

Panama's Democratic Transition

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Panama's transition from military dictatorship to civilian government is considered in terms of stages of the democratization process. During the decline of the dictatorship (stage one), four transitions -- two electoral, and two negotiations for an elite settlement -- were attempted but failed. Consequently, Panama did not experience a normal second, transitional stage. Instead Panama's transition was abrupt and unexpected: civilian government was installed during a U.S. invasion. Challenges and progress in consolidating democracy (the third stage) are assessed with special attention to restoration of civilian governance, democratic habits and values, and demilitarization -- a central priority of the new regime.

Democratization resumed in Latin America during the 1980s. The 1960s and 1970s were decades in which military *coups* displaced elected governments. By 1978, military regimes ruled twelve out of twenty states: Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Guatemala, Honduras, Panama, Paraguay, Peru, and Uruguay. In four others -- Cuba, the Dominican Republic, Haiti, and Nicaragua -- the military was an integral component of an authoritarian regime. Only three states were considered to be genuine democracies: Colombia, Costa Rica, and Venezuela. Mexico was usually classified as an authoritarian, one-party state. Given the prevalence of hardy, institutionalized military regimes, the literature focused on explanations for their persistence: bureaucratic authoritarianism, corporatism, and clientelism (Malloy 1977; Draper 1981; Ropp 1992).

Now, in 1992, eighteen of the twenty states have democratic governments. Guatemala experienced its first successful transition from one elected president to another in the country's 151-year history. Panama and Nicaragua have elected governments headed by former opposition leaders. In these fledgling democracies, civilian and military elements of the old regime remain in place or just below the surface; success of the new regimes is by no means certain. Haiti's elected president, Jean-Bertrand Aristide, was ousted soon after taking office in 1991. In the Latin American context, a central question is whether reforms will "take" this time, or be swept away in another cycle of authoritarianism, as were the revolutions of the 1940s. Thus, the literature is now addressing the democratization process: democratic transitions, institutionalization of reform, the compatibility of Latin American political culture with democratic governance, demilitarization, relationships between economic conditions and democratization, and whether democracy can be imposed "from without" (O'Donnell, Schmitter, and Whitehead 1986; Malloy and Seligson 1987; Pastor 1989; Aguilera 1990; Lowenthal 1991).

The Democratization Process

Democratization normally involves a sequence of stages: (1) decline or dissolution of the old authoritarian regime, (2) a transition period during which one of several paths to democracy may be utilized,¹ and (3) consolidation of democracy as a new regime. In countries where the old regime was a military dictatorship, democratization must conjointly involve two fundamental political changes, demilitarization and "civilianization," particularly during the second and third stages. Demilitarization entails a reduction in the military (army and/or police) institution's hegemonic role in politics, what specialists call a "return to the barracks." This term is somewhat misleading because return does not connote a complete disengagement. Instead, demilitarization involves a shift in the balance of power between civilians and the military which reduces but does not eliminate the military's political power. The extent of the reduction and ways in which the military continues to exercise political power vary (Lowenthal and Fitch 1986).

Civilianization strengthens the other half of the balance, i.e., the civilians, many of whom were quiescent during the dictatorship. Moreover, after a long deprivation of democratic practice, a new generation of citizens must learn participatory civic behaviors for the first time. Attitudinal changes -- toward authority, institutions, and political rights -- are also involved, as citizens become accustomed to democratic politics. Theoretically, a series of political events should create a legitimate base for the new regime and select new rulers. These events provide the political stage on which the military visibly "steps back" and civilians "step forward," accepting new roles and displaying new behaviors. A crucial step in this process is the "opening of political space, including free elections, restoration of the rule of law, and conferring of power on the political forces that win the elections" (Aguilera 1990, 23).

Democratization in Panama

Panama experienced partial democratization during the middle years of its military dictatorship, 1978-1984. That process was subverted and reversed after Gen. Manuel Antonio Noriega assumed command of the Panama Defense Forces (PDF) in August, 1983. Noriega presided over four unsuccessful democratization initiatives: an electoral transition in 1984, negotiations in 1988, another electoral transition in 1989, followed by another set of negotiations. Following invasion by the U.S. in December, 1989, the civilians who had "won" the May, 1989 election were installed and Panama began the process of consolidating democracy. Having significant elements of the old regime destroyed by the invasion created an opportunity for more dramatic advances toward democracy than were considered realistic during the four abortive transitions. Analysts are doubtful, however, about the amount of progress that has been made, or is likely in the future (Millet 1990;

Ropp 1991). The three stages of Panama's democratization process are discussed below, and prospects for the successful institutionalization of a democratic regime are assessed.

Stage One: Decline of the Dictatorship

Panama's military dictatorship began on October 11, 1968, when officers staged a *coup* against President Arnulfo Arias, who had been inaugurated on October 1. Students, associations united in a Popular Front against the Dictatorship, a National Resistance Movement, and neighborhood committees initially opposed the coup. A guerrilla group operated in Chiriquí and Coclé provinces for about a year. However, the civilian opposition was too fragmented to be effective. The officers soon became entrenched in power under the leadership of Gen. Omar Torrijos (Bernal 1986; Ropp 1982). Dissident officers led by Col. Amado Sanjur tried to reverse course in December, 1969; they wanted to restore the status quo by forming a *junta* and holding elections in six months. Once their *coup* failed, however, no further opposition to the military regime arose from within the ranks. During the next decade, Torrijos expanded the role and power of the National Guard to the point that the military actually controlled the state.

In 1978, however, Torrijos decided to implement a democratic transition, due in part to U.S. pressure. At this point, overt opposition to the dictatorship was limited; parties were banned and severe restrictions on freedom of expression were in effect. Some protests in 1978 and 1979 expressed opposition to the military and its policies, but large segments of the technical, professional and upper classes accepted and cooperated with the military. Thus, the first initiative to democratize the military regime began well in advance of popular protest and national crisis. Instead, Torrijos' initiative was partly externally imposed -- in the form of strong pressure from U.S. Senators who threatened to vote against the 1978 Panama Canal treaties -- and partly an internal reformulation of the power structure undertaken by the military for its own interests.

Scholars would categorize Torrijos' plan as power-sharing rather than as a pact designed to establish a new regime. In fact, Torrijos envisioned a severely limited amount of sharing.² The National Guard would continue to occupy a hegemonic position, exerting power directly as an institutional player and indirectly through the Democratic Revolutionary Party (PRD), which would represent its corporate interests and the constituents whom the "revolution of 1968" claimed to serve. The plan involved a series of steps, beginning with restoration of political liberties during the 1978 canal treaty plebiscite. Legislative elections were held in 1980, to contest 19 of the 57 seats in the National Legislative Council, where Torrijos' appointees held a majority. A new Legislative Assembly was created in 1983, and a commission was formed to recommend constitutional changes required to hold national legislative and presidential elections in 1984. Torrijos expected the PRD to contest and win this

election. Thus, despite the creation of new institutions and the election of civilians, the extent of the power shift was modest. The military was only willing to share some governmental functions, and to shift responsibility for needed economic reforms to civilian politicians, in order to protect its corporate interest and secure a more stable power position in the long run.

Whether Torrijos would have run for president in 1984 will never be known; he died unexpectedly in a plane crash in 1981, well before that stage of his plan. In contrast, the behavior of the officers who designed a succession of command and presided over the 1984 election was quite clear. They stalled and then reversed Torrijos' transition plan. Gen. Rubén Darío Paredes retired as commander of the National Guard in August, 1983, in order to become the PRD presidential candidate. His successor, Gen. Noriega, quickly undercut Paredes' candidacy and arranged the nomination of a civilian banker, Nicolás Ardito Barletta, as the PRD's candidate. Noriega did not intend to promote civilian rule; instead, he doubted Paredes' intentions and counted on Barletta's weak political position to guarantee a dominant role for the military. The PDF, newly renamed and expanded, made various preparations to ensure Barletta's victory (Arias de Para 1984; Koster and Sánchez 1990, 302-309). Surprisingly, these proved insufficient; when Barletta fell behind Arnulfo Arias in the vote count, a long delay and more fraud were required to produce a 1,713 vote majority for the PRD slate.

The military had developed a pattern during the 1970s of discarding civilian presidents who proved troublesome. The PDF continued this practice, forcing Barletta to resign in September 1985 and arranging the impeachment of his successor, Eric Arturo Delvalle, in February, 1988.³ With the 1984 election, Panama experienced a partial democratization in the form of direct (but fraudulent) election of civilians; however, their tenure and effective power were limited by the military's institutional interests and control over instruments of force. Between 1984 and 1987, the hegemonic position of the military in the state and society actually increased, subverting and reversing this modest decline in dictatorship. Presidents served at the pleasure of the PDF; the Legislative Assembly acted as a rubber stamp when the PDF insisted on an outcome. As the PDF looked forward to the 1989 election, it planned to win again, using a PRD candidate selected and backed by the military. Implementation of this plan was disrupted in 1987, however, by a crisis of government and widespread opposition to the regime.

During 1987-1989, Noriega's regime encountered increasing domestic opposition and U.S. pressure for reform. This phase in the decline of the dictatorship began when Col. Roberto Díaz Herrera was forced out of the PDF; he then publicly denounced the PDF and Noriega for corruption, drug trafficking, murder and electoral fraud. Coming from a *torrijista* and the second in command of the PDF, Díaz Herrera's defection represented a severe blow to the military. This stimulated the formation of a nonpartisan umbrella organization, the National Civic

Crusade. The Crusade, along with numerous supporters called *civilistas*, reflected and expanded the discontent that was expressed at the polls in 1984.

As opposition grew, the PDF participated in three attempted democratic transitions: (1) negotiations to establish a transition pact during 1988, (2) an electoral transition in 1989, and (3) power-sharing negotiations following the annulment of the 1989 election (Scranton 1991, 115-172). All three failed. Neither negotiation produced a mutually acceptable agreement, and the PDF proved that it intended to perpetuate the old regime rather than allow an electoral transition to democracy. In retrospect, it appears that the military was negotiating to buy time, not to revise the power structure. Instead of designing a change of regime, the PDF was using negotiations to distract domestic opposition leaders and deflect U.S. demands. Concurrently, the PDF used various repressive tactics to drive other opposition leaders into exile or silence at home and to stifle expressions of discontent on the streets.

Negotiations to Form a Transition Pact

During 1988, various negotiations were held to gain Noriega's acceptance of a "pact," a substantive agreement about political power positions for the PDF and civilian parties, guarantees for the military-*qua*-institution under a new regime, and a schedule for Noriega's exit and elections. The first began in late 1987, when José Bandon -- a government official known as a Noriega adviser and a PRD leader -- approached the United States with a plan. Bandon claimed to be representing Noriega, but in January, 1988, Noriega fired Bandon and disavowed his plan. Various negotiations involving opposition political parties and representatives of the government and military were then held, some direct and some mediated by the Catholic Church and regional presidents. An initiative in which the United States negotiated directly with Noriega and his representatives was undertaken in April and May. An extremely detailed pact was drafted, but at the very last moment the negotiations failed.⁴

The disputed element of these pacts involved the retirement of Noriega and his inner circle of senior officers -- those considered by the United States and civilian "oppositionists" to have derailed the earlier transition and to be incapable of working toward a new regime. The plan for the PDF was usually described as a return to the barracks with a guaranteed future as a professional military institution. Various government functions that Noriega had brought under PDF control would be returned to civilian authority. In preparation for elections, the military would restore political and press freedoms and refrain from repressive tactics. All the pacts drafted referred to free and fair elections. However, the negotiations failed. At this point, the opposition was negotiating in good faith, but from a position of political weakness. The opposite was true of Noriega, who retained considerable resources despite U.S. economic sanctions, a strike, and a growing opposition movement, and who was determined to preserve his regime. Believing that he could outmaneuver

the United States and repress the opposition, Noriega used negotiations as a tactic, not to devise an exit.

Electoral Transition

As the May, 1989 election approached, opponents hoped to use that event to force the government to accept a democratic transition. In April, Julio Linares, the noted Panamanian historian, characterized the electoral opportunity as not just contesting the presidency but as “something more important and fundamental . . . the power of the public and the existence of the Republic itself” (ILDEA 1989, 1).

The presidential election demonstrated how weak the popular base claimed by the military regime had become. On election day, reports to the Catholic Church indicated a nationwide trend of voting three-to-one against the military’s slate of candidates (Guardia 1989). This looked like a victory for the civilian candidates: President Guillermo Endara, First Vice-President Ricardo Arias Calderon, and Second Vice-President Guillermo “Billy” Ford. As in 1984, the military took advance precautions in 1989 to reduce opposition votes and was prepared to manipulate the count, as well. Unlike the previous election, however, the international observers present in 1989 were prepared to expose whatever fraud they found. The PDF took extraordinary measures, including stealing ballot boxes at gunpoint, but even these were insufficient. Noriega ordered a halt to vote counting; three days later, he had the election officially annulled.

Although the opposition slate gained legitimacy from its apparent margin, and considerable stature from the violence the candidates suffered at demonstrations held three days later, their victory was hollow. They could not force a recount, much less take office. On September 1, when a new government was scheduled for inauguration, Noriega arranged for the comptroller general, Francisco Rodriguez, to be installed as Provisional President.

Although the opposition worked very hard, overcoming numerous obstacles to unite in an electoral coalition, the civilians were not strong enough to force the government to respect their victory. Nor was U.S. pressure sufficient to attain that goal. Elections failed as a transition mechanism because the PDF was not willing to accept any victory but its own. Noriega’s regime preferred to keep fighting rather than conclude an agreement. This recalcitrant position, already evident in 1988, was maintained throughout 1989.

Power-Sharing Negotiations

Various negotiations were held between May and October 1989. These were focused on power-sharing: creating a caretaker government with the limited role of governing until new elections could be held. Since the opposition was in a relatively stronger position by virtue of its electoral showing, talks centered on forming a provisional government which would combine the two slates.

The first negotiation began while the election count was suspended. Former president Jimmy Carter, who headed one of the international observer groups, attempted repeatedly to negotiate directly with Noriega before he held his press conference to denounce the fraud. A plan considered immediately after the election called for a *junta* headed by Endara and Noriega's retirement after two years; this compromise satisfied neither side. Later, the government took an even tougher stand, suggesting that the opposition take one of three positions in a *junta* which would govern until new elections, although Noriega would not retire and the role of the PDF would not change (Koster and Sánchez 1990, 368). The Catholic Church and the Organization of American States (OAS) served as mediators at subsequent talks, but none succeeded (Scranton 1991, 166-170).

Thus, in 1989 Panama experienced a second partial democratization, as it had during the 1984 electoral campaign. Political liberties were restored, albeit with limitations on opposition activity and numerous disadvantages; new civilian activists joined the struggle to change the regime; a vigorous campaign was waged; and an election was held. But this opening was quickly closed when the election yielded a surprising outcome that the military regime was unwilling to accept. Clearly, the PDF had planned to hold another "demonstration election," rigged to demonstrate popular support and certify its legitimacy, thus satisfying U.S. demands and, they hoped, ending U.S. sanctions (Booth and Seligson 1985).

After these negotiations failed, it appeared that no internal or external pressure, short of the use of force, would dislodge the military regime. Democratization from within had failed. Noriega was simply unwilling to accommodate; he was determined to retain power.

External Pressures

Subsequently, the most significant event in the decline of the dictatorship occurred: the United States attempted to restart the transition process by destroying the PDF, capturing Noriega, and installing civilians in power. Prior to the invasion on December 20, 1989, the United States had tried other strategies to dislodge Noriega. These included direct talks and support for the OAS mediation mentioned above, economic sanctions, at least three covert operations, and repeated calls for reformist elements in the PDF to remove Noriega. Those calls were ineffective, but two internally instigated *coups* did occur, marking a significant step in the decline of the dictatorship. The first occurred in March, 1988. Several majors, with contacts in the opposition and a plan for a democratic transition, tried to take control of military headquarters. They failed. Some escaped and went into exile in Miami; others were imprisoned; and most later participated, at least temporarily, in the new police force. The United States played no role in that *coup*, but it did provide some support for a second in October, 1989. No democratizing initiatives were contemplated by the officers who led the second *coup*.

Thus, by December, 1989, the dictatorship had experienced a severe erosion

of its power. The PDF had been rent by two *coup* attempts, the PRD was stained by two fraudulent elections, government employees had suffered payless paydays because of U.S. economic sanctions, and prominent civilian supporters (Blandon and Delvalle) had defected. Noriega was running out of friends and finances. The opposition, for its part, was much stronger and more popular, but still not strong enough to topple Noriega alone, and U.S. pressures had failed. The dictatorship was weakened, but not ready to strike a deal. Four attempts to begin a democratic transition had miscarried.

Stage Two: Democratic Transition

Panama did not experience a typical transition. The PDF did not agree to return to the barracks. The opposition did not remove the military regime; the United States did. Therefore, an interim government did not implement a pact or preside over the creation of new institutions, laws and procedures. Instead, the three candidates who “won” in May, 1989 were abruptly installed at a U.S. military base at the beginning of a massive military invasion. The three had been invited to dinner at Fort Clayton that night, as a U.S. precaution to have them safe, secure and together during the invasion. Ricardo Arias Calderon said that a U.S. colonel asked if they would officially request U.S. military action; the Panamanians declined, stating that they had not been consulted in the decision to invade and would not authorize it after the fact. Thus began the restoration of a civilian regime in Panama.

Stage Three: Consolidation of Democracy

The abrupt and unusual circumstance of going from partial, abortive transitions during the decline of the dictatorship directly into consolidation created several negative consequences that affected the process and prospects for consolidation of democracy in Panama. Although it is premature to assess the consolidation process, several aspects of civilianization can be discussed and a progress report on demilitarization, the first and most salient priority of the new regime, can be made.

Legitimacy and Authority

The Endara government lacked legitimacy. Although the Church, the international press, and hundreds of international observers extensively reported the opposition’s wide victory margin, no one could produce a majority of the tally sheets or ballots from which an authentic count could be verified. Moreover, such a procedure would be a meaningless exercise because fraud-tainted voter registration lists and competing sets of tally sheets had been prepared. Panamanian commentators asserted that most votes were cast against Noriega, not for ADO-Civilista. And, more importantly, there was no way to transform the margin into a mandate

setting forth parameters and policies for the new regime. Coming to power via the U.S. military, with subsequent protection and support from U.S. forces, also diminished the government's legitimacy. The new leaders were caricatured as "Made in the U.S.A."

Second, and more damaging, the Endara government lacked a popularly accepted basis of authority. The legal foundation of the old regime remained in place. The military's Constitution, passed in 1972 and amended in 1983, remained in force as did the organic law for the military (Ley 20), laws authorizing preventive detention, restrictive press laws, and other anti-democratic measures.

Successful democratization requires elites to reach a settlement on new rules for the new political game. In Spain, elite settlement was achieved through negotiations. In Colombia, where a new constitution was written and ratified in 1991, an elected consultative body achieved the same result. In Panama, however, negotiations had failed prior to the U.S. invasion. This gave the new government wider latitude than the former oppositionists had had during 1988 and 1989, while they negotiated directly with the PDF and PRD. The question analysts raised was whether Panama's political factions could make good use of this opportunity and devise an elite settlement or a "national project" that would create consensus on objectives and transcend traditional political practices. Assessments to date recognize some progress but are generally negative.

Despite its lack of a normal transition, could the new government have interrupted post-invasion events to construct a settlement? During the first weeks of January, the question of treating the Endara government as an interim government and holding new elections in May, 1990 was raised. Endara's first response was ambiguous, but he and Vice President Arias Calderon soon took a firm stand, asserting that the 1989 election was sufficient to place the ADO-Civilista slate in office and that they intended to serve their full five-year term. The first vice-president spoke strongly on this point: "the government is not a transition government; it is a government that must last throughout the constitutionally stipulated period, until October 1, 1994" (Arias Calderon 1990, 1).⁵ The Endara government rejected the idea of turning itself into a provisional government, citing the herculean task of constructing free and fair electoral procedures in so short a time.

These obstructions to legitimizing the new government as a new regime may have been unavoidable in January, 1990. Soon thereafter, however, some leaders of the former opposition called for a constitutional assembly, a *constituyente*, to write a new constitution. Law Professor Miguel Antonio Bernal was an early proponent of this idea: "We need to do what other countries have done after emerging from military government: change the constitution. This was done in Spain, Portugal, Uruguay, Peru and many other places, even in Honduras. A constitutional assembly is the best way to have a national conversation. For 21 years, the Panamanian people have not been able to talk to each other and hold a real dialogue. We may have varying ideas, but we at least need the environment to discuss them without any foreign pressure. Now, we are able to talk, but the

government doesn't listen" (Bernal 1990, 2). Although the idea of a constitutional assembly received some attention in the press, it gained no political momentum and was flatly rejected by Endara. In November, 1991, however, reporters speculated that Endara's advisers were interested in a *constituyente*. By then, Endara's popularity had fallen to unprecedentedly low levels. Endara's friends, along with elements in the private sector were reported to be considering a *constituyente* as a means to reorganize his government and thereby regain the initiative and better approval ratings (Ronda el Golpe 1991). The idea has yet to gather sufficient momentum to be taken seriously, however.

Instead of constitutional reform, cabinet decrees and legislation were used to reform institutions and anti-democratic laws. Revised electoral procedures were an early priority in order to prepare for a special election in January, 1991 for nine Assembly seats which could not be filled based on 1989 election returns. In June, 1991, a law was passed abolishing the army and deleting such language from the constitution. Reform of higher education, including a change from appointment to the election of administrators, was enacted as a legislative package and implemented during summer 1991. Reform of the tax system and social security are on the agenda for 1992.

Although the legislative agenda can be interpreted as a series of steps toward civilianization, critics charge that these represent secondary issues, processed because of their political feasibility rather than their significance. Those who make negative assessments of civilian governance cite a lack of serious constitutional reforms, lack of change in fundamental supports of the military regime (Ley 20, the labor code and social security), and relatively mild treatment of the former military.

Initiatives that have been planned to restructure and professionalize the main institutions and the press are long term, 18-month to five-year programs, whose progress cannot yet be assessed. These involve the presidency and the Ministry of Planning (particularly its budgeting and accountability functions), the Controlaria, the judicial system, and the Legislative Assembly. A program to improve professionalism in the news media also is being implemented. These programs receive external financial and advisory support, with the United States being the major source of funds.⁶

Coalition Politics and Consensus Building

The new civilian government constituted an alliance that was forged to contest an election and oppose Noriega. In January, 1990, Noriega was gone and the candidates found themselves in power. As a coalition government comprised of leaders of three very different political parties, the new government was particularly prone to bogging down as it devised compromises which would satisfy three different men and their constituencies.

President Endara, who was one of Arnulfo Arias's aides, reclaimed the Arnulfista party label during 1990 and tried to capture that constituency.⁷ Endara

lacked a strong base in the Legislative Assembly, where Arias Calderon's Christian Democrat Party (PDC) held the greatest number of seats, 27 out of 67. This legislative block gave the first vice-president strong connections to the legislature, but his most pressing problems arose from his ministerial responsibilities over the police and judicial systems. Billy Ford's party, MOLIRENA, held fifteen Assembly seats. Acclaimed as the best politician among the three, Ford faced the most obdurate challenges with the fewest resources. As minister of Planning, Ford was responsible for economic reconstruction and development. Tension among the three was reported early in 1990; the situation worsened in 1991. Endara's relations with Arias Calderon increasingly were strained, and all PDC ministers were removed from the Cabinet on April 9, 1991. Arias Calderon remained as first vice president, but held no ministerial position. The PDC remained the most cohesive bloc in the Assembly, however, and effectively could stalemate Endara's initiatives. The second vice president, Billy Ford, probably will leave government in 1992 or 1993 to begin his campaign for the presidency. That election will constitute a significant measure of the consolidation of democracy in Panama.

Panamanian politics have always reflected racial and class divisions. Civilian politicians and military leaders in the past resorted to racial and class appeals in order to broaden and strengthen their own constituencies and to tar opponents. Although the new government has not blatantly followed these practices, it has not attempted to bridge the racial gap that has afflicted Panama's politics. As Ropp has stressed, the military regime and the PRD reached out to the "blacks and mulattoes who have operated at the margins of Panamanian society" (Ropp 1991, 130). Little effort to bridge that gap has been evident since Endara took office; officials in the new government are overwhelmingly white, upper and upper-middle class, and tied to the urban commercial elite.

Sensing an opportunity, the PRD decided early in 1990 to stage a comeback. Mario Rognoni, a long-time legislator, announced that the PRD was reconstituting as a loyal opposition advocating a new democracy and opposed to persecution. The PRD actively campaigned for legislative seats contested in January 1991, winning five of the nine, and its legislators have been quite active on the floor. As executive secretary, Ernesto Balladares worked to remake the party into a modern organization with a new image. A party convention to write a platform for 1994 and set delegate selection procedures for its nominating convention is scheduled for March, 1992. Current political speculation centers on what alliances the PRD will form to contest the 1994 election.

Changing Values and Habits

Crucial to the consolidation of democracy is a shift from the value structure of a military regime to a civic political culture that values freedom of expression and tolerates dissent. Oppositionists who had criticized the military soon found reasons

to criticize the civilian government. Some went so far as to suggest that a new opposition movement was needed to check the Endara government. Others suggested that the Civic Crusade should create an opposition political party.

The new government was no more comfortable being satirized and criticized than Gen. Noriega had been; its initial reactions were quite similar, although its responses were more moderate. Existing laws restraining the press and equating criticism with libel have not been changed, nor have the inclinations and habits of politicians. The civilians' response was milder, but their first inclination was to criticize the critics, discredit their motives, and intimidate them into silence.

When Professor Bernal asserted in a speech, without naming names, that the government was guilty of nepotism, President Endara's response was to suggest that Bernal could be jailed. Two days later, Bernal was invited to meet Endara. He was neither jailed nor silenced; instead, the meeting was covered on television and the front page of *La Prensa*. A reporter for *El Siglo* was jailed on libel charges, however, after publishing an article linking Endara to financial improprieties at a bank on whose board of directors he served (*Frontline* 1991). In 1991, when editorial cartoons in several papers portrayed Endara as having two policies on demilitarization, i.e., official reform but private tolerance, the president exploded. His threats against a cartoonist for *La Prensa* provoked a series of articles in that paper profiling Panama's political cartoonists, along with copious comments on the value of political satire and its role in a democracy. In addition, the journalists' organization held a protest march to defend freedom of expression when *La Prensa's* cartoonist was ordered to appear in court. Afterwards, the government backed off and the cartoonists continued their caricatures.

Freedom of expression by groups also was restrained. In December, 1990, Law 25 was passed soon after a labor action (or *coup*, see below) by police officers occurred simultaneously with a protest march on the Legislative Assembly by 5000 teachers. The new law forbids any public employee from participating in a public demonstration. In addition, 500 union workers involved in organizing the protests reportedly were fired. Another telling incident occurred in October, 1991. While Second Vice-President Ford was departing from the installation ceremony for the new rector of the National University, students protested by throwing rocks and vegetables at Ford and his bodyguards. The bodyguards' response was moderate: they fired shots into the air to halt the students' advance and enable Ford to escape. However, Ford's comments were not. On the nightly news, Ford said the bodyguards would have been told to shoot *at* the students if they had not been within the university grounds, which are protected as semi-autonomous territory. He also asserted that an investigation would be used to find and punish the protesters. The new government demonstrated that it was less repressive than the military regime, but it, too, was predisposed toward intolerance.

Demilitarization

One positive result of the U.S invasion, as Whitehead (1992, 247) has pointed out, is that it created a wider opportunity for institutional change than had existed before, and thus the "hope of establishing a fresh beginning." Operation *Just Cause* went much further in decapitating the PDF than a *coup* or power-sharing would have accomplished. The invasion created a broader opening for civilian-directed change than a post-election coalition government would have entailed. Nonetheless, the lack of a "normal transition" meant that the new government was immediately thrust into a crisis-management mode at the same time that it considered fundamental reforms.

One of its first decisions concerned what to do with the PDF and what type of military and/or police organization the new government should create. During the first few days of January, Endara said Panama did not need an army, only a national police. That was the position taken by publisher Roberto Eisenmann personally, and in *La Prensa* editorials. Eisenmann advocated using Costa Rica as a model; so did former Costa Rican president Oscar Arias. Soon, however, Arias Calderon, who was responsible for public security as minister of Government and Justice, advocated a mixed force, primarily a national police but also containing specialized air and naval services, and possibly a canal protection force.⁸ A second, more controversial issue, which is discussed below, concerned who could serve in the national police.

As demilitarization has proceeded, the process has been characterized by two related struggles: one between the civilian government and the military, and one within the civilian government over *who* should control parts of the new force, thereby also gaining a military power base.

Establishing Civilian Control Over the Military

To promote both demilitarization and democratization, the government quickly took steps to strengthen the legal basis for civilian control. It did not, however, begin with repeal of Ley 20 and the creation of a new organic law. Critics asserted that a new force needed to see the legitimate, authoritative limits on their institution and the symbolic change that only an organic law could provide. Decrees, they suggested, were too ephemeral a mechanism for reforming the military.

Two cabinet decrees, numbered 38 and 42, redefined the legal parameters within which police and security forces would operate. Decree 38, issued in early February, 1990, formally created the Public Force (PF), and assigned to it responsibility for guaranteeing public order and protecting property rights.⁹ The president was named commander in chief, and all PF members were to swear loyalty to him and the constitution; moreover, police units were supposed to "act as agents of civilian authorities at the municipal and regional levels." The PF was described as subordinate to the executive branch, a relationship entirely different from the constitutional provision which required civilians to act in harmonic collaboration

with the military.

To further reduce the power of the PF, components of military, enforcement, and investigative power were separated and assigned to different branches. The ministry of Government and Justice administered the National Police (which initially included about 8,000 personnel), the National Air Service (with about 380 personnel), the National Maritime Service, and Immigration and Customs. Later, an Institutional Protection Service (SIP) was created and placed under the president's authority. The attorney general, who operates separately from the ministry of Government and Justice, gained the functions of administering prisons and an office of professional responsibility. The Technical Judicial Police (PTJ), an 800-member investigation unit which replaced the former National Department of Investigations (DENI), was also placed under the Attorney General's control.

After twenty-one years of military rule, the process of establishing civilian control over the military was bound to be difficult, for officers as well as politicians. Those who predicted a short tenure for Panama's new government cited a military *coup* as the likely means of its demise. As of March, 1992, President Endara remained in office, but the government had had to fire three successive officers (all former military) appointed to command its National Police. In August, 1990, Endara and Arias Calderon decided to place a civilian deputy minister of Government and Justice in charge. The person chosen was Ebrahim Asvat, who had been responsible for liaison between the PF and the first vice-president. However, when Endara dismissed all ministers and appointees belonging to Arias Calderon's PDC in April, 1991, he replaced Asvat with Gonzalo Menendez Franco, an Arnulfista who as an oppositionist had experience with civil-military issues. However, Menendez Franco was forced to resign about six months later, after he participated in the Arnulfista party's national political convention, which violated the legal prohibition against PF involvement in politics. He was replaced on October 30, 1991, by Oswaldo Fernandez, the sixth Director of the National Police. Thus, the problem of political leadership and instability at the top of the organization continues to plague the new police two years into the new administration.

Two threats to the new government were mounted by discontented officers. Col. Herrera Hassan, the (second) commander of the PF who was fired in August, 1990 on suspicion of involvement in plots, was implicated in the first and involved in the second. The first incident occurred in October, 1990, when a plot to take over the government in conjunction with labor demonstrations to be held on the 16th was discovered and thwarted.¹⁰ Two months later, disgruntled officers staged a more effective operation, described by the government as an attempted *coup*, to protest government policies and lack of respect for the military. In December, rebel officers sprung Herrera Hassan from jail, possibly against his will. The colonel and some thirty officers then entered the national police headquarters, took over the building, and issued political demands.

Instead of using its own personnel, the Endara government requested U.S. military assistance to regain control over the building and subdue the officers. Some argued that Herrera Hassan's action was politically motivated: the colonel was reluctantly drafted to represent the grievances of some officers who were more intent on mounting a labor action than a *coup*.¹¹

These two events reflected the problems some officers experienced -- with regard to status, respect and treatment -- in transforming themselves into a police force. The fact that the government had to call on 400 U.S. troops in full battle gear, rather than its own PF, also reflects an incomplete consolidation. While the civilians remained in power in early 1992, some observers asserted that their status remains tenuous. The balance of civilian/military power is shifting, but the issue is by no means resolved.

Much criticism has focused on the continued close relationship between the government and the U.S. military. Asvat (1990) posed the issue diplomatically: "The process of demilitarization in Panama will also require demilitarization of the relationship between the United States and Panama." In the past, the U.S. military had enjoyed more access to Panamanian politics than the State Department; for demilitarization to succeed, Asvat argued, access must be redirected through civilian leaders. The U.S. military must learn, he argued, just as Panamanians must learn, to take their concerns to the civilian authorities, not the police sergeants. U.S. Ambassador Deane Hinton agreed that such changes are essential and insists that they are underway, in a process that requires U.S. officials to rebuff and deflect some Panamanian requests.

Checking Political Power Bases in the Military

To check the potential power base in the military that reforms gave to the President and Minister of Justice, Decree 38 specified that PF finances shall be the responsibility of the comptroller and that the size of the PF shall be determined by the legislative branch. The comptroller, Ruben Carles, has vigorously used -- some would say abused -- this power.

Table 1. National Budget
(in millions of dollars)

	1989	1991
Social Security Administration	559	597
Education	269	271
Military/Public Forces	150	82
Ministry of Health	121	201
Ministry of Presidency and MIVI	92	104
Total Budget	2,244	2,795

Source: Ministry of Government, Lic. Raul Arias de Para, Financial Director of Public Security, *La Desmilitarizacion de Panamá es un Hecho*.

As of 1991, the PF numbered 10,500, including secretaries, mechanics, engineers, and other technical personnel along with police officers and other service personnel. The current staffing plan is to increase the PF to 12,000 by 1995 (Montano 1991, 14). The relative budget share for public security has, in fact, declined from \$150 million in 1989, to \$82 million in 1991 (see Table 1). During 1991, however, disgruntled police and various officials and advisers demanded budget increases to raise police salaries above the starting level of \$280 per month (which is \$15 dollars a month above poverty level for a family of four), particularly to reward promotions and pay bonuses (Vasquez 1991, 17). Police, especially former PDF, also expressed discontent over the relative lack of social welfare and family benefits available under the new PF. The government's budget request for security services for 1992 is \$100 million, including \$76.4 million for the National Police (Montano 1991, 14).

One cost of a smaller public security force has been the militarization of civil society. Heavily armed private security guards pervade residential, shopping, financial and governmental areas. Numerous private security companies exist, many run by former PDF. Initially, Vice President Arias Calderon addressed the role of private security in his official statements, referring to a "pluralistic" approach in which "public safety is not only an exclusive function of the state, but of several entities," state and non-state (Arias Calderon 1990, 3). Thus, although the PDF has been disestablished and the new PF is supposed to be demilitarized and depoliticized, after two years high numbers of private security forces continued to be deployed. Critics complained that reform of the military has led to a paramilitary society.

Concerns were also raised in the press about remilitarization, due to the creation of specialized new police units (legally allowed under Decree 38) in 1990, and of the president's SIP in 1991. *Antimotines* or riot squads called *Control de Multitudes* were trained and deployed during the Summer of 1990 to respond to increasingly hostile confrontations between demonstrators (particularly from poor neighborhoods) and police. Concurrently, a SWAT team designed to provide quick response to crimes such as major bank heists was also trained and deployed. Panamanians complained that the new PF was reactivating UESAT, Noriega's quick strike force, and the hated Doberman riot squads. Asvat, the director at the time, said that the new units were different, not only in their training but also in the narrow mission they would perform and the degree of restraint that would be required. Critics charged in late 1991 that the police SWAT team and the SIP, which was characterized in one report as "fearful militarization" (Vasquez 1991, 18), pose a grave risk to citizens' rights as well as civilian governance (Montano 1991, 15; Vasquez 1991, 16). Commenting in November, 1991, Asvat asserted that militarism does not exist in the PF, but he also expressed concerns about changes in direction of the organization since his departure (Vasquez 1991, 18). Well founded or not, every month or so rumors abound in Panama City about conspiracies and *coups*.

Decree 38 is also the document that prohibits PF members from engaging in any political activity, a provision which, if actually followed, will depart from approximately forty years of political tradition. Despite the fact that Director

Menendez Franco was forced to resign over this issue, it is too soon to judge the extent to which these formal prohibitions will constrain the behavior of officers and politicians.

Two problems are apparent. First, on the officers' side of the reform equation, significant elements of the PF are still dissatisfied with the new institution. The expected period of officers' testing of the government's determination to exert civilian authority is still underway, although in late 1991 that issue seemed to take a back seat to growing fears of remilitarization.

Second, on the politicians' side, is the problem of resisting the temptation to turn responsibility for a military or security force into a power base with which to influence other politicians and one's own political future. Panama has a long tradition of presidential hopefuls and incumbents developing a military or paramilitary base to further their political ambitions. The president's SIP aroused considerable negative public comment, especially when it was reported to have gained an intelligence function.¹² The SIP has been criticized as a too-powerful parallel force that is not bound by the same rules and regulations as the national police (Montano 1991, 13).

The decision to use military personnel from the old regime as manpower for a new police force tarnished the new government. The decision reportedly was made on two grounds: (1) in order to deploy Panamanian police to replace U.S. troops as quickly as possible, to meet a U.S. deadline of mid-February, and (2) the civilians' own decision that less risk would arise from retaining many PDF than from leaving them unemployed and at large. Not only did familiar PDF faces appear in the PF, but old military attitudes were also widely reported and rumored among Panama City residents. A columnist summarized the critique: "Now we are signing up many of the same Panamanians and giving them guns in the name of law and order. They march about, proclaiming their new devotion to democracy. Americans

Table 2. Personnel and Ranks

	Military Regime (1989)	Democratic Government (mid-1991)	Numerical Reduction	Percent Reduction
Rank				
General	1	0	1	100%
Colonel	5	0	5	100%
Lt. Colonel	16	0	16	100%
Major	66	29	37	56%
Captain	141	55	86	61%
Lieutenant	261	128	133	51%
First Lieutenant	631	481	150	24%
Total officers	1,121	693	428	37%

Source: Ministry of Government, Republic of Panama, Lic. Raul Arias de Para, Financial Director of Public Security, *La Desmilitarizacion de Panamá es un Hecho*.

may believe them, but not Panamanian civilians who may be beaten again by these guardians of freedom" (Rosenthal 1990). The situation was exacerbated when comments such as, "When the gringos go home, we'll take over again" were reported (Sánchez Borbon 1990).

As director, Asvat kept a running tally on numbers of former officers who were no longer serving at all. As of August, 1990, all of the former colonels were removed; so were 83 percent of the lieutenant-colonels, 40 percent of the majors, 33 percent of the captains, 20 percent of the lieutenants, and 10 percent of the second lieutenants (Asvat 1990). These figures, amounting to some 124 removals, reflected significant personnel changes, particularly at the higher ranks. Table 2 provides numbers of officers at the end of the military regime and as of 1991. As of mid-1991, further reductions brought the number of lieutenant-colonels to zero (100 percent removed); new levels for other ranks were majors, 56 percent; captains, 61 percent; lieutenants, 51 percent; and first lieutenants, 24 percent. Critics assert that this transformation is not deep enough. One former U.S. official very familiar with the PDF challenged such statistics by saying, "Yes, but look who is left in place." Concurrently, first-time policemen were being trained at Panama's new Police Academy, graduating in groups of about 250 per session. Whether the combination of purging PDF-holdovers and generational turnover in the form of new recruits will alter the institution itself remains to be seen.

Conclusions: Opportunity Lost?

The new government inherited severe crises: twenty-one years of military dictatorship and occasionally brutal repression of opposition activity; ten years during which political parties were banned; years of strict legal restraints on media; and finally, destruction of the old regime by a U.S. invasion rather than by the opposition's own efforts. Although Panama is not as poor as its neighbors, the impact of U.S. sanctions, pillaging by the military regime, and the flight of businesses and investments during the later years of that regime created an economic disaster. When the civilians took office, they found a treasury nearly bankrupt, an economy suffering a twenty percent decline in economic "growth" during the past two years, and international debt obligations amounting to more than \$5,000,000,000.

In Panama, democratization from within yielded only partial and ultimately unsuccessful results. Will the hybrid of externally-imposed democratization, grafted onto internal roots seeded during the aborted 1989 electoral transition, prove more successful?¹³ The record of the Endara government after two years in power is mixed, and cannot yet be evaluated conclusively. Significant progress may be made during the next two years. The lack of progress to date may reflect the abruptness of Panama's transition to democracy more than any insurmountable flaws in the new regime itself.

When they were installed in December, 1989, the three civilians clearly were unprepared to take office. Although they had campaigned for office, they did not

expect the military to let them win; thus, after the annulment of the election and installation of Provisional President Rodriguez, they had little or no expectation of taking office. Consequently, when they actually did take office, their goals were unfocused. The major objectives they had articulated during the campaign -- to retire Noriega and his advisers and to make the military accept some reforms -- had been accomplished by the United States. With those unifying objectives already met, the Endara government was left with the much more divisive and uncharted issues of how to restructure the military and how to restore democratic governance.

In 1992, as economic performance accelerates and the various long-term institutional professionalization programs are implemented, the Endara government's performance should improve. Looking toward the future, political developments during the 1994 campaign and election will be significant indicators of the extent to which the consolidation process is succeeding. In the interim, the most positive signals of meaningful progress would be significant constitutional reforms, a public and governmental initiative to develop a consensus supporting a national project, and a reduction in factional party politics.

NOTES

¹Alfred Stepan (1986) identifies eight such paths: internal restoration after external conquest, internal reformulation, externally-monitored installation, redemocratization initiated from within, society-led regime termination, party pact, organized violent revolt coordinated by reformist democratic parties, and Marxist-led revolutionary war. Whitehead's (1991) analysis of U.S. policy imposing democracy identifies three transition mechanisms: incorporation, invasion, and intimidation.

²Almedo Beluche (1991, 256) compares Torrijos' plan for a return to the barracks to the reforms planned by Figueiredo in Brazil.

³Barletta was forced to resign when he called for an independent investigation of PDF involvement in the murder of a political opponent, Hugo Spadafora. Delvalle was impeached by a rump session of the Legislative Assembly after he attempted to fire General Noriega.

⁴Both sides have been blamed. Noriega blamed the U.S. government. Two U.S. investigative reporters independently wrote accounts asserting that the Reagan administration refused to sign off on the one provision most important to Noriega: quashing the two Florida indictments naming him on drug trafficking and racketeering charges (Dinges 1990; Kempe 1990). Both journalists cited pressures from Vice President George Bush's staff as responsible for the White House's decision. Officially, the Reagan administration asserted that Noriega himself had rejected the deal that his representatives had negotiated.

⁵At the same time, however, Arias Calderon (1990, 1) also acknowledged that the government "is and must be" transitional, with the mission of "taking the country from the conditions which prevailed under the dictatorship to conditions that have to prevail in a democracy." He believed that the only way for the ADO-Civilista slate to accomplish such a transition was to govern as if they had been elected.

⁶The U.S. AID programs include the following projects and U.S. funding: news

media, \$500,000; civic education, \$240,000; Electoral Tribunal, \$660,000; legislative development, \$700,000; administration of justice, \$12,000,000; financial management reform, \$6,300,000; tax administration improvement, \$1,600,000; and economic policy development, \$5,000,000. Actual program budgets are higher since they include funds from other external sources along with those from the Government of Panama.

⁷During the 1989 electoral campaign, the Arnulfistas split: Endara's faction joined the ADO-Civilista coalition, while the other faction, led by its candidate, Hildebrando Nicosia, ran separately under the Arnulfista party label.

⁸Arias Calderon (1990, 5) listed the following functions as appropriate to a police model of public security: (1) prevention and suppression of common delinquency; (2) struggle against narcotics-trafficking; (3) guard the borders (land, sea and air) against contraband, illegal immigration, illegal fishing, piracy, etc.; (4) maintain constitutional, democratic order; and (5) protection of the canal.

⁹According to Arias Calderon (1990, 5), the PF was structured to provide those protective functions specified in the above-mentioned police model of public security.

¹⁰Implicated in the plot were Capt. Francisco Herrerra Hassan and his brother, Col. Eduardo Herrerra Hassan; Capt. Carlos Ivan Moreno, the executive officer of the national police in the Chiriquí Zone (which had been Noriega's strongest base); and two former members of UESAT (the former anti-terrorist unit), Sgt. Anibel Martínez and Corp. Julio Cesar. The degree to which the plot presented a real threat to the Endara government was questioned; see COHA (1990, 5).

¹¹Col. Herrerra Hassan insists that this was the case; Asvat just as insistently asserts that the event was intended as a *coup*.

¹²Hockstader (1990b, 16) reported that "The CIA, having opposed setting up an intelligence section in the police force, is busy creating one in the office of the presidency."

¹³Lowenthal (1991) and Whitehead (1991) use the term "imposed democracy;" Stepan (1986) refers to a similar process as "externally-monitored installation;" Ropp (1990) discusses the relevance of Stepan's concept for the case of Panama.

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