

A REPORT OF THE CSIS  
AMERICAS PROGRAM

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MILITARY INTERVENTIONS IN LATIN AMERICA

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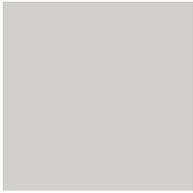
Center for Strategic and International Studies  
1800 K Street, NW, Washington, DC 20006  
Tel: (202) 887-0200  
Fax: (202) 775-3199  
Web: [www.csis.org](http://www.csis.org)



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# CONSTITUTIONAL COUPS?

## MILITARY INTERVENTIONS IN LATIN AMERICA

*Howard J. Wiarda and Hilary Collins*<sup>1</sup>

*Military coups are a regular, recurrent, normal part of the Latin American political process.*—Kalman H. Silvert<sup>2</sup>

Americans are so committed to elections and democracy as the only legitimate path to political power that it is sometimes hard to conceive of politics by other means. Moreover U.S. policymakers tend to believe that elections occupy a higher realm of moral authority and hope that, with democracy assistance programs, Latin America and other developing areas will “move beyond” revolutions, coup d’états, general strikes, and other nonelectoral routes to power. But as the Silvert quote above indicates, nonelectoral paths may still be pursued, especially in crisis circumstances; furthermore, these extra-electoral means may enjoy both legitimacy and constitutional mandate. In this report, we test these propositions as they apply in Latin America.

### Democracy Policy in Latin America

At least since President Ronald Reagan, the United States has been pursuing a pro-democracy foreign policy. His administration created the National Endowment for Democracy (NED) and its subsidiary organizations, the International Republican Institute (IRI) and the National Democratic Institute (NDI). He then used these organizations to influence the creation of a moderate, centrist, elected, middle way in Central America; to help support democratic movements in Eastern Europe; and to help delegitimize the nondemocratic regime in the Soviet Union. Every president since then, with variation, has followed the Reagan agenda of seeking to advance democracy; by this time we have democracy-promotion offices in the U.S. Departments of State and Defense and the Central Intelligence Agency (CIA); and such international organizations as the United Nations and the Organization of American States (OAS) have adopted democracy charters and/or democracy

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<sup>1</sup> Howard J. Wiarda is Dean Rusk Professor of International Relations at the University of Georgia in Athens and a senior associate in residence with the Americas Program at the Center for Strategic and International Studies (CSIS) in Washington, DC. Hilary Collins is an intern with the CSIS Americas Program.

<sup>2</sup> Kalman H. Silvert, *The Conflict Society: Reaction and Revolution in Latin America* (New Orleans, LA: Hauser Press, 1961).

offices. Still, with all of Reagan's efforts to promote democracy both domestically and abroad, there remains the possibility of military intervention in many countries in the Western Hemisphere.

In the course of pursuing his democracy-promotion agenda, Reagan discovered a number of advantages, which helps explain why his successors have followed and expanded the policy and why it has wide bipartisan support. First, it gives moral purpose to U.S. foreign policy and reinforces the longtime American belief that the United States is a "beacon on a hill," a "light to the world"; no one would dare to disagree with that. Second, it serves as a way to unite the often-feuding departments and agencies—State Department, Defense Department, CIA, and now FBI and Homeland Security Department—behind the policy, to overcome what in the academic literature is called the "bureaucratic politics" of foreign policy decisionmaking. Third, Reagan discovered that democracy promotion is good domestic politics; he found that otherwise opposing religious and human rights groups, the media, and the other party in Congress would support his policies if they were stated in pro-democracy terms. Finally, Reagan discovered that democracy promotion was good policy in Central America, Eastern Union, and the Soviet Union, leading generally to moderate, centrist, middle-of-the-road governments that are easier for the United States to deal with than either right-wing authoritarians or Marxist regimes. Moral purpose and good policy were thus combined.

Then, when the Soviet Union collapsed, and Russia, for a time, as well as Eastern Europe, adopted democracy, the agenda seemed vindicated. In his famous book, *The End of History*,<sup>3</sup> Francis Fukuyama argued that democracy was the terminus of the Hegelian dialectic; other political scientists proclaimed that democracy was "the only game in town." The funds for NED were vastly increased, and one prominent neoconservative predicted that in a short time "all the world would be democratic." With regard to Latin America, the mantra became that all countries, except Cuba, were democratic. Within foreign affairs agencies like the State Department, Agency for International Development, and others, the consensus on the democracy agenda was so strong that no other alternatives or possibilities were considered. The few doubters—Samuel Huntington (*The Clash of Civilizations*<sup>4</sup>), Peter Berger (*Many Globalizations*<sup>5</sup>), and others who suggested that democracy was incomplete or partial—were either dismissed or ignored.

Now, the wheel has turned once again. First, the United States itself is not doing so well economically, and there is less eagerness in the Third World to emulate the U.S. model. Second, China is doing spectacularly well; the Asian model of strong state direction and close coordination between the public and private sectors is widely popular. Third, 20 years' experience has shown that some so-called democracies continue to utilize repressive practices. Additionally, fourth, democracy by itself does not, as Latin American citizens expected, automatically produce social and

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<sup>3</sup> Francis Fukuyama, *The End of History and the Last Man* (New York: Avon Books, 1992).

<sup>4</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (New York: Simon & Schuster, 1996).

<sup>5</sup> Peter L. Berger and Samuel P. Huntington, eds., *Many Globalizations: Cultural Diversity in the Contemporary World* (New York: Oxford University Press, 2002).

economic improvement. And fifth, in quite a number of countries (Belarus, Russia, Venezuela, and Honduras), there have been reversals of democracy or the use of the “democracy” label to disguise undemocratic practices.

This report focuses on one aspect of this issue, namely the constitutional role of the armed forces in Latin America.<sup>6</sup> The dilemma, as exemplified by the coup d’état that ousted President Manuel Zelaya in Honduras in 2009, is that while the United States and the OAS push the democracy agenda, the Honduran and other Latin American constitutions say something different. Because Americans strongly believe in civilian control over the military—and that any armed forces meddling in the political order represents a usurpation—it is hard to conceive that other norms, even constitutional ones, may prevail in other countries.

In Latin America, while one constitutional article may proclaim, that the armed forces are “nonpolitical, non-deliberative, and totally subservient to civilian authority,” another will say they have a special responsibility, even an “obligation,” to intervene under certain circumstances: if the country is attacked, if internal order is upset, or if the political system is gridlocked. Those latter provisions are open invitations for the armed forces to involve themselves, legally and constitutionally, in the political process. That is essentially what happened in Honduras. Apparently ignoring these provisions, the United States stumbled, initially condemning what had been a constitutional coup and later backing away from that position. Others, notably Brazil and the OAS, still do not appreciate, or are hostile to, this special and constitutional role for the armed forces.

It is useful, therefore, to look at this issue systematically. We examined carefully the constitutions of all the Latin American countries, highlighting passages that deal with the armed forces, police, or national security.<sup>7</sup> Our goal was to see in which countries the so-called *poder moderador* (moderating power) of the armed forces still applies and what the precise language is for each country. Our working hypothesis was that the Latin American constitutions elevate the armed forces into almost a fourth branch of government, with special obligations and responsibilities. Further, that these requirements oblige the armed forces to play a political role even if they are reluctant to do so. And finally, that these constitutional provisions and the “organic law” of the armed forces may be at odds both with U.S. democracy-promotion efforts and with international laws as manifested in such instruments as the OAS Charter of Democracy. In short, if national law and custom are in conflict with international conventions and policies, something has to give.

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<sup>6</sup> Some classic related studies include Brian Loveman, *The Constitution of Tyranny: Regimes of Exception in Spanish America* (Pittsburg, PA: University of Pittsburg Press, 1993) and David R. Mares, ed., *Civil-Military Relations: Building Democracy and Regional Security in Latin America, Southern Asia, and Central Europe* (Boulder, CO: Westview Press, 1998).

<sup>7</sup> See Georgetown University School of Foreign Service, “Constitutions and Comparative Constitutional Study,” *Political Database of the Americas*, <http://pdba.georgetown.edu/Constitutions/constudies.html>; and Red de Seguridad y Defensa de América Latina (RESDAL), *A Comparative Atlas of Defense in Latin America and Caribbean: 2010 Edition* (Buenos Aires, Argentina: RESDAL, 2010).

# Findings

Our findings are divided into three categories. Each Latin American country is different, and their constitutions are different, which means we have to carefully distinguish among countries.

## Countries with No Official Armed Forces

Three countries have no official or regular armed forces. These are: Costa Rica, Haiti, and Panama. In the Costa Rican case, the armed forces were abolished by President José (Pepé) Figueres following the brief 1948 civil war because Figueres was antimilitary, the armed forces had been on the wrong (losing) side in the civil war, he wanted to save money, and he wished to prevent the possibility of a future coup d'état against himself. The armed forces were replaced by a national police force. In the Haitian case, the armed forces were abolished in the hope that abolition would prevent future coups and set Haiti on the path to development and democracy. The pressure to abolish the Haitian armed forces came mainly from the international community, and chiefly from the United States, in the hope that without a military organization, outside forces would not have to be sent in so often. As in Costa Rica, the armed forces were replaced by a small police force. Panama has never had armed forces because the United States, occupying the Canal Zone, did not want trouble or competition from the Panamanians. Instead, Panama has a national guard, which functions de facto as a national police or armed force.

Just because these countries have police forces and *guardias*, and not armed forces, does not necessarily mean their police are not also politicized. The Costa Rican police are tough and very well trained; there has not been a coup in decades, but that has not prevented the police from sometimes putting pressure on the government, getting involved (to a limited extent) in drug deals and other illegal acts, and operating at times outside of their legal mandate. The Haitian police have been generally poorly trained, poorly paid, and often inept and corrupt; they were largely ineffective following the 2010 earthquake, and they remain a dangerous force in Haitian politics. The Panamanian Guardia is highly politicized and, at one time, constituted the route to power for Panamanian generals, the most notorious being Manuel Noriega, later arrested in a U.S. intervention.

## Countries Whose Armed Forces Have No, or an Extremely Limited, Constitutional Role

A second category is those countries that have armed forces with a limited constitutional role: democratic institutions may be sufficiently resilient that there is no need for armed forces to maintain internal order; the role of the armed forces is spelled out in organic laws that are a step below constitutional provisions; or, they are seeking to convey a negative message to their armed forces because of past “sins” (i.e., long years of military dictatorship). The message is “don’t intervene again because it would have no constitutional legitimacy.” The countries that fall into this category tend to be developed and institutionalized. The only country that fully fits this category (no mention in the constitution) is Argentina, although Chile, Cuba, Mexico, and Uruguay come close to this norm.

- *Argentina*: The Argentine Constitution of 1853, last reformed in 1994, contains no mention of the military instrument.
- *Chile*: The Chilean Constitution of 1980, last reformed in 2010, says the armed forces are “obedient, non-deliberative, professional, and disciplined; their only constitutional roles are to “defend the motherland and safeguard the political order during elections.” This latter role could, conceivably, draw the Chilean armed force into politics (who would decide when the “public order” needed defending, by what means, and for how long?), but in the Chilean case, that seems highly unlikely. However, it was only in 2010, two decades after the return to democracy, that Chile removed from its constitution the last vestiges that gave special privileges to the armed forces.
- *Cuba*: The Cuban Constitution of 1976, last amended in 1992, says the Revolutionary Armed Forces “and other armed organizations” (presumably militias and vigilante groups) have the right to vote and be elected like any other Cuban citizen. No other mention is made of the armed forces in the constitution. But “all citizens” in Cuba have the obligation to defend the motherland and the “Revolution” and to struggle against colonialism, racism, and imperialism. The obligation to defend the Revolution could drag the Cuban armed forces into politics, and most observers agree that in any post-Castro transition the armed forces will play a major role.
- *Mexico*: The Mexican Constitution of 1917, last amended in 2007, says that members of the military cannot be elected as congressional deputies unless they resign 90 days prior to the election; it also says “in times of peace, no military authority may perform any function other than those that are directly connected with military discipline.” Other than these provisions, the Mexican armed forces have no constitutional role and, since the 1940s, have largely stayed out of politics. They operate as an interest group and a bureaucratic actor not unlike the U.S. armed forces, but their recent involvement, complementing and sometimes supplementing the police in the war against crime and drugs, may lead to greater participation.
- *Uruguay*: The Uruguayan armed forces are governed by the constitution of 1967, as last amended in 2004. It says that members of the military are regulated by special laws. Members of the armed forces cannot have positions in the government, form part of commissions or political parties, subscribe to any party manifestoes, run for office, or authorize use of their names and execute any other private or political act except voting. The armed forces have no deliberate or political roles.

It seems unlikely in any of these countries that the armed forces will intervene overtly in politics anytime soon. Of course, in none of these cases can that possibility be ruled out entirely now and forever; of the five countries mentioned, the ones that might be susceptible to military intervention, depending on circumstances, are Argentina and Cuba.

## Countries with Armed Forces Featured Prominently in their Constitutions and Whose Constitutional Roles Include the Maintenance of Internal Order

This is by far the largest grouping in our classification. Twelve countries fall into this category. In these countries, the armed forces are featured prominently in their constitutions and expansive political roles are spelled out. These constitutions almost invite the armed forces to be active politically. Under certain circumstances, they not only have the right but the duty and obligation to become involved in the political process. And that can easily lead, as suggested in the title of this article, to the phenomenon of a constitutional coup, as happened in Honduras in 2009.

It is easy to overlook these constitutional provisions. Americans tend to assume that neighboring democracies subordinate their armed forces to civilian authority since that is the case in the United States. In the American view, any action by the military in politics must be unconstitutional and a usurpation of authority.

Not so in some Latin American states. In those nations, the corporate and autonomous role of the armed forces, called the *fuero militar*, has a long legal and constitutional history,<sup>8</sup> so much so that the armed forces are almost a fourth branch of government. Under certain circumstances, they may be obliged to involve themselves in politics. Depending on your politics, you may wish to condemn such military action, but you will be on very shaky ground if you call it “unconstitutional.”

The logic, which goes back to Latin America’s founding fathers, such as Simón Bolívar, is quite different from that of America’s founding fathers. When James Madison and Thomas Jefferson observed American society, they found an already semi-developed country, with roads and thriving commerce, a vibrant middle class, an already thick civil society, a trading and entrepreneurial culture, a basically literate population with home-grown local and state institutions, a vibrant, energetic, and progressive society. In contrast, when Bolívar and his contemporaries looked around at their surroundings in the early nineteenth century, they found in South America a vast continent with no roads, no infrastructure, no civil society, no institutions, no development or modernity, no economy, vast illiteracy, and no middle class. How can one build a nation on such a weak basis, they asked? The answer, in large part built on the genius of Bolívar, was: (1) a powerful presidency (another subject for examination in itself), and (2) a military with authority, if necessary, and under certain conditions, to intervene and thus stabilize the system.

Let us look at the individual country cases in this category.

- *Bolivia*: The Bolivian Constitution of 2008 says that armed forces shall not carry out any political activity; they are also to be obedient, non-deliberative, and subject to the law (Sections 2 and 5). But that same constitution defines the mission of the armed forces as maintaining and defending national independence, national honor and sovereignty, and the security and

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<sup>8</sup> Loveman, *The Constitution of Tyranny*; see also the writings of historians Lyle McAlister, John J. Johnson, Edwin Lieuwen, and John Lynch.

stability of the state. It also “participates in the development of the country, and guarantees the stability of the legally established government.” Those latter responsibilities are very vague and general: who or what decides if the national honor has been violated; what if it is the Congress or president who does so; what does “participate in the development of the country” mean; and so on. These provisions are open ended, and they provide an almost open invitation for the armed forces to be involved in the political process, as has happened numerous times in Bolivian history.

- *Brazil*: The Brazilian Constitution of 1988, modified in 2010, says the “Armed Forces are a national, permanent, and non-political institution, organized on the basis of hierarchy and discipline.” But then it says (Section 142) that the mission of the armed forces is to “defend the Motherland and guarantee constitutional powers, as well as law and order.” Brazil was famous for advancing in its constitutions the idea of the armed forces as a “moderating power,” a fourth branch of government that would moderate between the parties or the other branches of government if they were paralyzed, gridlocked, or broke down, and one can see a vestige of this idea in Section 142. Does “defending the Motherland” mean against internal (labor strikes, peasant land seizures) as well as external foes? What does guaranteeing the constitutional powers or law and order mean? And what if it is the president who violates these provisions; could he then be overthrown? Although no coups are likely in Brazil these days, the constitutional basis for the armed forces to act in extreme circumstances remains.
- *Colombia*: The Colombian Constitution of 1991, last amended in 2009, has articles championing peace, democracy, human rights, and international law. With regard to the armed forces, it says their mission is to “defend the sovereignty, independence, and integrity of the nation’s territory, as well as constitutional order.” But what if the constitutional order is upset by guerrillas, drug gangs, or private militias? Do the armed forces then have a right or even an obligation to step in? The constitutional legitimization for such actions is there. Again, it is not likely to happen, but the rationale is certainly present.
- *Cuba*: There is no constitutional role for the Revolutionary Armed Forces, but they defend the nation and now most state enterprises, so may they be expected to play a pivotal role in the coming transition.
- *Dominican Republic*: The language of the Dominican Constitution of 2010 says that the armed forces are “essentially obedient to the civil power, not affiliated with any political party, and are not entitled to deliberate under any circumstances.” Their mission is to “defend the independence and sovereignty of the nation, the Constitution, and the institutions of the Republic.” They are empowered to “intervene” in programs of social and economic development, to mitigate disasters, and assist the police in maintaining public order. But one would want to know what, exactly, does “essentially” mean, how would they defend the Constitution and the country’s institutions (and which ones?), and how could they intervene in the social and economic development without “deliberating”?

- *Ecuador*: The Ecuadoran Constitution of 2008 specifies that the armed forces shall be obedient, non-deliberative, and under strict control. However, it also says their mission is to protect citizens' human rights, liberties, and guarantees. Now, suppose it is the president and his government who are the ones violating these rights, liberties, and guarantees. Who decides: the president, the military, the Supreme Court? The constitution is silent. Once again, it is the ambiguity involved—as well as the special obligations placed on the military to settle these crucial issues—that invite intervention.
- *El Salvador*: The Salvadoran Constitution of 1983, last amended in 2003, has the now-familiar language: the armed forces are “obedient, professional, apolitical, and non-deliberative.” They defend the sovereignty of the state and the integrity of its national territory. But then it says “the legislative, executive, and judicial branches may use the armed forces to enforce any resolution adopted within their respective jurisdictions.” Which branch has priority; what if executive and legislative are under the control of two different parties (“divided government”), whom must the armed forces obey; how much “enforcement” may be used? Again, ambiguity invites confusion, conflict, and possibly military intervention.
- *Guatemala*: In the Guatemalan Constitution of 1985, reformed in 1993, the army is said to be “unique and indivisible, essentially professional, apolitical, obedient, and non-deliberative.” This same language appears almost word for word in other constitutions. “Unique and indivisible” is unusual language, however, and one wonders what it means? The mission of the armed forces is to maintain independence, sovereignty, the honor of Guatemala, internal and external peace, etc. If the military is “indivisible,” what would happen to those politicians who seek to promote their own corps of loyal officers? Does defending the “honor” of Guatemala mean against external or domestic foes? Does maintaining “internal” peace include beating up student or labor demonstrators or torturing leftists? In Guatemala, there is a certain history here.
- *Honduras*: Honduras and its constitution (1982) were an important test case in 2009, and the United States, the OAS, and most of the “international community” failed that test. The Honduran Constitution says the armed forces are “permanent, apolitical, essentially professional, obedient, and non-deliberative.” But then it says “members of the military are not obliged to carry out illegal orders or those which involve committing a crime,” which was precisely the issue when President José Manuel Zelaya ordered the military to carry out an illegal referendum he had engineered to amend the constitution to provide for an unconstitutional second term for him. The mission of the armed forces is the familiar one of defending the territorial integrity and sovereignty of the republic, but then the constitution adds “the order and respect of the Constitution, the principle of free vote, and the *rotation of the Presidents of the Republic*” (emphasis added)—all of which, it could be argued, Zelaya had violated.

The White House, the U.S secretary of state, the OAS secretary general and many of its members, and the international community, either in ignorance of what the Honduran Constitution said on these matters, hung up with guilt over their timid reaction in the 1980s

Central American conflicts, or not wishing to see a precedent set (a coup) that might be repeated in their own countries, condemned the Honduran military and imposed sanctions on the country. However a neutral report from the authoritative and balanced Congressional Research Service<sup>9</sup> correctly indicated that this was not an illegal act but a constitutional coup (and therefore maybe not a coup at all) except for the possibly unconstitutional act of expelling Zelaya from the country without a trial, and even that was arguable. Eventually the United States walked back from its earlier position, as did most of the other Latin American countries, eventually realizing that the Honduran armed forces, whatever our likes or dislikes about Zelaya, probably acted constitutionally.

- *Nicaragua*: The Nicaraguan Constitution of 1986 (the Sandinista Constitution, amended in 2007) is unusual because it is the constitution of a revolutionary regime. The constitution as amended says the armed forces are professional, not affiliated to any political party, obedient, and non-deliberative, but major efforts had been undertaken by the Sandinistas to politicize the military and ensure its loyalty by making it an appendage of the party. The new constitution says the armed forces are strictly subject to the constitution and cannot perform political activities—all this meant to de-politicize the armed forces by a more conservative post-Sandinista government. But now that the Sandinistas are back in power, the struggle over the politicization of the armed forces is on again, and Nicaragua could once more, conceivably, descend into violence, revolution, civil war, and military intervention, however unlikely for the moment.
- *Paraguay*: The Paraguayan Constitution of 1992 states that the armed forces are a “professional, non-deliberative, and obedient institution, subordinated to the power of the state and to the provisions of the Constitution.” That same article (173) says the mission of the military is to safeguard territorial integrity and “defend the legitimately constituted authority.” But the document does not specify who decides if the constituted authority is legitimate or not, when it needs defending, from whom or what, and with what kind of force. There is sufficient ambiguity here to justify various actions by the Paraguayan military, reflecting earlier times in the country’s history.
- *Peru*: The Peruvian Constitution of 1993, last amended in 2009, specifies that the armed forces are non-deliberative and are subordinated to the constitutional power. Other articles impose greater restrictions: members of the military cannot run for political office, cannot establish unions or go on strike, and cannot engage in political activity. It says the mission of the armed forces is to guarantee the independence, sovereignty, and territorial integrity of the state and to “take control of internal order in a state of emergency.” The possibility in this and other

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<sup>9</sup> Norma C. Gutiérrez, *Honduras: Constitutional Law Issues*, Report for Congress (Washington, DC: Law Library of Congress, August 2009), [http://schock.house.gov/UploadedFiles/Schock\\_CRS\\_Report\\_Honduras\\_FINAL.pdf](http://schock.house.gov/UploadedFiles/Schock_CRS_Report_Honduras_FINAL.pdf); also Peter J. Meyer, *Honduran-U.S. Relations* (Washington, DC: Congressional Research Service, February 2010), <http://www.fas.org/sgp/crs/row/RL34027.pdf>.

constitutions of declaring a “state of emergency,” a “state of siege,” and, in time of crisis, giving the armed forces emergency powers opens up an entirely broader range of military power.

- *Venezuela*: The Venezuelan Constitution of 1999 is slightly different from some of the others discussed here because it is a product of the revolutionary regime of Hugo Chávez. Nevertheless the language used, for the most part, is strikingly familiar. It says that the armed forces are an “essentially professional institution, with no political affiliation, organized by the state, at the exclusive service of the nation.” It continues that the military is “founded on discipline, obedience, and subordination.” It then goes on to say, classically, that the primary mission of the armed forces is to guarantee the independence and sovereignty of the nation.

But the constitution also requires that the military maintain internal order (a frequent rationale for military intervention) and, unusual in Latin America, be actively engaged in national development. What does that last phrase mean? Who decides? What if the armed forces determine that the Chávez regime is disruptive of internal order (which has been the case at times) or is not providing for national development (also arguable)? To prevent any possibility of a military coup against himself (i.e., a repeat of the abortive 2002 attempt), Chávez, like almost all Latin American presidents, has unconstitutionally intervened in the military chain of command, used political criteria to determine armed forces promotions, and thus secured an officer corps personally loyal to himself. But those actions also violate the constitution; would they constitute sufficient grounds for the armed forces to move against Chávez? Often when the military moves against a president, it is because the president has first intervened in the military.

## Conclusion

Echoing the Silvert quote with which we began, coups are a regular, recurrent, almost normal part of the Latin American political process. One can hope that they have gone away, but they likely have not, and the international community has to deal with this fact realistically.

Coups may take unconstitutional directions but may have a considerable degree of constitutional legitimacy. They tend to occur when the normal civilian political system has broken down, is in crisis, is paralyzed, or when internal order is threatened. They also tend to occur in the least developed countries, lacking strong institutions or strong civil society; when these institutions have failed, the armed forces are often called upon, and have a constitutional obligation, to step in and fill the vacuum. They are not necessarily usurping power but most often fulfilling their constitutional responsibilities.

Three countries of Latin America (Costa Rica, Haiti, and Panama) have no regular armed forces; nevertheless, their police forces or *guardias* may play a political role. In five countries of Latin America (Argentina, Chile, Cuba, Mexico, and Uruguay), the armed forces are either not mentioned in their constitutions or have a limited constitutional role. But in 12 Latin American countries (60 percent), the armed forces do have a constitutional role, usually revolving around the

maintenance of internal order, the exercise of emerging power, or the resolution of a crisis if the political system is deadlocked.

The more developed and institutionalized a Latin American country (Chile, Costa Rica, and Uruguay), the less likely will it be for the armed forces to intervene in the political system. The problem therefore is not so much military intervention, as it is underdevelopment and weak institutions as in the other countries discussed. There is an inherent conflict—as in Honduras in 2009—between U.S. calls for democracy in Latin America, usually in pristine forms, and Latin American constitutions that provide for armed forces intervention under certain circumstances. Either U.S. policy will have to be adjusted or 12 of the 20 Latin American constitutions will have to be rewritten. There is a similar inherent conflict between the OAS Charter of Democracy, which imposes sanctions on governments that come to power after a military intervention, and the constitutions of the 12 countries that provide for military intervention. It is, as in Honduras, certain to be repeated elsewhere, a classic and unresolved conflict between international law and national constitutional law. Again, to address this issue, either the OAS charter would have to be revised or the 12 Latin American constitutions would have to be rewritten. Neither is likely in the short run. Therefore, disputes over the constitutional role of the armed forces are likely to continue.



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1800 K Street, NW | Washington, DC 20006  
Tel: (202) 887-0200 | Fax: (202) 775-3199  
E-mail: [books@csis.org](mailto:books@csis.org) | Web: [www.csis.org](http://www.csis.org)

