corporate resistance to democratic leadership.³²

LEGISLATIVE OVERSIGHT AND ACCOUNTABILITY

In addition to a historical lack of executive oversight, the Mexican military has traditionally maintained a unique degree of autonomy from the legislative branch of government in comparison to other institutions. This paper has already argued for the establishment of a civilian elected and led Ministry of Defense structure. In addition to forcing the unification and synchronization of the now disparate military services under joint leadership, the MoD also provides a layer of civilian control in the executive branch of government between the military secretaries and the President. However, this is only a partial solution to the lacking civil-military relationship in Mexico today. The other aspect of this paper's thesis which Mexico needs to address is the military's lack of accountability to the legislative branch of government. Democratic control of the military is enhanced when legislative oversight of the military is strengthened. Defense policies and decisions should receive input and oversight from all democratically elected officials, not only from the executive branch. The legislative input allows for greater public debate on military and defense related issues and for the identification of possible policy failures and shortfalls.

³¹ Schulz, *The Role of the Armed Forces*, 23.

³² Pion-Berlin, *Political Management of the Military*, 19.

Additionally, the legislative branch can determine whether laws are being effectively implemented and to act as a check on the misuse of the military by the executive branch.³³ Political scientists and theorists widely agree that democratic control of the armed forces requires meaningful parliamentary oversight of the management of the armed forces. To effectively establish democratic control in Mexico, the legislature needs to be an active participant in the supervision and monitoring of the armed forces in order to reduce the autonomy they enjoyed under PRI rule. In theory, the Mexican legislature has certain token constitutional controls but has never exercised investigative, oversight, and accountability measures over the military.³⁴ Mexican lawmakers must overcome engrained habits of deferring to traditionally powerful presidents and start holding the military leaders accountable.³⁵ Mexico's elected legislators, like the population as a whole, tend to have a very positive view of the armed forces, which causes them to trust military performance and appears to make them much less inclined to take an active role in military activities.³⁶ In fact, polling consistently shows that the military is one of the most respected public institutions in Mexico.³⁷ However, without effective legislative oversight, the quality of democracy in Mexico will suffer while the armed forces continue to be unaccountable to the general population. The three main areas where legislative oversight of the military needs to be institutionalized and enforced are: military promotions, budget and spending processes, and military justice accountability.³⁸

³³ Diez, *Legislative Oversight of the Armed Forces*, 116-117.

³⁴ Villareal, *The Military as a Hindrance*, 42, 46-47.

³⁵ Schulz, *The Role of the Armed Forces*, 130.

³⁶ Diez, *Legislative Oversight of the Armed Forces*, 124-125.

³⁷ Nicholls, *The Mexican Armed Forces in Transition*, 3.

³⁸ Roderic Ai Camp, "Civil Military Relations: Charting a New Direction?" *Hemisphere Focus* Volume XII, No. 12 (2004), 6.

Article 76 of the Mexican Constitution actually invests in the Senate the responsibility to ratify promotions of military officers above the rank of lieutenant colonel in the Army and frigate captain in the Navy. However, the weakness of Congress during PRI rule meant that the senators approved the recommended promotions in a mechanical manner and never asserted any civilian influence into the process.³⁹ Again, a historical lack of knowledge of military affairs has led to the current predicament today. The establishment of an elected civilian Minister of Defense should promote the engagement of congressional leaders on such military matters like promotions at the highest military levels. The legislatures would feel more like a peer to their civilian MoD counterparts.

A second area of oversight that must be improved relates to the funding and expending of the military budget. In established democracies, military procurement activities are traditionally conducted by civilian authorities, and given its political nature, the legislative body tends to be very active in the process. Again, this is not the case in Mexico. The military procurement decisions have been made by the individual service secretaries, with minimal consultation with the Office of the Presidency or the legislature. During PRI rule, the minister of the Army and the Navy submitted their individual budgets straight to the president who then presented them to the Congress from approval. The Chamber of Deputies in the Mexican Congress would then systematically approve with no modifications.⁴⁰ Furthermore, Congress had no controls in place to monitor what the services were spending their funds on. Basically, Congress neither influenced decisions on spending nor oversaw the actual spending and procurement activities. The Secretary of the Army has even admitted publicly, through its own official website, that it lacked the control mechanism to supervise

³⁹ Diez, *Legislative Oversight of the Armed Forces*, 123, 132.

⁴⁰ Diez, *Legislative Oversight of the Armed Forces*, 123-124.

its acquisition and procurement process. This led to the creation of Review Subcommittee on Acquisitions in 2002 to review the process. However, the committee was chaired by military personnel who were appointed directly by the Army Secretary and civilians had no access to its deliberations, proceedings, or outputs.⁴¹ By establishing the MoD, there would at least be a process in place for the MoD leadership to synchronize the budget and spending processes between the Army and Navy. Additionally, the MoD should then work closely with the military secretaries to prepare and defend the military's proposed budget before Congress to ensure that it would realistically meet the armed forces needs. This would both help legitimize military spending and also hold policymakers accountable.⁴²

A third important area which demands serious attention is in the arena of human rights violation by military personnel. The armed forces are heavily relied upon as the major component of Mexico's current counter-DTO strategy due, in a large part, to the police, intelligence, and justice systems within the country being too weak and overrun with corruption to effectively enforce public order and security.⁴³ A fundamental problem that has resulted from focusing the military role on domestic issues is that the state's legitimate use of force and its tools of war are being used against the very people that the armed forces are supposed to protect.⁴⁴ As the military is increasingly tasked with carrying out public security functions, its personnel have been committing more human rights violations due to its lack of training and lack of accountability to civilian authorities.⁴⁵ According to Mexico's Human Rights Commission (CNDH), complaints of human rights abuses by the Mexican military

⁴¹ Diez, *Legislative Oversight of the Armed Forces*, 131.

⁴² Schulz, *The Role of the Armed Forces*, 172.

⁴³ Weeks, *The Drug War in Mexico*, 16-17.

⁴⁴ Villareal, *The Military as a Hindrance*, 72-73, 79-80.

⁴⁵ Eric Olson, *Mexicans Debate Civil-Military Relations*, Washington, DC: Woodrow Wilson International Center for Scholars Mexico Institute (2010), 2.

increased from 182 in 2006 to 1,230 in 2008.⁴⁶ According to Article 13 of the Mexican Constitution and Articles 57-58 of the Military Code of Justice, the military judicial system has jurisdiction over crimes committed by active duty military personnel against civilians.⁴⁷ To exacerbate the problem, military tribunals do not use independent judges and the Military Attorney General is appointed directly by SEDENA and SEMAR and can be removed, without question or cause, at any time. The result is the lack of any civilian oversight or accountability in the conduct of military trials.⁴⁸ In addition to the growing number of human rights violations being attributed to military personnel, both Mexican and international human rights organizations have criticized the Mexican Government for failing to hold military personnel accountable for the abuses.⁴⁹ To illustrate the lack of accountability on the part of military officials, SEDENA adheres to a strict code of confidentiality on the matter and consistently refuses to provide numbers of soldiers punished. To date, the military justice system has shown itself to be ill-equipped to handle the issue of human rights violations with impartiality and transparency and this has caused a deepening of the perception of military immunity among the Mexican society.⁵⁰ Mexico's process of democratization demands greater accountability from the military on the issue of human rights. Members of Congress have taken steps to address the problem, but the effects of their initiatives have been minimal. In recent years, Congress has attempted to hold the armed forces accountable by forcing the Army and Navy secretaries to submit to questioning by the legislature. However, such questioning has been inconsequential due to the minister

⁴⁶ Clare Robando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, CRS Report for Congress (Washington, DC: Congressional Research Service, 2011), 21.

⁴⁷ Moyano, *Adapting, Transforming, and Modernizing Under Fire*, 12.

⁴⁸ Diez, *Legislative Oversight of the Armed Forces*, 126-128.

⁴⁹ Seelke, *Mérida Initiative for Mexico*, 21.

⁵⁰ Henry Garcia-Valderamma, *Mexico's Military Malpractice: Business as Usual or about Face?*, Washington, DC: The Council on Hemispheric Affairs (2010), 6.

systematically denying any wrongdoing with no further action taken. Recent attempts to change the military justice system have had minimal impact on the prevention of human rights abuses because the changes have not altered the system of military justice, which is at the core of the problem.⁵¹ The failure of Mexico to effectively prevent or ensure the prosecution of human rights cases threatens the safety of all civilians.⁵² In fact, human rights violations strike at the very heart of democracy because they are counter to a democracy's goal to protect its citizens from unrestrained or autonomous state institutions.⁵³ Mexican military leaders have taken steps to correct the problem by establishing training programs and making changes to the military educational curricula. However these changes have been primarily in response to pressures from national and international human rights groups and not to pressure from the Mexican Congress.⁵⁴ While these initiatives may certainly help they will not alone solve the growing human rights problem. What is needed is a major reform of the Mexican Constitution that grants the civilian legislature increased control over the military justice system.

COUNTER-ARGUMENT

Civil-military relations in contemporary Mexico have been characterized by remarkable stability. Mexico is one of the few Latin American countries that have not experienced a military-led anti-government coup over the past several decades.⁵⁵ In fact, the military has not challenged Mexican authority in any serious manner since 1946.⁵⁶ The hegemony enjoyed by the PRI not only facilitated civilian supremacy but also inhibited the

⁵¹ Diez, *Legislative Oversight of the Armed Forces*, 128.

⁵² Juan P. Nava, "Mexico: Failing State Or Emerging Democracy?" *Military Review* 91, No. 2 (2011), 36.

⁵³ Villareal, *The Military as a Hindrance*, 87-89.

⁵⁴ Diez, *Legislative Oversight of the Armed Forces*, 129.

⁵⁵ Diez, *Legislative Oversight of the Armed Forces*, 141.

⁵⁶ Villareal, *The Military as a Hindrance*, 19-21.

creation of alliances between opposition forces and members of the military. Thus, the civil-military relationship forged by the decade's long "pact" protected the armed forces from the risk of becoming an area for political competition.⁵⁷ Past presidents and their military leaders have had relative success at subduing military rebellions, calming civil-military tensions, and building stable, generally respectful relations predicated on military subordination to civilian control.⁵⁸ However, this paper argues that such "subjective civilian control" is not compatible with democratic principles and would not stand the test of time. In fact, the first two non-PRI presidents, President Fox and Calderon have, out of necessity, had to continue to co-opt and bribe the military for their allegiance and support by rewarding senior officers with high level government positions and protecting, sometimes even increasing, the high level of autonomy that the military has enjoyed. The counter-argument that a lack of military contestation in Mexico is proof of a peaceful military is inadequate and undermines the fact that the military's continued autonomy is what keeps them loyal. So long as they continue to exercise control over their own prerogatives and the increased violations of human rights are ignored, they will not have a reason to contest authority.⁵⁹ Further, despite the general acceptance of formal civilian supremacy during PRI's rule, the military was not stripped of all political influence. Many studies have found that the armed forces did influence national politics by exerting pressure behind the scenes to facilitate political communication and conflict resolution in favor of the governing elite.⁶⁰ This current level of political influence and autonomy that the military enjoys is a dangerous combination. In fact,

⁵⁷ Serrano, *The Armed Branch of the State*, 443.

⁵⁸ Pion-Berlin, *Political Management of the Military*, 21.

⁵⁹ Villareal, *The Military as a Hindrance*, 19-21.

⁶⁰ Diez, *Legislative Oversight of the Armed Forces*, 140-143.

some theorists have argued that the only reason the military has not contested authority since 1946 is because neither the President nor Congress has challenged the military.⁶¹

CONCLUSION

Although Mexico has made some progress towards increasing civilian control over the military in recent years, the establishment of democratic control remains largely elusive. As Mexico attempts to consolidate its democratic gains over the past decade, it needs to confront and reformulate the civil-military pact that was created under PRI rule and is still lingering today. Mexico must work to establish and institutionalize democratic civil-military relationship with strong and “objective” civilian oversight.⁶² Though the PRI was finally voted out of office in 2000, the “pact” between the military leaders and the President has continued to persist. The lingering high levels of autonomy that the Mexican military enjoys will continue to hamper Mexico’s attempt to consolidate its democratic gains if left unchecked. The historical and current evidence argues that establishing increased civilian oversight and accountability to the government is a must for Mexico moving forward. By establishing a civilian led joint Ministry of Defense, there would be additional layers of oversight in the executive branch between the military leadership and the President. The MoD would also help curb some of the inter-service rivalry that has plagued the independent services resulting in ineffectual policy and force structure processes. Additionally, government reforms are also needed that institutionalize the Congressional oversight powers of the legislative branch over the military as well. It appears that there is agreement among groups of senior civilian leaders of the changes that are necessary. A major possible roadblock is the upcoming Presidential election next year (2012). The PRI is trying to regain

⁶¹ Villareal, *The Military as a Hindrance*, 25-26.

⁶² Diez, *Legislative Oversight of the Armed Forces*, 140-143.

the power it held for over seven decades. In the end, an effective Democracy must be accountable to its people, so it is the citizens of Mexico that must hold their elected leaders accountable by forcing the civil-military reforms needed by making their voices heard at the ballot box.

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