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Civilian Control of the Armed Forces in Democratic Latin America: Military Prerogatives, Contestation, and Mission Performance in Peru

Maiah Jaskoski

Abstract
This article presents a new framework for measuring civilian control of the armed forces in post-transition Latin America. Specifically, it builds on approaches that focus on military privileges and military protest, particularly in the face of government challenges to those privileges. Adding mission performance as a third dimension both helps us measure civilian control more accurately and provides causal leverage, as the three dimensions can interact. The paper demonstrates the utility of the framework through a close-up analysis of a critical case: civil–military relations in Peru since the 1990s.

Keywords
civil–military relations, Latin America, Peru, military missions, military shirking

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Introduction

Latin America’s transitions from military rule in the late 1970s and 1980s stimulated a rich literature on the power of elected governments to control armed forces in the new democratic context. Some scholars have focused on the extent to which civilians exercise power in different policy arenas that are ordered hierarchically according to their importance for democratic civil–military relations. Other analysts instead have measured civilian control based on military privileges and military pushback—for instance, in the form of lobbying or rebellion—particularly when the government challenges those privileges. When it comes to the question of who controls military participation in different missions, these approaches either conceptualize mission performance as one of many policy realms or omit it altogether, thereby impeding our understanding of post-transition civil–military relations in two ways. First, they prevent us from answering the critical descriptive question of who controls military missions. Now that the military is out of government and in the barracks, we should be able to understand who controls the missions it conducts from the barracks. Second, they obscure causal interaction among different dimensions of civilian control.

In contrast to prior approaches, this article proposes adding another dimension to the privileges/pushback framework: mission performance. In response to a civilian command, the military may refuse to do the work (less control), conduct the mission as ordered (more control), or proactively conduct missions more intensively than instructed (less control). The paper demonstrates the utility of the framework through a close-up analysis of a critical case, civil–military relations in Peru since the 1990s. It shows the interaction of the dimensions of military mission performance and military privileges. Specifically, it shows how military inaction in the face of government orders to perform counterinsurgency triggered the government to reinstate military autonomy vis-à-vis civilian courts.

Research on military mission performance in Latin America is timely, as it is relevant to questions of state capacity and civilian control, two foundations for effective democracy. Working state institutions that provide citizens some degree of protections, representation, and continuity are viewed as key for building stable, competitive democracy in the region’s post-transition environment. The actions of state security forces to provide security and maintain order arise as an important dimension of state performance. In the Andean region, which stands out for its complex and intense insecurity, the government has relied on military force in particular for these services. At the same time that strong institutions—including functioning armed forces—may help achieve order important for stable democracy, scholars have worried that some missions may lead the armed forces to spread into new arenas of action, especially since recent transitions to democracy and the conclusion of the Cold War have thrown military missions into flux. Given these normative concerns about strengthening state capacity, reducing insecurity, and containing military power, it is crucial to analyze the missions militaries perform and civilian control over those missions.
The Dimensions: Military Prerogatives, Contestation, and Mission Performance

This article proposes that we move beyond the two dominant paradigms for evaluating civilian control of Latin American militaries, which either isolate civilian control of missions as an advanced step toward achieving civilian control more generally or leave out mission performance altogether. One approach to measuring civilian control of the armed forces is to order policy arenas hierarchically, in terms of importance of civilian control for democracy; and temporally, in terms of when we expect the government to achieve control after the transition. Concretely, scholars posit that following transition to democracy it is most urgent to reduce military power in arenas such as human rights and the budgetary process. Only as a last step toward achieving a high level of civilian control does the government gain power over military missions.3

Contrary to the trend of ordering policy arenas hierarchically, this article builds on a second paradigm, which focuses on military privileges and military push-back against government actions. Beginning with Alfred Stepan (1998), many experts on civil–military relations in Latin America have measured civilian control by considering one or both of two dimensions: (1) “military prerogatives,” or powers—generally formalized in legal structures—that the military presumes it holds, and (2) “articulated military contestation,” or protest against the government, often in response to civilian challenges to the prerogatives.4 For instance, military contestation may take the form of lobbying congress or staging a coup.5 In terms of missions, Stepan’s model does address military prerogatives to define and carry out security work. However, it does not incorporate the question of government orders to perform missions and the military’s response to those directives.

By adding a second behavioral dimension to Stepan’s prerogatives-contestation model, military mission performance, we achieve a more complete and accurate framework for analyzing civil–military relations in Latin America. The new dimension brings to the fore the possibility of a military behavior not previously considered by experts of Latin American civil–military relations. Existing analyses either emphasize “mission creep,” the phenomenon by which militaries proactively take on new missions,6 or argue that civilians in government have invited the military to perform those missions.7 Neither approach leaves room for the military to reject assigned work.8 In contrast, the framework proposed here explicitly allows for militaries to underperform assignments.

This military resistance can be situated in relation to Peter Feaver’s work on the U.S. armed forces’ “shirking,” defined as follows: “when the military, whether through laziness, insolence, or preventable incompetence, does not do what the civilian has requested, or not in the way the civilian wanted, or in such a way as to undermine the ability of the civilian to make future decisions.”9 Because the U.S. case exhibits an exceptionally high level of civilian control of military missions, Feaver’s approach to shirking cannot be applied directly to Latin America. For instance, in the
United States, it makes sense to include in the definition of shirking both the degree to which a military performs a mission as well as the way in which it carries it out. In contrast, in post-transition Latin America, we worry about the basic question of which missions militaries perform.10

The mission performance dimension not only helps us measure control of missions more accurately, but it also helps us systematically study potential causal interactions among the dimensions of civilian control. Different from approaches that order policy arenas hierarchically or view civilian influence on mission performance as a final step toward achieving full civilian control, this article will demonstrate that even after basic prerogatives have been scaled back, they may not be gone for good, due to military behavior in the mission arena. That is, lobbying, staging protests or coups, or other forms of “contestation” are only one category of military backlash in the face of reduced prerogatives. Reductions may also trigger the military to exercise autonomy in how they perform missions, either by reaching out for added missions or by resisting orders to act. Conversely, the armed forces may refuse to perform a mission in order to pressure the government to restore certain prerogatives.

Beyond its contribution to descriptive and causal analysis of civil–military relations in Latin America, at a more fundamental level, the mission performance dimension informs our understanding of government control of state functions. Max Weber famously articulated how, as powerful arms of the state, modern bureaucracies facilitate the specialization of state functions: “Bureaucratization offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations.”11 Critical for Weber is that, in order to control the state’s many functions, the “dilettante” politician engages in an ongoing struggle to control the “expert” bureaucrats.12 In terms of the armed forces (a specific component of the state apparatus), the military’s basic function is security provision, or “the management of violence,”13 and the only way to effectively analyze government control of that function is by treating mission performance as its own dimension.

This article’s focus on Peru since Alberto Fujimori’s government (1990–2000) is beneficial for studies of civilian control and military missions for three central reasons. First, it fills an empirical gap by systematically analyzing recent changes in Peruvian military prerogatives. Comparative research on post-democratization civil–military relations in Latin America has placed great importance on Peru from democratization in 1980 into the 1990s,14 but it has not yet thoroughly analyzed the critical period since Fujimori—renowned for politicizing the military—left office.15 Second, the case offers a particularly dynamic context in which to apply the proposed framework. Since Fujimori’s departure, the government has reduced military prerogatives considerably. These reductions have caused the armed forces to disobey government orders to conduct counterinsurgency, and this defiance, in turn, has pressed the government to reinstate certain military prerogatives.

Third, that the Peruvian military’s relevant mission has been counterinsurgency is both theoretically and normatively important. On a theoretical level, the case study
serves as a “critical case”: Peru’s military seems “least likely” to neglect counter-insurgency. Specifically, the mission is widely considered a highly professional, and therefore attractive, mission among Latin American militaries, the Peruvian case being no exception. Furthermore, conducting counterinsurgency has been the most obvious way for Peru’s armed forces to increase their budget, in a context of ongoing cuts in defense spending. Counterinsurgency neglect is also of normative concern: the armed forces are generally the only state institution equipped to perform the mission throughout the region. Therefore, lack of military attention in this arena could have grave implications for security in countries that continue facing insurgency or the prospect thereof.

Method

This article is based mainly on research carried out by the author in Peru during 2005 and 2006. Semistructured interviews were conducted with seventy-five Peruvian Army officers ranging from lieutenants to retired generals. The author interviewed officers identified through chain referrals and also instructors and students from the war college (Escuela Superior de Guerra) and from courses at the different service schools in the capital city of Lima. Study at these schools was required of officers of varying ranks wanting to be considered for promotion, and therefore the sampling method ensured access to officers who recently had served in different capacities on bases throughout the country. Furthermore, by interviewing officers attending courses required for promotion, the author did not interview officers from particular professional, ideological, or friendship circles within the army, a common risk in research that relies entirely on referral chains. To supplement these interviews, the author interviewed officers on a key army base in an insurgency zone. Outside of the army, interviews were conducted with over ninety-three journalists; academics; non-governmental organization representatives; private sector actors; navy, air force, and police officers; elected and appointed local, regional, and national political officials; and officials from the U.S. defense and state departments. Other data sources include government statistics, newspaper archives, and army doctrinal materials. Additional research was conducted in Lima in early 2009.

Post-Fujimori Peru

The following analysis applies the proposed three-dimensional framework to Peru. It first grounds the discussion by providing an overview of insecurity and civil–military relations during the first two decades of Peru’s democracy. A second section demonstrates decreased prerogatives and low contestation since Fujimori left office in several policy arenas that range from the civil–military balance in governing to defense spending to internal security. Therefore, if we combined Stepan’s prerogatives-contestation framework with the other dominant approach to ordering
policy arenas in terms of their importance for democracy, we would observe a significant degree of civilian control.

Moving beyond these approaches, the third and final section demonstrates the utility of the proposed framework. It shows that along the mission performance dimension, we observe important across-time variation in military responsiveness to government orders. Furthermore, mission performance has interacted with prerogatives. Reduced military autonomy vis-à-vis the civilian justice system led the military to refuse to perform its assigned security work. This resistance triggered the government to increase once again the military’s autonomy in the judicial arena, which, in turn, led to a return to military responsiveness.

**Democracy and Insecurity, 1980–2000**

During Peru’s first two decades of democracy, the military was deeply embroiled in counterinsurgency against Sendero Luminoso and the smaller Movimiento Revolucionario Túpac Amaru (MRTA). As the insurgency threat expanded, so too did the military’s political power, which peaked under Fujimori. For instance, a November 1991 decree (Legislative Decree 749) placed “political–military commanders” in charge of all public and private resources in emergency zones, which by December of that year covered 47 percent of Peru’s provinces. Two 1995 amnesty laws (Laws 26479 and 26492) granted impunity to members of state security forces for all actions in emergency zones since 1980.

When Fujimori resigned in 2000, the insurgency threat was relatively small. The MRTA had dissolved after its final significant act in 1997 (the taking of hostages at the Japanese ambassador’s home), and Sendero had declined precipitously after an elite police force captured its leader, Abimael Guzmán, in 1992. In addition, the armed forces had effectively reduced Sendero’s power in the countryside; only small pockets of the country continued seeing Sendero military training, occasional attacks on police antinarcotics operations, and some threats and kidnappings in remote towns. In particular, Sendero has continued activities in the Valley of the Apurímac and Ene Rivers (Valle de los ríos Apurímac y Ene [VRAE]) in Peru’s southern highlands, and in the Upper Huallaga Valley (Valle del Alto Huallaga [VAH]) in the central highlands.

If the 1990s saw expanded military political power and aggressive counterinsurgency efforts, that period also witnessed great corruption and manipulation of the armed forces. Fujimori relied on military support in order to carry out his 1992 auto-golpe (self coup). The government further politicized the military using it for targeted civic action programs and for the distribution of progovernment propaganda during presidential campaigns. Headed by Vladimiro Montesinos, Fujimori’s intelligence advisor, the national intelligence agency (Servicio de Inteligencia Nacional [SIN]) spied on military personnel to guarantee loyalty to the government and to Montesinos himself. As for military financing, the armed forces underwent “total corruption” through their antinarcotics work, and the government channeled resources to the military with decrees that lacked the oversight required by law.
When Fujimori left office, the military had a stockpile of deficient war materials obtained through arms deals that bought for the armed forces equipment while lining the pockets of Montesinos and high-level military officers.26

**Military Reform and Contestation**

Legal reforms since Fujimori left office have greatly reduced military prerogatives in many policy arenas without triggering significant contestation. The transition has been particularly dramatic in Sendero zones, where the armed forces have moved from being completely responsible for security, public and private resources, and the entire political arena more broadly, to playing a much smaller role in politics and society.

*Power to govern.* Civilian governing power in post-transition contexts can be evaluated at the national level by examining the civil–military balance in the defense ministry.27 By this standard, civilians have increased their power over the military since 2000. A 2002 defense ministry law (Law 27860) gave the minister more authority over the armed forces and increased organizational differentiation by establishing two vice ministries—one for administrative and economic matters and a second to oversee logistics and personnel issues. The law was rewritten again in 2007 (Law 29075), further increasing specialization within the ministry and executive control of the armed forces, for the first time defining the defense minister as “Supreme Head of the Armed Forces.”

In this context, civilian presence in the ministry has increased. When he took office, President Alejandro Toledo (2001–2006) appointed the country’s first civilian defense minister, David Waisman, followed by the civilian lawyer, Aurelio Loret de Mola. (His two subsequent ministers were retired generals, Roberto Chiabra León and Marciano Rengifo Ruiz.) As of early 2009, President Alan García (2006 to present) had appointed only civilians since taking office in July 2006, Allan Wagner Tizón and Antero Florez Aráoz. Civilians and retired officers have served as vice ministers during the Toledo and García administrations.28

At the subnational level, the military’s power to govern has also been reduced substantially since Fujimori’s resignation. Judicial and executive decisions have reduced military authority in Sendero zones, where the military is now responsible for providing security (see below) but no longer wields economic or political power.

*Human rights.* The issue of holding military personnel accountable for past human rights abuses has been highly sensitive in post-transition Latin America and is thus a major component of measures of civilian control.29 Peru’s judiciary has taken important steps toward bringing military personnel to trial for the widespread abuses committed during the 1980–2000 internal conflict, without spurring military rebellion.

After Fujimori’s departure, legal change opened the way for army personnel to be tried in civilian courts for human rights abuses. Most notably, amnesty crumbled
through two interrelated processes. At the domestic level, transitional President Valentín Paniagua (2000–2001) initiated the National Truth and Reconciliation Commission (CVR) to investigate human rights abuses.\(^{30}\) The CVR’s 2003 report estimated nearly 70,000 deaths and disappearances, attributing approximately 32 percent to the armed forces and 56 percent to Sendero.\(^{31}\) With its report, the commission presented forty-seven human rights cases to the Peruvian justice system. Internationally, the Inter-American Court of Human Rights found Peru’s 1995 amnesty laws inconsistent with the American Convention on Human Rights and therefore inapplicable to all human rights cases in Peru.\(^{32}\) In response to the decision, Peru’s civilian justice system opened all forty-seven of the CVR cases by late 2005.\(^{33}\) Of the total 339 individuals accused, 281 were or had been in the military.\(^{34}\)

Alongside the reversal of the amnesty, internal shifts in the Peruvian justice system strengthened its jurisdiction over human rights cases involving the armed forces. For instance, there is the question of delitos de función (function-related crimes). Well into Toledo’s term, crimes committed by the military and police in emergency zones legally qualified as delitos de función and therefore constitutionally fell under the purview of military courts. This practice was changed in August 2004, when the constitutional tribunal ruled that delitos de función excluded all cases in which civilians are harmed. Following the tribunal’s example, the supreme court also began applying the concept narrowly.\(^{35}\)

Given these developments, the human rights issue has been the most sensitive topic in contemporary Peruvian civil–military relations. During interviews for this study, officers complained profusely about human rights developments. Those who had served during the high point of the conflict were particularly bitter: thirty-nine of the fifty mid-ranking and senior officers—here, the “senior cohort”—broached the topic of human rights without prompt.\(^{36}\) They often said that there were always “excesses” in any major internal conflict and that therefore the abuses had been unavoidable. Several of them claimed that as “terrorists,” guerrillas should not receive legal protections at all.

Considering the sensitivity of the senior cohort to the human rights question, the military’s response to changes in this arena has been mild. For instance, military courts have investigated some human rights cases independent of the civilian justice system.\(^{37}\) Defense ministers with prior military service experience have attempted to protect military personnel from trials by illegally refusing to release the identity of military personnel to their would-be accusers.\(^{38}\) Once facing charges of abuses, army personnel have enjoyed further military institutional support. The Sol de Solidaridad, a program instituted by the head of the army as of early 2005, transferred one sol (approximately thirty U.S. cents) from every officer paycheck to help cover the legal fees of army personnel involved in human rights cases.\(^{39}\)

These reactions to human rights developments are miniscule in comparison to the renowned rebellions of the carapintadas when Argentina’s government pursued the human rights issue in the wake of democratization.\(^{40}\) The Peruvian armed forces’ actions also pale in comparison to the 1993 Boinazo in Chile, during which
approximately forty armed, uniformed commandos mobilized publicly (wearing *boinas*, or berets) amid investigations of about 800 cases of human rights abuses that had occurred under military rule.\textsuperscript{41}

**Budget.** The literature on civil–military relations in Latin America offers two rubrics for evaluating civilian control of the defense budget: civilians in government should have the capacity to reduce defense spending, and defense budget allocations should be transparent.\textsuperscript{42}

Civilian control in Peru has increased on both fronts. The defense budget has steadily contracted as a percentage of national spending since the late 1980s, from 14.4 percent in 1989 to 8 percent in 2006.\textsuperscript{43} Of course, Fujimori’s decrees and shady arms deals offset cuts in the official defense budget in the 1990s. However, without these added resources, further budget reductions have not spurred military protest. Transparency has also improved. Paniagua’s government purged generals loyal to Fujimori and Montesinos, and the judiciary opened multiple cases of corruption against military officers shortly after the transition.\textsuperscript{44} Military budget information is now available to the public in a format comparable to budgets of other ministries for purposes of congressional analysis.\textsuperscript{45}

Importantly, progress toward civilian control of military spending has been partial. For instance, auditing is largely internal to the armed forces.\textsuperscript{46} The “defense fund,” established in 2004 (by Law 28455), channels profits from Peru’s private natural gas conglomerate (Camisea) toward the military and police for equipment acquisition and maintenance. The fund represents a pocket of military autonomy, both because it is automatically allocated equally across the military branches (and national police) without congressional input and because it is spent with almost no congressional oversight.\textsuperscript{47} As of late 2008, the national legislature was debating increasing the fund.\textsuperscript{48} According to security experts involved in the creation of the defense law and the program to expand it, the military initiated both projects.

**Education.** Military education reform in Peru has been noteworthy according to the standards that civilians should influence course content\textsuperscript{49} and that the military should be trained to respect human rights.\textsuperscript{50} Civilian instruction in Peru’s Army institutions began in 2001, with an army project (SIEDE) intended to improve officer education. Cadets now receive a university degree upon graduating from the officer formation school, the Escuela Militar de Chorrillos, where they study under both military instructors and civilian university professors.\textsuperscript{51} Beyond the Escuela Militar, army majors must study at civilian universities in order to advance to the rank of lieutenant colonel, according to a senior officer who had been involved in the education reforms. Military education has been further civilianized through changes to the Centro de Altos Estudios Nacionales (CAEN).\textsuperscript{52} The 2002 defense ministry law moved CAEN from the jurisdiction of the military joint command to that of the defense ministry. With this change, CAEN augmented its course offerings to attract civilian government officials and journalists.\textsuperscript{53}
involvement in military education has not been a smooth process. For instance, in 2005 CAEN’s first civilian director resigned after taking the post only days earlier, because the military opposed his project to reform the institution. In addition, with CAEN no longer strictly a military institution, the army sidestepped the school in 2003 by creating its “high command” course within the army war college (ESG).

As for human rights education, military instruction has increased, particularly in international humanitarian law (IHL). Between 2002 and 2004, the International Committee of the Red Cross (ICRC) trained 522 Peruvian military instructors throughout the country. In May 2004, a defense ministerial resolution approved a military directive to integrate IHL into military doctrine and training. Importantly, the amount and content of military instruction in IHL and human rights have faced criticism. An ICRC source explained that as of 2006, army tactical training in IHL omitted many important situations, such as those involving civilians, schools, or prisoners of war. In terms of amount of instruction, the ESG’s year-long high command course consisted of 1,692 class and lecture hours. Of that, only 108 hours were devoted to international law, a subset of which presumably consisted of IHL and human rights law. Army cadets graduating in 2003 studied only one unit of IHL during each of their last two years at the Escuela Militar and one unit on human rights during each of their last three years, of between twenty-two and twenty-four total annual units.

Internal security. Peru’s military has seen considerable reductions to its internal security prerogatives in addition to the changes in the human rights arena discussed above. By the end of his administration, Fujimori lifted all emergency decrees put in place for counterinsurgency purposes. The Toledo government decreed only a few, small pockets of the VRAE as emergency zones, placing the military in charge of security there, in June 2003. (Since then, decrees have renewed the military’s assignment there on a continuous basis.) In the VAH, we observe the reinstatement of police dominance. Since 2006, emergency decrees have established a zone of emergency in the valley, assigning the police to head the security effort.

As another important indicator of reduced military prerogatives in internal security, reforms have placed important checks on the autonomy of Peru’s intelligence sector, and though the process proved challenging, the hurles did not involve military contestation. A June 2001 law (Law 27479) created the Consejo Nacional de Inteligencia (CNI) to replace the SIN. The reform did not change the agency’s reputation for being highly militarized, corrupt, conspiring, and free of judicial and legislative oversight, and the CNI was thus viewed as a change in name only. The Toledo government initiated a new intelligence reform in late 2003, and in December 2005, the legislature replaced the CNI with the Direccioén Nacional de Inteligencia (DINI), true progress toward reducing military power in the intelligence arena. The legislature can now access intelligence information, Peru’s national audit office can monitor intelligence funds, and all special operations by intelligence agencies, such as wiretapping, require preapproval by the judiciary.
External defense. We have not observed a civilian challenge to military prerogatives in external defense in the post-Fujimori period, though because the Peruvian military has not faced external warfare since the 1995 Peru-Ecuador Cenepa War, perhaps, the setting has not been ripe to evaluate civil–military relations in this realm. Nonetheless, civilian and military security experts consulted in 2005 and 2006 said that civilians wielded virtually no influence over the military’s work in external defense. Specifically, the armed forces have on their own defined their actual external defense work, which mainly consists of on-base training but also includes limited patrols along Peru’s northern border with Colombia and military exercises near the Peru–Bolivia border.

To summarize this discussion, Peru’s government has reduced the armed forces’ prerogatives in many policy arenas without triggering significant contestation. That is, if we applied the prerogatives-contestation framework, the hierarchy of policy arenas approach, or a combination of the two, we would conclude that Peru’s government enjoys a high level of control of the military. However, the next section argues that in fact these two paradigms obscure important, ongoing military power. The discussion analyzes the Peruvian army’s mission performance, demonstrating that adding this dimension to the prerogatives-contestation framework helps us to evaluate control over the military’s most basic function of security provision. The section further shows how we can observe causal interactions between two of the three dimensions of the revised model.

Mission Performance: Military Responsiveness and Resistance to Government Orders

The single relevant security mission for Peru’s military—and especially the army—since Fujimori’s departure has been counterinsurgency: the insurgent threat remains salient (though less so than in earlier years), the government has ordered the army to perform counterinsurgency, and the mission is the only security work the army has performed on an ongoing basis, other than the highly limited border patrols discussed above. We therefore turn to counterinsurgency in order to evaluate the military’s mission performance. The following analysis demonstrates interaction between prerogatives and mission performance. Specifically, we will see that reductions in the military prerogative of autonomy vis-à-vis the judiciary in human rights matters led to military resistance to counterinsurgency orders. That resistance triggered the government to grant the armed forces autonomy once again in the human rights arena, which caused the military to respond to government demands for counterinsurgency (Figure 1).

Resistance. Although Sendero is nothing like it was during the 1980s and 1990s in terms of its military prowess, the government, police, communities, and human rights organizations have still worried about the threat it poses. Indeed, what the government has wanted the Peruvian army to focus on most is eliminating the
remnants of the insurgency. In this context, throughout Toledo’s administration and during the first eighteen months of the current García government, Peru’s army disobeyed orders to conduct more assertive counterinsurgency operations.

The government pursued multiple avenues to encourage counterinsurgency. As mentioned, a constant state of emergency has been in place in parts of the VRAE since June 2003, with the military legally in charge of internal security. Furthermore, in the VAH since early 2006, the armed forces have been responsible for counterinsurgency operations in support of police security efforts. Politicians sought to increase the army’s counterinsurgency role beyond emergency zones, as well: when the army claimed that the eight days permitted for operations outside of emergency zones were insufficient for effective operations, the congress extended the period to thirty days (with the 2004 Law 28222). Moving beyond legal structures, high-level officials in the defense and interior ministries, as well as national police officers, periodically asked the military to increase its counterinsurgency efforts during Toledo’s government through meetings with military leaders in Lima and, at the regional and local levels, by telephone. The government also gave the army more funds to fight Sendero. Following a string of deadly insurgent attacks in December 2005 in the VRAE and the VAH, in early 2006 the government granted both the army and the national police monies earmarked for counterinsurgency operations. Under García, the government’s “Plan VRAE,” launched in February 2007, directed further resources toward counterinsurgency.

Until 2008, attempts to increase the army’s counterinsurgency efforts largely failed. The army assigned few counterinsurgency bases to Sendero zones, and the bases there were had insufficient manpower to support multiday patrols crucial for locating insurgents. Instead, patrols were routine and generally unresponsive to local
community and police requests for assistance. Furthermore, the army high command ceased major operations that in the past had supplemented the work of bases. Whereas the added 2006 monies spurred no increase in army counterinsurgency work, the national police used its more or less equal share to form a centralized, aggressive counterinsurgency unit in the VAH that successfully captured important Sendero leaders within weeks. In this context, former interior minister Fernando Rospigliosi said of army counterinsurgency efforts, “What is certain is that the Armed Forces do not obey Government orders. There is no civilian control over them. The Armed Forces negotiate with the Government and then do what they want.”

One year later and in response to the Plan VRAE funds, the army did increase the number of personnel and counterinsurgency bases in the region, but patrols continued to be cautious, employing intelligence to purposefully avoid contact with Sendero columns, according to a security expert with close-up knowledge of army tactics in Sendero zones at the time.

Army resistance to counterinsurgency can be explained by developments in the human rights arena. The above analysis summarized key steps toward holding military personnel accountable to the civilian justice system for abuses and how those events triggered resentment among senior and mid-ranking officers. In fact, for those officers, not only did the measures insult the army but they also made counterinsurgency difficult by withholding from the army the autonomy it needed to do the work. All officers interviewed from the senior cohort who complained that human rights developments had reduced the army’s participation in counterinsurgency also thought that the army’s current counterinsurgency assignment contained an internal contradiction: how, they asked, could an army unit be effective—or even protect its men—if it must conduct operations while hesitating at every step lest a civilian be harmed unintentionally, when such harm would trigger legal investigations and a possible trial?

Return to responsiveness. The García administration was well aware of the link between strengthened human rights protections and army refusal to perform counterinsurgency. In response, the government successfully increased army counterinsurgency efforts through a December 2007 law (Law 29166) that broadened once again the jurisdiction of military courts and explicitly allowed for armed action in a wide range of scenarios. The new rules of engagement (ROE) permit military personnel to use their arms against hostile “intentions” as well as hostile acts and define all crimes committed during military operations as delitos de función and thereby within the jurisdiction of the military justice system.

The ROE largely resolved the contradiction for the senior cohort. In a 2009 interview, a general working at the highest echelons of the army said, “before there was fear to use weapons, due to the CVR. The rules have given more protection to young officers and soldiers.” Feigning picking up a telephone receiver, as if he were the executive calling a military officer, he said, “Otherwise, ‘use your weapons, but don’t use your weapons.’ It can’t be that way!” In response to the ROE, the army
resumed assertive counterinsurgency efforts in late 2008, with the joint command’s aggressive Excelencia 777 operation, which left fifteen military personnel dead and thirty-nine wounded.\textsuperscript{70}

When it comes to mission performance, then, Peru has seen a trade-off between lowering military prerogatives and increasing military responsiveness. Under Fujimori, the military responded to government orders to combat insurgency in a context of high military prerogatives. For most of the post-Fujimori period, increased restrictions on military autonomy led to military resistance. Finally, since 2008 the military has returned to conducting assertive counterinsurgency in line with government demands but only after military prerogatives were increased once again.

As a final point about the army’s resistance to government counterinsurgency orders, one might think that army leaders’ demands were reasonable—that is, autonomy may have been truly necessary to do the work. However, analysis of officer interview responses suggests that no such requirement exists. Rather, army leaders’ demand for more autonomy has been due to the generational effect of excessive levels of autonomy during the 1980s and 1990s and the resulting extensive human rights abuses. Officers of all ranks expressed a strong commitment to counterinsurgency as a professional, pride-worthy mission, and yet only members of the senior cohort insisted on the need for autonomy. First, they perceived a contradiction in the Toledo government’s order that the army conduct counterinsurgency while being held accountable to civilian courts. In contrast, only one junior officer saw the “contradiction.” Second, on the whole, members of the senior cohort believed more than junior officers that civilian casualties were unavoidable during counterinsurgency in the 1980s and 1990s, and also since 2000.\textsuperscript{71} Third and finally, the senior cohort tended to think that the army required similar kinds of autonomy in the post-2000 period as it had experienced under Fujimori. In contrast, junior officers rarely raised the issue of autonomy at all, and they generally did so only to describe the reality of the 1980s and 1990s. Some junior officers even criticized the army’s earlier practices.\textsuperscript{72}

**Conclusion**

This article has argued that there is a causal interaction between autonomy of Peru’s armed forces, especially in the human rights arena, and the military’s mission performance. The new framework can also organize other civil–military dynamics as interactions between prerogatives and mission performance. For example, reacting to efforts in Brazil to try military personnel for prior abuses, in the mid-1990s the armed forces refused to incorporate anticrime work in the slums (favelas) of Rio de Janeiro into their standard repertoire of missions and sought to limit their intermittent work there to logistical support.\textsuperscript{73} Beyond dynamics involving the particular prerogative of military autonomy vis-à-vis the judiciary, budget cuts—an important indicator of civilian control—are hypothesized to cause armed forces to more aggressively embrace new missions as a
means of justifying defense spending. Conversely, budget cuts might also decrease the armed forces' capacity, causing the military to refuse to conduct new, poorly funded operations likely to fail: like a “living organism subjected to hypothermia,” the militaries might reject “peripheral functions” and focus only on sovereignty missions.

In sum, this analysis of the critical case of Peru suggests that we should reexamine the idea that acquiring civilian control of military missions is a final (though perhaps unobtainable) step in a linear process toward achieving more civilian control overall. The model put forth here shows us that in fact reducing military prerogatives can be like squeezing a balloon: it may trigger military contestation in the political arena, such as rebellion, or it could spur military unresponsiveness when it comes to mission performance. In turn, military behavior—either contestation or refusal to carry out missions—may prompt the government to grant the military prerogatives.

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Notes


8. Scholars have analyzed how Latin American militaries exhibit varied willingness to repress protests when doing so means defending the executive’s very position in office.


10. Other elements of Feaver’s principle-agent model of shirking that lack resonance in post-democratization Latin America include the ideas that the military would change its behavior should it be caught shirking and that civilians in government have the capacity to conduct “intrusive monitoring” of military mission performance and to punish the armed forces for shirking. “Crisis as Shirking,” 409–10.


13. Samuel P. Huntington, *The Soldier and the State* (Cambridge, MA: Harvard University Press, 1957), 11. Obviously, militaries do many things that overlap with civilian bureaucracies, such as managing budgets. However, the main function of the armed forces remains security work. For analysis of how both public and private organizations have basic functions, see James D. Thompson, *Organizations in Action: Social Science Bases of Administrative Theory* (New York, NY: McGraw-Hill, 1967). This landmark work theorizes at length the “technical core,” or the part of the organization that performs its central function.


18. The idea that militaries seek to increase their budgets has been applied to militaries throughout the world. For example, see Huntington, *Soldier and the State*, 67; Ronald


21. Rospigliosi, Montesinos y las Fuerzas Armadas, 113–120.

22. For example, see Catherine M. Conaghan, Fujimori’s Peru: Deception in the Public Sphere (Pittsburgh, PA: University of Pittsburgh Press, 2006), 165-166.

23. The penalty for disloyalty to Montesinos or Fujimori was expulsion from the armed forces or worse, as demonstrated by the case of General Rodolfo Robles Espinoza, who in 1993 publically denounced the SIN and the head of the army for their ties to massacres at La Cantuta University. As a result, Robles was forcibly retired from the army and sent death threats. Fearing for his life, he fled the country. Inter-American Commission on Human Rights, Report No. 42/99, Case 11.045 (La Cantuta) (Washington, DC: Organization of American States, 1999).

24. McClintock, Revolutionary Movements, 137.


32. Defensoría del Pueblo [Defensoría], *A dos años de la Comisión de la Verdad y Reconciliación*, Serie Informes Defensoriales (Lima: Defensoría del Pueblo, 2005), 120.


34. Of the 281 personnel, 264 were from the army and seventeen, from the navy. Defensoría, *A cinco años de los procesos de reparación y justicia en el Perú: Balance y desafíos de una tarea pendiente*, Serie Informes Defensoriales (Lima: Defensoría del Pueblo, 2008), 139. In spite of their effectiveness in opening cases, as of November 2008, the courts had ruled on only nineteen of the fifty-nine cases (including the forty-seven original CVR cases) tracked by the national ombudsman’s office, the Defensoría del Pueblo, and had found only nineteen former and active-duty military personnel (all from the army) guilty of human rights abuses, in connection with four of the cases (Defensoría, *A cinco años*, 149–152.


36. In contrast, only nine of the twenty-two junior officers mentioned the topic of human rights.

37. As of August 2005, eleven CVR cases were undergoing parallel investigations in both the military and civilian judicial systems. Defensoría, *A dos años*, 138, 145–46.


39. Information about Sol de Solidaridad was provided by a mid-ranking army officer during an interview.


44. “New Cabinet Installed,” *New York Times*, November 26, 2000; Ricardo Soberón Garrido, “Corrupción asociada al tráfico ilícito de drogas (TID) y las fuerzas armadas,


46. Every Peruvian government sector is assigned an institutional control office (OCI), dependent directly on the national audit office. Within each branch of the armed forces there is an OCI (in addition to the defense ministry’s OCI), headed by an active-duty or retired officer. José Robles Montoya, “Transparencia y control en la asignación de recursos para la defensa: Discurso y realidad,” in Los nudos de la defensa: Enredos y desenredos para una política pública en democracia, Serie Democracia y Fuerza Armada, by Lourdes Hurtado et al. (Lima: Instituto de Defensa Legal, 2005), 136–140.

47. Supreme Decree 011–2005–DE.


51. Lourdes Hurtado, “¿La educación militar como forma de educación superior en democracia?” in Educación militar, 80; and interviews with a civilian security expert and a mid-ranking officer who had been involved in the army’s education reform process.


53. Hurtado, “¿La educación militar … ?” 66. According to an officer with experience in the CAEN administration, in 2005 the student population was approximately 60 percent military and 40 percent civilian.
55. The course replaced CAEN’s defense and development class as the most prestigious course for army colonels seeking promotion to general.
59. These calculations are based on a review of the course listings for infantry cadets at the Escuela Militar for the years 1981–2003.
60. That month President Toledo lifted a temporary nationwide state of emergency—called because of strikes throughout the country—but left it in place in certain provinces and districts in the VRAE due to Sendero presence (Supreme Decree 062–2003-PCM).
64. Supreme Decree 006–2006–PCM.
65. In interviews officials provided examples of several such communications based on personal experience.
66. The discussion of army counterinsurgency work in this paragraph is based on interviews with army and police officers and civilian security experts in and outside of government, in addition to the other, referenced sources.
67. Press coverage of the police effort was extensive, by both El Comercio (e.g., January 1, 2006, articles; “Consejo de Seguridad y Defensa habría decidido,” January 6, 2006; “Primer jefe del Frente Policial del Huallaga assume su cargo,” January 18, 2006; “Dinero fresco,” January 21, 2006; and “Policía abate a jefe militar de Sendero Luminoso,” February 20,
2006); and La República (e.g., January 5, 2006, articles; “Crean Batallón Antiterrorista PNP,” January 19, 2006; and “Jefe militar senderista ‘Clay’ muere,” February 20, 2006).


69. According to civilian security experts who served in the defense ministry during the crafting and implementation of the law, its purpose was to increase the military’s counterinsurgency efforts.

70. The operation was an effort to start retaking the Vizcátan region, a pocket in the VRAE controlled by Sendero since the 1980s. “La Batalla de Vizcátan,” Caretas, October 23, 2008.

71. Of all officers interviewed, twenty-five volunteered opinions regarding whether or not civilian casualties could reasonably be avoided during counterinsurgency operations. Whereas thirteen of the sixteen members of the senior cohort thought that civilian casualties were unavoidable, only three of the nine junior officers took that stance.

72. For instance, one such officer said, “We were prepared for regular conflict when Sendero came onto the scene. But this wasn’t the way to fight subversion. The military was put in charge of everything: the war, everything. There were abuses, on our part.”

73. Hunter, State and Soldier, 26.

74. Hunter, State and Soldier, 26; and Loveman, For la Patria.

75. Perelli and Rial, “Changing Military World Views,” 72. This dynamic is consistent with what Hunter observes for the case of Argentina, where under President Carlos Menem (1989–1999) the armed forces were “relatively quiescent” when faced with budget cuts, because the government “offered them at least the minimal amount of resources to satisfy their core institutional and professional interests.” State and Soldier, 16–17.

Bio

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