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Corporatist Features of the Security Sector in Democratizing Countries: A Cross-Regional Analysis of Brazil and Romania

Sebastian Huluban
Eastern Illinois University

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CORPORATIST FEATURES OF THE SECURITY SECTOR IN DEMOCRATIZING COUNTRIES
A Cross-Regional Analysis of Brazil and Romania

BY
Sebastian Huluban

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SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
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CORPORATIST FEATURES OF THE SECURITY SECTOR IN DEMOCRATIZING COUNTRIES
A Cross-Regional Analysis of Brazil and Romania

Thesis
Sebastian Huluban
# TABLE OF CONTENTS

1. **INTRODUCTION** 8

2. **LITERATURE REVIEW** 16
   2.1. Civilian v. Democratic Control Over the Military v. Security Sector 17
   2.2. The “Trident” of Democratic Control 25
   2.3. Military Missions and the Internal/External Threats Dilemma 31
   2.4. The Road to Democratic Control Have a Corporatist Stage? 35

3. **THE BRAZILIAN CASE** 43
   3.1. Introduction 43
   3.2. A Game Theoretical Approach 44
   3.3. The Institutional Perspective 48
   3.4. Military Missions, Economic Trends, and Cultural Features under the New Corporatist Democratizing Framework 51

4. **THE ROMANIAN CASE** 58
   4.1. Introduction 58
   4.2. A Game Theoretical Attempt 60
   4.3. An Institutional Explanation 64
   4.4. Military Missions and Budgets, “NATO factor”, and Cultural Tendencies 67
DEDICATION

To three historians:

Frank “Mick” Schubert, Liviu Maior, and my father
ACKNOWLEDGMENTS

This thesis represents the second attempt of a project that aims to understand, in comparative perspective, the Romanian post-1989 “high politics” dynamics, namely the evolution of foreign, defense, and national security policies. The first attempt has been the other MA Thesis, written in Budapest, Hungary, at the Central European University during the academic year of 2000-2001.

As last year, without the help and assistance of a number of individuals, it would have been impossible to have this work done. Here I would like to extend my sincerest appreciation and thanks to them. First of all, I owe my greatest debt of gratitude to my thesis advisor and class professor, Dr. David H. Carwell. His guidance, supervision, patience, insight, and continuous encouragement have been of extreme importance to me throughout my research and have enabled me to complete this work. His classes were also a permanent challenge and source of inspiration for my academic interests.

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ABSTRACT

The topic of the thesis is to analyse, from a cross-regional comparative perspective, the relationship between the corporatist features and the civil-military relations in two democratising countries, Romania and Brazil. I choose Romania and Brazil because these two countries present peculiar features regarding the civil-military relations within their regions, and, in addition, these countries share a peculiar heritage regarding the corporatist arrangements both in terms of intellectual-cultural legacy and contingent decisions. The paper encompasses a double attempt as an answer to the current appeals within the civil-military relations literature for new analytical perspectives. First, I will show that the corporatist state theory is mainly focused on the features of the tripartism, and that it is strongly connected to the social and economic issues of West European countries. The thesis will attempt to survey neglected features of the corporatist arrangements, namely those regarding the civil-military relations and national security policy in two democratising countries, Brazil and Romania. Second, I show that the cross-regional perspective in the analysis of civil-military relations is possible, despite the arguments of the recent literature. In addition, the paper offers an alternative for the understanding of civil-military relations within a different conceptual framework of democratising theories. I use the concept of corporatism in two of its main theoretical features: first, the peculiar aggregation of the interests of a branch of society (the military) within the democratising states and, second, the avoidance of the legislature in matters of oversight decision and policy-making. The thesis argues also that the international context (the incentive to become a NATO member in the case of Romania) can contribute significantly to the alteration of the domestic corporate arrangements.
LIST OF TABLES AND FIGURES

Table 1  Institutionalization of democratic oversight  31
Table 2a  Brazil military expenditure as a percent of GDP  54
Table 2b  The number of Brazilian armed forces per 1000 people  55
Table 3a  Romania military expenditure as a percent of GDP  68
Table 3b  The number of Romanian armed forces per 1000 people  69

Figure 1  Military missions: internal and external threats  32
Figure 2  SSR in contexts  41
Figure 3  46
Figure 4  63
Introduction

The struggle to find the best independent variable(s) for democratic consolidation is one without an end. Whether the social, cultural-historical, economic, religious, environmental, international, or contextual (time-related) factors are explaining, individually or together (with the risk of “regressum ad infinitum”) more appropriately the advance of democracy throughout the world is both a matter of controversy and nuances. All these questions about “the End of History” or “the Third Wave” are endless, because there is no single factor to explain the democratic victory at the end of the XX century. Moreover, probably, instead focusing on what makes democracies flourish, we should still ask: what makes democracies collapse?

The topic of the thesis is to analyze, from a cross-regional comparative perspective, the relationship between corporatist features and security sector reform in two democratizing countries, Romania and Brazil. This thesis represents a double attempt. First, I will argue that corporatist state theory has been primarily focused on the features of tripartism and was strongly connected to the social and economic issues of Western and sometimes backward countries. This thesis will attempt to survey other features of the corporatist arrangements, namely those concerning the civil-military relations and national security policy in two democratizing countries, Brazil and Romania.

Thus, if it is accepted that the contemporary (post World War II) debate on corporatism originated in the seminal article Still the Century of Corporatism? (Schmitter
1974), it might be asserted, further, the origins of corporatist theory actually begin in the ideas advanced by Mihail Manoilescu in the 1930s. Mihail Manoilescu did not envision the corporatist arrangements of the state only in terms of a special relation between the labor, capital and the state, but instead he developed an organic theory of corporatist inclusion for all major segments of society (Manoilescu 1936). Even Philippe Schmitter offers a general definition of corporatism: “...a system of interest and/or attitude representation, a particular modal or ideal-typical institutional arrangement for linking the associationally organized interests of civil society with the decisional structures of the state” (Schmitter 1974, 86).

The legitimate question is then: what is the place of the military (armed forces, police, and intelligence services) and what kind of civil-military relations exist under corporatist features? As the thesis will show there is a strong connection between corporatist tendencies and civil-military relations. One of the main cornerstones of corporatist theory is the development of state-society relations that avoid the idea of representation and control through pluralist arrangements such political parties, and legislatures (Chalmers 1985, Dryzek 1996, Schmitter 1974, 1977, 1981, Hunold 2001). In addition, one of the key points regarding the theory of civil-military relations and security sector reform is the civilian control over the armed forces as contrasting with the democratic control exercised by the legislative, executive and the judiciary branches of government.

Second, the thesis represents an attempt to discuss that the cross-regional perspective in the analysis of civil-military relations is possible, despite the arguments of recent literature (Barany 1997). Thus, the thesis argues that, under the legacies and
present features of corporatist tendencies, there are cross-regional similarities in the reform of the security sector. As the argument has been put forward in one recent study to date dedicated to the topic of civil-military relations in Latin America, “The need for new analytical perspectives on the studies of armies and politics is now more apparent than ever … the Latin American civil-military field (like Latin American areas studies as a whole) has suffered by standing in harmful isolation” (Pion-Berlin 2001, 2).

This thesis will identify the dynamic evolution of security sector reform under corporatist conditions from a cross-regional perspective using a threefold analytical framework: rationalist, institutional and cultural (Lichbach and Zuckerman 1997). I consider that this comparative analytical framework offers the best choice in order to demonstrate the existence of corporatist features in cross-regional perspective, without being caught in the trap of either contingent or path-dependent explanations. For instance, by using the path-dependent type of explanations alone it would be easily to deny any argument for a cross-regional study of civil-military relations in Latin America and post-communist Europe because of the great difference regarding the immediate legacy of these two areas.

In this respect, I am aware about the advantages and limitations of using a game theoretical perspective (Harsanyi 1969) in order to analyze the transfer of power, the way transition occurs and evolves, and the role the military played in this important process. On the one hand, I consider the process of the transfer of power in Brazil and Romania as a fundamental stage for understanding of what comes next. Brazil faced one of the longest military dictatorships in South America, whereas Romania endured the toughest Stalinist regime (Linz and Stepan 1996, Tismaneanu 1995, 1998) during the Ceausescu
years (1965-1989) in Eastern Europe, and at least for this reason the formal modeling of
the mode of extrication from authoritarian rule is important. The argument I present for
game theoretical modeling will demonstrate that strong authoritarian legacies create
incentives for a peculiar transfer of power (top-down and controlled), a high degree of
military involvement, and a corporatist but stable relationship between civilians and
security sector. The case of Brazil will show how clear the military role was, whereas the
case of Romania will demonstrate a confused interaction between the old and new elites,
on one part, and fragments of the security sector, on the other. In addition, the confused
nature of civil-military interactions during the transfer of power, together with the
socialist legacy of civil-military relations and the international influence of NATO,
created incentives for a more successful democratization within the security sector reform
in the case of Romania.

On the other hand, formal models, and the game theoretical approach in
particular, have their own limitations both in comparative politics in particular (Tsebelis
1991) and in political science in general (Morrow 1994). As one recent study on the role
of game theory in comparative politics pointed out, “Noting that game theory does not
always generate unique predictions, various authors have suggested that a range of
factors – from ideas and norms to institutions and legacies – may explain choices actors
make in games…” (Munck 2001). Hence, the theoretical framework provided by
Lichbach and Zuckerman should cover the necessary range of issues discussed in the
present thesis.

Summing up, the rationalist argument will be used in order to identify the way
transition from authoritarian rule (military dictatorship for Brazil, totalitarianism for
Romania) occurred and the role the military played during the transition of power. The rational-choice modeling of the transition has a double goal: to identify the way power has been transferred in order to find the best label for the type of democratic transition, and secondly to analyze the political role assumed by the military during the transfer of power and after (Hunter 1997, 1998). The institutional perspective will be helpful in order to identify the similarities and contrasts regarding the structural arrangements developed by Brazil and Romania in order to attempt to create democratic control of the military after the authoritarian breakdown. The institutional explanation will deal with both domestic (constitutional and institutional choice) and external variables (the influence played by NATO and the EU in the case of reforming civil-military relations in Romania).

Finally, the particular military mission, organization and cultural perspectives will show the corporatist features of these two countries are not just the result of contingent choices and current institutional arrangements, but that there is a strong and surprising historical-cultural influence of the ideas of corporatist state developed in Romania in the 1930s on those that emerged in Brazil and other Latin American countries in the 1960s and 1970s (Love 1997). The comparative analytical framework provided by Lichbach and Zuckerman (1997) is used because within the most recent literature in comparative politics relative to civil-military relations it is considered that “Strategic choices always occur in institutional, cultural, and structural contexts and usually involve international, regional, and local influences. ‘Civilian control’ (like most aspects of civil-military relations) is not simply a changing frame for strategic choices but rather a complex set of
historically, culturally, and institutionally defined relationships that include ongoing choices by military and civilian actors” (Loveman 2001, 270).

Romania and Brazil were chosen for the following reasons. First, both countries belong to two classic areas within the study of democratization, Latin America, and, more recently, Eastern Europe. Second, both countries are important actors in their areas – Brazil is the largest country in Latin America, whereas Romania is the second, after Poland, in post-communist Europe (excluding the ex-Soviet Union). Third, these two countries share a common ideological heritage, namely the idea of “corporatist state” developed by Mihail Manoilescu in the 1930’s, revisited later on, in the 1960’s, within the general framework of the “dependence theory” by Celso Furtado and Fernando Henrique Cardoso in Brazil (Love 1997). This fact relates to the strong self-perception of political and economical “underdevelopment” in both countries, relative to the United States and Western Europe. In addition, the idea of corporate state, too often associated with the Fascist ideologies, deal within the context of this thesis with the degree of the avoidance of the legislatures from the daily affairs of the government. Its forms of existence and development can be seen within the advanced industrial democracies, the democratizing states, and, obviously, within the non-democratic forms of government. Fourth, both Brazil and Romania share the status of the less developed countries in their region at the time the thesis is written and following the “guns versus butter” argument, a high degree of expenditures in military-related matters, such as weapons system acquisition and procurement, personnel, or logistics, can be easily interpreted as a clear tendency towards militarism and corruption. Finally, both countries have assumed the role of a regional security stabilizer, participation within different missions of
peacemaking and peacekeeping (Brazil mainly in Africa, Romania in the former Yugoslavia and most recently in Afghanistan), so their military and security establishments are important actors in the general process of foreign and security policymaking.

The arguments of the thesis will be developed as follows. First, the literature review will provide a discussion regarding the classical and current meanings of “civil-military relations” concept within the contexts of democratization and post-Cold War dynamics and, in addition, will advance the concept of “security sector reform” as most appropriate. Then, I will present the so-called “trident” of democratic control (legislative, executive and judicial), rather than simply civilian oversight and I will develop the features of the security sector in terms of defense conversion, defense budgets, and military missions (external and/or internal). Finally, the literature will evaluate and fit the concept and significance of corporatist feature within the context of the thesis. I will advance the argument that corporatism is more than social policy, and its capture by the welfare state scholars is not fully appropriate.

The analysis of the chosen case studies will be based on the comparative analytical framework advanced by Lichbach and Zuckerman (1997) and will attempt to illustrate the arguments presented within the literature review: the inadequacy of the classical “civil-military relations” concept in analyzing the dynamics of democratization, the modeling through game theory of the main features of the transfer of power in Brazil and Romania and the significant role the security forces played, the main stages in the achievement of democratic control over the security sector, and the cultural features these
countries may share, when considered through the corporatist "lens", that may affect the future enforcement of full democratic oversight.

The methodology used is both quantitative and qualitative. Using Lichbach and Zuckerman's (1997) comparative framework I will develop two game theoretical models in order to illustrate the moment of the transfer of power from authoritarian rule to democracy in Brazil (1985-1988) and Romania (1989-1991), and, in addition, I will evaluate the way the liberal-democratic institutional design performed in controlling and monitoring the security sector in qualitative terms. Furthermore, within the institutional analysis I will analyze the role that international environment and institutions played in the reformation of security sector and redesign of security doctrines and military missions. Thirdly, I will present a short evaluation of the main cultural trends associated with the transition to liberal democracy in Brazil and Romania, primarily focusing on the corporatist heritage and current citizens' attitudes toward institutions such as political parties, parliaments, unions, army, and church.
Chapter 2
Literature Review

One of the major attempts of this thesis is to show that the cross-regional perspective on civil-military relations, such as comparing Eastern Europe and Latin America, or more precisely, the cases Romania and Brazil, is directly dependent on the chosen conceptual framework. For example one may argue that Brazil and Romania wouldn’t be the best choices for such an approach (Barany 1997) because, from a radical path-dependent perspective, these two countries belong to two different historical, cultural, and geographical contexts and hence their post-authoritarian evolution is rather dissimilar.

Indeed, if we look closer at the cases of Romania and Brazil, we see that their immediate past (last half of the twentieth century) is very different: on one side we have Romania, with its long Stalinist totalitarian formula within the USSR’s satellites (1949-1989), and on the other side we have Brazil, with a long history of authoritarian military regimes (1964-1985). But is it only the immediate past that counts in order to develop different paths of evolution? Although these conceptual and descriptive labels (“second world” v. “third world” or totalitarianism v. military dictatorship-bureaucratic authoritarianism) are valuable in order to typologize different legacies, this does not mean that the entire process of democratization evolves in different manners because of the immediate past legacy. As I will show, the influence of historical legacy may be tricky sometimes: whereas the immediate past of Romania and Brazil seem so different, a more general view of the evolution of these two states in the twentieth century presents
strong similarities at different historical moments (Romania in the interwar period, 1918-1939, and Brazil after the Second World War, 1945-1970s).

Second, there are other countries where the civil-military relationship could be seen as a very sensitive matter. For instance, Israel or India might be examples to contrast the case of Brazil, and Latin America in general, especially relative to the degree and forms of the military involvement in the political arena, and the degree of civilian control of the military in general. But, as it has been argued (Schiff 1995) Israel and India, and probably many others (Pakistan, North Korea, China) belong to geographical areas (Middle East and East Asia) where there is no general regional trend toward democratization, such is the case of Eastern Europe and Latin America. Thus the “concordance theory” of civil-military relations may be a good explanation for such regional settings.

Third, the main hypothesis of this thesis, that identified corporatist features - contingent, structural-institutional and cultural (Lichbach and Zuckerman 1997) - may determine a relatively stable civilian control over the military, but not a necessarily a democratic one, is not advanced in order to bring to attention a new theoretical framework, a new “theory of concordance”, or a new paradigm, but to confirm the basic hypothesis, namely that similar civil-military relations patterns may evolve in different geographical areas of democratization.

2.1. Civilian v. Democratic Control Over the Military v. Security Sector

Military, Armed Forces, Security ... Regarding the theoretical models of civil-military relations Samuel Huntington, in his already classic work, The Soldier and the State,
argues that there are two main types of the civilian control over the military branch: the subjective and the objective. Thus, he argues that the subjective way of control over the military is based on the maximization of civilian influence with the risk of diluting the cohesion and professionalism of the armed forces: “the simplest way of minimizing military power would appear to be the maximizing of the power of civilian groups in relation to the military... consequently the maximizing of civilian power always means the maximizing of the power of some particular civilian group or groups” (Huntington 1957, 80).

In contrast, the objective model is based on the maximization of the military professionalism: “More precisely, it is that distribution of political power between the military and civilian groups which is most conducive to the emergence of professional attitudes and behavior among the members of the officer corps” (Huntington 1957, 83). The objective model reflects a situation in which the officer’s body is “politically sterile and neutral”, prepared to carry out whatever orders it receives regardless of who is in charge of the government. Furthermore, in contrast to the subjective model, this approach asserts that civilian control is assured through the recognition of military professionalism rather than civilian interference.

But Huntington (1968) describes another situation relative to the relations between civilians and the military. Hence, praetorianism refers to the situations of military involvement in political affairs (a kind of converse situation of subjective control), either using the classical means of overthrowing the civilian government through a coup d’état, or through the permanent involvement in political decision-making process behind the scenes (Herspring 1992, 100). As the argument has been put forward
by another scholar: “an authoritarian military regime may be composed of civilian and military officers and may be even headed by a civilian who does not posses military skills” (Perlmutter 1989, 97). In short, the appearance of a praetorian regime is determined mainly by two factors: a weakening of the political and institutional structure of the society, and, on the other hand, a cohesive and autonomous military (Huntington 1968, Perlmutter 1989).

From a pure theoretical standpoint, Peter Feaver argues that the balance between the civilian and military influence is based both on a paradox and two general principles. The paradox refers to the fact that because we fear others we create an institution of violence to protect us, but then we fear the very institution we created for protection. Additionally, the first principle refers to the fact that the need, “or perceived need”, for establishing the military is based on the idea to use military force either to attack others or just to “ward off attacks by others”. The second principle is both logically related to and in tension with the first: “…just as the military must protect the polity from enemies, so must it conduct its own affairs so as not to destroy the society it is intended to protect” (Feaver 1996, 152).

On the other hand, Douglas Bland (1999) maintains that the changes of the regimes and the advance towards democratization in the late twentieth century requires a re-evaluation of the theory and models of civil-military relations. The author identifies at least four possible models developed in the literature: the mission model (more compliance in the case of militaries facing external threats rather than internal), the institutional model (strong civilian-led institutions as the receipt for the best civilian control), the civilian supremacy (active civilian involvement at every level of the military
decision-making process), and the humanitarian one (harmony among civilian and military elites). Beyond these, Bland suggests “a unified theory” of civil-military relations based on the idea of “shared responsibility”, driven mainly from the assumptions of the theory of regimes. Thus, instead of the concept of “control” the author advances the concept of “sharing”: “…experience shows that civil authorities depend on military experts not only to provide technical advice and to direct operations, but also to assist in the civil control of the armed forces. Even in mature democracies, there is an expectation that military leaders will share in decision-making regarding the national defense and the employment of the armed forces with their civilian superiors.” (Bland 1999, 10).

Based on Huntington’s ideas, others (Kohn 1997) have described the civilian control of the military in a broader sense, namely the control and oversight of the entire national security and defense apparatus, not just the military branch. Thus it is assumed that “The best way to understand civilian control, to measure its existence and evaluate its effectiveness, is to weigh the relative influence of military officers and civilian officials in decisions of state concerning war, internal security, external defense, and military policy” (Kohn 1997, 143). Hence, Kohn’s attempt is to explain more accurately what exactly the “military” means when we refer to civil-military relations. Thus, according to Kohn, “the military” encompasses not just the regular armed forces, formed on the base of conscription or voluntary/professional hiring, but also the police and internal and/or border security forces, and, very importantly as we will see in the cases of Brazil and Romania, the intelligence agencies.
A more recent academic and policy trend (Ball 2001, Forster 2000, Smith 2001, Trapans 2000, Wulf 2000) emphasizes the need for an enlarged formula relative to civil-military relations, especially the need to include this topic as part of the general processes of democratization, transition to market economy, economic adjustment and defense conversion. Furthermore, this new approach attempts to take into account both domestic and external variables in order to explain the dynamics of relations between civilians and the military. At the same time, this new “conceptual lens” was urged by the necessity of revisiting the significance and meanings of civil-military relations once with the end of the Cold War, the increasing number of democratizing countries, and the shift of the direction of violent conflicts, from inter-state to intra-state. Thus, these authors consider instead of “civil-military relations” the concept of Security Sector Reform. In this respect, the security sector takes into account the regular armed forces, paramilitary units, the police, gendarmeries, national guards, and the intelligence services. In addition, the concept of Security Sector Reform (SSR) refers to the civilian authorities mandated to control and oversee the above mentioned agencies and encompasses the legislative, the executive, the judicial and penal systems, as well as civil society in general. Thus, the interplay of all these agencies, institutions and societal actors determines the evolution of the SSR within the general context of transition and democratic consolidation.

Civilian, Democratic, ... Once we move beyond the classical concepts and models of civil-military relations, such as objective, subjective or praetorian and accept the larger diversity of what “military” includes, the legitimate question may be: What do we mean by civilian when we refer to “civil-military relations”? What does “civilian control over the military” (security sector) mean in the context of democratization? What about civil-
military relations within regimes other than democracy, authoritarianism or non-Western settings? For instance, Huntington's theoretical models have been accepted as best describing the civil-military relations within the communist regimes (Herspring 1992). On the other hand, others have argued that the models developed by Samuel Huntington are not appropriate at all for analyzing the communist type of civil-military relations: “Throughout his writings, Huntington tended to dismiss the role of civil-military relations in communist states by arguing that relations in such states were always in crisis” (Herspring 1999, 560). The author argues that Huntington’s models are too static, whereas reality proves that there are evident shifts from subjective to objective and vice versa, especially in the case of some communist states (Soviet Union, East Germany) where the 80’s signified important increased autonomy for the military branch without an obvious involvement of the civilians (the party) in military politics.

The lack of a precise definition of what “civilian control” means may lead us not to detect, for instance, the difference between the Communist Party’s control over the Communist armies in Eastern Europe and the combined legislative, executive and judicial control over the militaries in the countries of European Union or the United States. All these instances denote civilian control of the military (security sector), even if one is subjective and the other objective (Huntington 1957). But between these two extreme instances of civilian control, we have to understand how the civilian control over the military is exercised in situations of transition from one form of control to the other (Coughlan 1998). Thus, it becomes obvious that the concept of civilian control over the military must be understood as the achievement of democratic control over the security sector.
The main point here is despite some notable exceptions, (Callaghan and Kuhlmann 2000, Cottey, Edmunds and Forster 1999, Giraldo 2001 a., 2001b) the literature on civil-military relations does not make a clear and sound distinction between civilian and democratic control of the security sector in the context of democratic transition and consolidation. In addition, there is no clear understanding relative to different types of dynamics of the evolution of the democratic control over the security forces in transitions from authoritarian rule. For instance, in the case of Romania, the principle of a legislative framework for control over the armed forces was established earlier (the 1991 Constitution) than the control over the intelligence services (1998 in the case of the Foreign Intelligence Service, SIE).

From another standpoint, this dynamic refers to the stages that should be reached for sound democratic control. A basic assumption is that democratic control over the security sector has a strong institutional dimension. Thus, constitutional and other legal provisions regarding the non-involvement of military in domestic politics does not represent the achievement of full democratic control. As Douglas Bland (1999) asserts, there is a difference between the democratic institutional model which means "strong civilian-led institutions as the path to assured civilian control" and the civilian supremacy one which "reflects the ideas of those who believe that control demands the active intervention of political leaders at every level of the process" (7). In addition Bland (2001) maintains that:

"Although in most cases the hardware is at least adequate, problems emerge because the civil-military relations software has not been installed in the new structures for the civil control of the military. That is to say, the framework of ideas, principles and norms that shape civil-military behavior in liberal democracies has not been adequately explained or incorporated into the officer corps, the political culture, and the defense establishments of new democracies. There are reasons particular to states why this is so."
But generally, the sources of the problem is the absence of a clear model of the software...” (525).

Instead of “hardware” and “software” Forster (2000) identifies the dynamics of democratic control of the security sector in the case of transition of post-communist countries in terms of first generation and second-generation reforms. Thus, “first generation” issues encompass the basic institutional provisions such as the drafting and approval of the new constitutional structures and the allocation of clear lines of responsibility. The second-generation set of issues “is emerging as being central to the on-going reform process” (Forster 2000, 7) and refers to the effective operation of institutions and procedures, attitudes change, and democratic shared norms and values. The difference between these two stages is enormous: “Whilst institutional structure have changed rather rapidly created on paper, attitudinal change appears to be taking place over a longer time horizon than institutional or structural change.” (7).

It is beyond the scope of this thesis to analyze attitude changes and democratic norms and values (Fitch 2001). Instead of issues of military professionalism from a cultural perspective, the social origins of the officers and other variables of this kind, this Thesis will deal with the distinction between “hardware” and “software” only from an institutional point of view. Thus, the main question is how it is possible to structure and delineate the main stages of the democratic control? What makes democratic control different from the classical “civilian” control? Whereas the “hardware” is relatively simply evaluated in terms of constitutional and main legal provisions, the other part of institutional stage, the “software” or “second generation” reforms are more complex, because they encompass the implementation of sound procedures, and institutional
reflexes, interest and knowledge. A strategic community cannot be constructed only on empty constitutional and legal provisions.

2.2. The “Trident” of Democratic Control

*How” Supreme” the Legislative Should Be.* First of all, democratically elected representatives in a country’s legislature have an important role to play in formulating defense, intelligence, military, and police policies and monitoring its implementation (i.e., oversight). Legislative participation in these areas is desirable for a number of reasons. Democracy as “rule by the people” is enhanced by input from all elected officials, not just those who comprise the executive and judiciary branches. The needs of civil society and the military are more likely to be balanced to the extent that representatives from all segments of civil society (especially in the cases of ethnic, religious, racial, linguistic cleavages) are consulted in the policy process.

Although consulting multiple actors in the legislature on defense issues may be time-consuming, the outcome may be stronger and more lasting policy. The policy produced tends to be better as both the executive and militarized actors involved are forced to defend their positions publicly. Furthermore, consulting the legislature on important issues helps develop a national consensus and decreases the chances that defense policy will suffer serious modifications with a change in government. As it has been argued, such policy stability is particularly important since decisive features of defense and national security, such as weapons procurement or the building of an international reputation

ix, can only be effectively carried out on the long term (Giraldo 2001b, 12).
In addition to their contribution to good policy making, legislatures can provide a check on executive misuse of the military. Legislative participation in the officer promotion process and the need for legislative approval of the deployment of the military (primarily against “internal” or foreign threats) can help prevent the politicization of the armed forces and its misuse by the executive for personal, partisan, or unconstitutional ends.

But this type of institutional arrangement may condition legislative oversight and influence. Thus, in the presidential, semi-presidential or parliamentary type of regime, the rules of the legislative procedure, and the size and discipline of the parties backing the executive are important in shaping the role of the legislature. Thus, in general, legislators are thought to have less influence in parliamentary systems where the government controls the legislative agenda and is backed by a disciplined majority party (Great Britain). The U.S. Congress occupies the opposite end of the “spectrum” of legislative influence in terms of substantial powers over the legislative agenda and the content of the legislation, whereas “Other presidential and parliamentary systems lie somewhere in between, with many presidential systems falling closer to the parliamentary model than the U.S. model” (Doring 2001, 3). Though the constitutional, legal, and political factors account for variation in the role parliaments plays from country, one commonality is the way they have organized internally to handle their main tasks of shaping legislation and oversight.

Thus, almost all countries legislators have created specialized committees in main policy areas (Longley and Davidson 1998). Most democratic legislatures have created defense committees in order to “bring to the spot” the main defense and national security
issues, but the committees, in addition, "can examine matters more closely than the entire chamber and the smaller size of the committees usually facilitates compromises between representatives of different parties" (Giraldo 2001a, 9). Furthermore, the defense (and intelligence) committees perform a special function not required of committees operating in other policy arenas: they serve to balance the right of the public and civil society in a democracy to be informed and the need for secrecy that governs many of the activities and policies in the realm of national security, defense, and intelligence affairs.

Legislative oversight of the security sector reform has two main functions – to hold the government and the military accountable for their actions and to see if laws are working the way they were intended. Thus, legislatures may be involved in issues related to the budgetary allocations for the security sector agencies, overseeing the executive (President or Prime Minister) in its exercise of prerogatives as commander-in-chief of the armed forces (the command of the troops and the power to promote officers to the high command), or even in the process of officer promotion process such as the cases of Indonesia or Spain (Zaverucha 1993, 294).

Furthermore, the legislatures are required to participate in the decisions to invoke and enact the state of siege or the state of emergency and deploy the troops domestically. As the evidence shows "One survey of legislation in 77 countries revealed that in 12 cases the parliament alone had the right to declare an emergency, and in another 51 cases parliament was required to approve any governmental declaration of a state of emergency (Parliaments of the World 1986, 1273). In Germany and the United States for instance, the Bundestag (respectively the Congress) has authority to declare a state of emergency in case of internal disturbances. In Spain, the Government can declare a state of
emergency in response to internal disturbances only with parliamentary approval (*Parliaments of the World* 1986, 1274), the same situation we find in the case of Romania (the 1991 Constitution). On the other hand, in many other democratizing countries the executive has the right to declare the state of emergency without congressional approval, such as in Brazil (Zaverucha 1988).

One of the most important issues facing legislators in their process of oversight and control is the asymmetry of information between them and the executive in national security and defense issues. There are two main determinants for this information asymmetry: the excessive secretiveness of the executive in sharing sensitive information with the legislators and the legislative lack of expertise in these issues. As the argument has been put forward. “The challenges are still greater in countries transiting from authoritarian regimes with a history of secrecy, military prerogatives and executive dominance of the policy process” (Giraldo 2001b, 20).

*The Executive Branch.* Regarding executive branch relations with the security sector under the auspices of democratization, three main points should be emphasized. First, democratic constitutions enforce the principle of civilian supremacy by naming the head of state or government (the President, the Prime Minister, rarely the monarch) as the commander-in-chief of the armed forces. Although a necessary condition for implementing civilian-democratic control over the security sector it is by itself insufficient. The head of state (government) usually lacks the time and the expertise to manage the enforcement of the defense policy. As a result, they will delegate responsibility and authority to civilian ministers of defense, interior, and intelligence and
law enforcement agencies who, advised by ministries staffed with both civilian and military experts should oversee the defense and national security policies.

Second, considering that democratic control of the security sector implies a balance of expertise among military and civilians, democratic reforms (especially in the case of countries transiting from military dictatorship or totalitarian regimes) are aimed at strengthening the civilian capacity of expertise. One way to tackle this issue means that the collective bodies with strong military representation should be relegated to advisory roles with reduced command or policy authority, such was the case with the U.S. Chiefs of Staff.

Third, as a consequence of the second issue, within the security sector ministries (agencies), the responsibilities accorded to civilians should be specifically defined. The so-called division of labor between the military and civilian personnel within these ministries and agencies on issues such as policy, administrative and professionalism may vary, but it is generally assumed that the more civilians are in top policy-making posts, the more effective civilian control is likely to be (Bland 2001, Kohn 1997).

Fourth, civilian control and oversight at executive level is likely to be more successful and efficient in conditions of a “single unambiguous chain of command, so that the military cannot pit civilians within the executive branch against one another” (Giraldo 2001a, 10). This issue is rather dependent on the institutional design (Linz 1994) of the political system. Thus, for instance, in the case of semi-presidential regimes, such as France and Romania, the share of authority and responsibility in national security matters between the president and the Prime Minister “creates a confused chain of command” (Giraldo 2001a, 10).
The Judiciary. Regarding the judicial branch relations with the security sector, the main idea is that the military should not be considered above the law and, consequently, not exempted from obedience to the civil code and judgment in civilian courts. In areas of jurisdiction of the security sector reform the main point is that the civilian courts should have more legal provisions over the military than the military courts. Thus, civilian courts should have a clear jurisdiction over all criminal acts committed by the military personnel such as political crimes (rebellion against the democratically-constituted authorities), violation of civil liberties (committed during the process of carrying out the internal security tasks) or other common crimes.

One of the most sensitive areas is the issue of human rights' violation. As Giraldo argues, “For civilian courts to have jurisdiction over military violations of human rights, legislation must be passed that restricts a soldier’s ability to argue that he was simply following orders as a defense for illegal actions” (2001b, 12). In addition, the role of the military courts should be restricted at enacting a Military Code of Justice (Giraldo 20012,12) and to the degree of authority delegated to them during the declared state of emergency.

The following table summarizes the main points discussed relative to the issues of institutionalization and democratizing control over the security sector:
2.3. Military Missions and the Internal/External Security Threats Dilemma

The sudden end of the Cold War brought many strategic issues and dilemmas to the forefront, mainly in terms of the reassessment of national security doctrines and military missions, the reassessment of international security institutions and the emergence of new security threats at the international, regional and internal levels. The topic is not new, but the way the “changing security environment” (Desch 1998) affects the security sector reform and civil-military relations in democratizing countries is. Even for the two superpowers, the abrupt end of the Cold War created serious problems: “For example... the end of the Cold War coincided with a deterioration in the relationship between civilian and the military. The United States and Russia, once models of military subordination to civilian authority, have both experienced a weakening of civilian control.” (Desch 1998, 1).
Michael Desch evaluates the main causes of the changes in civil-military relations as follows: personality, character and other individual characteristics of civilian and military leaders, changes in military organization, changes in the civilian institutions of government that affect civilian control (e.g. democratization), weak state institutions, the methods of civilian control, societal factors, such as sharp differences in civilian and military ideas and culture, and finally, the changes in the international environment, such as the end of the Cold War (Desch 1998, 8-10). Desch, however, deals only with the last factor and builds his argument on the idea that structural factors, such as threats, fundamentally shape the way military missions are set up and civilian control achieved.

Desch distinguishes between internal and external threats in terms of degree (low or high) that consequently involve internal and external military missions. For instance he points out that, from a normative perspective, “a state facing high external threats and low internal threats should have the most stable civil-military relations” (13), whereas, “In contrast, a state facing low external and high internal threats should experience the weakest civilian control of the military (14). The following figure synthesizes these arguments:

<table>
<thead>
<tr>
<th>External threats</th>
<th>High</th>
<th>Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Poor</td>
<td>Worst</td>
</tr>
<tr>
<td>Low</td>
<td>Good</td>
<td>Mixed</td>
</tr>
</tbody>
</table>

*Figure 1. Source: Desch 1998, 14*
Another important perspective, one that brings us closer to the topic of the thesis, asserts that the influence of the end of the Cold War has led to different regional threats and security issues, and hence “...the dynamics of the domestic civil-military relationship determine the likelihood of conflict or cooperation at the regional level” (Mares 1998, 1). The question in this context becomes: how does the regional context influence the security sector reform and military missions in democratization areas such as Latin America (Barros and Coelho 1981, Fitch 1989, Hilton 1987, Loveman 1999, Pion-Berlin and Arceneaux 2000, Rouquie 1982), and Eastern Europe (Szayna and Larrabee 1995, Szemerkenyi 1997, Trapans 1997, Valki 1992)? How may security sector reform, coupled with the transition to liberal democratic institutions in one country affect other countries in the region?

For instance, Mansfield and Snyder (1996) have argued that the democratization of a political regime leads to insecure old and new political elites that, in view of an absent party system, are tempted to externalize internal tensions into international conflict. These elites view politics in zero-sum terms. On the other hand, some scholars (Zimmerman 2001) using game theory insights have argued that the question then is raised under which internal constraints (for instance, party system, free press, absence of ethnic diversity) and external influences (for example, political and military alliances, foreign veto power, external financial dependence) could non-cooperative games could be turned into cooperative ones. In this respect, “Mansfield and Snyder leave the causal mechanisms rather unspecified pointing mainly to two aspects: one, the insecurity and irresponsibility of former incumbent elites and challenging new elites alike, and the
potential disturbances created by masses mobilized for both internal and international political demands in this process of polity change or readjustment.” (Zimmerman 2001, 3). A close analysis of the cases of Brazil and Romania in the next two chapters will offer peculiar insights into the issues of the transfer of power and security forces participation in this process.


The close cooperation between NATO as institution and the NATO states with the post-communist countries, either through direct contacts or through the institutionalization of Partnership for Peace provided a major support for the successful steps taken in the reform of the security sector, in terms of achieving democratic-liberal institutional control over the security forces and interoperability at the strategic, tactical and operational levels, shift in the defense planning and national security doctrines, and a high degree of involvement in cooperative exercises and military missions such as peacekeeping and peacemaking at regional level (ex-Yugoslavia) or abroad (Afghanistan).
2.4. Does The Road to Democratic Control Have a Corporatist Stage?

The literature on the reform of security sector (Forster 200) and achievement of democratic liberal oversight (Bland 2001) distinguishes between different stages in the process dynamic. There is a clear distinction between the first and the second stage of democratic control of security sector. The question this thesis attempts to answer is: how should we label this first stage of the process of democratization and liberalization of relations between civilians and security sector?

The implementation of the liberal-democratic “hardware” (Bland 2001) represents a middle stage of the dynamics. It is neither close to the “dark times” of authoritarianism (military dictatorship and totalitarianism), nor full democratic control of the security sector. In addition, there is no theoretically prescribed model of the successful democratic control of the security sector (Bland 1999, 2001, Desch 1998, Forster 2000). In the attempt to answer this question I label this intermediary stage as corporatist. I will explain how the concept of corporatism is defined and used for the purposes of this thesis; furthermore, the case studies of Romania and Brazil will attempt to illustrate from a threefold perspective (Lichbach and Zuckerman 1997) this argument.

Corporatism is an ambiguous term. A possible explanation is that it serves many purposes. It provides guidance for research, plays a part in the political discourse, and contributes to frame the theory. In any of these contexts it is differently understood. Ambiguity, however, “is not always a drawback” (Chalmers 1985, 57). The concept of corporatism could be seen as a frame through which one may tentatively enter a new domain. It is not a precise template for drawing conclusions, but may guide us in exploring the features of a new and, until now, unlabeled terrain.
Probably the most commonly assumed meaning of corporatism is a relationship between different types of interests and the governing apparatus of the state (democratic or not). The basic feature of a corporatist relationship is that of a formal organization representing a major professional interest before state officials (elected or appointed) within the framework of an official institution. For instance, a security sector institution in an official government consultative body (legislative committees for defense and national security, the national security councils at the level of executive branch, etc) represents a corporate group incorporated into the state. Philippe Schmitter’s definition that is centered on the state-group relationship is often cited in this respect because it aims to achieve the widest possible application:

"Corporatism can be defined as a system of interest representation in which the constituent units are organized into a limited number of singular compulsory, noncompetitive, hierarchically and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports." (Schmitter 1974, 93).

A central aspect of Schmitter’s definition is the definite legal form that corporatist relationships take. These forms set the general terms of an exchange relationship that defines the interdependence of the interest organization and the government officials. The legal quality of this relationship is crucial to corporatism (Schmitter 1997). This is not to say that corporatism dwells on mere legal formalities, laws on paper which are often ignored in practice. It also includes customary and informal patterns. As the argument has been put forward by Offe (1984, 12): “More than pluralism and Marxism, corporatism emphasizes the direct connection between law and power and between law and interest.”
Moreover, one of the characteristics of a state-group relationship that could be labeled a corporatist relationship, is suggested by Schmitter’s use of the term “monopoly” (Cawson 1986, Williamson 1989). Only one group has the right to speak for a specified category of people. In addition, the monopoly associated with corporatism also can refer to the exclusive authority of the state to regulate a specified sphere of professional or social activity (Williamson 1989).

It may be argued that “monopoly” is an unfortunate choice of words, however, to describe either the representational or social regulating function of corporatist organizations. It suggests broad control over a relatively stable set of people. For corporatism, however, the most relevant sense of the phrase “granting a monopoly” is rather the active role the state overtakes in defining and redefining both the powers of these organizations and the group they control represent (Manoilescu 1934, 11). For instance in a highly authoritarian corporatist society, or “state corporatist” regime (Schmitter 1974, 1978, 1981), the government may carry out this active role one step further by actively suppressing any competitive claimants.

Hence, if we accepted Max Weber’s observations on the issue of state monopoly over the violence within a given territory, we should also accept the idea civil-military relations have at a first glance a corporatist aspect. In our case, only the democratic-liberal institutions, such as the parliament, the judiciary, and civil society make the difference and determine the fundamental feature of the democratic control over the security sector and violence. In this respect, it is easier to understand Huntington’s (1957) way to distinguish between the “objective” and “subjective” types of control. Thus, Huntington mainly confines his analysis to the evolution of the Western evolution
towards civilian control and the description he provides for the “objective” control occurs in an almost natural manner given the limited focus of analysis. This thesis considers, based on Huntington’s typology, that the classical “objective” type approximates (necessary but not sufficient) the democratic control of the “military” (security sector), whereas the “subjective” type might denotes both the basic corporatist feature and the different and possible transitions from “subjective”, or “praetorian”, to the “objective”, democratic control.

A Corporatist Explanation and a Corporatist Path. Authors like Cox (1981), Chalmers (1985), and Williamson (1989) discuss the possible meanings of corporatism. Thus, corporatism may be understood as a theoretical way to describe a peculiar feature of state-society relations (Chalmers 1985, Dryzek 1996), a political regime (Schmitter 1974, 1977, 1981), an ideology (Manoilescu 1934), and a part of theoretical discourse (Chalmers 1985). Last, but not least, corporatism may be considered an explanation (Wiarda 1997, 182), a heuristic explanation, respectively focusing our attention towards both new issues, phenomena, and existent features that lack any descriptive analysis, such as the case of the relationship between the dynamics of democratic transitions and the evolution of the security sector reform in cross-regional perspective.

The literature on corporatism discusses the subject as a possible explanation for development, apart from the classical liberal-democratic and Marxist traditions (Chalmers 1985). In this respect, Howard Wiarda is the author most cited. Wiarda emphasizes the role of corporatism in counteracting the U.S./West European ethnocentrism in evaluations of the changes in Latin America (Wiarda 1973, 1977). Furthermore, the concept of alternative paths of development to liberalism and socialism
is important because of the general attack on development theorists, who have been accused of forcing the U.S. pattern of evolution on the experiences of Latin America and other "Second World" (communist and post-communist) or Third World countries (Wiarda 1973).

One of the alternatives to development theory is, however, not corporatism, but the "dependency theory" perspective, which is generally considered as a form of Marxian tradition (Wiarda 1997). But a recent study, among others dedicated exactly to the patterns of development in Brazil and Romania, shows that the "dependency" perspective is corporatist in essence, and represents the byproduct of an original and interesting transfer of political and economical ideas from the interwar Romania to the post World War II Brazil (Love 1997). Love explains how corporatist ideas advanced by the Romanian ideologue and scholar Mihail Manolescu traveled via Portugal to Brazil, and then became one of the alternative ways of political and economic development theory.

Wiarda's interpretation of corporatism takes a different perspective from that of corporatist development theorists (Manolescu or Celso Furtado). In Wiarda's view (1973, 1974, 1978a, 1978b 1995), differences in development paths stem not only from the different environments of the new countries, but also from their distinctive historical traditions – in other words, their culture. Anyways, in a more recent approach, Wiarda (1997) considers that corporatism is not limited and embedded in peculiar historical conditions (in his classical examples Latin America), but it is a feature in many other geographical areas, such as Eastern Europe, Middle East and Asia. Additionally, Wiarda (1997) considers that the transitions to democracy in areas such as Latin America or
Eastern Europe are associated only with a change in the form of corporatist institutions and patterns, from the authoritarian type to the neo-corporatist features, especially in the areas where there are grounds for the development of consensual, consociational forms of democracy (Lijphart and Crepaz 1991).

In an attempt to understand and explain the relationship between democratization and corporatism, Dryzek (1996) evaluates democracy as a process and an unfinished project, whereas democratization means “a matter of the progressive inclusion of various groups and categories of people in political life”. In the current context, the relationship between democratization, corporatist features (contingent, structural-institutional and, historical-cultural) and the security sector reform is analyzed in the attempt to answer the following questions: what is the position of the security sector institutions at the moment of the transfer of power and the beginning of transition? Were they involved in this process? What kind of posture the security sector institutions had received in terms of legal provisions, military missions and economic privileges? What is the influence of the international environment on the institutional reform? What are the background cultural and historical attitudes of the civil society, military and civilian elites in Brazil and Romania?

Summing up, I assert that it is very difficult to analyze the dynamics of civil-military relations in democratizing countries with the classical frameworks, Huntington’s (1959, 1968), for instance. Instead of “civil-military relations” and “civilian control of the military”, I advance the framework of democratic control over the security sector reform in order to encompass two important dynamics: the inner evolution of democratic institutionalization, as a general background, and, particularly, the dynamics of the
security sector reform, as a dependent variable of the domestic account of democratization and external influences. The external influences considered contain both the international and regional contexts (Mares 1998), and, in addition, this view takes into account the role that international security institutions, such as NATO, may play within the process of implementation of the hardware and even software of a sound security sector reform. The analytical framework of this thesis may summarized as follows:

![Diagram](image)

*Figure 2*

As the cases of Romania and Brazil will argue, this approach could be appropriate to understanding the dynamics of these sensitive "tectonic plaques": any unbalance within one of these levels may have either a direct or indirect impact on the other levels. On one hand, in the case of Romania, the international context determined by the incentives to become a NATO and an EU member creates a peculiar context for both democratization and security sector reform\(^{xvii}\). On the other hand, in the case of Brazil, the lack of powerful international influences toward democratization affects the redesign of "guns versus butter dilemma" in terms of the defense-growth dilemma (Antonakis
Chapter 3
The Brazilian Case

3.1. Introduction

Many scholars have studied Latin American armed forces for the last three decades, mainly since the interest in Latin America stimulated by Cuban revolution led to courses and programs on this region within American universities (Sigmund 1993). Looking back, there are four discernable stages in the development of the field. In the early 1960s the central topic was the relation of the military to modernization and democratization. From the mid 1960’s to the middle of the next decade, scholars attempted “to develop a set of analytic tools for understanding the role of the military, often as part of a self-conscious effort at a general theory of Latin American politics”. After 1975, the studies focused on explanations of the seizure of power that had taken place in most Latin American countries in the previous two decades, “with a shift in focus in the mid 1980s to the reasons why the armed forces were deciding to return to the barracks” (Rouquie 1988, 16). Finally, in recent years the central problem focused on the dynamics of security sector reform after democratization (Pion-Berlin 2001). Thus, the authors of the new studies on Latin America (Hunter 1997, Loveman 1999, Loveman and Davies Jr. 1997) are careful to stress that the military in most Latin American countries remains an important political force. They also recognize that the security sector has not fully subordinated itself to civilian authority.

Some authors talk about the new military autonomy in Latin America, which takes the form of a modern type of feudalism: “Everywhere in the region, officers are metamorphosing into a combination of armed seigneurs (in increasingly unsafe societies)
and soldiers-cum-entrepreneurs (in restructuring economies)” (Cruz and Diamint 1998, 116). The authors argue that, within the trinomial feature of civil society, political society, and armed forcesxvii, civil societies are still resurgent, but they are also segmented and dependent on elected officials, who in turn are embedded in political structures too weak to control the increasing autonomy of the armed forces. Thus, the armed forces may well cross the increasingly blurring line between limited autonomy and a kind of “feudal sovereignty” (Cruz and Diamint 1998, 125). What have basically determined this outcome and how important is the moment of the transfer of power for the future evolution to democratic control of the security sector?

3.2. A Game Theoretical Approach

The game theoretical perspective on the transfer of power in Latin America is not new (Geddes 1991). At the same time rational choice arguments have been used for explaining how civilians and the military interacted in the first years of transition in Brazil (Hunter 1995, 1997). Thus Hunter’s main argument focuses on the electoral competition, and consequently the opening of the regime, that mainly creates incentives for civilians to diminish the degree of military influence in politics, and additionally “electoral victory further enhances the chances to do so.” (Hunter 1997, 8). Hunter’s main conclusion is that civilians are already the winners and the military are the losers of the game, an important role being played by the electoral incentives of the politicians. The question is how does the transfer of power practically occur? Alternatively, more exactly, how do elections become possible, in order to lead to an increase in the civilian power?
The transition from authoritarian rule to democracy has been fundamentally characterized as the dynamic interaction between authoritarian leaders seeking to maintain their rule and a democratic opposition seeking to overturn it (Przeworski 1991). Leaders of autocratic regimes attempt to eliminate or rather to accommodate (co-optation through corporatist channels) any opposition or threat posed to the status quo in order to maximize their tenure in office. Political groups affected by the existing status quo become the dissatisfied contenders, and they may seek to establish a democratic rule or to create another form of autocratic rule, since they are utility maximizers. The contenders represent groups outside the establishment, within the regime, the so-called soft-liners, or a combination of insiders and outsiders, as we will see in the case of Romania.

The most important feature of the Brazilian transfer of power from military dictatorship to a democratizing civilian regime is that the initiators of the process can be easily identified. Thus, the military dictatorship clearly develops a gradual process of *aberdura* (opening) from 1979 (Skidmore 1988, Stepan 1988, Tyson, Dreyfuss, and Black 1998). This fact should be emphasized because, as we will see in the case of Romania the main players of the transition are not so easy to be identified for at least two reasons: the “sultanistic” nature of the regime (Linz and Stepan 1996) and the rapidity of the process of the power transfer.

In the case of Brazil, the democratization game is represented as played in a finite continuous time interval [0,1] (Morrow 1994). When making the first move, the military (M) has to decide whether to negotiate (*n*) and change the status-quo or to suppress (*s*) any attempt of a pacted solution, with the risk of being overthrown in the future, anyway. Thus, if the military chose to negotiate at some point within the interval (1979-1990 in
the case of Brazil), the civilian elite would have further the choice to accept \((a)\) the pacted democracy or to mobilize the people \((m)\). If the military chose to negotiate, and the civilians accepted this solution, the outcome would be a pact, a pacted democracy (Karl 1990, Hagopian 1990). If the military decided instead not to negotiate, but rather to suppress the process, the outcome would be a conflict between the military and the civilians. Thus, conflict may be represented as a lottery outcome and the result could be either a victory or a failure of the civilian elite.

\[
\text{Conflict} = px (\text{Win}) + (1-px) (\text{Lose})
\]

, where \(px\) is the probability of success for actor \(x\) (either civilians or military).

The basic structure of the above-explained game will look like as following:

![Figure 3](image)

where \(M\) = military

\(C\) = civilians

\(s\) (suppress), \(n\)(negotiate) - strategies for the military, and

\(m\) (mobilize the masses), \(a\) (accept) - strategies for the civilians.
The distribution of the pay-offs is the following:

\[ Ca > Cm > Mn > Ms \]

Thus, the status quo would be the result if the military regime continued without any changes. The pact option represents a negotiated new status quo and represents a relatively peaceful resolution under corporatist auspices.

As the case of Brazil demonstrates, the pacted, corporatist outcome produced a winning coalition where some members of the previous military regime retained important positions within the new government. To be more explicit, at the moment of the transfer of power to civilian rule, the Brazilian military retained important institutional privileges, mainly directly connected with their profession: a predominant presence in the National Security Council (CSN) and National Information Service (SNI). Created in 1934, the CSN did not play an important role until after 1964, when it became a key force in policy making, namely in issues such as the cancellation of politicians’ political rights, industrial wages, land distribution, Amazonian development (Hunter 1997, 123), and the nuclear program (Conca 1997).

Along with the CSN, the SNI\textsuperscript{six} played a leading role in the military’s campaign to eliminate the anti-system left and put the country back on track. The agency was created in 1964, the first year of the military regime, and it encompassed from the beginning domestic and foreign intelligence and counterintelligence functions. Furthermore, the head of the SNI – always an army general – enjoyed cabinet status. Additionally, the military retained six cabinet positions and obtained the promise of the
new civilian government that it would not appoint a civilian Minister of Defense and would initiate the amnesty procedures for the military officers charged of human rights violations (Hagopian 1990, Skidmore 1988). Another important feature was the assurance of the military monopoly over the defense industry and the development of sophisticated military technology (Conca 1997).

In short, it may be asserted that the Brazilian security sector retained important privileges because of the “trigger point” role assumed in the transfer of power, and additionally, because of the achievement of a corporatist outcome, rather than as a consequence of a possible mobilization of civilians. The game also reveals the advantage civilians perceived in accepting the pacted, corporatist solution, rather than challenging the choice made by the military. Why the result took this form, namely why the civilians compelled to the pacted, corporatist solution, rather than urging a mass mobilization and an abrupt end of the regime, is not a matter of game theory at all.

3.3. The Institutional Perspective

One of the most important issues in the achievement of the democratic control over the security sector is the institutional arrangement developed after the moment of the transfer of power. I will briefly present the evolution of the institutional framework at the beginning of aberdura and how much it has been changed ever since.

President Sarney, the first civilian leader after the transfer of power in March 1985 did not attempt to challenge the military institutional prerogatives too much, mainly because his mandate had not been enforced by popular vote. During his term discussions regarding a new constitution have started. Sarney appointed the Congress as Constituent
Assembly rather than a separate, corporate institution. The military reacted with a set of proposals, entitled *Temas Constitucionais* (Constitutional Themes) in which they presented their demands. In addition each service branch of the military (Army, Navy and Air Force) developed their own groups of lobby.

One of the most active among these groups argued against the creation of a unified Ministry of Defense to replace the old Ministries of Army, Navy, and the Air Force. This prerogative would have enhanced the autonomy of the military as a whole from civilian decision-making and would have preserved independence of action among the service branches. Additionally, another central goal for the military was to preserve a legal basis for possible interventions in internal security affairs (Loveman 1999), “a bread-and-butter role of the institution historically.” (Hunter 1997, 44). It is important to mention that all previous Brazilian constitutions preserved this right, and the Constitution of 1988 kept the pattern.

A consequent implication of the approval for maintaining the internal security tasks was the requirement to keep the military police under the total military control. This requirement was also accepted with some amendments. Furthermore, the omnipresent SNI was left virtually intact and under total military control, only the principle of “habeas data” was adopted, in the sense that a civilian leader may perform the leadership of this service in the future.

Regarding the parliament’s role in overseeing the activities and performance of the security sector institutions, Hunter emphasizes: “The subcommittee and committee constituted critical points of the passage. Individuals known to be sympathetic to the armed forces led the subcommittee and committee that treated most military issues”
(Hunter 1997, 59). Additionally, because congressional initiatives depend on the achievement of cooperative collective actions, and considering the existence of a weakly institutionalized Brazilian party system (Cox and Morgenstern 2001, Figuerido and Limongi 2000), the achievement of the most important task in the democratic control over the security sector partially failed from the start. The situation is more difficult because “there seems to be little interest among legislators in serving in such committees” (Giraldo 2001a, 14), namely the parliamentary committees responsible with intelligence oversight (Bruneau 2000), even though their prerogatives were large enough.

During the mandates of the current president, Fernando Henrique Cardoso (a theoretician of the alternative dependency development theory), a National Defense Policy was enacted (1996). In this context, the current president worked on two important issues regarding the democratic (corporatist) control of the security sector. First, there was recorded a “growing capability and willingness on the part of the Executive to direct armed forces” (de Oliveira 1998), coupled with the increased disinterest of the legislative branch (Filho and Zirker 2000). Second, president Cardoso intended to solve the problem of the influence of the end of the Cold War on Brazilian military missions.

Some of the main achievements of the current President were the appointment of a civilian Minister over a unified Ministry of Defense (2001) and the establishment of a corporatist Chamber of Foreign Relations and National Defense, where the interests regarding foreign policy, strategic orientation, national security and military issues are discussed together (de Oliveira 1998, Filho and Zirker 2000) This latter is chaired by himself. It is important to mention that there is no equivalent parliamentary committee responsible for overseeing the decisions and activities of this Chamber.
3.4. Military Missions, Economic Trends and Cultural Features under the New Corporatist Democratizing Framework

Military and civilian leaders in post-authoritarian Brazil (post 1985) have openly dealt with the question of what role the armed forces should serve. As in other Latin American countries, such as Argentina or Chile (Hunter 1996), the political and economic standing of the Brazilian military, as well as the nature of threats to the country, constitute critical determinants of what missions the armed forces will carry out. The Brazilian military has one of the largest spheres of operations within the Latin America at this time, including conventional external defense, international peacekeeping, internal security (mainly drug interdiction), and civic action (Cruz and Diamante 1998).

It is appropriate to mention also that, since the birth of the republic in 1889, the Brazilian armed forces have spent a high degree of their resources and organizational energy in actions related to internal security as well as the overall (mainly economic) development of the country. Thus, the Brazilian military army troops intervened against local rebellions, including the secessionist movements of 1930s, assumed a counterinsurgency role against suspected subversives during the 1960s and the 1970’s (Skidmore 1988), and recently (1995), soldiers invaded the peripheral areas of Rio de Janeiro to root out criminal gangs and drug traffickers (Hunter 1996).

After the successful coup d’état in 1964, the military headed the government for twenty-one years. The guiding old corporatist principle of this period, “security and development”, has represented a linkage between ensuring social stability (based on political mobilization) and the assurance of the capitalist economic development
(Skidmore 1988). It is thus worth to mention that, despite the legacy of repression and the poor economic achievements, the Brazil’s military governments kept an impressive degree of public support for themselves, even after they ceased to rule the country³⁰. This feature, even though impressive at first glance, is understandable within the ideological framework of the corporate state.

After the demise of the officer’s rule, it has been believed that the military, because of its successful position in the bargaining regarding the transfer of power to civilians, would be able to exert a large influence on political and socioeconomic issues. Thus, the army retained strong institutional prerogatives, such as six cabinet positions, a predominant presence in the National Security Council (CSN) and National Information Service (SNI), and in addition, the ability to obtain the avoidance of the appointment of a civilian as the Defense Minister until the end of 2001.

Despite all the conditions mentioned above (the regional context, the legacy of involvement, the duration of its own rule, the degree of public support, the capacity to bargain and maintain a strong political and economic influence), the Brazilian military seemed to become less and less powerful, once the civilian rule has started the term. As Wendy Hunter shows (1997), the reestablishment of democratic electoral competition created strong incentives for self-interested politicians to contest the military. Politicians’ need for patronage and popular programs to win votes leads them to try to capture resources from the military budget and to challenge the military’s policy preferences when they conflict with public needs or demands. Thus, the greater the popular mandate of the civilian government, the greater its capacity to win budgetary and policy battles
against military opposition because it is too risky for the army to use force against a government having an increasing popular support. However, one may not forget that:

“A more important notion in politics is that of influence, which is broader than prerogatives. Prerogatives may affect influence, but they are only a first step in determining influence. Influence is broader in that it includes resources, capacity, and even the will to exercise prerogatives and utilizes resources.” (Tollefson 1995, 3).

As the tables below show (Table 2a), the military expenditures as a percentage of GDP in the period between 1987-1997 have not followed a strong and constant decreasing trend, as it can be expected from Hunter’s hypothesis, and as we will see in the case of Romania. Thus, the descendant trend in military expenditures as a percent of GDP has been kept only for two years, between 1990 and 1992, with a first increase in 1993, followed by a decrease in 1993, and another constant increase between 1994 and 1997.

The situation becomes more evident if we evaluate another variable that of the number of military forces per 1000 people. Here the trend is converse, with a clear tendency towards a decrease in the number of military forces (Table 2b).

It could be very easily argued that the decrease in the number of armed forces, coupled with the tendency of increasing the level of budgetary allocations for the army in this period are due to spending on acquisitions of military technology. Since data regarding the policy of high-tech military equipment by the Brazilian military for the last six years are not available, it can be assumed that the military still has a consistent part of the Brazilian “budgetary cake”.
Thus, in spite of the institutional achievements of last years, such as the promulgation of the new National Defense Policy in 1996, “a document unparalleled in the country’s history” (Filho and Zirker 2000, 105), and the creation of the civilian-led Ministry of Defense in 1999, the end of the Cold War led to a military identity crisis in Brazil that must be kept under control through budgetary privileges and allowance of clientelist (Gupta, de Mello and Sharan 2001) and corporatist networks and institutions. In this respect, Fernando Henrique Cardoso, during his first term (1995-1998), allowed the restoration of military salary levels, the relative modernization of the respective branches, and the reestablishment of military influence in key political questions, such as land conflicts (Filho and Zirker 2000a, 111). From another perspective, the situation seems even worse: “The Cardoso government has routinized the use of the military in
situations of social conflict, establishing a new pattern of interrelations, principally involving the army; and it has done relatively little to curb traditional military influence” (Filho and Zirker 2000a, 162). Scholars consider that the military, in spite of some predictions regarding the loose of prerogatives and institutional power (Hunter 1997), is still “on the backhorse” of Brazilian politics. The situation is mainly determined by the lack of parliamentary institutionalization in matters of oversight and expertise and the crisis of the police structure. It might be observed that “the military’s apparent retreat from the prerogatives should not distract us from further examination of the apparent emergence of a new form of military influence, nestled in the framework of Brazilian democracy at the beginning of the new millennium” (Filho and Zirker 2000a, 163).

Regarding the cultural framework that may create incentives for both the peculiar choice made by the civilians in order to accept the pacted, corporatist transfer of power, and the institutional arrangements, procedures and practices that developed during the transition period, it may be reasserted the support population continue to offer to the army and the trust in military role. In addition, as Robert Dahl mentions in one of the classical studies devoted to the analysis of the polyarchic regimes (the opposite of corporatism):

“Where the military is relatively large, centralized, and hierarchical, as it is in most countries today, polyarchy is of course impossible unless the military is sufficiently depolitized to permit civilian rule...The crucial factor, clearly, is one of beliefs...The point to be made here is simple and obvious: the chances for polyarchy today are directly dependent on the strength of certain beliefs not only among civilian but among all ranks of the military. “ (Dahl 1962, 50).

In other words, it very important to know not only the attitudes and cultural patterns of the civilian elite and society, but also the perceptions of the security sector
regarding their role and missions. It is anyways beyond the topic of this thesis to study and evaluate the beliefs systems and perceptions of the Brazilian military in this century, or rather how these perceptions changed after the end of the military dictatorship, the transfer of power and during the current democratic transition (Bacchus 1985, Filho and Zirker 2000b, Hilton 1987, and McCann 1979) in particular, or in the general context of regional evolution (Andreski 1966, Black 1998, Loveman 1999, Rouquie 1988, Tyson, Dreifuss and Black 1998).
Chapter 4
The Romanian Case

4.1. Introduction

After the *annus mirabilis* 1989, there was a relatively shared concern that the sudden collapse of the Leninist regimes, economic problems, intensified ethnic unrest, and a weak emerging political center will lead to the rise of a resurgence of new authoritarianism (Tismaneanu 1998), and the praetorian military might become a dominant force in the countries of East and Central Europe (Nelson 1991, Snyder 1990). As one of the early articles written on the civil-military relations in post-communist Europe emphasized, “a close inspection of developments in the region suggests that while the fear of praetorianism may be valid in some cases, it is very unlikely in the majority of instances” (Herspring 1992, 99). One of the exceptions mentioned was Romania. Thus, despite the fact that, before the “totalitarian winter”, some of the East European countries experienced the military rule (Hungary, Romania, Bulgaria), after the 1989 none of the East European countries has experienced military coups or a dangerous ascension of military’s influence within politics.

In an attempt to overview the successful receipt for such a performance, given the difficult economic, social and political conditions, Anton Bebler asserted the followings changes implemented by post-communist governments: severing the link between the Communist party and the armed forces, dissolving the main political departments and corresponding bodies, radically changing or eliminating the responsibilities of military political officers, cutting the links between political (party) military officials, military security, military prosecutors and the military judiciary, establishing clear rules for the
armed forces’ disengagement as an institution from political competition for power, clear subordination of the military to effective parliamentary control and redefining the understanding of military professionalis. (Bebler 1994, 28-29).

On the other hand, the success of the transfer of civilian control over the security sector was possible due to the special type of communist civil-military relations. As Perlmutter and LeoGrande show “the Leninist party is anchored in the Clausewitzian dictum that politics is supreme to military action, and communist states have ideological proscriptions against military interference in civil politics which are as strong as those in Western pluralist systems” (1982, 778). Some of the authors consider that communist civil-military relations were best described by the total control of the military through the subjective tools of the Party and ideology (Herspring and Volgyes 1980). Others emphasize in this respect the ideological dimensions of the system (Kolkowicz 1978). Thus it has been assumed that there was not necessary a strong control of the military because of the fact that the two branches were united by their elitist and nationalist feelings, and in addition, the military accepted benevolently the primacy of ideology and, consequently, of the Communist Party. Beyond these approaches, the conclusion was that the party-dominant authority structure, a high level of elite integration, and a complex institutional relation that combined elements of both subordination and autonomy, and the details of this relationship depend upon the specific historical circumstances under which the revolutionary elite seizes power (Perlmutter and LeoGrande 1982, Odom 1973).

But despite the “satellite” status and the violent way of imposing its own political model (mainly with the help of the armed forces), Soviet Union did not keep a tight
control over the relations between civilian and some of the military branches. Thus, Zoltan Barany argues that, like the political regimes, civil-military relations varied considerably among East European countries and, furthermore, these differences have tended to persist in the first stages of political transformation. In addition, the peculiarities among the East European countries in terms of the degree of communist represiveness influenced not only the type of extrication from totalitarian, or post-totalitarian rule, but also the degree of the military involvement in the process of the transfer of power. Thus, it is assumed that the armed forces played the least active role in the transition in Hungary and Poland, where the liberalization process was gradual, civil-military relations were ‘professionalized’, and communist elite gave up power voluntarily. In contrast, the armed forces played an active role in the transition in Czechoslovakia, Bulgaria, and Romania, where conservative Communist elite was unprepared for the revolutionary uproar of citizens and the ‘politicized’ type of civil-military relations prevailed (Barany 1997, 25-26). Barany also considers that Hungary and Romania appears to have the most dissimilar patterns of civil-military relations.

4.2. A Game Theoretical Attempt

As I have mentioned earlier, despite the attempts to modeling the transitions from authoritarian rule to democracy using the insights offered by game theory, in some cases there are difficulties in asserting the most important actors, their strategies and the payoffs they may perceive once engaged in a strategic interaction relative to the transfer of power. Romania is such a case for multiple reasons. First, there was no clear trigger point regarding the transfer of power and initiation of this process. Second, and probably the
most important feature, the actors involved (the old elite, the military and the opposition) are not easy to be identified. As Wendy Hunter argues regarding the advantage of modeling the transition from military-authoritarian rule in Latin America, “nevertheless, the minimal level of unity necessary to interpret civil-military relations in terms of strategic interaction model exists insofar as protagonists are authorized to speak on behalf of their component members.” (Hunter 1998).

Thus, Romanian case presents at least six actors that could be identified as parts of the process of power transfer: (1) the old elite around dictator Ceausescu, encompassing both civilian and security sector representatives, (2) the opposition outside the regime, (3) the opposition within the regime itself (the soft liners), (4) the armed forces (not considering some of their leaders that belong to the hard-line, old elite), (5) the security forces (intelligence, police, and security troops), and (6) the mass mobilized in the main cities of Romania starting on December the 16\(^{th}\), 1989 in Timisoara, continuing and culminating with the upheaval in the capital Bucharest on December the 21\(^{st}\) and 22\(^{nd}\), 1989.

The main problem in the analysis devoted to Romania is the lack of a clear nucleus of the outsider opposition, as it is possible in the case of Hungary (the Free Democrats), of Czechoslovakia (Chart 77), or of Poland (the Solidarnosc). The opposition in Romania may be considered a combination of soft-liners and dissidents, together with elements of the security sector apparatus. There are two main causes of this situation. First, the Romanian totalitarian system collapsed abruptly, in a very short time horizon (few days), without a previous period of opposition to it. Why did it happen this way? As some authors argue, the “sultanistic” character of the regime (Linz and Stepan
1996) is the best explanation. Thus, “the reason is the total absence of any institutional regulations in sultanistic (‘personalist’) regimes where everything is focused on the ‘sultan’ and his fancies. Here it is even clear who the respective old and new elite are, let alone what their capacity is for elite cooperation.” (Zimmermann 2001, 21).

Although, simplifying, a game theoretical model that encompasses both the old regime and the military may be developed. Thus, the main choices of Ceausescu at the trigger point of the collapse of his system were either to suppress (s) the upheaval or to give up the power (g). If the choice is to suppress, the military came into play. Thus, at this second point of the time interval [0,1], the Romanian military has had two alternatives: to accept and cooperate (c) with the regime in the suppression of the masses or to defect (d) and chose the cooperative solution with a future coagulated new elite structure. The question would be why the military in Romania did not take into account the alternative of seizing the power and impose its own regime, rather that allying itself in a way or another with the emerging new elite. As in the case of Brazil, the decision not to give up the power would result in conflict. The conflict is again a lottery outcome and the result could be either a victory or a failure of the regime (highly depending on the role of the military in terms of costs):

\[
\text{Conflict} = py \text{(Win)} + (1-py) \text{(Lose)} - \text{Cost}
\]

where \(py\) is the probability of success for actor \(y\), considering the involved costs of military’s decision to cooperate or not.
The structure of the game is the following:

\[
\text{Figure 4}
\]

\[
\begin{array}{c}
\text{C} \\
\downarrow s \\
\text{M} \\
\downarrow c \\
\downarrow d \\
\end{array}
\]

, where C = the civilian communist elite around Ceausescu

M = the military

S (suppress), g (give up power) - strategies of the Ceausescu’s regime, and

c (cooperate), d (defect) – strategies for the military.

The allocation of pay-offs would be the following:

\[d > c > g > s\]

The Romanian military decided not to support to Ceausescu’s regime any longer, and, moreover, chose to join a new winning coalition, formed by both outsiders and insiders (or ex-insiders) of the old regime, who were creating an ascendant new elite (Bacon 1992). It is rather difficult to explain in game theoretical allocations why the Romanian military elite decided not to maximize its own utility and choose to form its own government, rather than sharing the power with a coagulant new elite. Even in 1992,
one scholar expressed concerns toward the Romanian military attitude in December 1989:

"...a close inspection of developments in the region suggests that while the fear of praetorianism may be valid in a few cases, it is highly unlikely in the majority of instances. In practice, this means that while there is still only a trend away from praetorianism in Romania there is almost no possibility of it occurring in countries such as...." (Herspring 1992).

4.3. An Institutional Explanation

The legitimate question regarding the attitude of the Romanian military is why did they choose such a peaceful strategy? A short description of the military’s role during communism would be relevant in this respect. The Romanian communist regime maintained a firm control over the regular armed forces (Alexiev 1982, Bacon 1978), and the return of the Romanian military to the barracks after every intervention in domestic affairs since 1989 was not a difficult task. It has to be emphasized that Romanian military practiced in the first two years of transition the self-restrain strategy when it dealt with domestic affairs, and chose to retreat to the barracks every time, which is a surprising attitude for such an institution.

Additionally, the Romanian military’s big problem was the military’s close relationship with the communist regime, compared to the case of Brazil, where the military was the regime itself. The Romanian military was subordinated not to the state institutions, but to party structures and eventually to the dictator Ceausescu himself (Alexiev 1982, Bacon 1978). Hence, much of the military reform process has involved the full subordination of the military and of the other institutions of the security sector to specified state institutions (Szayna and Larrabee 1995). As the argument has been put
forward, “the military leadership’s actions ranged from active opposition to the regime in the case of Romania, to tacit acceptance of the need for political reform in the case of Poland, to neutrality in the other cases.” (Szayna and Larrabee 1995, 9).

Watts (2001a, 2001b) identifies three important stages in the evolution of the security sector reform in Romania. In the first stage, during 1989-1990, there were attempts by civilian authorities to politicize the military and use it as an internal security force. Although the military compelled to the orders, they also disagreed to further tendencies in using them either as a political instrument or as an internal security force. The use of the regular armed forces in domestic politics is somewhat understandable. On December the 26, 1989, the Securitate and all its human and physical assets were transferred to the authority of the Ministry of National Defense, and the same Patriotic Guards (para-military units) in December 31, 1989. At the same time, the police and Securitate forces were under a process of transformation, and additionally, as members of the defunct Ministry of Interior, they were not trusted entirely.

A second stage occurred between 1991-1996 and “was characterized by a remarkably smooth and constructive civilian-military relationship as the implementation of democratic control, approved by civilian authorities but publicly spearheaded by the military, took precedence over the implementation of merely civilian control.” (Watts 2001a). However, the most important place where the civil-military relations and security sector reform took place is the Supreme Defense Council (Consiliul Suprem de Aparare al Tarii, CSAT), reconstituted at the end of 1990 and transferred under the control of the Romanian president. Its most important task is to provide an institutionalized forum to accommodate civilian and military choices on national security issues, and to monitor the
implementation of the security sector policies. Because of its consultative role, the scope of the CSAT is extremely broad.

Important to note that the CSAT is not under the oversight of any corresponding parliamentary committee, and represents mainly a corporatist feature of the security sector as long as only the President and some members of the Cabinet, on one hand, and the chiefs of the security sector institutions, on the other, are its constituents. On the same institutional vein, in March 1992 was created the National Defense College, whose primary mission was to prepare civilians as experts in national security and defense issues. In 1994, Romania finally appointed a civilian minister of defense (being the last country in East Central Europe to adopt such a policy).

In the respect of the intelligence policy, the Romanian Information Service (SRI) was recreated in 1990, after a three months break, for the purpose of internal security and counterintelligence matters, whereas the Foreign Intelligence Service (SIE), operating outside the country, continued its activity. In 1991, the SRI was put under parliamentary control, whereas a law regarding the organization and oversight (creation of a peculiar Parliamentary Committee) of the SIE has been adopted only seven years later. Along these two institutions, Romania has other intelligence agencies, operating within different institutions, such as the Ministry of Defense, Ministry of the Interior or the Ministry of Justice, with questionable democratic oversight procedures.

In the third period considered by Watts (2001a, 2001b), between 1996-2000, “legislative mechanisms that proved effective during 1992-1996 were increasingly avoided, and the opposition was excluded in favor of executive decisions and politically expedient extra-constitutional measures.” (2001a). A higher degree of executive
involvement (at the level of the Presidency) on the military autonomy strained democratic control of the security sector reform and even “threatened military disobedience.” (Watts 2001a). During this period, in February 1999, Romanian armed forces were asked again to perform internal security missions, namely to suppress the coal miners’ attempt to invade the capital of Bucharest as it was the case in 1990 and 1991.

4.4. Military Missions and Budgets, “NATO factor”, and cultural tendencies

Despite the differences regarding the size, economic capability, geo-strategic situation and the nature of their relationships with NATO and the European Union, the military reform in Eastern Europe followed very similar patterns. The first stage (Donelly 1996) was characterized by a loss of rationale and ideology, and by significant force reductions because of the changing environments (political, economical, and geopolitical). The second stage in the process recorded the army forces leadership in an attempt to preserve and protect their military systems. The next stage saw the breakdown of the military system procurement. Thus, defense industries (Anthony 1994), tried to avoid restructuring and reorientation, and failed in the attempt to reconvert the arms sale from the domestic market to the international one. In addition, the system of universal conscription collapsed, and thus, as a consequence, the concept of the “socialist nation-in arms” or the “defense of the people through the people”, as Ceausescu liked to assert, died.

A closer look at the transformations within the Romanian military would be relevant to provide the evidence for the “waterfall” type of transformation of the security sector.
Table 3a. The budgetary allocations for the military as a percent of GDP for Romania: 1987-1997.

As the Table 3a shows, the budgetary allocations for the Romanian military decreased dramatically after the breakdown of the communist regime. The most surprising fact is that the shrinking tendency started long before the communist breakdown, but the major fall is recorded in the 1989-1990, followed by the period of the economic reforms of 1991-1993. Thus, it is obvious that the allocation of the "budgetary cake in the case of Romania was different than the pattern recorded in Brazil after the demise of the military rule.
In addition, the major reduction of budgetary allocation has been followed by a similar pattern in the reduction of the Romanian military forces, as the Table 2b shows, despite the fact that the fall in the number of armed forces has had a tendency of re-stabilization starting from 1993³⁷. Whatever, in the case of Romania it is not possible to record the contrasting effects between the budgetary allocations and the number of active forces (more money for less soldiers).

Table 3b. The number of Romanian armed forces per 1000 people, 1987-1997.

Beyond statistics, some things deserve to be mentioned regarding the degree of restructuring within the Romanian military. Thus, on June the 1st, 2001 a ceremony was held in a Bucharest church to commemorate the fifty-fifth anniversary of Marshal Ion Antonescu’s execution for war crimes by the post-World War II communist government.
As well as the leader of the only anti-system party in Romania, Corneliu Vadim Tudor, several military generals in active service attended the ceremony. Of particular concern to the government was the attendance of the army’s former chief of staff, General Mircea Chelaru. Defense (civilian) minister Mircea Pascu announced on June the 4th that the government would not tolerate the principle of the army’s political non-involvement to be compromised. Subsequently, General Chelaru was placed on reserve at his own request.

The above incident revealed much about the nature of Romanian civil-military relations, particularly in view of the Bucharest government’s strong condemnation of the incident and its re-stated ambition to join NATO and European Union. The NATO’s membership requirements emphasize the need of strong democratic institutional control of the security sector (Simon 1996, 2000, Szemerkenyi 1997). During Cold War, the Romanian armed forces suffered from an excessive degree of subjective political control at the hands of a capricious dictatorship whose aim was to impose to the army the same international isolation and frustration as to the rest of the Romanian society (Alexiev 1982). Romanian troops did not participate in Warsaw Pact exercises after 1967, and consequently followed a defense national strategy that reflected the increasing irrationality and self-imposed political isolation of Ceausescu’s regime during the 1970’s and 1980’s. The military was thus primarily used in domestic activities such as harvesting, road building and major infrastructure construction. In order to be sure that the army will not attempt a coup d’etat, Ceausescu increased the role of the secret police against the military, and in addition, prepared, under the Stalinist umbrella of “the whole’s people war”, “The Patriotic Guards”, which were designed to be trained to
practice guerrilla warfare and subversion against a foreign or domestic military attempt of overthrowing him.

Once with the Romanian revolution of 1989, the military began to play important roles within Romanian politics (intervention in the ethnic conflicts between Romanian and Hungarians in March 1990, the protection of the Romanian government against the violent miners' strikes in 1990, 1991, and even in 1999), and, as in the case of Brazil, enjoyed a strong popular support, not surprising for a corporatist legacy (85-90% for the entire period between 1990-2001). The reform of the armed forces accelerated in 1993 in the aim to create a smaller and more professional military that would easier achieve a sufficient level of interoperability with NATO forces.

The NATO’s requirements regarding the control of the military are more comprehensive than the reduction of the number of active forces, budgetary allocations, or the appointment of a civilian Minister of Defense. Thus, both in Romania and the other East European countries, the number of civilian officials in the defense ministry, the legislative control of the defense budget, the formulation of strategic and national security policies, and the open discussion on defense and security issues did not follow the pattern of transformation. As it has been argued, “it is alleged that the prioritization of technical military issues, in particular interoperability, has led to the marginalisation of the real civil-military issues” (Blackwell 2001, 9).

Regarding the Partnership for Peace (PfP), it has been argued that the program has been less than entirely successful, in that it has tended to largely concentrate on the training of military personnel and technical issues. In this sense,

“Though the training courses and joint exercises under PfP have had a beneficial effect on the officers involved, the bias in the program tended to widen the ‘expertise gap’
between the military and civilians. This in turn has threatened to create a 'superiority complex' manifested in the military's contempt for the civilian input into policy-making" (Blackwell 2001, 10).

The problems regarding the lack of legislative tools and "know-how" for oversight together with the lack of trained individuals within the civil society and academia in this type of issues has been emphasized by the majority of scholars that deal with the post-communist civil-military relations (Bebler 1994, Donnelly 1996, 1997, 2001, Nelson 1998, Sarvas 1999). The authors generally assume that the lack of a "strategic community" development could endanger in the long term the achievements in terms of reduction of the number of forces and budget, interoperability, or joint military exercises. And these developments could be possible especially in the case of a country such as Romania, where the avoidance of the parliamentary oversight is part of an ideological legacy of corporatism which goes back to the 1930s when, not surprisingly, Romania faced a military coup d'etat (1940) followed by the fascist dictatorship of Marshal Ion Antonescu, recently commemorated by the Chairman of the General Chief of Staff.
5. Discussion

The main goal of this thesis was to discuss the possibility to develop a comparative cross-regional analysis on civil-military relations under the aegis of democratization, despite some arguments advanced in the literature (Barany 1997). Secondly, the thesis intended to fill an existing gap in the literature on democratizing civil-military relations, namely the one related to the features of the period encompassed between the implementation of “hardware” and “software reforms” (Bland 2001). The “hardware” reforms are mainly institutional, whereas the “software” reforms are cultural, attitudinal, behavioral. The purpose of the thesis was to analytically fill this gap and to question whether it is possible to have a successful, democratic translation from “hardware” to “software”, or there are reasons to believe that some countries might remain caught between these two stages.

I have considered the comparative cross-regional approach the most appropriate because trends to democratization are not the attribute of a single region, East Central Europe, for instance. In addition, I have tried to apply within the comparative perspective the multi-level type of analysis (game theoretical, institutional, and cultural), the one provided by Lichbach and Zuckerman (1997). The argument for this type of approach is that it could offer multiple features and answer many questions of the analyzed issues. The only problem, though, is that the approach does not offer any possible link between these levels of analysis. For instance, it does not give any clue on how to consider the institutional analysis in the case the game theoretical level fails to answer the questions addressed.
Regarding the application of this model to the case studies in the thesis, it should be underlined that the game theoretical approach applied to the transfer of power in Brazil and Romania is insufficient. Thus, as the formal models presented show, in the cases of both Brazil and Romania there are actors with so-called “irrational” strategies. First, the Brazilian civilian opposition, despite its position in struggling for a complete withdrawal of the military, has chosen not to push for a radical departure, but for a top-down, controlled, corporatist-like transition. Second, the Romanian armed forces in December 1989, found themselves the single coherent authority factor, but instead of choosing to preserve their political status, and implicitly maximizing their own utility, have decided to go back to the barracks, and accept the political control. Moreover, the Romanian case shows that it is almost impossible to develop a coherent formal model because of the fact that it is very difficult to precisely define the actors involved, and, in consequence, their strategies and pay-offs are hard to be identified.

All these facts prove that the game theory approach to comparative politics remain very limited because of the formal restrictions it imposes on the analysis. The “utility maximizing” assumption, the basic tenet of rational choice and game theory, fails to encompass all the possibilities and cases, and thus, even if an actor seems to be irrational at a given point in time, its strategy may be rational on a longer frame. The revolutionary times, when everything seems to collapse, may be one argument proving our assumption.

Despite its limitations, namely the lack of a link between the levels of analysis, Lichbach and Zuckerman’s approach offers an important advantage for research. Rather than developing a framework of analysis characterized by a static perspective, this
approach, developed through multiple filters and lens, offers a more complex and dynamic perspective. In this respect, the game theory approach (despite its significant limitations) may give a perspective for the way the institutional analysis may or may not confirm some of the basic assumptions. In addition, the cultural, ideological perspective brings a new light on the elements the institutional analysis offers. This thesis attempted to show that there are significant similar developments in democratizing countries, as a dependent variable of the way the previous regimes lose their power. A top-down controlled transition, followed by an institutional setting characterized by semi-presidential or presidential regimes rather than parliamentary may create corporatist tendencies and reflexes relative to the relations between civilians and security sector institutions. All the above facts are significantly “encouraged” when the historical-cultural background for transition and transfer of power is characterized by authoritarian tendencies rather than democratic.

The most important contribution this thesis attempts to bring is that corporatist tendencies in security sector reform and civil-military relations in general, should not be considered as undemocratic. The middle stage between hardware and software reforms may be corporatist, but not non-democratic. There is no threat of a military intervention in politics as long as the software reforms are still unimplemented. The corporatist stage is a stable one in “civil-military relations” terms, with a strong control provided by the executive branch and/or the judiciary. The situation may evolve either toward democratic oversight (mainly legislative and societal), or to remain caught in the corporatist situation. What then, makes the difference? The international environment may be a variable that would assure a certain and rapid transition from corporatist tendencies to
democratic oversight. As the cases of Hungary, Poland, Czech Republic, and probably Romania show, the influence played by international actors such as NATO and the EU can make the difference in the successful achievement of democratic oversight of the security sector.
6. Conclusions

The main attempt of the thesis was to analyze from a cross-regional comparative perspective some of the important stages in the security sector reform of two democratizing countries, Brazil and Romania, belonging to two important areas of democratization, Latin America and East Central Europe respectively. The main argument is cross-regional perspective in the study of civil-military relations and security sector reform is possible, but rather dependent on the chosen conceptual and analytical framework.

I have attempted to analyze the evolution of the security sector reform within the processes of transitions from two different forms of authoritarian rule (military dictatorship and communist totalitarianism) to the democratic rule, from a dynamic rather than static perspective. Using the threefold analytical framework advanced by Lichbach and Zuckerman (1997), rationalist, structuralist-institutional, and cultural, I have tried to argue that the dynamics of the security sector transformation may include a corporatist stage if certain conditions, such as the peculiar forms of transfer of power and institutional design, are met. In addition, the practices, procedures and habits influence and re-enforce the corporatist patterns.

As the two chosen cases show, a top-down transfer of power from authoritarian regime, coupled with the choice of presidential or semi-presidential regimes, under the conditions of recent or even older non-democratic forms of relationship between civilians and military, creates a corporatist pattern in the assessment of the security sector’s interests during the democratic transition. As I have mentioned, the thesis is limited in discussing corporatism. Thus, I use the concept relatively to the influence of the type of
transfer of power on the future institutional practices and procedures during the democratic transition.

Additionally, the corporatist hypothesis is enforced by the examples derived from the two cases. Even though the international influence (NATO membership incentive) is considered an important variable in promoting and supporting the achievement of democratic control of the security sector, the example of Romania and the other East European countries show that international dimension is fundamental only in the implementation of the "hardware" (Bland 2001), or "first generation" reforms (Forster 2000). Others went further and concluded that NATO does not promote democratization (Reiter 2001) at all, or even that NATO membership creates incentives for regional disagreements between classical inimical dyads (Krebs 1999).

The thesis attempts to contribute to the literature in two ways. First, from the standpoint of definition I propose the concept of democratic control over the security sector reform as best describing the multiple dynamics of civil-military relations in conditions of transitions from authoritarian to liberal-democratic regimes. The concept of security sector reform encompasses both the dynamics and diversity of activities regarding the achievement of democratic control.

Secondly, I consider that the period between the implementation of the main institutional hardware of democratic control over the security sector activities and the full achievement of the democratic-liberal system of procedures and practices is relatively uncovered by the literature. For this reason I decided to label this important period of transition as corporatist, mainly because it has the character of a "middle-way": neither authoritarian, because of the new institutional prerogatives, nor fully democratic because
of the lack of procedures and practices, and very often lack of civic interest and involvement (Stepan 1988).

The corporatist stage of the security sector reform is very important to be further studied and developed in other cases because its middle-way status denotes a double possibility: either regression toward semi-authoritarian or even authoritarian forms, or advance toward full democratic control of security sector. As the introduction of the thesis stated, additionally to the studies of how democracies consolidate, we should still ask what makes democratic transitions to collapse. In addition, in this respect, one should remember the unsuccessful achievement of democratic control of the security sector reform is always a cause of the democratic breakdown.
References


Notes

1 In this respect, Michael Desch argues: “One of the most important conclusions to have emerged from the voluminous ‘transitions to democracy’ literature is that the key to maintenance of democracy is robust civilian control of the military” (Desch 1998, 98). Unfortunately, as I will argue in the literature review, Michael Desch follow a peculiar neglect in the literature, namely the lack of distinction between the civilian and democratic control of the military in the context of regime change and democratic transition.

2 Basically a significant part of the literature on political theory of corporatism (Cawson 1986), and its neo­corporatist features (policy-making style) in the post World War II West European states (Cox 1988, Crepaz 1994, Grady 1986, Hunold 2001, Schmitter 1974, 1977, 1981, 1997, Thelen 1994, West 1991, Wood 2000), European Union level (Gorges 1996, Streeck and Schmitter 1991), Latin American (Collier and Collier 1979) or East European countries (Iankova 1998, Kubicek 1999, Myant, Slococ and Smith 2000, Ost 2000, Riedel and Kalman 2000, Rothacher 2000) deals with the issue of tripartism. Thus, “Within the structure of genuine modern corporatism the triad composed of the State, industry and labor seems authentic and, to all intents and purposes, relatively in balance… Tripartism – the outstanding facet of contemporary corporatism – reigns supreme, and its presence crucially affects all other aspects of public affairs” (Newman 1981, 75). On the other hand, others (Cox 1988, Grant 1985) distinguishes between corporatism and tripartism: “Even more confusion is caused in the minds of students by the term ‘tripartism’, which many of them incorrectly equate with ‘corporatism’. I regard tripartism as a weak form of liberal corporatism in which the state, capital and labor engage in macro-level discussions on economic policy which, however, only result in general guidelines for the conduct of policy; impose no firm responsibilities on the partners to implement any policies to which they have agreed; and are not linked, except in the most tenuous way, to discussions at the meso or micro levels” (Grant 1985, 9). As we see, there are contradictions in delineating the significance and meanings of corporatism and tripartism, even in the approaches focused on the same geographic areas (mainly Western Europe and European Union, more recently). As I will discuss in the literature review, corporatism, in its modern and original significance, as applied to Western Europe (Luebbert 1989), Eastern Europe (Love 1997, Manoilescu 1934) or Latin America (Hammergren 1977, Love 1997, Wiarda 1973, 1974, 1978a, 1978b, 1997) referred to more general issues rather than just economic and social policy or method of policy-making. For instance, Chalmers (1985) and Collier (1995) offer a very useful analysis of the “trajectories” of corporatism, and its meanings.

3 Israel has an exceptional status. Thus, despite the fact, it is considered a democratic regime; Israel belongs to an area, the Middle East, where the prospects for democratization are very low. In addition, the “exception” status of Israel is given by its peculiar relations with the neighbors and, consequently from here the peculiar model of relations between civilians and the military.

4 During the 60’s, some of the developmental studies assumed that praetorian regimes might be factors that accelerate the process of modernization. As Chris Smith (2001) shows, “The role of the military institutions was the original focus of the analysts who set out to comprehend the dynamics of the Third World … An emerging consensus, especially in Washington, on the role of the military in development was largely positive. It was always thought that the army could play a part in development, although, increasingly, it was tacitly accepted – yet never fully admitted – that political institutions might have to be sacrificed for the sake of national security and stability. It was even argued that military skills (notably discipline) could be utilized for the wider national benefit”.

5 As Sigmund argues: “Rather than overarching theories, a careful analysis of the bargaining relationship between the military and the civilians will be the appropriate focus of the analysis, accompanied by an awareness that the civil-military relationship is dynamic and is affected by societal consensus on democratic legitimacy as well as by the varying effectiveness, not least in the area of economics, of the elected governments” (Sigmund 1993, 122).

6 There are controversies over the best definition of what SSR should exactly describe. Thus, “When defining Security Sector Reform and formulating the objectives, the problem arises that too narrow a definition (for instance an exclusive focus on military) might lead to an inadequate program. This because Security Sector Reform is not just about disarmament or reducing the size of the army, but also about security in the wider sense. To be more precise: It is about the security of every single human being within
Romania is very interesting. Thus, on the one hand, emphasizes democratization in order to create an open process of security sector reform, whereas the countries such as Romania or Brazil had to adapt and adjust, and dependent development and corporatism. Thus, as Chalmers emphasizes, a concept’s heuristic value in explanatory theory provides efficient clues to useful theories, propositions or causal factors. Analysts disagree about how to define and measure civil-military relations as the dependent variable. These disagreements have two causes. First, it is not always clear when issues involve civil-military conflict rather than intracivilian struggles, intramilitary fights, or civil-military coalitional wars... A second cause of disagreement in analyses of relations between civil and military establishments is that even when we are sure the issue is one of civil-military relations, it is often not clear whether these relations are good or bad. There is a remarkably broad range of ideas on what constitutes ‘good’ or ‘bad’ civil-military relations.” (Desch 1998, 3). Taking into account Desch’s observations, this thesis will argue about democratic control over security sector reform in transition countries of Brazil and Romania.

For instance Cottee, Edmunds and Forster (1999, 4) points out that “In discussions of the role of the armed forces in transition, the phrases ‘civil-military relations,’ ‘democratic control’ and ‘civilian control’ are familiar and widely used. They are however rarely defined with any exactitude and are often used interchangeably – implying that they are the same things. This vague use of these terms often produces confusion or ambiguity in debates on the extent to which democratic models of civil-military relations are being established in Central and Eastern Europe”.

“International reputation” is a very important issue for the democratizing states. Thus, both Brazil and Romania have had during their authoritarian or totalitarian periods abusive intelligence agencies that violated human rights. In addition, as the case of Romania shows (Pacepa 1982), Romanian foreign intelligence service was highly involved in actions and operations against NATO, the institution Romania aim to join soon.

As Juan Linz argues in his analysis of presidential regimes, “One argument used sometimes in favor of presidentialism is that it provides the political system with a personalized leadership that the armed forces can identify with as their supreme commander; it would be more difficult to identify with a prime minister. Such a direct relationship has existed historically between the armed forces and the monarch, and we still find traces of it in European monarchies after democratization in Europe in the years between wars and today in Spain... However it is not assured that a civilian president in a presidential system can play the role of the head of the armed forces better than the heads of the military hierarchy subordinated to the minister of defense and through him to the cabinet and the prime minister, as is the case in most democracies” (Linz 1994, 45).

“The vocation of officership meets the principal criteria of professionalism” (Huntington 1957, 11).

The other type of corporatism identified by Schmitter is “societal corporatism” (Schmitter 1974, 1977, and 1981) and it would describe at best the corporatist arrangements of the West European democracies (Schmitter 1997).

“Objective civilian control is thus directly opposed to subjective civilian control. Subjective civilian control achieves its end by civilianizing the military, making them the mirror of the state. Objective civilian control achieves it end by militarizing the military, making them the tool of the state... The essence of objective civilian control is the recognition of autonomous military professionalism; the essence of subjective civilian control is the denial of an independent military sphere.” (Huntington 1957, 83).

As Chalmers explain “Heuristic is often used very loosely to mean merely something less rigorous than a theory, but it may be used in the sense of a ‘rule of thumb’ that provides very specific rules to simplify a task that might be overwhelming in its complexity and demands for information.” (Chalmers 1985, 66). Thus, as Chalmers emphasizes, a concept’s heuristic value in explanatory theory “depends on whether it provides efficient clues to useful theories, propositions or causal factors.” (67).

According to dependency theory (formulated by Manoilescu in Romania and developed later by Celso Furtado and Fernando Cardoso in Brazil) the later industrializing countries could not follow the same path as Great Britain or the United States because they had to deal with these already powerful states. The new countries such as Romania or Brazil had to adapt and adjust, and dependent development and corporatism was the result.

In his most recent study on the issues of corporatism, Wiarda (1997) identifies four main types: historical or “natural” corporatism, ideological, manifest, and neo-corporatism (15-25).

The issue of external influence on both the democratization and security sector reform in the case of Romania is very interesting. Thus, on the one hand, NATO has created its own integration agenda which emphasizes democratization in order to create an open process of security sector reform, whereas the EU...
underlines the importance of security sector reform to create democratization. On the other hand, things are more complicated because of the influence of other international actors with different agendas. Thus, the IMF involved in the Romania’s security sector reform in 1997 when the Romanian Ministry of Defense and the Government intended to sign a contract with Lockheed Martin Company in order to purchase 96 Cobra “Dracula” Helicopters ($1.5 billion). The IMF opposed this decision on the grounds that Romanian debt burden would increase with the risk of monetary instability, whereas the primary reason of the Romanian Government was the increased operability with NATO forces.

Alfred Stepan 1988 has developed the trinomial approach.

In an analysis of a possible successful transition in Brazil in 1980, Black pointed out that “Several Brazilians expressed the opinion that, even if the military itself should abdicate or fall, the military-technocratic mentality that pervades the bureaucracy and the omnipresent SNI would remain the major obstacles to genuine democracy and free expression.” (Black 1980). This shared opinions shared already in 1980 enforce the arguments regarding the impossibility of a total rupture with the military dictatorship.

Alfred Stepan and Juan Linz 1996.

As Tollefson argues “Methodologically, it is very difficult to assess Brazil’s military expenditures. Figures attributed to Brazilian defense expenditures generally underestimate their true value. The accuracy of most data is complicated by the following: high rates of inflation since the 1950s; the secrecy surrounding the funding of various military-related projects; personnel costs that are sometimes hidden in other budgets; and the common practice of mixing the accounts of the national treasury, the Central Bank, and the Banco de Brasil.” (Tollefson 1995, 4).

It would be meaningful to mention that regarding the nuclear program (an area that demands high levels of budgetary allocations), Brazilian army signed many treaties, including the quadripartite safeguard agreements with Argentina in 1991, the Treaty of Tlatelolco, and the Non Proliferation Treaty in 1996 (Tollefson 1995). Thus, one of the arguments for the acquisition of expensive military technology is less available.

A special case was constituted by the intelligence services, which, in countries like Romania, East Germany or USSR enjoyed large privileges.

For instance, the military counterintelligence formed a section of the Department of State Security (Departamentul Securitatii Statului, DSS), or the “Securitate” (secret police), which was separate from the interior ministry. The different organizational links demonstrate once again the essential Ceausescu clan (rather mainly communist party, PCR) control of the country, since the Securitate was in fact responsible to Ceausescu and not to the communist party, a setup similar to the Stalinist Soviet model (Pacepa 1999). Contrary, in Poland in the 1980s, military counterintelligence was not a part of the interior ministry but was directly subordinated to the minister of the interior personally (Coughlan 1998).

Main events are January 1990, February 1990, March 1990 (interethnic conflict between Romanians and Hungarians in Tirgu-Mures), June 1990, and September 1991. These successive use of the use of armed forces in domestic affairs was the only exception from the rule and process of transition within the Central European countries (I am excluding of course, the countries of the former Soviet Union)

There were discussions to modify the Law of Organization of the CSAT (1991) in the last two years, but very important, a proposal to include the Chairmans of the two Chambers of he Romanian Parliament was rejected. Some of the arguments are that the CSAT should function as the US NSC, but one may not forget that Romania is a semi-presidential rather than a pure presidential system.

The bivariate analyses from Table 3a and Table 3b reveal the influence of the “NATO factor”. At the end of 1993 Romania prepared to join the Partnership for Peace, and at the beginning of 1994 was the first post-communist country to sign the agreement