

Legislative Oversight of the Armed Forces in Mexico

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During the hegemonic rule of the *Partido Revolucionario Institucional* (Institutional Revolutionary Party) (PRI), civil-military relations in Mexico were characterized by an implicit “pact” between civilian authorities and the armed forces, a pact that resulted in little civilian oversight and high levels of military autonomy. Despite Mexico’s transition to democracy in 2000, the pact has been maintained, albeit somewhat altered. Because the responsibility to oversee the armed forces in democratic regimes is shared among the three branches of government, legislatures play an essential role in the oversight process, which directly affects democratic transparency, horizontal accountability, and good governance. This article investigates the extent to which the Mexican Congress has been able to exercise effectively its constitutionally mandated authority to oversee the armed forces as it emerges as a powerful institution in transitional Mexico. It argues that although congressional oversight has increased in some areas, it has generally remained weak.

Durante el régimen hegemónico del Partido Revolucionario Institucional (PRI), las relaciones entre civiles y militares en México se caracterizaban por un ‘pacto’ implícito entre las autoridades civiles y las fuerzas armadas, el cual otorgaba a los militares gran autonomía militar con poco control civil. A pesar de la transición a la democracia en 2000, este pacto civil-militar se ha mantenido, si bien con algunas modificaciones. Dada que la responsabilidad de la supervisión de las fuerzas armadas en los regímenes democráticos es compartida por los tres poderes de gobierno, el poder legislativo funge un rol esencial en el proceso de supervisión, el cual afecta la transparencia democrática, la responsabilidad y el buen gobierno. Este artículo investiga cuan capaz ha sido el congreso mexicano en ejercer sus responsabilidades constitucionales de supervisión de las fuerzas

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armadas en la medida en que se posiciona como una poderosa institución en el México de la transición. El artículo arguye que a pesar de que la supervisión legislativa de las fuerzas armadas se ha incrementado, en general continúa siendo débil.

Keywords: Mexico, politics, democratization, civil-military relations, legislative-military relations, legislative oversight.

Palabras clave: México, política, democratización, relaciones civico-militares, relaciones parlamento-fuerzas armadas, supervisión legislativa fuerzas armadas.

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Introduction

Latin America's return to civilian rule during the 1980s and 1990s, after the latest period of military rule, has resulted in a great deal of political science scholarship on the region's process of democratization. While early work concentrated primarily on democratic transitions and consolidation (Karl 1990; Schmitter and Karl 1993), more recent work has looked at the "quality" of democracy in the region (O'Donnell et al. 2004). This latest work has been mostly carried out by scholars who have been critical of the region's move away from military rule and who have pointed to many "imperfections" of the new democracies—imperfections best encapsulated by the metaphor of "fault lines" of democracy developed by Felipe Agüero (1998). Indeed, by the mid-1990s it had become evident that a move away from authoritarian rule had not necessarily translated into a move into full democratic rule, and scholars began to draw attention to numerous shortcomings the new democracies exhibited, such as persistent economic inequality, the weakness of the rule of law and judiciary systems, widespread violations of human rights, and low citizen participation in the political process and political cynicism (Philip 2003; Agüero and Stark 1998; Oxfhorn and Ducatenzieler 1998).

One of the fault lines identified by scholars in post-transition Latin America is the continued intervention of the region's armed forces in resolving political problems as civilian governments struggle to bring the region's militaries under civilian control (Hunter 1998; Desch 1998). For some observers, the prospects of increasing civilian control look bleak (Karl 1990; Fitch 1998; Agüero 2001) whereas others argue, more optimistically, that it will progressively increase as the armed forces become more professionalized (Pion-Berlin and Arcenaux 2001; Hunter 1995). More than twenty-five years after the process of democratization began, it appears that most countries in the region have made significant, if varied, strides in bringing the armed forces under civilian control and in reducing their political influence (Pion-Berlin 2005; Kruijt 2001).

However, civilian control of the military does not equate to democratic control. Civilian control can be easily defined: all actions of government, including national security, must be made or approved by civilian authorities.¹ But civilian control can be achieved in nondemocratic regimes, as the case of the former Soviet Union demonstrates. Democracy requires more than the assertion of civilian control; it requires the establishment of democratic civil-military relations. In democratic regimes, control of the military must be conducted under a framework of democratic governance that goes beyond dictating national security and defense policy and that makes the armed forces accountable to the citizens' elected representatives.

Scholarship on civil-military relations has identified three key elements that are required in order for democratic control to be established (Agüero 1995, 19–20; Fitch 1998, 36–38; Stepan 1988, 128–144; Khon 1997). First, democratic control requires the subordination of the military to the democratic regime and the elimination of the military's political autonomy and influence. As Samuel Fitch has argued, the notion of a political autonomous military acting as “national guardians” of the constitution and as political arbiters, roles historically played by Latin American's armed forces, is inconsistent with the fundamental principles of democracy (1998, 36–37). Although military professionalization necessarily results in some institutional autonomy, it should be limited to the professional domain; a certain degree of military institutional autonomy is compatible with democratic rule but political autonomy is not (Pion-Berlin 1991).² According to this element of democratic control, the military must not only be subordinate to the incumbent prime minister or president, but it must also be subordinate to democratic institutions, principles, and procedures.

Second, democratic control requires policy control of the armed forces by elected civilians to whom the military is professionally and in-

1. According to Samuel Huntington, there are two alternate means through which civilians can subordinate the armed forces: “objective” civilian control and “subjective” civilian control. The former is attained when civilians dictate military security policy, while allowing the military freedom to determine the objectives needed to implement it. According to this type of civilian control, there is a maximization of professionalism within the military by separating the political from the military decision-making; political leaders do not interfere in military operations, and military commanders do not influence policy. Subjective control, on the other hand, aims at maximizing the power of the governing political leaders vis-à-vis other social groups by encouraging members of the armed forces to identify with their goals or political ideologies. Subjective control reduces an independent military sphere (1957, 83).

2. Military institutional autonomy refers to the military's professional independence and exclusivity with which the armed forces behave whereas political autonomy refers to the military's aversion toward or even defiance of civilian control (Pion-Berlin 1992).

stitutionally subordinate (Fitch 1998, 37–38, Agüero 1995, 19–22, Stepan 1988, 128–144). Democratically elected civilians, both in the executive and legislative branches of government, must formulate defense policy, identify threats that warrant military force, determine the allocation of budgetary resources, assign the military its defense and security missions, and exert oversight over military education (Fitch 1998, 37–38; Stepan 133–134). According to some models of democratic control, defense policy must be formulated by a national security council made up of civilians and military personnel (Fitch 1998; Stepan 1988). The council should be tasked with determining the threats to defend against while a civilian minister of defense should be responsible for the approval and management of military strategy for responding to those threats. The military cannot, therefore, possess any reserved domains of authority or policymaking; any decision-making powers conferred to the military must be exercised within a clearly established legal framework and subject to oversight (Fitch 1998, 37–38). Finally, democratic control requires that armed forces personnel be subject to the rule of law. Although military personnel may be subject to specialized legal norms that do not apply to civilians, they must respect the human rights of other citizens and cannot be granted special privileges. According to Fitch's model of democratic control, "In democratic regimes, the armed forces are neither policymakers nor political actors nor above the law" (1998, 38).

A fundamental component of democratic control of the armed forces is the oversight role played by legislatures. Most definitions of democratic control include the need for the legislature to exercise oversight over the implementation of defense policy and the general management of the armed forces. Scholars argue that parliaments must not only be involved in the elaboration of defense policy through, for example, the integration of members of congress into national security councils and the designation of the military budgets, but that they must be active players in the oversight of defense policy implementation and in investigations of any wrongdoings.

As a consequence of the inclusion of the legislature in the defense sector, democratic accountability is enhanced when defense policy receives input from *all* democratically elected officials, not only from the executive branch. This input allows for greater public debate on defense issues and for the identification of possible policy failures; it can determine whether laws are being effectively implemented; and it acts as a check on the misuse of the military by the executive branch and on wrongdoings perpetrated by the armed forces (Giraldo 2006, 35–36). It is widely agreed that democratic control of the armed forces involves the establishment of meaningful parliamentary oversight of the management of the armed forces (Fitch 1998; Cottey et al. 2002; Kohn 1997;

Pion-Berlin 2005; Stepan 1988, 133; Giraldo 2006). Indeed, David Pion-Berlin has argued that the main difference between civilian control and democratic control is the role exercised by parliaments. As he has succinctly stated: "Civilian control can occur in non-democratic regimes as well. Democratic civilian control refers to a condition in democracies where there is both presidential-executive and legislature supervision over the military" (2001, 10). Legislative oversight is of importance in democratic systems not only given that the legislative branch of government, according to the democratic principle of horizontal accountability, acts as a check on the power of the executive, but also given that legislatures are the institutions that allow civil society to keep the "experts in the management of violence" accountable through their elected representatives. As Alfred Stepan has argued, legislatures are the best forum through which societies at large in post-transition Latin America can exercise oversight and monitor the armed forces (1988, 133).

Although Latin America's civilian governments may have made progress toward asserting civilian control over their armed forces, the establishment of democratic control remains elusive. In most countries of the region, the size and budgets of the armed forces have been gradually and significantly reduced, but they still enjoy significant levels of political autonomy (Cruz and Diamint 1998). Moreover, Latin American militaries generally undertake unduly large internal security roles; they continue to dominate the intelligence systems; and they have inordinate influence in the management and administration of national police forces (Ruhl 2004; Kruijt 2001; Koonings 2003). Further, because legal frameworks have not been reformed in any significant way, the armed forces have retained many of their legal and institutional prerogatives allowing for military impunity and immunity, and in most countries officers have not been brought to account for past human rights violations (Ruhl 2004; Kruijt 2001; Hunter 1998). Given that effective civilian control of the military through institutionalized and democratic civil-military relations is fundamental to democracy, these shortcomings certainly contribute to the continued questioning of the quality of democracy in the region. Latin American countries not only face the challenge of achieving complete civilian control, but they also need to establish democratic military control as they attempt to consolidate their democracies. As Rut Diamint has pointed out, while civilian control has increased in most countries, the current state of civil-military relations is far from the ideal models of civilian supremacy in a variety of areas, let alone democratic control (2003, 42-43). Indeed, despite the undeniable progress many countries in the region have made in asserting civilian control, Fitch argues that only Argentina and Uruguay approximate the ideal state of democratic control (1998, 41-42).

In the case of Mexico, the armed forces were formally under civilian control during the rule of the Institutional Revolutionary Party (PRI). Particular developments that unfolded after the Mexican Revolution resulted in a political arrangement between the civilian government, under the PRI, and the armed forces under which the latter agreed to abstain from the deliberation of political matters in exchange for autonomy from civilian authorities. This distinct arrangement helps explain the stability of the Mexican political system and the fact that, unlike most other Latin American countries, Mexico did not experience a military coup in the latter part of the twentieth century. However, formal civilian supremacy did not strip the military of all political influence as they operated behind the scenes to facilitate political communication and conflict resolution. Moreover, civil-military relations during PRI rule were also characterized by significant levels of both institutional and political autonomy of the military over its internal operations, training and promotions, as well as a high level of discretion in expenditures and equipment procurement. Although the military was subordinate to civilian authorities during PRI rule, civilian supremacy was, therefore, far from objective civilian control.

As the seventy-one years of PRI rule came to an end with the election of Vicente Fox in 2000, transitional Mexico faced the challenge of dismantling the arrangement that existed between the hegemonic party and the armed forces and of establishing democratic civil-military relations. As the process of democratization unfolds, Mexico's political elites and civil society are faced with the task of establishing democratic control of the armed forces given that such control is a fundamental component of democratic rule. Legislative oversight assumes particular relevance in Mexico for several reasons. First, Mexican politics has historically been characterized by a concentration of power in the executive branch of government, generally referred to as *presidencialismo*, in policy-making. Institutions that act as checks on presidential power are, therefore, essential in attaining the democratic principle of horizontal accountability. Second, and as we shall see, the country does not have a unified Ministry of Defense headed by a civilian. According to Fitch, part of the responsibility of civilian ministers of defense involves overseeing, with the advice from the Joint Staff, the implementation of defense policy (1998, 189). Because the ministers of defense and the Navy are both military officers, congressional oversight becomes crucial. Third, Mexico does not count with alternative institutions that could potentially perform such a role; unlike many established democracies, it does not have a military ombudsperson tasked with supervising the armed forces. Congress becomes, consequently, a key institution in the supervision of the military and an essential component in the establishment of democratic

control. Fourth, the Mexican military has increased its participation in nontraditional tasks over the last two decades, such as policing and anti-narcotics campaigns. Although not unusual in Latin America, these activities, by their very nature, require stronger oversight from the legislature (Fitch 1998, 189–193). The establishment of democratic control in Mexico will, therefore, necessarily require the active participation of the Mexican Congress in monitoring and supervising the management of its armed forces and in reducing the autonomy they enjoyed under PRI rule. Unless democratic civil-military relations are established, the quality of democracy in Mexico will suffer as an important political institution will continue to be unaccountable to the general population.

This article attempts to make a contribution to our understating of contemporary civil-military relations in Mexico by looking at whether political change has allowed for the emergence of democratic civil-military relations. It concentrates on a key aspect of democratic control of the armed forces: legislative oversight. Specifically, it analyzes the extent to which Congress, which has emerged as a powerful institution in transitional Mexico since the loss of a majority by the ruling party in 1997, has been successful in exercising its oversight responsibilities of the armed forces. Based on data collected,³ I argue that, although some progress has been made to improve legislative oversight of the Mexican armed forces, this oversight generally remains weak. This becomes evident when looking at specific areas of oversight. Scholarship on civil-military relations suggests that legislative oversight on various aspects of the management of the armed forces is fundamental to the establishment of democratic control, and agreement exists that the legislatures ought to exercise oversight in these five areas: human rights, the procurement of military equipment, the promotion process, the deployment of troops and military personnel abroad, and the funding and expensing of the military budget (Cotter et al. 2002; Born 2002; Kohn 1997, 148–150; Longely and Davidson 2000; DCAF 2003; Giraldo 2006).

Weak legislative oversight has allowed the Mexican military to continue to operate with significant levels of autonomy in these five areas. For this article, I draw from the distinction made by Pion-Berlin between institutional and political autonomy, referred to previously, to suggest that although weak legislative oversight of areas in which the military possesses institutional autonomy may not be threatening to the gov-

3. This paper partly draws from interview data collected in Mexico in July of 2004 and September of 2005. A total of twelve members of Congress, belonging to the three main political parties and the four congressional defense and navy committees were interviewed. As pledges of confidentiality were made in all cases, only descriptive nonidentifying terms will be used in referencing interviews.

ernment, the continued possession of political autonomy poses a clear obstacle to the establishment of democratic civil-military relations. This article will proceed as follows: The first section provides a brief overview of the evolution of civil-military relations in Mexico and focuses on the relationship that existed between Congress and the armed forces during PRI rule. The second section analyzes the extent to which congressional oversight has taken place in the five areas aforementioned. The third and last section explores some of the factors that contribute to weak legislative oversight identified in the previous section.

Civil-Military Relations in Mexico

Civil-military relations in contemporary Mexico have been characterized by remarkable stability and by civilian control of the military. The attainment of civilian supremacy over the military was largely the result of the social and political context provided by the Mexican Revolution (1910-1929) and the establishment of a strong, one-party authoritarian political system. The end of the violent conflict brought to power an army that did not have a professional military background and which shared the same popular roots of the civilian elites, thereby providing an ideological common ground for both military and political elites to cooperate in achieving the revolution's social goals. This context lowered tensions between the two and contributed to the emergence of a constitutional culture that allowed for the delegation of authority from the army to the civilian elites as the armed forces assumed the role of "guardians" of the Revolution (Serrano 1995; Camp 2005, 15). Civil-military cooperation in the pursuit of the revolutionary ideals took place in concert with the establishment of a one-party state. In response to the citizenry's desire to restore social order, the post-revolutionary leadership, commonly referred to as the Revolutionary Family, embarked upon the process of assuming control of the state apparatus by centralizing power in the hands of the president and by reaching a political pact with various sectoral groups. Both the revolutionary legacy and the creation of an authoritarian party system allowed for the gradual exclusion of the armed forces from the management of the political system and from politics more generally.

Once the delegation of authority occurred, the post-revolutionary leadership instituted a series of reforms that sought the professionalization of the armed forces in an attempt to de-politicize them and subordinate them further to civilian authority. Most importantly, the Revolutionary Family reached an agreement with the military leadership in 1928-1929 that no army officer would become either provisional or permanent president, essentially demilitarizing political competition, and

it restricted competition to the newly created political party, the *Partido Revolucionario Nacional* (National Revolutionary Party) (PNR). Although rebellions did take place after this agreement was reached, the various reforms helped to foster a feeling of loyalty toward the civilian authority, especially among younger officers. The pact provided a set of normative rules that institutionalized and regulated relations between the official party and the armed forces for decades to come (Serrano 1995, 432). Further reforms were introduced after the 1928–1929 agreement during the administration of Lázaro Cárdenas (1934–1940), most important among which was the creation of four sectors within a reformed party (workers, popular, peasant, and the military), which enabled the president to decrease the influence of the military as it became one of the four voting members. These developments placed an important emphasis on developing a deep sense of loyalty to the president and the official party, contributing to civilian supremacy. By the time Cárdenas left office in 1940, the armed forces had been weakened and brought firmly under the control of the national party. During the 1940s, the military continued to withdraw from the political process as they agreed to support the civilian authority. Successive presidents offered absolute respect for the military institution, and the armed forces in return became fiercely loyal to the president. By the early 1950s, the military institution had been unified, disciplined, and subordinated to civilian power.⁴

This relationship between the official party and the military, which is sometimes referred to as a “pact” by some scholars on civil-military relations in Mexico, became a strong and harmonious one and lasted for several decades as both parties respected their end of the bargain. The military was called in by the PRI to help out in times of difficulty. This was the case in 1958, when they were asked to suppress a railroad workers’ strike, and in the early 1970s, when they were tasked with the “elimination” of guerrillas, especially those in the southern state of Guerrero. But these interventions were temporary and the armed forces returned to the barracks once the situation was stabilized. In all these cases, however, the army acted upon the request of the civilian authority without affecting the pact.

Despite the establishment of formal civilian supremacy, the military was not completely stripped of all political influence. Indeed, studies on the Mexican military have found that the armed forces did influence national politics, influence that was exerted through operating behind the

4. This is not to say that the election of Alemán marked the end of challenges to civilian supremacy. Indeed, in 1952, in what has come to be known as the *Henriquista rebellion*, a veteran general, Miguel Henríquez Guzmán, organized an open electoral challenge to the party’s designated candidate when his bid for the nomination failed.

scenes to facilitate political communication and conflict resolution in favor of the governing elite (Ronfeldt 1976; McAlister 1970). Moreover, following the violent repression of a student demonstration in 1968, the Tlatelolco Massacre, the military increased its influence in the making of national security policy. David Ronfeldt has referred to the military's political influence and the duties it carried out in exceptional circumstances as "residual political roles" (1984)—that is, even though formal civilian control existed, the military influenced politics and policy in times of crises or when called upon by the civilian authorities. Importantly, the civil-military pact allowed the military a significant degree of autonomy over its internal operations, training, and promotions, as well as a high level of discretion in expenditures. The unconditional backing of the revolutionary elite and the revolutionary goals came in exchange for autonomy in the inner workings of the armed forces. Because of that autonomy, the military operated under a great deal of secrecy vis-à-vis government and society at large. Civil-military relations in Mexico under PRI rule were, therefore, far from the ideal type of objective civilian control. In effect, the anomalies that accompanied civilian control under PRI rule have, in fact, been referred to by some scholars to suggest that the type of civilian control that existed was subjective (Serrano 1995, 434).

Civil-military relations under PRI rule were also characterized by very weak legislative oversight. The high centralization of power in the hands of the president—through the establishment of corporatism and the exercise of unwritten, yet widely assumed powers (generally referred to as *metaconstitutional* powers)—rendered several political institutions, including Congress, weak. These powers included the control over the distribution and allocation of posts that advanced the political careers of PRI members of Congress, who surrendered in turn their law-making autonomy and oversight responsibilities. They hence became ultimately accountable only to the president. Constitutional provisions barring members of Congress to serving two consecutive terms, combined with the complete control of the president over the nomination of PRI congressional candidates, resulted in the formation of a highly disciplined and cohesive governing majority, where the executive and his party possessed powerful tools to punish and reward the behaviour of politicians in Congress (Nacif 1997, 142–143). Consequently, members of Congress systematically approved initiatives submitted by the executive to the legislature. For example, from 1943 until 1961, the average number of initiatives passed *unanimously* in Congress was 77 percent and the average opposition to initiatives never exceeded 5 percent; from 1940 until 1970, no executive initiative was defeated on the floor; and from 1982 until 1988, the rate of congressional approval of executive initiatives was 98 percent (Casar 1999).

The civil-military pact, combined with the weakness of the legislature, meant that members of Congress did not exercise oversight of the armed forces, allowing the military to operate with a significant degree of autonomy. Some areas of oversight were only exercised on paper. For example, the Senate systematically approved the promotions proposed by both the Army and the Navy, as required by Article 76 of the constitution, but they did so without examination or opposition; similar to most other legislative activities, promotions were approved in a mechanical manner. Weak oversight was, in turn, facilitated by the tacit agreement between the PRI and the military that allowed retired generals and admirals to occupy a certain number of congressional seats (Ibarrola 2003, 372). Moreover, the chairs of the Defense and Navy Congressional Standing Committees in both houses were invariably retired military officers.

Despite the *de facto* weakness of Congress under PRI rule, it is nonetheless a strong institution *de jure* as the constitution grants its substantial powers. In fact, compared to other Latin American countries, the Mexican legislature is one of the strongest in areas of economic, budgetary, judicial, and social policy. According to a ranking elaborated by Scott Morgenstern, Mexico's constitutional presidential powers are weaker than those in Argentina, Brazil, and Chile; out of the five powers presented by Morgenstern, Mexico's president is at the bottom end of the scale in four of them (2002, 436–438). The powers conferred to the legislature include several important oversight prerogatives over the management of the armed forces. The lower chamber, the Chamber of Deputies, possesses significant powers over the elaboration of the budget, which includes military expenditures, and the Senate must ratify the promotions of military personnel above the rank of lieutenant colonel and frigate captain. Further, Congress also has the authority to formulate the legislative and regulatory framework under which the armed forces operate, summon the ministers of Defense and the Navy to testify before members of Congress, pass resolutions on defense matters, launch investigations, and judge ministers in case of malfeasance (Espinosa 2005; Díez and Nicholls 2006).

Over the last two decades, civil-military relations in Mexico have been affected by two important developments. The first one relates to the increased role the armed forces have played in an array of nontraditional tasks within the broader context of a redefinition of national security priorities. Due to the significant increase in drug-trafficking and crime levels the country has experienced over the last two decades, and given the weakness of civilian institutions that would otherwise perform these roles, successive governments have gradually assigned larger antinarcotic and policing responsibilities to the armed forces. 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 criminal codes and the inclusion of military personnel in numerous civilian security and policing institutions. Second, the military has gradually augmented its influence on decision-making in the area of national security. Importantly, the military has increased its control of the Center for National Security Investigation and its management of criminal issues through greater influence within the Attorney General's office, a development that culminated with the appointment of a brigadier general as head of that institution in 2000.

Both of these developments have prompted some observers to suggest that Mexico has experienced a "militarization" of its institutions (Arzt 2003, Sierra Guzmán 2003). However, as Roderic Ai Camp has suggested, although these changes bring important challenges, such as greater exposure of military personnel to corruption, they do not pose a threat to civilian supremacy since the decision to expand these operations has been made by civilian authorities and not the military leadership (2005). Camp argues that civilian control has not been affected by the expansion of military activities and that presidential authority over the military remains extensive (2005, 273).

Although civilian supremacy may not be in question even with the expansion of these activities, the greater role played by the armed forces has occurred within a context of political change that has not brought about a fundamental change to the civil-military pact and that is far from the establishment of democratic control. Fitch argues that in societies in which the military performs "developmentalist" non-military tasks, democratic control is certainly attainable, but that it needs to be greater through closer supervision and monitoring from political institutions and society at large (1998, 187-194). In Mexico, the process of democratization has not involved a significant military reform that would have seen the reformulation of the civil-military pact. Nothing illustrates this better than the fact that the country does not yet have a unified commanding structure for the armed forces headed by a civilian minister of defense and that there is an almost complete absence of civilians in the Ministry of Defense and the Ministry of Navy. Equally important, a key element that characterized the civil-military pact, the exchange of military autonomy for loyalty to the president, has not been eliminated. The armed forces have continued to operate with significant levels of autonomy and weak oversight, especially in the areas of promotions, a process in which civilians have not inserted themselves, and the allocation of the internal military budget, a process that is still not determined by civilians (Camp 2005, 274). Military policy is elaborated strictly between the president and the ministers of defense and the navy, with virtually no input from any other social or political actor (Oscar Rocha 2005). Consequently, the

balance of civil-military relations in Mexico has changed as the military has increasingly been assigned greater roles but the armed forces have continued to operate with significant autonomy in some areas.

To be sure, political change has had an effect on the manner in which the armed forces interact with social and political actors and institutions. Mexico's democratization has increased demands on the military for greater accountability, especially in the area of human rights. Concerns over the human rights violations perpetrated by the armed forces, which peaked in the aftermath of the Zapatista rebellion of 1994, have applied significant pressure on the armed forces to respect human rights. These calls have, in turn, resulted in some changes within the military. Moreover, as the country has moved toward greater pluralism, some political actors have become more openly critical of the armed forces and have called for reform. For example, in 1999, the opposition left-leaning party, the *Partido de la Revolución Democrática* (Party of the Democratic Revolution) (PRD), publicly called for a series of reforms. This was the first time a political party had openly criticized the military. Further, with the introduction of the Access to Information Act in 2003 during the Fox administration, the armed forces have been required to release information to the public when requested, lessening the secrecy with which they have historically operated.

Nevertheless, these developments did not fundamentally alter the civil-military pact, and the military has continued to enjoy significant autonomy primarily because meaningful military reform has not yet been pursued by recent administrations. The end of PRI rule with the election of Fox to the presidency in 2000 would appear to have presaged a significant change to civil-military relations and quite possibly the dismantling of the pact. Indeed, under the banner of "change," Fox campaigned on a promise to forge a new relation with the armed forces that would have seen their withdrawal from some nontraditional operations, such as antinarcotics campaigns, and the integration of their command structure within a new institutional framework to coordinate national security. However, once in office, Fox abandoned any plans to withdraw the military from the so-called "war on drugs" and in effect deepened its role in the fight against drug trafficking and expanded its responsibilities in policing activities. More importantly, he did not pursue meaningful military reform as he decided not to proceed with the establishment of a new institutional framework for the security sector despite having at first entertained proposals made by his advisers and cabinet ministers.⁵ Fox became increasingly reliant on the armed forces during

5. Fox's election campaign was partly based on the promise to introduce a significant institutional reform (*reforma del estado*), which included the security and defense

his administration, and because he exhibited weak leadership on the defense portfolio, the military was allowed to retain many of the prerogatives it had during PRI rule. As PRI rule came to an end, the military leadership transferred the loyalty it had historically afforded the ruling party to the new political leadership, thereby continuing formal civilian supremacy. However, military autonomy, a key element of the civil-military relationship, has not been reduced with the establishment of mechanisms that could have fostered democratic control.

In the absence of presidential-led military reform, the role of the Mexican Congress in decreasing military autonomy becomes essential. This is especially the case given that the legislature has emerged as a powerful institution in transitional Mexico by assuming more aggressively its constitutional prerogatives. Since the PRI lost its majority in the lower house after 1997, the president's party has failed to secure a congressional majority. As a result, the high concentration of power that historically rested in the executive has been significantly reduced as the legislature has begun to play a more active role in the policymaking process. Indeed, the legislature's more assertive role in policymaking was one of the reasons behind Fox's inability to achieve several of his policy objectives during his administration. Within this context, the Mexican Congress becomes a key institution in reducing military autonomy and in contributing to an increase in democratic control of the armed forces through the exertion of legislative oversight.

Legislative Oversight of the Armed Forces in Transitional Mexico

The first area of oversight is that of human rights. During PRI rule, the Mexican armed forces repeatedly committed human rights abuses. The

sectors. Upon advice from Adolfo Aguilar Zinser, Fox established the position of National Security Adviser tasked with coordinating national security policy formulation and developing and overseeing military policy. Aguilar Zinser was appointed as its head. According to Aguilar Zinser, the ministers of Defense and the Navy opposed his proposal to coordinate their activities (personal interview, Mexico City, July 30, 2004). Fox eliminated this office a year into his term, and Aguilar Zinser was appointed ambassador to the United Nations. An important component of the change in military roles regarded their participation in international peacekeeping operations. Fox's first Minister of Foreign Affairs, Jorge Castañeda, pursued the commitment of Mexican troops in international operations. However, the proposal was categorically rejected by the Minister of Defense who publicly declared his opposition to the initiative. Oscar Ochoa has argued that the failure of the initiative was more the result of Castañeda's failure to reach consensus within the cabinet before advancing his proposal, rather than mere opposition from the Minister of Defense and that Fox did not provide a clear and precise directive to the military (2005, 228).

violation of human rights was not part of the military's formal policy, and in most cases, it was the result of the various tasks and operations assigned to the armed forces by the civilian authorities. Indeed, the military leadership deeply resented occasions in which civilian incompetence pushed the forces to the forefront of repression. However, the violation of human rights prior to 2000 occurred frequently. It included abuses in the administration of military justice, the use of torture practices, unjustified dismissals of military personnel, the "disappearances" of numerous left-leaning individuals during the "dirty wars" of the 1970s, and summary executions (Aguayo 1998; Scherer and Monsiváis 1999; Human Rights Watch 1999, 2001; Amnesty International 2001). The majority of these abuses went unpunished given that the military enforced its autonomy vis-à-vis civilian authorities from the interference on these matters (Camp 2005, 264).

The defense of human rights became a prominent issue in the late 1980s and early 1990s as a result of a combination of national and international pressures. As the country's democratization gained force, civil society actors placed stronger pressure on the regime for greater respect for human rights. Their efforts were facilitated by a more open media and the strengthening of opposition parties. External pressure also increased, notably in the early 1990s, when the country began to forge closer economic integration with North America. Mexico's decision to pursue the North American Free Trade Agreement (NAFTA) caused increased scrutiny of its human rights record by the human rights community in the United States and by U.S. members of Congress. For example, Amnesty International organized a campaign targeting human rights abuses involving the military and published frequent reports on the issue. Demands for greater respect for human rights deepened in the wake of the Chiapas rebellion. Reports of severe human rights violations in the days following the uprising attracted unprecedented international attention to the country's human rights record.

Increased national and international pressure over the last decade has resulted in positive developments in the respect for human rights by the Mexican armed forces, and several important steps have been taken over the last decade to minimize abuses. These have included the establishment of training programs to sensitize personnel, the enactment of codes of conduct, the registration of officers and enlisted men in training courses, and visits of human rights experts to military schools. Nevertheless, even though the number of human rights violations perpetrated by military personnel has decreased, they have continued. From 1999 until 2004, the National Human Rights Commission received 1,069 complaints of abuses perpetrated by the armed forces, and the commission issued 9 recommendations. The commission also stated that the

Ministry of National Defense was among the top three public institutions that produced the highest number of complaints (*El Universal* 2004a; 2003a). Moreover, the Inter-American Commission for Human Rights stated in 2002 that abuses and torture continued to take place within the armed forces, and both national and international organizations have reported numerous cases of violations, including rape, torture, and discrimination (Amnesty International 2004; *El Universal* 2001a; 2002a; 2003b).

Members of Congress have taken steps in addressing human rights abuses, but these steps have been minimal. Within the rather novel practice of requesting the appearance of the ministers of the Defense and the Navy before congressional standing committees, some committee members have raised the issue of human rights and have asked both ministers to explain allegations of abuses. On two occasions, for example, pointed questions were raised in regard to allegations that military personnel had been administered a test for HIV/AIDS without their knowledge and were eventually released from duty (*Reforma* 2004a, 2004b, Cámara de Diputados 2004).

Another step taken by members of Congress relates to the reform of legislation relating to military discipline. In 2003, the Disciplinary Law for the Navy was reformed, obliging the Ministry of the Navy to enact a catalogue with specific penalties for violations of the military code, thereby minimizing the discretion military authorities possess in its application. Such reform thus decreases the likelihood of abuses. A similar reform was undertaken in 2004 to reform the Disciplinary Law for the Army and Air Force.

These positive developments are limited, however, and do not amount to effective oversight. Although the questioning of ministers by the defense and navy committees makes them accountable to the legislature, it has not been consequential; both ministers have systematically denied any wrongdoing and no investigations have been launched into the allegations by the ministries of Defense and the Navy. More importantly, despite changes to the legislation dealing with military justice, they have minimal impact on the prevention of further abuse as they do not alter the system of military justice, which is at the core of the problem. Human rights violations perpetrated against soldiers are the result of the application of the Military Code of Justice. The code allows military authorities to punish soldiers for not obeying an order, irrespective of whether such punishment violates a civil law or the constitution. Moreover, military tribunals are not independent as judges and the Military Attorney General is appointed directly by the ministers of Defense and the Navy and can be removed at any time. There is, therefore, no civil-

ian oversight in the conduction of military trials.⁶ What appears to be of interest is that there does not seem to be a perception among members of Congress that the lack of civilian oversight of military trials is problematic; even though some members of Congress admit that problems persist in the administration of military justice, they believe that it is a “solid” and “strong” institution that does not need reform.⁷ This explains why Congress has not been a serious attempt at reforming the system.

The argument could be made, as members of Congress have done,⁸ that the National Human Rights Commission is the institution in charge of investigating allegations of human rights abuses. However, the commission’s role is limited to the issuance of non-binding recommendations. The Minister of Defense and the Minister of the Navy possess the discretionary power to heed these recommendations. Alternatively, civilian oversight of human rights abuses could be improved through the establishment of a military ombudsperson who could investigate allegations. In effect, national and international human rights organizations have pressed for the establishment of such an office arguing that the National Human Rights Commission has not done enough to address the violations perpetrated by military personnel (*El Universal* 2006b). However, opposition to its establishment has not only come from both ministries, but also from members of Congress. More importantly, they did not launch investigations into any allegations during the Fox administration. As one member of Congress put it:

“Yes, we are aware that there might be violations of human rights by the military, and my party does care about human rights. But who is going to mess with them? (*¿Pero quién se ve a meter con ellos?*)”⁹

Most of the progress that has been made—such as the establishment of training programs and changes in military educational curricula—has been primarily the response of the armed forces to stronger calls for respect of human rights by national and international actors and not to pressure exerted by members of Congress.

The second area of oversight regards the procurement of military equipment. In established democracies, military procurement is prima-

6. In February of 2002, Human Rights Watch sent a letter to Fox urging him to reform of the military justice system by making trials more transparent and more accessible to civilian authorities (*Proceso* 2002).

7. The twelve members of Congress interviewed for this article stated that they did not see the need to reform the military justice system (see also *Reforma* 2002; 2005).

8. Five of the twelve members of Congress interviewed made this point.

9. Interview with deputy, Mexico City, September 11, 2005.

rily conducted by civilian authorities, and given its political nature, legislatures tend to be very active players in the process. During PRI rule, the acquisition of military equipment in Mexico was a very secretive and silent process that was completely closed to outsiders. Civilians did exercise indirect control through the assignment of the defense budget. Instead, equipment procurement was primarily a process controlled by the president and his advisers in consultation with the military leadership, and members of Congress had no oversight or input whatever (Sierra Guzmán 1999, 14-16). Moreover, Congress and the public in general had little knowledge of the armament the forces possessed given their reluctance to disclose information. In fact, it was easier to obtain information on military equipment through outside organizations, such as U.S. military institutions and federal agencies, than from the Mexican military itself. It appears that in this area, too, progress has been made in regard to the availability of information.

Breaking with a long tradition of secretiveness, in 2003 both ministries made available on their websites information about awards to private contractors, including names and amounts.¹⁰ They have also released information on their ministries' inventory of armament.¹¹ In particular, the Minister of the Navy has provided information on the equipment and planned acquisitions to the Navy Committee of the Chamber of Deputies at his various appearances, and members of Congress have visited several ports. In part, the disclosure of information has been made easier with the enactment of the Law of Access to Information introduced by Fox in 2003, which requires all federal public institutions to disclose information upon the submission of written requests by the general public. The new law has become one of the only mechanisms through which civil society has been able to obtain information on military equipment and the procurement process. A handful of journalists with an interest in military affairs and military observers systematically submit requests and publish the results in national dailies and other media.

However, in spite of these important changes, the Ministry of Defense has refused to provide information on acquisitions of the military equipment it has made from abroad. Citing provisions of the new Law of Access to Information that exempt federal institutions from disclosing information that may constitute a threat to national security, the Ministry of Defense has routinely refused to reveal information on the ar-

10. In December of 2002, the Ministry of Defense launched a new section on its official website entitled "Compranet," in which it makes public information on tendering and acquisitions (*El Universal* 2002d).

11. For example, for the first time in history, in July 2004, the Ministry of Defense made public a list of all aircraft it owned (*Reforma* 2005).

mament it has acquired from overseas since 2000 (*El Universal* 2003d). Moreover, there has not been any increase in oversight in the procurement process by members of Congress. Although the Ministry of the Navy, and to a lesser extent the Ministry of Defense, have begun to release information on the contractors and suppliers of armament, in many cases they have done so *ex post facto*, and the tendering of contracts has remained secretive. The decisions to acquire armament are made by both ministers, in consultation with the Office of the Presidency, with no input from the legislature. The information is released, often through press releases or by the media, once the acquisitions have been made.¹² Both ministers have also provided information at their appearances before congressional committees through the tabling of “reports of activities.” But here, too, the information has been made available after the purchases were made (*El Universal* 2002c). In effect, even the Ministry of Defense admitted publicly, through its official website, that it lacked control mechanisms to supervise its acquisitions process, creating a Review Subcommittee on Acquisitions in 2002 (*El Universal* 2002d). This subcommittee is made up of military personnel who are appointed directly by the minister, however, and civilians have no access to its deliberations and proceedings. There have been occasions in which plans for the acquisition of weaponry are made public, but even in these cases, the announcements have been made after the decisions were made. This was the case for the Ministry of the Navy, which announced in 2002 plans to acquire two Northrop Grumman E-2C Hawkeye airborne early-warning aircraft from Israel for a cost of \$18M U.S. (*El Universal* 2002c). The announcement was made after the purchasing negotiations with the Israeli government had already begun.

More importantly, members of Congress belonging to the defense and navy committees have not questioned the ministers or taken steps to investigate cases in which irregularities have been reported. For example, in 2002, the Ministry of Defense released information on the awarding of six contracts to the firm Constructora y Edificadora Comalcalco, owned by the son of a retired division general, in clear violation of legal stipulations (*Diario de Yucatán* 2002). The issue was not raised by members of Congress during the appearances of the ministers before the congressional committees and no inquiries were launched. In fact, not a single question regarding the procurement process was raised during the last appearance of the Defense minister before the congressional committee (Cámara de Diputados 2004). What appears to be occurring is an increase in the availability of information on equipment, but a con-

12. Personal interviews. For examples of how decisions are announced, see *El Universal* 2002d; 2005g).

tinued lack of legislative oversight of the procurement process. Importantly, members of Congress have not relied on the new Access to Information legislation to obtain more information on the process; none of the members of Congress interviewed had used that legal provision.

The third area of oversight regards the promotion process. As mentioned, according to Article 76 of the constitution, the Senate is given the authority to ratify the promotions of officers above the rank of lieutenant colonel in the army and frigate captain in the navy. The weakness of Congress during PRI rule meant that senators approved promotions in a systematic and mechanical manner with no effective oversight (Castro Soto 2000, 58; Garfias Magaña 2002). Because the chairs of congressional committees were invariably retired military officers, promotions were approved with no questioning. Similar to what has occurred in other areas, and partly as a result of pressure to reform the system from some members of Congress, changes have taken place that have allowed for increased oversight. In 2001, the Navy proposed an institutional reform through an amendment of the Navy Organic Law, which regulates the internal functioning of the institution. The reform, approved by both chambers in late 2002, creates a Council of Admirals that, among other things, is in charge of managing the promotions process. The council recommends individuals for promotion from frigate captain to admiral. Through reforms made to the Army and Air Force Promotions Law in 2003, an evaluation committee to recommend promotions to the higher ranks was also established.

These changes have made the process more transparent and have allowed members of Congress to have more information about the process as the recommendations advanced by the council and evaluations committee within the ministries are supplied with justifications. Moreover, because congressional committees are made up of senators from the three main political parties, promotions are now approved by different political forces within the legislature. This has certainly increased oversight. An obstacle that appears to hamper the extent to which senators are able to oversee the promotions process, however, is their lack of knowledge and expertise. With the exception of the chair of the senate Standing Committee of the Senate, a retired division general, none of the other senators who belong to the navy and defense committees have expertise in military affairs, and because they are barred from running for reelection under the Mexican constitution, they are unable to develop it while sitting as legislators. As a result, even though senators representing different political parties are now in charge of ratifying promotions, they do not possess the knowledge to analyze and question proposals. Tellingly, since 2000 not a single promotion proposal has been vetoed by the Senate. One senator interviewed captured the situation succinctly:

"We are given the promotions files and have a couple of weeks to look at them. Last time we received over 120 files. I really do not know much about military affairs and so I'm really not sure how to deal with them. Since the committee chair is a retired general, we trust his judgment and we have approved all the recommendations submitted by the Ministry of Defense."¹³

The fourth area of oversight relates to the deployment of troops and military personnel abroad. As mentioned, Article 76 grants the Senate the prerogative to authorize requests from the executive to allow the deployment of troops outside the national territory. Because the constitutional provision does not make explicit reference to the deployment of troops during time of war, the Senate's authorization to deploy military personnel in times of peace is also required.¹⁴ Despite the inward-oriented position on military matters adopted by Mexico during PRI rule, which focused on internal security matters, troops were sent abroad for training, participation in military exercises, and humanitarian operations. On many occasions, the decisions to send troops abroad, especially to participate in military exercises, were made not only with a significant degree of secretiveness, but also without the consent of the Senate (Rosas 2006, 45-46).¹⁵

The deployment of troops without the authorization of the Senate has continued, ignoring thereby an oversight prerogative granted by the constitution to Congress. In early 2002, Fox authorized the Navy ministry's request to deploy a frigate to participate in naval exercises with other Latin America navies off the coast of Colombia. Senators belonging to the Navy Committee asked the minister to solicit authorization from the Senate to send the ship, arguing that its deployment without the Senate's consent would violate the constitution. In a letter sent to the chair of the Senate Navy Committee, the minister cited the precedent set by previous deployments as justification for his decision not to

13. Interview with senator, Mexico City, July 20, 2004.

14. There exists some debate in Mexico in regard to whether the deployment of troops for noncombat missions is authorized by Article 76. The controversy has subsided in recent years, however, as the view that it is necessary in all deployments has become dominant. Both the executive branch and the Senate have recently requested Senate ratification for deployment of troops on humanitarian missions.

15. Debate over the participation of Mexican forces in foreign missions is not new. In effect, in 1991 the administration of Salinas created some controversy when it announced that it would join the UN-approved mission in Kuwait. The decision was subsequently reversed given opposition from the military leadership. Debate has deepened in recent years surrounding Mexico's participation in UN peacekeeping missions. The debate was greatly fueled by the plan advanced by Fox's first Foreign Affairs Minister to join these operations. As noted earlier, Castañeda's initiative was opposed by the Minister of Defense, and the plan was later abandoned. However, debate has continued to rage, especially in the Mexican Congress as numerous members support the initiative.

solicit congressional permission (*El Universal* 2001b). The Minister of the Navy defied the call from senators stating: "If the President authorizes us to go, we'll go, if he does not, we will not" (*El Universal* 2002b). The minister subsequently ordered the deployment of the ship, violating the constitution.

There is also an example in which the order to deploy troops was made before the Senate granted authorization. On September 2005, Fox ordered the deployment of troop convoys to Texas and a battleship to the coast of New Orleans to contribute to humanitarian assistance efforts following the devastation of Hurricane Katrina. The order was made on Monday, September 6. Fox sent the request for authorization to the Senate on the same day, but the Senate did not vote on the resolution until the session of Wednesday, September 8th, after the troops had been deployed. In fact, the troops arrived in Texas on the morning of September 8 (*El Universal* 2005e; 2005f; *Gaceta Parlamentaria* 2005). It is, of course, debatable whether the chain of events constitutes a violation of the constitution since the Senate did vote on the motion. Clearly, however, the little consultation and debate that took place in the Senate casts a doubt over whether an executive decision was properly overseen by Congress.

There has also been scant information on the deployment of military personnel abroad for training, a practice that Congress has not overseen at all. Since 2000, 3,433 military personnel have undergone training in various programs organized in the United States (CIP 2006). On many occasions this has been done without knowledge of members of Congress.¹⁶ Moreover, at times there are discrepancies between the numbers of participants reported by the ministries of Defense and the Navy and those reported by U.S. institutions. For example, according to the information provided by the two ministries to the daily *El Universal*, only 13 Mexican military personnel had participated in the newly established Counter-Terrorism Fellowship Program (CTFP). According to the numbers provided by the U.S. State Department, the number is 237 (*El Universal* 2006a; CIP 2006). On another occasion, the spokesperson for the U.S. State Department's Southern Command stated that personnel from the Mexican Navy had attended exercises in Texas in 2004, whereas a spokesperson from the Ministry of the Navy denied it (*El Universal* 2005a).

The last area of oversight is that of funding and the expending of

16. Some of the members of Congress interviewed, especially senators, stated that they had been informed by the ministries of Defense and the Navy of such programs, whereas others did not. But it was unclear whether they were aware of the nature of the programs or the number of participants.

the military budget. This area is the one in which members of Congress have perhaps been the most effective in exercising their oversight responsibilities. As mentioned, the lower chamber possesses significant prerogatives in the elaboration of the budget. Articles 74 and 75 establish that the federal budget must be approved by the Chamber of Deputies, which has the authority to modify it, and that the president does not have the right to veto any modification that may result from the passage of the bill through the lower house. During PRI rule, presidential budgets were systematically approved by the Chamber of Deputies with no modifications. The increased role of the lower chamber in policymaking has been more assertively exercised in budgetary policy as, since the PRI lost its majority in 1997, amendments to the budget have been made every year. In terms of the budgets assigned to the ministries of Defense and the Navy, the Chamber of Deputies has also adjusted them every year. Here again, the fact that the budget has been approved by a Congress in which not a single party has a majority means that military expenditures are determined by various political forces within the legislature.

But oversight has been weak in the actual spending of the budgets assigned to the ministries of Defense and the Navy. Autonomy over spending was one of the most important aspects that characterized the civil-military pact during PRI rule, and the armed forces used it assertively. Once the budgets were approved by Congress, both ministries possessed a significant level of discretion over the spending of their respective budgets (Sierra Guzmán 2000). The level of discretion has continued, and Congress has neither influenced decisions on spending nor overseen the actual spending. Constitutionally, the Chamber of Deputies is given the authority to supervise and check expenditures by all federal public institutions. Through a reform of the constitution in 1999 initiated by Congress, this supervisory power was delegated to a newly created institution, the *Auditoría Superior de la Federación*, (ASF) (Federal Auditing Agency). The ASF was given autonomy from both the legislative and executive branches. Since its establishment, it has found numerous irregularities on spending within the ministries of Defense and the Navy, such as the lack of documentation proving the awarding of contracts or the acquisition of property (*El Universal* 2005b; 2005c; 2003c). It also concluded that the Ministry of Defense did not count with the appropriate mechanisms of spending supervision and control (*El Universal* 2003e; 2005d). Although the ASF was given this oversight prerogative, Congress, through a supervisory committee, retained the authority to supervise the ASF. It also retained the prerogative to launch inquiries and investigations on any irregularity in public spending.

In spite of these irregularities, the lower chamber has not looked

into the matter nor launched any investigations. Similar to the approach adopted by members of Congress with respect to the violation of human rights perpetrated by the armed forces—delegating the oversight responsibility to the Human Rights Commission—Members of Congress have not taken it upon themselves to investigate further reports of irregularities found by the ASF. These irregularities were not raised during the various appearances of the ministers before the congressional committees. Further, when irregularities have been found, the ASF has turned the matter over the internal auditing bodies of the ministries to conduct investigations, and these offices are run by military personnel.

As the forgoing analysis suggests, legislative oversight has increased in some areas, and it has remained weak in others, and thus the military has thus continued to enjoy significant autonomy. The areas over which the armed forces continue to possess autonomy with little oversight have varied implications for democratic control given that there exist two types of military autonomy: political and institutional. Pion-Berlin has argued that there are institutional and political dimensions to the military's behavior and autonomy (1992). Because militaries need to achieve a certain level of professionalism to carry out their duties, they will necessarily develop institutional autonomy over some areas of operation, asserting their corporate autonomy from civil authorities. As a result, institutional autonomy, according to Pion-Berlin, is perfectly compatible with democratic control. But military political autonomy is not. He suggests that in areas that are clearly political, the military's possession of prerogatives with no civilian control or oversight clashes with the notion of democratic control. In the case of Mexico, the inability of members of Congress to increase oversight has, therefore, varied implications for the establishment of democratic control depending on the specific area. In order to assess whether a certain area falls under institutional or political autonomy, Pion-Berlin has developed a "professional-political continuum" of military autonomy, where some areas are placed on the professional side and others on the political side. The continuum also has a third "professional-political" gray zone to account for the "murky middle ground."

If one places the five areas under study along Pion-Berlin's continuum (Table 1), it becomes clear, based on the extent to which the Mexican armed forces have continued to maintain autonomy, that the failure of members of Congress to increase oversight has clear implications for the establishment of democratic control. All five areas chosen for this analysis have a political dimension and fall in either the professional-political or political categories. As we have seen, Congress has been able to increase a degree of oversight in some of these areas, such as the elaboration of the budget and the promotions process, but legislative over-

Table 1 *Defense Issues, Military Autonomy and the Professional-Political Continuum*

	Professional	Professional-Political	Political
Levels of Autonomy	High	<ul style="list-style-type: none"> • Procurement 	<ul style="list-style-type: none"> • Human Rights
	Medium	<ul style="list-style-type: none"> • Senior-Level Promotions • Budget/ Expenditures 	<ul style="list-style-type: none"> • Deployment of Troops^a
	Low		

^a Pion-Berlin’s model does not include troop deployment overseas. For this exercise, the deployment of troops has been placed under the political category given that the decision to send troops abroad, regardless of the mission, is highly political.

sight has remained weak in other areas, such as procurement of military armament, supervision over the spending of the assigned budget, and human rights issues. This is especially significant in the area of human rights, which falls strictly under the political realm and which has had the least oversight exerted by members of Congress. As Pion-Berlin suggests: “The failure of governments to bring officers to justice for human rights violations is perhaps the single most serious obstacle to full democratic consolidation, because it immunizes soldiers from prosecution, thus reducing the costs of repression in the future” (1992, 98). In the case of Mexico, members of Congress have been extremely timid in asserting their oversight prerogatives in this area, and any progress made on this front has been largely the result of a combination of national and international pressure on the military and not from any legislative input. Clearly, even though progress has been made, the failure to increase legislative oversight in the five areas poses a significant challenge to establishing democratic control given that these areas have a political component.

Factors behind Weak Congressional Oversight

Several main factors seem to account for the weak oversight exercised by members of Congress of the Mexican armed forces discussed in the previous section. They are presented in Table 2 and are tabulated according to the oversight area to which they are important. The first factor is the lack of interest members of Congress seem to have in military affairs. Out of the twelve members of Congress interviewed for this ar-



Table 2 *Factors behind Weak Congressional Oversight, by Area*

	Human Rights	Procurement	Promotions	Troop Deployment	Expenditures
Lack of Interest		✓	✓	✓	✓
Little Expertise		✓	✓		✓
Non-re-election	✓	✓	✓	✓	✓
Resources			✓		
Absence of Civil-Military Community	✓	✓	✓	✓	✓
Perceptions of Roles	✓	✓		✓	✓
Confidence	✓		✓	✓	
Fear	✓		✓		

ticle, all of whom belonged to a defense or navy committee, only two stated that they had a personal interest in military affairs. These two legislators were the only ones who actively sought to belong to the defense standing committees. The little interest legislators have in military issues not only means that they do not actively seek membership in these committees, but also they do not seek involvement in congressional activities that deal with military affairs, such as visits to military installations. Some of the members of Congress interviewed stated that the lack of interest in military matters is generalized within their respective political parties.

An additional factor is the little knowledge and expertise members of Congress possess in military matters. Out of all the 500 deputies and 128 senators from the 2003–2006 legislative period, only 4 had some previous military experience: 2 were retired generals; 1 was a retired ship captain; and 1 had some previous military training. Their limited knowledge becomes evident through interviews as they are unable to answer specific technical questions. This also becomes apparent through the interactions they have with the ministers of Defense and the Navy at their congressional appearances. Indeed, several members of Congress interviewed openly stated that they did not have knowledge of military affairs and admitted that it hampered their ability to exercise their oversight roles. Their lack of knowledge limits their ability to supervise the promotions process effectively, but it also limits the extent to which they can ask more specific questions of both ministers and question their activities and decisions.

This lack of knowledge is further exacerbated by structural reasons

built into the political system; namely, the constitutional clause that bars them from running for reelection for two consecutive terms. The lack of expertise on defense issues among parliamentarians is a general trend in Latin America (Pion-Berlin 2005). In Mexico, this phenomenon is worsened by the restriction on members of Congress to run only for one term, eliminating any incentive to develop interest in issues and to accumulate wisdom. The perception members of Congress have of their parliamentary responsibilities is an important factor. Senators and deputies interviewed invariably described themselves as being “legislators,” whose main responsibility was strictly limited to legislating. As was the case for issues relating to allegations of human rights and the exercise of the budget, interviewees stated that the responsibility to look into those areas was not theirs, but that of the Human Rights Commission and the ASF. Some of the members of Congress interviewed were, in fact, surprised when asked whether they had attempted to launch an inquiry.

This lack of knowledge is further affected by the lack of resources to conduct research and the little technical support they have, along with additional structural reasons, such as the extremely brief calendar period (usually six months). Furthermore, there does not exist a civil-military community on which legislators can rely for advice and counsel. For some observers (Diamint 2002; Pion-Berlin 2005), effective oversight requires the active involvement of a civil-military community. In Mexico, there are only a handful of academics and journalists who are interested in military matters, and there are almost no think tanks or non-governmental organizations that specialize in military affairs. There is not a civil-military defense community and legislators rarely interact with experts.

A final factor is the feeling of respect and confidence members of Congress exhibit vis-à-vis the military, something that is, in fact, generalized among the population. This has been in great part due to the various activities the armed forces carry out for the population, such as assistance in humanitarian crisis, vaccinations, and the provision of potable water. Indeed, polling consistently shows that the military is one of the most respected public institutions in Mexico (Díez and Nicholls 2006). Similarly, members of Congress from the various political parties tend to have a very positive view of the armed forces, which makes them trust military performance and appears to make them much less inclined to question military activities. In surveys administered to deputies in 1995, 1998, 2001, and 2004, respondents showed consistently high levels of approval of the performance of the armed forces: the percentage of respondents who expressed a very positive or positive opinion on their performance was 68.2 percent in 1995, 50 percent in 1998, 72.5 percent in 2001 and 81.9 percent in 2004 (Table 3).

Table 3 *Evaluation of the Role of the Armed Forces by Deputies*

		1995	1998	2001	2004
Very Positive	(1)	40.1%	29.4%	37.9%	43.9%
	(2)	28.1%	20.6%	34.6%	38%
	(3)	22.7%	21.4%	20.5%	14.1%
	(4)	5.4%	15%	5.6%	1.6%
Very Negative	(5)	3.1%	13.4%	1.6%	1.6%
		N = 122	N = 126	N = 124	= 124

Source: Proyecto Élités Lationamericanas (1994–2005), Manuel Alcántara (Coordinator).

To the question “how much confidence do you have in the armed forces?” 72.9 percent expressed “a lot” or “some” (*bastante* or *mucha*) in 2004. These high levels of approval likely explain why members of Congress do not see a need to be more assertive as they do not see a problem with the state of civil-military relations. According to the survey administered in 2004, 71 percent of the deputies did not think that their relationship with the armed forces was problematic.

Conclusion

Civil-military relations in Mexico under PRI rule were characterized by formal civilian control of the armed forces based on a civil-military pact under which the armed forces afforded complete loyalty to the president in return for autonomy in the internal running of the forces. However, because the military played residual political roles, civil-military relations during PRI rule were far from objective civilian control. An important consequence of the pact was that the civilian authority did not exercise oversight of the forces in a variety of areas, such as the procurement of military equipment and the promotions process. This lack of oversight included the Mexican Congress; because of the weakness of the legislature during PRI rule and the civil-military pact, members of Congress did not oversee the internal running of the military, despite the strong oversight prerogatives it possessed in the constitution.

The decline of the PRI, which culminated with its electoral defeat in 2000, has been accompanied by the emergence of Congress as a powerful political institution. The Mexican Congress has consequently begun to play a very active role in politics and the policymaking process, asserting its constitutional prerogatives. As the Mexican political transition unfolds, a question that emerges is how much of an effect has the strengthening and growing influence of the legislature had on a variety

of policy areas in the civil-military pact. Specifically, to what extent has Congress lessened the autonomy granted to the armed forces under PRI rule by increasing oversight? The data presented in this article point to an increase of oversight of the armed forces in some areas, such as the regular appearance of the ministers of Defense and the Navy to congressional committees for questioning as well as the release of information on equipment inventory and procurement. However, the data also show that legislative oversight has remained weak in a variety of areas, such as allegations of human rights abuses, the deployment of troops abroad, and the acquisition of weaponry. In effect, when analyzing these areas, the civil-military pact has not fundamentally changed and the Mexican armed forces continue to operate with a significant degree of autonomy. Professional armies need to develop professionalism to carry out the activities with which they are tasked and they will, therefore, possess a degree of institutional autonomy. Whereas institutional autonomy is compatible with democratic control, political autonomy is not. As this article has shown, legislative oversight has remained weak in areas that involve military-political autonomy, thereby posing a significant obstacle to the establishment of democratic civilian control of the armed forces. An area that is particularly troubling is that of human rights.

Because of their lack of interest and knowledge in military matters, their generalized approval of the armed forces' performance, and the perception that their role is that of legislating rather than overseeing the functioning of federal institutions, members of Congress have not taken any significant steps toward increasing oversight of the military, and thus legislative oversight has remained weak. Even the increase in the availability of information on military issues has primarily been a result of increased national and international pressure on the armed forces to release information as well as the enactment of the Access to Information Law in 2003. But even here the Mexican armed forces have at times been reluctant to disclose information. As Mexico consolidates its democracy, it confronts the need to reformulate the civil-military pact that existed under PRI rule and establish a democratic civil-military relationship with strong and effective civilian oversight. This is more likely to be achieved once the legislature begins to exercise its constitutionally assigned responsibilities, something that does not yet seem to be the case.

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