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# LATIN AMERICA'S GROWING SECURITY GAP

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The requisites of democracy and security are sometimes in conflict. Upholding the rule of law and safeguarding fundamental rights and freedoms are the hallmarks of a consolidated twenty-first-century democracy. Yet the need to guard the nation against violent domestic or transnational threats has often been used as a rationale for states to skirt the law and limit the very rights that they claim to be protecting. Striking the right balance between freedom and safety is hard, and Latin America's history of authoritarian rule and domestic political violence makes that region especially sensitive to the difficulty of the challenge. The problem is once again on the agenda as Latin American countries, after having recently experienced a wave of democratization, now find themselves awash in record levels of crime and disorder. The region is one of the world's most violent, with a murder rate of 32.6 per 100,000 people in 2008—a rate that has more than doubled since 2003 and is three times the global average.

In the past, Latin American governments—and particularly those of an authoritarian persuasion—would rationalize antidemocratic measures with the logic of national security: For the sake of fending off greater dangers, the reasoning ran, worries over human rights would have to be held in abeyance. Individual protections would be sacrificed for the collective good. Today, however, this trade-off is no longer permis-

sible. International norms have elevated the importance of individual security, obliging sovereign states to consider their duty to protect each citizen's well-being alongside traditional national-security interests. As these norms have evolved, so have groups that pose challenges to both national and individual security, placing people in harm's way while also threatening governments and institutions. We refer to such security challenges as "intermediate" or "midlevel." The threats that they pose lie at the intersection of national and individual security.

Large and well-organized criminal elements make citizens unsafe; extortionists drive shopkeepers out of business; terrorists imperil individual and national security. In 2009, for example, murders by drug-trafficking groups in northern Mexico mounted so high that local police were overwhelmed, and the government in Mexico City had to send more than five-thousand federal soldiers and police to Ciudad Juarez in a bid to stanch the bloodletting. In Jamaica the following year, the government sent heavily armed police and military units to retake the most violent areas of Kingston—its own capital—from local gangs loyal to the powerful drug lord Christopher "Dudus" Coke, resulting in the deaths of several dozen civilians. In El Salvador, President Carlos Mauricio Funes has deployed army troops to patrol government prisons in an attempt to take them back from Mara Salvatrucha (known as MS-13), a formidable youth gang with transnational reach.

High levels of criminal violence not only make daily life more perilous for common citizens, but can even challenge the viability of governments. Massive crime-fighting efforts drain state resources, threaten the delivery of other public services, and place the innocent in harm's way. Whole swaths of the national territory may become ungovernable "no-go" zones for state officials. If ordinary civil police become overwhelmed, larger, better-equipped, and more lethal security forces may have to be called upon. In Latin America, this can mean citizens finding themselves forced into closer proximity with security forces that have a history of rights violations or that may be poorly trained to operate with the restraint that domestic laws and international norms demand.

Policy reformers and experts on Latin America have long wished to see military and police functions separated more clearly from one another. The idea has been to "redline" certain public-security tasks so that they are off-limits to the military, save for rare exceptions during national emergencies. Public security, so the argument goes, is primarily a police function, while the armed forces should be reserved for missions such as international peacekeeping and defense against foreign invasion. Advocates of police reform want to push law-enforcement agencies toward a community-policing model, placing a premium on empathetic interaction and cooperation with citizens.<sup>1</sup>

Both these reform trajectories, however, leave nations vulnerable to those increasingly common midlevel threats that far surpass the capa-

bilities of a community-based police force. The simultaneous push to demilitarize public-safety functions and decentralize police forces risks creating an internal-security gap that many states are unprepared to handle. This gap in turn poses risks to both individual security and democracy in Latin America. Existing police and military structures thus face an enormous difficulty in meeting local security requirements. The most effective means for confronting the threat posed by violent nonstate actors to democracies across the region may be some type of hybrid force that combines the advantages of military formations with those of the civil police.

### The Reality of Midlevel Threats

By minimizing the effects of time and distance and easing access to high technology, globalization has sapped states' ability to maintain effective sovereignty over their national territories and placed ever more powerful tools in the hands of nonstate actors. Economic liberalization has reduced state capacity and increasingly left functions formerly performed by governments to the private sector and civil society. Nowhere is this more true than in the developing world, where resources are scarce and governments have been quick to shed certain tasks and roles in the name of economizing. Nonstate actors now have capabilities once only available to states—to influence populations, provide governance services, organize transnational social and economic networks, and raise funds and gather resources from across the globe. At the same time, governments and states have become less and less adept at providing public goods or controlling their borders. When nonstate actors use such capabilities to organize violence, threat levels can exceed the capacities of traditional police forces.<sup>2</sup>

Increasingly, the real risk to both individual and national security is found at the intermediate level: violent, well-organized nonstate actors that operate across state boundaries increasingly softened by globalization.<sup>3</sup> These midlevel threats can be found between common crime at the low end and insurgencies (guerrilla or otherwise) at the high end. They include powerful youth gangs, transnational criminal-trafficking organizations, and terrorists. Some of these elements are extremely violent, well armed, and well funded. They operate in and around densely populated areas and compete with each other for control over drugs, contraband, illicit enterprises, and (often) territory.

***Transnational Criminal Organizations (TCOs).*** The most dangerous TCOs, such as the Sinaloa and Gulf cartels in Mexico, have equipped themselves with military-style munitions. They boast paramilitary units, funded by the huge drug revenues that the cartels bring in annually—US\$18 to \$39 billion, according to U.S. Department of Justice assessments of Colombian and Mexican drug-trafficking outfits.<sup>4</sup> These

paramilitary units are not capable of defending territory against the full power of a national army, but they can pose a serious threat even to military forces. Although large cartels such as those famously associated with the cities of Medellín and Cali are now rare in Colombia, smaller family-run drug-trafficking groups still boast serious revenues and firepower, and Colombian *narcotraficantes* have proven capable of feats such as building dozens of their own drug-smuggling submarines.<sup>5</sup> Some TCOs in northern Mexico recruit former members of the armed forces, with the ranks of the Los Zetas cartel being drawn largely from Mexican army special-forces units. As U.S. efforts to stop drug shipments through the Caribbean have become more successful, trafficking via land routes in Central America has burgeoned, bringing with it violent competition for control of key corridors across the long U.S. border with Mexico. Since Mexico's long-ruling Institutional Revolutionary Party lost power in 2000, successive governments have taken a more active role against drug traffickers—leading to violent confrontations between the government and organized crime, including direct attacks on police and military units and a campaign of assassinations against federal and local officials.

***Maras and gangs.*** The *maras* in Central America and criminal youth gangs across Latin America and the Caribbean boast larger memberships than the security forces in their host countries—there are more than 65,000 gang members all told, according to the UN Office on Drugs and Crime.<sup>6</sup> These gangs can be distinguished from traditional organized-crime entities by the lack of a distinct hierarchy, horizontally distributed power structures, their members' young ages, and the groups' relative lack of capital and organization. They frequently fund themselves through street-level drug distribution, racketeering, and trafficking in stolen goods, although some also have connections to traditional organized-crime syndicates. Jamaica has long been affected by violent youth gangs that are heavily involved in drug trafficking and hold territorial sway over important locales, including parts of Kingston. With a population of only about 2.8 million, Jamaica experienced more than 1,600 murders in 2008, many attributed to gang activity. The *maras* of Central America also differ from traditional youth gangs in having ties to counterparts in other countries, particularly the United States. They forged these connections mostly through the shared experience of incarceration in the United States followed by deportation to their home countries. While ordinary criminals act and react on their own for the most part, gangs and syndicates have learned how to deploy guerrilla-like hit-and-run tactics against military and police installations and civilian targets.

***Terrorists and other groups employing terrorist tactics.*** Although Latin America has not been thought of as a hotbed of terrorism in recent years, the number of organizations using terrorist tactics, particularly in

urban areas, is notable. These include traditional rural-based insurgencies—the Revolutionary Armed Forces of Colombia (FARC) and the United Self-Defense Groups of Colombia (AUC) in the 2000s and the Shining Path in Peru in the 1980s, for example—that have resorted to terror tactics in cities, where their support is relatively sparse. Drug-trafficking organizations also have waged terror campaigns when threatened by the state. Pablo Escobar in Colombia in the 1980s and Mexican drug-trafficking organizations in the 2000s both used terror tactics such as urban bombings and assassinations of civilians and government officials. Central American *maras* have sometimes targeted civilians in order to pressure governments that have implemented *mano dura* (“firm-hand”) anticrime policies. For example, at the time of this writing in late 2010, El Salvadoran gangs had set fire to more than fifty buses, and a single attack in June had left eighteen civilians dead. In addition, transnational terrorist organizations such as Hezbollah sponsored attacks in Argentina against Israeli and Israeli-associated targets during the 1990s and continue to raise funds in Paraguay to pay for activities in Lebanon. Because of the nature of the attacks (and sometimes because of how terrorism is categorized as a crime under domestic law), such threats are the responsibility of police or police-intelligence organizations.

### “No-Go” Zones

Intermediate threats have grown worse because some Latin American states lack effective sovereignty over parts of their national territories. In Colombia, Peru, and Ecuador, the state has never governed the mountainous rural hinterlands, and violent nonstate actors have long filled the gap. In other cases, relatively strong states have governance gaps in certain areas, resulting in unregulated urban communities such as the *favelas* (shantytowns) of Rio de Janeiro or the *villas miseria* (slums) of Buenos Aires Province. In these “no-go” zones, violent actors actually play a role in providing public goods, sometimes in collusion with local politicians and even the police themselves. Similarly, certain periods of time—particularly the night—may lie beyond effective state regulation, allowing ungoverned spaces in which criminal elements thrive. Yet, as Phil Williams, a leading expert on transnational organized crime, has argued, a number of these spaces are not *ungoverned*; rather, these zones are hotly contested between states and violent nonstate actors, creating particular dangers for ordinary residents, who are subject to predation and denied their constitutionally guaranteed civil and human rights.<sup>7</sup>

Because ungoverned spaces provide safe haven for lethal nonstate actors, they pose a potential threat not only to national security but also to individual citizens’ security. When such areas are contested by the state, the risk to citizen security grows if state forces neither effectively confront intermediate-level threats nor operate within the democratic rule of

law.<sup>8</sup> It is this gap in capabilities that allows midlevel threats to flourish, yet the legacy of Latin America's repressive, authoritarian past has led politicians and citizens to resist developing the appropriate public-order institutions to fill the void—the bad memories of not-so-long-ago “dirty wars” and hit squads remain strong.

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***Running drug operations and prostitution rings, committing extrajudicial killings and kidnappings, and abusing detainees have become familiar police practices in a number of Latin American countries.***

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Midlevel challengers place democracies in a special predicament. State security forces must be formidable enough to counter these threats—whose networks, arms, and general level of lethality far exceed what law enforcement is accustomed to facing from ordinary criminals—yet responses must respect the rule of law and other democratic norms that restrain the use of force. Thus the security forces must balance

firmness and the ability to act swiftly and lethally with careful judgment and discrimination in the use of such capabilities.

Arguably, no state can truly adhere to a democratic rule of law without applying it to *all* its armed forces, whether police or military. After all, it is the state's military and police forces that enable it to implement its claim to a monopoly of the *legitimate* use of force in the territory. But these are the agencies with the greatest capacity to inflict harm—they could crush the rights and freedoms of citizens in a heartbeat—and thus they must themselves be subject to especially rigorous standards of restraint, control, and accountability.

Too often in the past, the claim to be applying force legitimately has been violated. Obviously during periods of *de facto* rule, military and police agents operated outside the legitimacy conferred by constitutional government. But even since the transition from *de facto* to *de jure* regimes in many Latin American states, security agents have been known to trample upon the rights of suspects and prisoners alike without suffering any consequences. As Juan E. Méndez observed in 1999, “An indisputable feature of the kind of democracy that Latin America offers at the end of this century is that violent and illegitimate behavior by state actors is so pervasive that it is part of the ordinary way of doing business by many law enforcement bodies.”<sup>9</sup>

In theory, police are supposed to protect and serve the public while upholding and enforcing the law.<sup>10</sup> In practice, Latin American law enforcement has often skirted the law and even crossed the line into criminality, corruption, and rampant violence. Running drug operations and prostitution rings, committing extrajudicial killings and kidnappings, and abusing detainees have become familiar police practices in a number of Latin American countries. Opportunities for these activities abound,

as do such motives as poor pay, poor training, and the knowledge that such transgressions will likely go unpunished.

The police also tend to be rigidly hierarchical, prone to following orders from above rather than responding to citizen appeals from below.<sup>11</sup> In many countries, the police mimic the military in terms of ranks, formations, and attitudes, and often view the public in a hostile manner. Yet for all their similarities to the military in terms of *structure*, police forces in Latin America lack military *capacity*. They have neither the organizational strength, the intelligence-gathering ability, nor the firepower needed to confront the more lethal midlevel challengers. Thus, while the police may have a reputation for being violent, they are also ineffective. They do not use intelligence to discern, disarm, and demobilize criminal organizations. Instead, they are notorious for lashing out and rounding up “suspects” who are either coerced into false confessions or “eliminated” before entering the criminal-justice system. These shows of force are, above all, expressions of police frustration and futility. Police actions do not weaken the capacity of organized syndicates, and they do not lower crime rates. For example, in El Salvador, the *mano dura* policies implemented in 2003 granted police greater powers to clamp down on MS-13. The new powers did nothing to stem the violence, however. Instead, the years 2003 to 2006 actually saw the country’s murder rate climb from 32 to 57 per 100,000.<sup>12</sup> Similar trends can be observed in Brazil, Guatemala, and Mexico.

The military has been only episodically involved in anticrime operations in Latin America, although this has been more common in certain regions (Central America) and countries (Brazil). When police forces are overwhelmed by midlevel challengers, governments on occasion ask their militaries to step in. Here, two aspects of the democratic rule of law butt up against each other—accountability and restraint. When crime escalates, as it has in recent years throughout Latin America, voters pressure their political leaders to adopt “get tough” policies. In cities and countries where insecurity is at its greatest, citizens want—in fact, demand—that leaders do whatever is necessary to lower crime and violence. For those governments, accountability to an electorate has meant having to supplement police forces with army units, even if temporarily. Surveys of Central Americans indicate that the sight of troops patrolling city streets is popular.<sup>13</sup>

For armies, accountability means answering to their political overseers by fulfilling the anticrime missions handed to them. The introduction of the armed forces does not mean that the military, indifferent to its political overseers, takes matters into its own hands. These kinds of operations are circumscribed by presidential orders, defense and security laws, state-of-siege provisions, and congressionally imposed time limits. Rather than assume full law-enforcement powers to conduct arrests, searches, seizures, and so on, soldiers patrol alongside police officers as



force multipliers, raising the number of agents on hand to deter crime by their very presence. Yet there are new doubts as to the effectiveness of this approach, and the Mexican government has recently shifted anticrime operations in the north from the army's control to that of a retrained and reorganized federal police force.

Even when they stay within these mission guidelines and even when there is no mission creep, the armed forces run up against another problem: inadequate training. In the best of cases, soldiers are taught to apply proportional force within the guidelines laid down by the laws of war, but with the objective of destroying enemies rather than prosecuting them. Their mission is to defend territory and defeat adversaries rather than to protect and serve the public. Deploying army units in anticrime or antidrug operations in densely populated zones—often alongside police units—is inviting trouble because militaries resist being compelled to abide by the principles of minimal use of force and due process, which are thought to interfere with combat effectiveness. In fact, when professional armies from developed countries conduct long-term public-order and counterinsurgency missions, they undergo specialized training that is quite different from the training that they receive to fight conventional foes.<sup>14</sup>

When the military complies with a politician's order to participate in anticrime operations, it is abiding by principles of civilian control. Likewise, the politician issuing the order has reacted legitimately and democratically to the public's understandable insistence on strong government action against criminals. The irony is that citizens who call for anticrime crackdowns may be risking insecurity from another direction if politicians turn to the army to beef up the overmatched police. Democratic leaders must take great care to ensure that their responses to citizen appeals for security do not end up inadvertently eroding the rule of law by throwing military forces into matters for which they are not trained. That said, the trade-off between greater political accountability and less restraint on the part of security forces is one that many citizens in the region seem prepared to accept.<sup>15</sup>

### **The Reformers' Plea**

It has been exceedingly difficult for Latin American governments to get their security forces—military and police alike—to respond to internal-security threats in a manner that is at once accountable, respectful of the democratic rule of law, and effective. The very agents who have been asked to assure citizens' security have often made citizens more insecure. Not surprisingly, therefore, advocates of military reform have argued that the armed forces' role in public security should be greatly reduced or eliminated entirely. It is perhaps more surprising that many generals would likely agree—not only because the military may cause

unintended harm to the populations with whom it comes into contact, but also because such operations can do damage to the military institution itself. The creation of a constabulary military—one in which soldiers assume policing roles—could perilously distract it from its more vital missions, pull it away from combat-related training routines, leave it ill prepared to fulfill its primary constitutional mission of territorial defense, and expose it to corruption at the hands of organized crime. From this perspective, it seems best to take the military out of public security as much as possible so that it may focus its attention on defense and peacekeeping missions.

Advocates of police reform have consistently pushed for community-policing models in recent decades. By this, they mean the demilitarization, decentralization, and democratization of police structures.<sup>16</sup> They advocate replacing authoritarian hierarchies with more individual discretion, a flatter command-and-control structure, smaller units closer to the populations whom they police, and greater restraint on the use of force. Although the police are by definition an instrument of the state, when operating in a democratic manner community-oriented police forces respond to citizen needs and requirements first and to the dictates of state authorities second. A democratic police force is one that develops partnerships with members of the community in order to identify and solve problems in a cooperative manner. Such forces have intimate local knowledge; they know the communities that they patrol. Perhaps most important, democratic police are trained to use force with restraint and “only when strictly necessary,” as stipulated by the UN Code of Conduct for Law Enforcement.<sup>17</sup> Because police are supposed to act as protectors, they must take care to minimize risks to citizens by carrying lighter arms and following careful rules of engagement. Those rules include applying principles of necessity (react violently only when attacked violently), proportionality (scale responses to the intensity, duration, and magnitude of the aggression), rationality (take nonlethal measures first and do not provoke an escalation of violence), and discrimination (distinguish between the violent and those who are not).

It is commendable that Latin American reformers desire their police forces to be more humane and democratic and to focus on serving the communities that they patrol. It is equally commendable to have military forces focused on outside threats and providing the best defense that they can for their countries. The conundrum facing leaders is that as midlevel threats continue to rise, the aforementioned policy prescriptions leave an increasingly large security void. A thoroughly democracy-friendly force devoted to community policing may not be the best counter to threats from large, highly lethal, and well-organized groups. Community policemen could not defend a neighborhood, let alone a city, besieged by a large, well-armed drug cartel, criminal gang, or terrorist organization. A democratic community police force would

stand no chance against the formidable security threats plaguing Ciudad Juarez, Mexico, or Guatemala City, Guatemala. Such a force thrust into these types of situations would, in addition to placing citizens in harm's way, be in grave danger itself.

Yet on the occasions when the armed forces do intervene, they typically do so without training specific to this type of duty. The interesting point here is that neither Latin America's politicians nor its reformers nor its militaries want to see the armed forces embark on vigorous constabulary-training programs that might actually equip them to conduct anticrime assignments in a more effective and humane manner. Reformers would rather see the military simply leave public-security work altogether, and soldiers tend to look down on police work as inferior or even demeaning.<sup>18</sup> If called upon to assist police efforts, they prefer to occupy rearguard positions, lending equipment and logistical support but little else to aid law enforcement.

There is another reason why reformers and political leaders alike are wary about granting the military a license to prepare for heterodox internal-security challenges: Although these threats are different from those of the 1960s and 1970s, they are still situated mainly within national borders and thus would lead the military again to look inward for its primary mission. Governments that grow serious about retooling their militaries to take on midlevel security threats will have to put in place and enforce new and ongoing training regimens. Once entrenched, those routines will become part of the armed forces' culture, justifying a new force structure and possibly shifting from a temporary mission to a permanent role, making extrication in the future all the more difficult.<sup>19</sup> Thus fearful that such training could be misused in the future in the name of internal security, governments much prefer not to allow the military to take that fateful first step.

Yet reluctance either to militarize the police or constabularize the military leaves Latin American countries facing a severe security vacuum in which dangerous elements can operate with near impunity. To fill that void, governments may have to develop hybrid forces that do not answer to either the police or military (or carry their historical baggage), but rather have their own structure, hierarchy, mission, and training. Such forces would have to balance the requisites of security with the protection of fundamental human rights.

### **Addressing the Security Gap**

Hybrid forces that combine the most relevant features of the military (force and deployment capacity) and the police (local knowledge and respect for due process), but are beholden to neither, present the best solution to the security gap. The basic requirements for such forces are that they be national in scope, centrally administered, geographically distrib-

uted, and capable of mobilizing and deploying appropriately equipped units to meet midlevel threats—all within the democratic rule of law.

It is key that such agencies be national in scope because many of the intermediate-level threats, such as organized crime and drug-trafficking organizations, cross jurisdictional lines in search of capacity gaps in law-enforcement presence. A national-level force is best positioned to access available intelligence and resources to defeat such threats.

Centralized administration will ensure uniform training and preparation in law-enforcement methods, due-process requirements, and human-rights standards, as well as in the use of lethal and nonlethal force. This runs somewhat counter to the logic of community policing, which tailors law enforcement to the particular circumstances of neighborhoods. Centralization here is critical, however, because a hybrid force can operate at much higher levels of lethality. Therefore, the state must take extra care to ensure that officers have received the highest levels of training and that they will act with restraint and within the rule of law. It is also important to run a centralized internal-affairs system capable of policing the behavior of the hybrid force so as to shield it from the corrupting influences of local criminals or other agents of influence and to allow it to be monitored by civil and political society.

The nationwide distribution of units will help them to incorporate some of the successful elements of community policing such as attention to local citizens' concerns and improved criminal intelligence. By being embedded in key communities or regions while also being centrally coordinated, geographically distributed hybrid forces can contribute to developing a holistic, sophisticated picture of midlevel threats, which will also help local police-force efforts.

Finally, the capability for rapid deployment (or a "surge" capacity) will allow national authorities to mobilize hybrid forces to meet intermediate threats that have overwhelmed local community-oriented police units. This is central to the effectiveness of hybrid forces since it allows the state to gather well-trained units with the right equipment in areas where key threats exist. If hybrid forces are tied down in particular locales due to lack of mobility or supplies, they will never be able to fulfill their main function of reinforcing public order when it is under attack from large, well-organized, and violent nonstate actors.

A number of different configurations in Latin America have been used to achieve the objective of filling the security gap in the middle. These include centralized national police forces in Colombia and Peru, federal law-enforcement agencies focusing on counterterrorism and organized crime in Brazil and Mexico, and the Carabineros and Gendarmes in Chile and Argentina, respectively. Each has struggled to achieve the right mix of force generation and law enforcement. Some fall short of being true hybrid forces and suffer from other shortcomings. The national police forces in Colombia and Peru, for example, benefit from centralization

and a national scope but lack surge capacity. Specialized counterterrorism and antidrug law-enforcement agencies in Mexico and Brazil may field some highly effective units, but they are generally too small to deal with the large-scale, organized criminal violence that they encounter in certain pockets in Ciudad Juarez or Rio de Janeiro.

The Carabineros of Chile and the Argentine National Gendarmerie come closest to functioning as true hybrid forces that combine the lethality and mobility of armies with the restraint and respect for due process of law-enforcement agencies. This model, adapted from the Spanish Civil Guard, the Italian Carabinieri, and the French National Gendarmerie, has the best reputation for professionalism, restraint, and public support—at least in the form that it has taken in Chile and Argentina.<sup>20</sup> In Europe, this type of hybrid force has proven adept at dealing with terrorism and organized crime, and in the Southern Cone has also proved to be competent at handling domestic civil disturbances.

The Chilean Carabineros are a police force with a military character. As law enforcers, they are charged with maintaining public order and security by preventing, deterring, and investigating crime. They have a military rank structure, and are equipped and trained to deal with lethal opponents. During a conventional war, the Carabineros may be asked to join in the defense of the nation. Domestically, they may need to respond to organized criminal elements. Although the Carabineros are administratively dependent on the Defense Ministry, they do not answer operationally to the armed forces during peacetime. They have their own organic law, hierarchy, personnel, uniforms, housing, training programs, and officer schools.

Numbering some 43,000 men and women in uniform, the Carabineros are a centralized, national force, with representation in each of the nation's fifteen regions and 54 provinces. With this territorial reach, they can be quickly deployed to respond to public-security emergencies in any given locale. From the top down, the Carabineros subdivide into geographical units of decreasing size. Commands issued from the headquarters in Santiago are uniformly disseminated nationwide to these units. This structure avoids the coordination problems found in countries with multiple police forces plagued by overlapping, if not competing, jurisdictions among federal, state, and local authorities.

### **Top-Down Reform**

Highly centralized, top-down institutions are often prone to rigidity, and this is true of the Carabineros. But the offsetting advantage is that, once reforms are set in motion at the top, they can be more easily enforced in the ranks below. The Carabineros have implemented a series of striking reforms that have transformed them from the aloof, highly repressive force that they were under the Pinochet dictatorship (1973–90)

into the more restrained, law-abiding agency that they are today. They set high professional standards for themselves, tolerate no corruption, and require officers to take courses on law and human rights in the academy. They embed themselves inside neighborhoods where they attempt to forge closer ties with residents in hopes of gaining enough of their trust to improve crime reporting.

They have also been influenced by sweeping reforms to the criminal-justice system that provide for greater transparency and protections for detainees, the accused, and the victims: Required attorney-prisoner visitation has helped to deter police abuse of detainees; trials are now open to the public and include questioning of police officers; and civilian public prosecutors are assigned to oversee criminal cases that were once solely the purview of the police. As a result of these changes, the Carabineros have earned a significant measure of public trust. A victimization survey conducted in Chile indicated that the Carabineros enjoy widespread legitimacy and are perceived to be responsive, disciplined, efficient, and fair in their treatment of citizens.<sup>21</sup>

Similarly, the Argentine National Gendarmerie has recently earned praise for its respectful, law-abiding conduct. Like the Carabineros, it has its own statute, structure, personnel, and training. It serves the cause of national defense and public security and does everything from patrolling the borders to confronting organized crime and narcotraffickers to handling disruptions of public order when the police have been overwhelmed. It has won particular commendation for its handling of public disturbances organized by the *piqueteros* (picketers), jobless demonstrators who have blockaded strategic roads and bridges in metropolitan areas. It employed restrained force to disband the blockades and treated the *piqueteros* as citizens rather than enemies. The Gendarmerie is capable of addressing community concerns and enforcing uniform standards of conduct because it is a national-level force with police-style training whose bases are geographically dispersed. At the same time, however, it has military-style capabilities to surge units and deploy significant force to meet unexpected threats.

The use of hybrid forces to fill the security gap that we have identified here clearly demands more research, and the growing threat in certain states has only added urgency to the debate. In Mexico, proposals for meeting the escalating menace from drug cartels increasingly favor the creation of a national police force to replace state and local units. In Mexico and elsewhere, the debate over whether such hybrid forces should be created *ab nihilo* or drawn from existing forces will continue. For many of Latin America's smaller countries, there will be clear trade-offs between costs and capabilities. Other states, meanwhile, will not view the security void as dangerous enough to warrant the creation of a new institution.

There is a central tension between democracy and security in Latin America, a region that is increasingly imperiled by violent and well-

organized nonstate actors. Attempts to make police and military forces more compatible with democratic society may lead some states to ignore the greatest security threats likely to affect them today, leaving them ill prepared to confront the new dangers. Democracies want their militaries to remain under firm civilian control and directed away from (rather than toward) civil society. Democracies want their law-enforcement bodies to respond first and foremost to the needs of citizens rather than to the police hierarchy. The pursuit of these goals is commendable, but must be accompanied by a strategy for dealing with the midlevel threats that we have identified. If not, reform efforts will simply leave average citizens more exposed to violent nonstate actors who will operate unimpeded. Reformers must move in a new direction if midlevel security challenges are to be met. Neither a democratic-policing model nor a classic territorial defense nor a military peacekeeping-force model will be helpful. Hybrid security forces, however, stand a good chance of bridging the gap between preserving democratic values and keeping the polity and its people safe.

## NOTES

1. Claudio Fuentes, *Contesting the Iron Fist: Advocacy Networks and Police Violence in Democratic Argentina and Chile* (London: Routledge, 2005).

2. Anne L. Clunan and Harold A. Trinkunas, "Conceptualizing Ungoverned Spaces: Territorial Statehood, Contested Authority, and Softened Sovereignty," in Clunan and Trinkunas, eds., *Ungoverned Spaces: Alternatives to Governance in an Era of Softened Sovereignty* (Stanford: Stanford University Press, 2010), 17–33.

3. Luz Estella Nagle, "The Challenges of Fighting Global Organized Crime in Latin America," *Fordham International Law Journal* 26 (June 2003): 1649, 1659.

4. Clare Ribando Seelke, Liana Sun Wyler, and June S. Beittel, "Latin America and the Caribbean: Illicit Drug Trafficking and U.S. Counterdrug Programs," CRS Report for Congress, 30 April 2010.

5. William Booth and Juan Forero, "Plying the Pacific, Subs Surface as Key Tool of Drug Cartels," *Washington Post*, 6 June 2009.

6. Informe sobre Desarrollo Humano para América Central, 2009–2010, "Abrir espacios para la seguridad ciudadana y el desarrollo humano," Programa Naciones Unidas para el Desarrollo, 2010, 108.

7. Phil Williams, "Here Be Dragons: Dangerous Spaces and International Security," in Clunan and Trinkunas, *Ungoverned Spaces*, 34–56.

8. See Guillermo O'Donnell, "The Quality of Democracy: Why the Rule of Law Matters," *Journal of Democracy* 15 (October 2004): 32–46.

9. Paulo Sérgio Pinheiro, "The Rule of Law and the Underprivileged in Latin America: Introduction," in Juan E. Méndez et al., eds., *The (Un)Rule of Law and the Underprivileged in Latin America* (Notre Dame: University of Notre Dame Press, 1999), 3–8; Juan E. Méndez, "Problems of Lawless Violence: Introduction," in *(Un)Rule of Law*, 20.

10. David Bayley, *Changing the Guard: Developing Democratic Police Abroad* (New York: Oxford University Press, 2006).

11. Hugo Frühling, "Police Reform and the Process of Democratization," in Hugo Frühling, Joseph S. Tulchin, and Heather A. Golding, eds., *Crime and Violence in Latin America: Citizen Security, Democracy, and the State* (Baltimore: Johns Hopkins University Press, 2003), 15–21.

12. Inter Press Service New Agency (IPS), "Police Nostalgic for the Past," 7 May 2009.

13. According to a November 2009 poll conducted by El Salvador's *El Diario de Hoy*, 93 percent of respondents favored the use of soldiers to fight crime. IPS, "Salvadoran President Deploys Troops to Fight Crime," 14 November 2009. See also Orlando J. Pérez, "Crime and Support for Coups in Latin America," *AmericasBarometer Insights: 2009*, no. 32, 8 February 2010, 1–8; available at [www.vanderbilt.edu/lapop/insights/I0832en.pdf](http://www.vanderbilt.edu/lapop/insights/I0832en.pdf).

14. Richard Iron, "Britain's Longest War: Northern Ireland, 1967–2007," in Daniel Marston and Carter Maklasian, eds., *Counterinsurgency in Modern Warfare* (Oxford: Osprey, 2008), 167–84.

15. Pérez, "Crime and Support for Coups."

16. See Joseph S. Tulchin and Meg Ruthenberg, eds., *Toward a Society Under Law: Citizens and Their Police in Latin America* (Baltimore: Johns Hopkins University Press, 2006); Frühling and Tulchin, *Crime and Violence in Latin America*; Bayley, *Changing the Guard*.

17. UN Code of Conduct for Law Enforcement, General Assembly Resolution 34/169, 17 December 1979; available at <http://www.un.org/documents/ga/res/34/a34res169.pdf>.

18. Derek Lutterbeck, "Between Police and Military: The New Security Agenda and the Rise of Gendarmeries," *Cooperation and Conflict* 39 (March 2004): 60.

19. Paul Shemella, "The Spectrum of Roles and Missions of the Armed Forces," in Thomas C. Bruneau and Scott D. Tollefson, eds., *Who Guards the Guardians and How? Democratic Civil-Military Relations* (Austin: University of Texas Press, 2006), 122–42.

20. Hugo Frühling, "Recent Police Reform in Latin America," in Niels Uildriks, ed., *Policing Insecurity: Police Reform, Security, and Human Rights in Latin America* (Lanham, Md.: Lexington, 2009), 27. Eric Stener Carlson, "The Gendarmerie's Response to Social Protest in Argentina," in Edward Epstein and David Pion-Berlin, eds., *Broken Promises? The Argentine Crisis and Argentine Democracy* (Lanham, Md.: Lexington, 2006), 183–206.

21. Frühling, "Recent Police Reform," 27–28.