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**DEFYING PREDICTIONS? CHILEAN CIVIL-MILITARY
RELATIONS SINCE 1990**

by

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June 2010

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**DEFYING PREDICTIONS?
CHILEAN CIVIL-MILITARY RELATIONS SINCE 1990**

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ABSTRACT

Chile is widely regarded to have emerged from its 1990 transition to democracy with the most restrictive rules of the game for its newly elected civilian leaders. Nowhere were these rules more restrictive than with respect to the armed forces. Most scholars were very pessimistic about the future of Chilean civil-military relations, although a few did anticipate that politicians would be able to overcome these restrictions over time. Two decades after the transition, it appears that much success has been achieved. Is it now possible to say that Chile has developed strong civilian control of its armed forces? If so, how did the predictions made in the years after the transition stack up against what has actually happened? This thesis demonstrates that Chile has achieved what Pion-Berlin called “political management” of the military, and that there remain significant vestiges of the conditions left in place by Pinochet. Moreover, this study finds that the optimistic projections, based as they were on rational choices by politicians, provide explanation not just for the advancements in civilian control, but also for the areas where there has been little or no improvement.

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TABLE OF CONTENTS

I.	THE CHALLENGE OF THE 1990 TRANSITION	1
A.	INTRODUCTION.....	1
B.	WHY DOES IT MATTER?	3
C.	BACKGROUND: EVOLUTION TOWARD CIVILIAN DOMINANCE	4
D.	A SURVEY OF PREDICTIONS.....	6
E.	METHODS OF ANALYSIS	12
F.	PLAN OF THIS STUDY	14
G.	SUMMARY	15
II.	BARRIERS TO PROGRESS: OVERCOMING THE “LIMITATIONS, OBSTACLES, AND RESTRAINTS”	17
A.	INTRODUCTION.....	17
B.	PREROGATIVES AND CONTESTATION IN CONTEXT	17
C.	BACKGROUND: MILITARY PREROGATIVES AS OF THE 1990 TRANSITION	18
1.	Constitutional Prerogatives and Barriers.....	19
2.	Prerogatives in the Organic Law.....	21
3.	Summary.....	23
D.	AFTER THE TRANSITION: THE FATE OF THE MILITARY PREROGATIVES.....	23
1.	The Right to Repress	23
2.	Military Presence in the Government.....	24
3.	Presidential Control Over Senior Officers	25
4.	Budgetary Controls.....	25
5.	Military Education and Doctrine	26
6.	Barriers to Future Reforms	26
7.	Summary.....	27
E.	OTHER CONSIDERATIONS: HUMAN RIGHTS, THE MINISTRY OF DEFENSE, AND CONTESTATION.....	27
1.	Human Rights	27
2.	The Development of the Ministry of Defense	29
3.	Contestation by the Armed Forces.....	30
F.	CONCLUSION: THE STATE OF THE BARRIERS TODAY	32
III.	ONE FOOT STILL IN THE PAST: MILITARY ROLES AND MISSIONS SINCE 1990	35
A.	INTRODUCTION.....	35
1.	Definitions.....	37
B.	FORMAL DEFINITIONS: THE CONSTITUTION AND THE DEFENSE WHITE PAPERS.....	39
1.	The Constitution	39
2.	Defense White Papers.....	41

C.	EXTERNAL MISSIONS: OVERCOMING CHILE'S GEOPOLITICAL LEGACY?	44
1.	Geopolitics in Chile	45
2.	Peacekeeping and Regional Cooperation: The Obverse of the Geopolitical Coin.....	50
D.	INTERNAL ROLES AND MISSIONS.....	53
1.	Regimes of Exception: Risky Business.....	54
a.	<i>The 2010 Earthquake: Reason for Hope?</i>	55
2.	Other Internal Missions	57
3.	Summary: The Impact of the Internal Missions.....	58
E.	CONCLUSION	59
IV.	SUMMARY, ANALYSIS, AND CONCLUSION	61
A.	PROGRESS AND STAGNATION: A PICTURE OF CHILEAN CIVIL-MILITARY RELATIONS	63
B.	VARIATIONS IN PROGRESS: SOME STICKY CONDITIONS.....	65
1.	Constitutional Reforms	67
2.	Other Legal Reforms	68
3.	Extra-Legal Factors	73
C.	ASSESSING THE PREDICTIONS	75
	BIBLIOGRAPHY	79
	INITIAL DISTRIBUTION LIST	85

LIST OF FIGURES

Figure 1.	Chile's maritime claims (<i>Mar Presencial</i> falls within the darker broken line)	47
Figure 2.	Jurisdictional boundaries in Chile since the transition to democracy	64

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LIST OF TABLES

Table 1.	Constitutional states of exception in Chile	54
Table 2.	Variations in progress among measures of civil-military relations, 1990– 2010.....	66

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I. THE CHALLENGE OF THE 1990 TRANSITION

A. INTRODUCTION

One day after taking office as the first democratically elected president since the coup d'état seventeen years earlier, Patricio Aylwin struck a note of caution as he spoke to an otherwise celebratory crowd at Santiago's *Estadio Nacional*. "The satisfaction we feel today must not prevent us from seeing the innumerable limitations, obstacles, and restraints that the regime that governed until yesterday created in its attempt to perpetuate itself in power."¹ Clearly, not even the new president expected that Chilean democracy would be whole until the civilian government had overcome those same difficulties. Perhaps the most restrictive of these "rules of the game" left in place by Augusto Pinochet's authoritarian machinery were those aimed at the institution from which the dictator had emerged seventeen years earlier—the military. The armed forces were positioned to remain an independent and influential player in Chile's governance for many years to come. It stands to reason that the removal of those rules of the game that inhibited civilian control over the armed forces should mark a turning point in Chilean civil-military relations. Now that two decades have passed since elected civilians took control, and many of those restrictions are no longer in their way, has the military been effectively subordinated to that control?

Chile is often referred to as a superb test case for predictions of success and failure in a transition to democracy from military authoritarianism, having begun its transition at the opposite extreme from Argentina in terms of the relative strengths of the new civilian government and the armed forces. Unlike in Chile, Argentina's military junta left power after a disastrous series of domestic and foreign policy failures, culminating in economic crisis and the debacle that was the Falklands/Malvinas conflict with the United Kingdom. Thanks to this inauspicious exit, the armed forces were relegated to an exceptionally weak political position as the civilian government took over

¹ Patricio Aylwin, "Patricio Aylwin Addresses Inaugural Rally," *Daily Report: Latin America*, March 13, 1990, 35.

Argentina in 1983.² Augusto Pinochet, on the other hand, left power largely on his own terms. Although he did not anticipate leaving when he did, the transition itself was carried out under designs that he himself had formulated not even a decade earlier. As will be seen, this meant that he and his cohort were able to keep substantial enclaves of power set aside for themselves, even as the nation began its move toward democracy.

Given the analytical value of the Chilean case both in its own right and as a counterpoint to Argentina's experience, numerous analysts offered regular updates on the progress of civil-military relations there during the first decade or so after the transition to democratic rule, some of them also providing their own forecasts as to the likely speed and effectiveness of future reforms.³ For obvious reasons, most of these early assessments were quite negative. Since the earlier part of this decade, however, attention seems to have shifted away from these questions, possibly reflecting an assumption that, given Chile's impressive economic performance and relative political stability, as well as the high-profile arrest and trial of General Pinochet, things must have continued on an upward path toward a strengthening of civilian authority as part of a broader consolidation of democracy there. The military's largely successful efforts in response to the earthquake of February 2010 only reinforced this notion.

But was and is this a reasonable assumption? This study will seek to answer two major questions. First, has Chile successfully established civilian control of its armed forces? What are the remaining vestiges of military autonomy? Second, how accurate were the predictions of the trajectory of Chilean civil-military relations? Was there variation in the levels of progress achieved, and, if so, how useful are those predictions to explain this variation?

² Felipe Agüero, "Legacies of Transitions: Institutionalization, the Military, and Democracy in South America," *Mershon International Studies Review* 42, no. 2 (November 1998): 390.

³ See, for example, Mark Ensalaco, "In with the New, Out with the Old? The Democratising Impact of Constitutional Reform in Chile," *Journal of Latin American Studies* 26, no.2 (May 1994): 409–429; Wendy Hunter, "Civil-Military Relations in Argentina, Brazil, and Chile: Present Trends, Future Prospects," in *Fault Lines of Democracy in Post-Transition Latin America*, ed. Felipe Agüero and Jeffrey Stark (Miami: North-South Center Press, 1998), 299–322; Gregory Weeks, *The Military and Politics in Postauthoritarian Chile* (Tuscaloosa: University of Alabama Press, 2004); and Peter M. Siavelis, "Chile: The End of the Unfinished Transition," in *Constructing Democratic Governance in Latin America*, 3rd Ed., ed. Jorge I. Domínguez and Michael Shifter (Baltimore: The Johns Hopkins University Press, 2008), 177–208.

B. WHY DOES IT MATTER?

The level of control that a government exerts over its armed forces is a recognized key measure of democratic consolidation. Indeed, one could argue that military autonomy runs counter to the Weberian notion of the state, democratic or otherwise. How can a state claim a legitimate monopoly on the use of force if it cannot claim legitimate authority over the greatest instrument of coercion, the military?⁴ Within a more specific context, Linz and Stepan offer a useful three-part definition of a consolidated democracy, which sheds some light on the significance of civilian control of the military. The three attributes of a completed transition are: “first, that a government has to be in power as a result of a free and popular vote; second, that this government has authority to generate new policies; and, third, that the executive, legislative, and judicial powers generated by the democracy do not have to share power with other bodies *de jure*.”⁵ Clearly, an autonomous military, especially one that maintains significant influence on (and support from) the legislature, would place stringent limitations on the successful achievement of the second and third of these requirements, at a minimum. Linz and Stepan further point out that the question of whether or not that consolidation is complete is neither trivial nor merely academic, as it points to the willingness of the participants in that state to act within the constraints and structures of democracy.⁶ Thus, in order to determine the extent to which Chile has put its transition in the past, one must include an assessment of how much influence and autonomy the armed forces retain under current norms and institutions.

Of course, the importance of this kind of analysis has been recognized by many researchers before, yet, the number of papers and articles treating this topic has dwindled since the early part of this decade, particularly among English-language publications. While this could be taken as a sign that there is nothing left to study, it would be wrong to make such an assumption, particularly given the consensus found in much of the research

⁴ Max Weber, “Politics as Vocation,” in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 78.

⁵ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: The Johns Hopkins University Press, 1996), 207.

⁶ *Ibid.*, 207.

(as will be seen below) that Chile still had far to go on the path toward consolidation of its new democracy as of about a decade ago. Five years after the most sweeping set of constitutional reforms since the transition was passed, it is thus worthwhile to ask whether those reforms, coupled with changes in military organization and mission, as well as evolving public perceptions of the military, have finalized the process of subjugation of the military, and what, if anything, remains to be done.

C. BACKGROUND: EVOLUTION TOWARD CIVILIAN DOMINANCE

In spite of his defeats in the 1988 plebiscite and 1989 elections, Augusto Pinochet did not leave office from anything like the position of weakness in which the Argentine military found itself in 1983. He still enjoyed the support of a significant portion of the population, as well as from crucial segments of the right-wing political elite. Shrewd calculation and groundwork had gone into ensuring his continuing influence well beyond his term as president.

The apparent level of civilian control of the armed forces as Chile moved from the Pinochet dictatorship into its modern democratic era did not offer much reason for optimism. The constitution, which the ex-dictator himself had essentially written, remained in force (as it does to this day). Within that document were three distinct realms of military autonomy: a mission statement that endorsed the use of the military to enforce conformity with strict ideological guidelines, significant military presence in key positions throughout the government, and the exclusive power to hire and fire the top levels of military leadership. Pinochet's parting coup de grâce was the 1989 *Ley Orgánica Constitucional de las Fuerzas Armadas* (Organic Constitutional Law of the Armed Forces), which enshrined an additional two reserve domains of military power: final authority over military doctrine and education, plus mandated budgetary minimums for defense spending. The latter of these was further reinforced by a secret law (*ley reservada*) that guaranteed a certain portion of the annual revenues from the state-owned copper company, CODELCO (though it should be pointed out that this law was on the books well before Pinochet came to power).

As will be demonstrated, these prerogatives were slowly reduced and, in many cases, eliminated by Chile's democratically elected governments. This slow but steady reining-in of the armed forces came about in spite of Pinochet's political clout and the substantial barriers to reform that had been erected around the constitution and the organic law.

Unfortunately, these prerogatives formed only a part of the larger group of "limitations, obstacles, and restraints" faced by civilian decision makers. Three other areas are of interest in tracing the progress of civilian control in overcoming these barriers. The first of these is the investigation and prosecution of human-rights violations. Although President Aylwin made efforts to expose the many victims of Pinochet's brutal repression in the first years of his administration, it would be several years before significant numbers of personnel were brought to justice for having committed those crimes, a process which continues even today. The second additional area for study is the level of military contestation of civilian policies and actions. While public commentary and even active protest against the government by members of the armed forces saw a spike in the first years after the transition, this phenomenon faded away fairly quickly. Thirdly, one must study the development of the Ministry of Defense, which began in 1990 as a powerless and essentially administrative bureaucracy but eventually emerged as a significant and generally effective interlocutor between the president and the military leadership. Recent legislation passed in Chile has instituted major organizational reforms aimed at the further consolidation of the Ministry, as well.

Even assuming a best-case scenario in which all of the barriers mentioned above have been overcome, it is not sufficient to presume that civilian-control is consolidated. One must also find measures that can positively indicate the presence and strength of military subordination. To do this, a look at Chilean civil-military relations in the last two decades is incomplete without an understanding of the changing nature of the roles and missions assigned to the armed services during that time. Unlike in Argentina, where the armed forces underwent severe cutbacks in budgets, personnel, and operations after the transition, Chile's military retained significant funding, and, in recent years, has even

expanded and modernized significantly. Knowing where the Chilean military operates and who determines the definition and extent of those operations is crucial to understanding the status of civil-military relations.

D. A SURVEY OF PREDICTIONS

Analyses and predictions regarding the establishment of civilian control of the military in postauthoritarian Chile have generally fallen into two camps. The first can be called a “modes of transition” or “founding conditions” approach.⁷ Scholars using this approach take the view that the conditions under which the transition occurred will largely define the likelihood of successful democratization. The second approach, which I will refer to as the “electoral dynamics” model,⁸ argues that, even after a highly constrained transition such as Chile’s, civilian politicians in a new democracy will make the most of the options available to them within the given institutional framework in order to maximize both their own popular support and their influence in policies affecting the military. Although none of the predictions made under these approaches was particularly optimistic, it is fair to say that the modes-of-transitions school is considerably more pessimistic than the electoral dynamics school in terms of the speed and effectiveness of reforms aimed at strengthening civilian control.

Studies put forth by Felipe Agüero, Juan J. Linz, Alfred Stepan, and others have concentrated on the conditions surrounding the transition from the military authoritarian regime to the democratic regime. In Chile, those conditions placed exceptional constraints on the newly elected civilian politicians, even in the context of other such transitions in places like Brazil, Uruguay, and Argentina. Linz and Stepan called it “an extremely constrained transition and the most democratically ‘disloyal’ transfer of power” in the Southern Cone.⁹ Writing mostly in the late 1990s and early 2000s, these analysts attribute the perceived lack of substantial progress to this difficult starting point.

⁷ Felipe Agüero, “Institutions, Transitions, and Bargaining: Civilians and the Military in Shaping Postauthoritarian Regimes,” in *Civil-Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill: University of North Carolina Press, 2001), 195.

⁸ Wendy Hunter, “Continuity or Change? Civil-Military Relations in Argentina, Chile, and Peru,” *Political Science Quarterly* 112, no. 3 (Autumn 1997): 454.

⁹ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 206.

It was no surprise, in other words, that Chile had not made particularly great strides toward subjugating the armed forces to civilian control.

Agüero considers the current round of post-transition democratization in a broad historical setting. Just as civil-military relations in most of twentieth century Chile were largely defined by the transition from the Ibáñez dictatorship, so they must be shaped by the transition from Pinochet's regime.¹⁰ Although he largely avoids making predictions, he is clear in his assessment that the level of civilian supremacy is "low," and that this is attributable to the very restrictive nature of the transition.¹¹ Chile is the prime example of an institutionalized military regime, in which the "formal rules that regulate the power structure within the regime and the assignment of government functions to nonrepresentative or semirepresentative bodies, including the armed forces" have been enshrined in the state's legal framework.¹² The institutionalized nature of the Pinochet era had two broad effects. First, it lent considerable solidarity to the armed forces as a powerful player in the transition to democracy. Second, it cemented many of the structures that remained in place and untouched even after the transition, thus ensuring large measure of continuity in terms of military autonomy.

Another Chilean scholar, Manuel Antonio Garretón, sharply criticizes the nature of the transition to civilian rule, calling it "incomplete," and explaining that it had resulted, almost ten years later, "in a low-quality, restricted democracy, full of authoritarian enclaves."¹³ Speaking mostly of the fallout from Pinochet's arrest and the Chilean government's mishandling (in his opinion) of the matter, he argues that without full reconciliation between the armed forces and society at large, democratization cannot be consolidated. In his estimation, no such reconciliation is politically feasible.

Writing only six years after the transition, Linz and Stepan present an equally gloomy picture of Chile's civil-military relations. In their estimation, Pinochet had done

¹⁰ Agüero, "Institutions, Transitions, and Bargaining," 195.

¹¹ *Ibid.*, 208.

¹² Agüero, "Legacies of Transitions," 386.

¹³ Manuel Antonio Garretón, "Chile 1997–1998: The Revenge of Incomplete Democratization," *International Affairs* 75, no. 2 (April 1999): 260.

more than simply establish some very challenging rules for his democratic successors, and that, in fact, he had “a plan to rule via the constitution for at least another decade,” which they contend had for the most part worked out in Pinochet’s favor up to that point.¹⁴ They present a highly pessimistic scenario in which civilian politicians continue to delay reform efforts in the face of powerful resistance from the right, from Pinochet, and from the military. Although this is not the only possibility they foresee for Chile, it is the one that dominates their conclusions. If politicians continue to not only tolerate but to actually routinize the undemocratic practices in the 1980 constitution, that flawed document will be further legitimized, thus lowering the overall quality of Chile’s democracy in the years to come.¹⁵

Mark Ensalaco presents a similarly negative outlook from about the same time period as Linz and Stepan, pointing to a “stalemate in Chilean civil-military relations,” wherein the majority of the prerogatives enshrined in the constitution remain in force and are not likely to change in the near future.¹⁶ In Ensalaco’s assessment, the strength of civilian opposition to the military prerogatives is matched by the power of military attitudes that support those same prerogatives. Since the constitution itself makes it so difficult to enact reforms that run counter to the military’s interests, this situation “will not soon be resolved.”¹⁷

Gregory Weeks, whose conclusions also fall squarely within the modes-of-transition framework, counters the electoral dynamics argument by pointing out that the very institutions within which elected leaders must operate were, in many cases, shaped by the previous military regime, and thus often retain many undemocratic features. As long as those institutions remain in place and do not demand that the armed forces play by the rules of the civilian leadership, then “institutional strength cannot be deemed

¹⁴ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 205.

¹⁵ *Ibid.*, 217–218.

¹⁶ Mark Ensalaco, “Military Prerogatives and the Stalemate of Chilean Civil-Military Relations,” *Armed Forces & Society* 21, no. 2 (Winter 1995): 268.

¹⁷ *Ibid.*, 268.

high.” If the institutions in place to manage and direct the armed forces are not strong, he argues, then civilian control cannot be strong, either. This, he maintains, was the case in Chile at the turn of this century.¹⁸

All of the authors from the modes-of-transition school, wittingly or not, have based their argument on what Collier and Collier called “critical junctures” and path-dependency. This is essentially the notion that the course of historical events, usually within a given state, can be traced back to a series of pivotal events. In other words, certain crucial transitions or occurrences largely determine the way history will unfold. This broadly deterministic approach to historiography and social science focuses on the legacies of watershed changes as the major objects of study. A critical juncture is defined as “a period of significant change, which typically occurs in distinct ways in different countries (or in other units of analysis) and which is hypothesized to produce distinct legacies.”¹⁹ Those scholars that concentrate on the founding conditions of the new democratic era, therefore, necessarily opt to distinguish the characteristics of the pacted transition as the central determinants of Chile’s modern history.

Contrary to the pessimism found in the literature from the proponents of the modes of transition, Wendy Hunter and Claudio Fuentes offer a more hopeful assessment of the prospects for successful establishment of civilian control of the armed forces under Chile’s new democracy. Rather than focusing on the power of the military as an institution to defend its own interests and to maintain the status quo in terms of autonomy, these authors point to the ever-growing power of elected leaders to act in their own interests. Using a rational choice approach to analyze the strategies of civilians in their interactions with the armed forces, this group sees the decisions made by democratic government officials as creating increasing leverage over the armed forces over time, rather than maintaining and fortifying the status quo.

¹⁸ Gregory Weeks, “Democratic Institutions and Civil-Military Relations: The Case of Chile,” *Journal of Third World Studies* 18, no. 1 (Spring 2001): 67.

¹⁹ Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America* (Notre Dame, Indiana: University of Notre Dame Press, 2002), 29.

Hunter makes the strongest case for this approach. She concludes that a democratic system is bound to reinforce civilian authority and weaken military autonomy. While founding conditions are important as determinants of the rules of the game and the opening moves of civilian and military leaders, “initial institutional constraints do not create permanent limits to the expansion of democracy.”²⁰ Further, as time goes on, those constraints become less and less critical. The mechanisms driving this optimistic outlook are the rationally selected strategies crafted by politicians seeking to maximize their own popular support. Thus, Hunter emphasizes the constraints that are placed on the military under a democratic regime, rather than the constraints placed on the civilians under a pacted transition.²¹

Not every proponent of electoral dynamics paints quite so straightforward a picture as Hunter’s. Fuentes, for instance, also concentrates on the strategies employed by civilian leadership toward the military, but he rejects the deterministic bent of Hunter. Instead, he “disagrees with the conclusion that a powerful and legitimate political system per se is capable of containing the military.”²² Nevertheless, he makes the argument that, ten years after the transition in Chile, important progress had been made toward diminishing the autonomy of the armed forces and improving the legal-institutional framework in which the civilian leadership would have to function in the future, in spite of the initial challenges they faced.²³

It is important to point out that the two schools of thought sketched above do not necessarily stand in stark opposition to one another.²⁴ Authors in both camps tend to

²⁰ Hunter, “Continuity or Change?” 474.

²¹ Ibid., 474–475.

²² Claudio Fuentes, “After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy,” *Journal of Interamerican Studies and World Affairs* 42, no. 3 (Autumn 2000): 136.

²³ Ibid., 137.

²⁴ Nor do they represent the totality of potential explanations to be found in the literature. Others have pointed to the positive impact on Chile’s civil-military relations resulting from external pressures, particularly with respect to the arrest, extradition, and trial of Pinochet. Still others maintain that a key factor in Chile’s democratic consolidation has been its increasing regional integration, especially in Southern Cone defense policy coordination, which has served to simultaneously reorient the armed forces to a more “internationalist” mindset, while reducing the geopolitical threat (or at least the perception thereof) that the armed forces can leverage as a means of sustaining its size and influence.

point out that the other point of view does have something to contribute to the analysis at hand. Agüero, for example, states that, beyond his founding conditions, “how actors either reaffirm or change those conditions to their advantage is also of critical importance.”²⁵ For her part, Hunter agrees that the modes-of-transition school has made an important contribution, mostly toward defining the starting positions and first moves in the struggle to instill civilian dominance.²⁶ What separates the two approaches, then, is not whether or not they accept that founding conditions or politicians’ actions will impact the shape of civil-military relations. Rather, the distinction lies in the degree to which the individual scholar believes one or the other factor will dominate the process. Clearly, the modes-of-transition model anticipates that the starting conditions and the rules of the game at the outset will be the more important factor, whereas the electoral dynamics model expects rational choices made by politicians seeking to maximize their own power will naturally overcome whatever constraints may have been in place in the beginning. The difference between the predictions and outlooks presented by each camp is, therefore, significant.

In all of this, one must consider carefully, of course, just what sort of control is to be expected from civilian leaders in Latin American democracies. David Pion-Berlin makes a significant contribution to this question in his *Political Management of the Military in Latin America*. In it, he points out that nearly every one of the authors mentioned above takes as a given that elected politicians and the managers they appoint to oversee the armed services must seek to be favored not just by the *balance of power*, but also by the *balance of competence* in comparison to their uniformed counterparts. His point is that this expectation sets the bar unnecessarily high for a region in which external threats to security are not very strong and, in any event, are usually not dealt with in military terms. Domestic political considerations necessarily mean that Latin American politicians have very little incentive to foster the training and professionalization of a civilian defense establish that parallels the experiences of senior military officers. For states like Chile, then, effective civilian control need not imply that

²⁵ Agüero, “Institutions, Transitions, and Bargaining,” 196.

²⁶ Hunter, “Continuity or Change?” 474.

civilians have a greater (or even equal) level of expertise in issues such as strategy, defense planning, and budgeting. What matters is that democratic governments are able to ensure that their armed forces follow the policies that they endorse.²⁷

Thomas Bruneau, responding to Pion-Berlin's "political management" thesis, agrees with the central assertion that the most important factor in measuring civil-military relations in Latin America is the extent of military subordination to policies determined by civilian leadership. He disagrees, however, with the notion that it is unfair to expect civilians to acquire expertise in matters of defense and national security. Sufficient knowledge is crucial for those managers to be able to determine correct policies and to then supervise their implementation.²⁸

E. METHODS OF ANALYSIS

The literature on Latin American civil-military relations, particularly those covering post-transition cases such as Chile, is replete with distinct methods of gauging civilian control of the armed forces. The most common among these is the notion of military prerogatives, first presented in 1988 by Alfred Stepan, in an analysis of the Brazilian case. He defines prerogatives as

those areas where, whether challenged or not, the military as an institution assumes they have an acquired right or privilege, formal or informal, to exercise effective control over its internal governance, to play a role within extramilitary areas within the state apparatus, or even to structure relationships between the state and political or civil society.²⁹

Thus, this framework looks more specifically at the military's control over itself, as opposed to directly measuring the strength of civilian prerogatives over the military, so to speak. Strong civilian control, in other words, can be defined in this model as the

²⁷ See David S. Pion-Berlin, "Political Management of the Military in Latin America," *Military Review* 85, no. 1 (January/February 2005): 19–31. See also David Pion-Berlin and Harold Trinkunas, "Attention Deficits: Why Politicians Ignore Defense Policy in Latin America," *Latin American Research Review* 42, no. 3 (2007).

²⁸ Thomas C. Bruneau, "Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited," *Revista Fuerzas Armadas y Sociedad* 19, no. 1 (January-June 2005): 111–131.

²⁹ Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988), 93.

absence or weakness of military prerogatives. Connecting prerogatives, or guarantees, directly to the process of consolidating democracy, Agüero points out that “the assertion of civilian supremacy demands that guarantees initially given the military be reduced, replaced, or reformulated.”³⁰ Given that all of the transitions to democracy from military dictatorships in Latin America featured substantial military prerogatives to varying degrees, it is no surprise that the majority of studies on this topic, especially those from the 1990s, use Stepan’s framework either exclusively or in conjunction with some additional measures. There is, therefore, much utility in measuring the state of military prerogatives in Chile, particularly in view of the goal of comparing outcomes against predictions and assessments that were made using those same measures.

As time went on and military prerogatives slowly diminished, scholars recognized that their absence did not always correctly indicate strong civilian control. J. Samuel Fitch points out that one of the limitations of the prerogatives framework is that it defines civilian control by negation. “It makes more sense,” he argues, “to define democratic civil-military relations affirmatively, by what they are rather than what they are not.”³¹ Following this logic, Norden offers an alternative model of civilian control, which considers three dimensions: domination, management, and authority. Domination is here meant to connote the Weberian sense of an expectation that an order given is an order obeyed. As she points out, though, domination may exist even in the context of significant military prerogatives. At the next level of control, management consists of control over the corporate affairs of the armed forces, such as budgets and missions. Successful attainment of this level also demands that the government have a substantial civil-service component that is expert in these areas, and that is capable of directing other areas, including education and deployment preparations. Finally, the most challenging dimension of civilian control is what Norden calls authority. By this, she means that there exists a shared recognition among military and civilian leaders that the politicians and their appointed civilian policy-makers are the legitimate source of power over the

³⁰ Agüero, “Institutions, Transitions, and Bargaining,” 200.

³¹ J. Samuel Fitch, “Military Attitudes Toward Democracy in Latin America: How Do We Know If Anything Has Changed?” in *Civil-Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill: University of North Carolina Press, 2001), 62.

armed forces. The normative shift required to achieve authority may take a great deal of time to come about.³² While Norden's approach offers a nice illustration of the value of an "affirmative" definition of civilian control, it does not readily present the researcher with a practical set of measures that can be used to elaborate its terms in a specific case.

Another affirmative definitional framework, and the one that I will employ to determine the overall extent of civilian control of the military in Chile, is Trinkunas' concept of jurisdictional boundaries. This model measures the level of military participation in four categories of state policy: external defense, internal security, public policy, and state leadership selection. Military participation in each category is coded as one of three possible levels: military dominant, shared authority, and civilian dominant. Trinkunas argues that as higher levels of military participation are found in each of the four categories, the likelihood of successful consolidation of democracy decreases. Shared authority in state leadership selection, for example, is more threatening to democratization than is military dominance in external defense. Effective civilian control, in turn, is defined in this framework as civilian dominance in all categories except external security, which may be coded as either civilian dominant or shared authority.³³ Mapping the progression of Chile's jurisdictional boundaries over the past two decades will be helpful in presenting a visual indication of the status of civilian control at regular intervals.

F. PLAN OF THIS STUDY

This paper will examine the trajectory of Chilean civil-military relations through a historical study of the evolution of civilian control of the armed forces since Pinochet stepped down from the presidency twenty years ago. The analysis will begin in the next chapter by examining the fate of the many different barriers to effective civilian control described above. Starting with the critical first measure of civil-military relations,

³² Deborah Norden, "Civilian Authority without Civilian Dominance? Assessing Venezuelan Political-Military Relations under Chávez," *Nueva Sociedad* 213 (Enero-Febrero 2008): 4–6.

³³ Harold Trinkunas, "Crafting Civilian Control in Argentina and Venezuela," in *Civil-Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill: University of North Carolina Press, 2001), 174–177.

military prerogatives, this chapter will then examine the evolution of the other three barriers discussed above: the status of human rights cases and its impact on civilian control, the development of the Ministry of Defense, and the changes in military acts of contestation against government policies. The subsequent chapter will assess in some depth the evolution of the roles and missions of the Chilean armed forces. This portion of the study will, by necessity, include a look at some other important factors affecting the level of civilian control, namely the ongoing legacies of Chile's geopolitical worldview and the military's mode of identity.

The final chapter will commence with a broad overview of the state of Chilean civil-military affairs, using Trinkunas' framework of jurisdictional boundaries as a means of displaying these results visually. Having established a comprehensive picture of the current state of civil-military relations in Chile and the extent to which one can say that there has been success in this case, I will end the study with an assessment of the applicability of the two major schools of thought (i.e., modes of transition and electoral dynamics) and the accuracy of their predictions with respect to Chile. To do this, all of the measures looked at in the two preceding chapters will be analyzed as a group in order to find any patterns of variation in the level of progress achieved since 1990. Those patterns will, in turn, be examined in light of the available predictive literature in order to understand how and where these frameworks apply to the historical evidence.

G. SUMMARY

This study will demonstrate that the negative predictions based on the modes of transition failed to accurately predict the trajectory of Chilean civil-military relations, and that the more optimistic expectations grounded in electoral dynamics were more effective in this regard. As a result of the mostly positive achievements made over the past two decades, Chile has reached an irreversible political management of its armed forces. Significant obstacles to civilian control still exist, however, particularly in the form of the Copper Law and the constitutionally defined regimes of exception. This final chapter will also demonstrate that, somewhat ironically, the electoral dynamics framework also helps to explain some of these areas where there is a *lack* of significant progress. In an

interesting twist, it will further be seen that the path-dependency implicit in the modes-of-transition framework is, in fact, most evident nowadays in two areas that were generally ignored by this body of literature—geopolitics and the traditional modes of military identity. Both of these factors enjoy a hallowed place in Chilean history, and both were further cemented by the Pinochet regime. Both of them also substantially inhibit effective civilian control of the military. Neither seems likely to change very much in the coming years. Chile's current level of political management, then, will probably remain the status quo for some time to come.

II. BARRIERS TO PROGRESS: OVERCOMING THE “LIMITATIONS, OBSTACLES, AND RESTRAINTS”

A. INTRODUCTION

When General Augusto Pinochet handed over the reins to a democratically elected regime in March of 1990, all signs pointed to a difficult way ahead for the consolidation of democracy in Chile. Between Pinochet’s own constitution, which remained in force after he left office, and his last-minute maneuvering to ensure that he and his supporters in the military and on the far right continued to exert significant political influence, it seemed clear to most observers that the civilian leadership would have many obstacles to overcome as they worked to reestablish strong democratic institutions. Chief among these challenges was the subjugation of the armed forces to civilian control. What was not so clear to those same observers was just how hard it would be for Chileans to surmount these challenges, nor how long this might take.

As recently as 2003, one scholar from the modes-of-transition school asserted that “the road to civilian supremacy over the armed forces in Chile is long, and the end is not yet in sight.”³⁴ Just two years later, a sweeping set of constitutional reforms was passed that put Chile, in the eyes of yet another analyst, “again within the norm of democratic nations in terms of the role of its armed forces.”³⁵ This chapter seeks to clarify the current state of this rapidly changing issue. It will demonstrate that, although the pessimism found in the modes-of-transition literature may have been well-founded during the first decade of Chile’s new democracy, it did not account for some significant advances made toward overcoming the many barriers to progress that have confronted Chile’s civilian leaders since 1990.

B. PREROGATIVES AND CONTESTATION IN CONTEXT

This chapter will concentrate on Alfred Stepan’s concepts of military prerogatives and contestation in order to understand the evolution of modern Chilean civilian authority

³⁴ Weeks, *The Military and Politics in Postauthoritarian Chile*, 2.

³⁵ Siavelis, “Chile,” 199.

over the armed forces. The focus on military prerogatives is not to ignore other important approaches to this complex issue. Rather, it recognizes two important facts. First, it is the same framework used, either wholly or at least in part, in the majority of the literature on the Chilean case. Second, the presence and strength of military prerogatives is a critical first measure of civilian control. There is, therefore, much utility in measuring the state of military prerogatives in Chile, particularly in view of the goal of comparing outcomes against predictions and assessments that were made using those same measures.

The centrality of military prerogatives notwithstanding, this paper will also consider three other factors that have been crucial in the Chilean case, but which cannot necessarily be classified as prerogatives. Whether or not they meet Stepan's definition of a prerogative, there can be little question that they fall under the rubric of barriers to effective civilian control of the military. First, the question of responsibility for human rights abuses during the Pinochet era has played a critical role in shaping perceptions of the military's subjugation to the rule of law, and thus to civilian authority. The second of these factors will be the evolution of the Ministry of Defense, which has grown to exercise greater and greater control over the armed forces. Finally, this study will analyze the other half of Stepan's framework: military contestation. The level of contestation is a key indicator of the degree of agreement between the armed forces and the civilian government.³⁶

C. BACKGROUND: MILITARY PREROGATIVES AS OF THE 1990 TRANSITION

The pacted transition to democracy that culminated in March of 1990 left some of the most restrictive "rules of the game" of any such transition in the world. In the end, as the Aylwin administration took power in March of 1990, there were five military prerogatives in place, some weaker and some of them stronger. Three of them were shrewdly put in place via the 1980 constitution. Linz and Stepan argue that the intent behind, and the eventual outcome of, the 1980 document was, in effect, "a plan to rule via

³⁶ Stepan, *Rethinking Military Politics*, 68.

the constitution for at least another decade” after the transition.³⁷ In a similar interpretation, Agüero argues that Pinochet accomplished the “institutionalization” of his regime by way of his constitution.³⁸ President Aylwin referred directly to this same design in his post-inaugural speech, as well. Negotiations conducted after Pinochet’s defeat in the 1988 plebiscite served mostly to weaken military prerogatives,³⁹ but they only went so far, and the opposition *Concertación* party had to make some concessions of its own, which further offset the effects of these pre-transition reforms. Additionally, last-minute maneuvering by Pinochet, exemplified by the 1989 Organic Law of the Armed Forces, ensured that he and his allies on the right and in the military would continue to exert substantial influence for years to come.

1. Constitutional Prerogatives and Barriers

Approved under a plebiscite that was “characterized by fraud, intimidation, and the fear of expressing opposition,”⁴⁰ Pinochet’s Constitution of Liberty formally enacted a number of crucial guarantees of military authority. Mark Ensalcado identifies four distinct constitutional military prerogatives, of which this paper will consider three.⁴¹ The first was the power to repress groups advocating subversive ideologies, meaning that the armed forces, whose mission was constitutionally designated to “guarantee the institutional order of the republic,” were empowered to enforce, in conjunction with the Constitutional Tribunal, conformity with strict guidelines of thought.⁴²

The second prerogative was the permanent presence of the armed forces in all branches of government. In the legislature, the military was granted four of nine

³⁷ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 205.

³⁸ Felipe Agüero, “Legacies of Transitions: Institutionalization, the Military, and Democracy in South America,” *Mershon International Studies Review* 42, no. 2 (November 1998): 386.

³⁹ Craig L. Arceneaux, *Bounded Missions: Military Regimes and Democratization in the Southern Cone and Brazil* (University Park, Pennsylvania: The Pennsylvania State University Press, 2001), 101–107.

⁴⁰ Lisa Hilbink, *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile* (New York: Cambridge University Press, 2007), 131.

⁴¹ Ensalcado, “Military Prerogatives,” 257.

⁴² Hilbink, *Judges beyond Politics*, 133. Article 8 made it illegal to promote “doctrines which attack the family, support violence, or hold a concept of society or the state that is totalitarian or based on class struggle.” Ensalcado (1995: 259) points out that the irony inherent in this clause was not lost on many observers at the time.

designated (rather than elected) seats in the senate, to be filled by former chiefs of the three military services and the national police. Pinochet also set aside another of these seats for himself, to be taken over in 1998, after he stepped down from command of the army. The military was also given nominal control over two out of seven seats on the Constitutional Tribunal, a body that had powers of judicial review over legislation and constitutional reforms. The sturdiest military foothold was in the form of its majority of seats on the National Security Council, which exerted powerful influence over the executive.⁴³

Finally, Ensalaco points to the inability of the president to fire any of the service chiefs (of which Pinochet would eventually become one) during their terms (normally four years long) as the third military prerogative enshrined in the 1980 constitution. This rule, along with a transitory article that extended Pinochet's term as armed forces chief to eight years, severely restricted the influence that the president would otherwise have had over his immediate military subordinates.⁴⁴

Recognizing that opposition forces would someday seek to attack these first three prerogatives, Pinochet erected a formidable series of bulwarks around them, making it exceptionally difficult to change the constitution. Any constitutional amendment aimed at the military or its footholds in the government, the NSC and the Constitutional Tribunal, needed at least a two-thirds majority in both houses, and, further, had to meet that threshold during two consecutive legislative periods, thus requiring about eight years to enact any given constitutional amendment.⁴⁵ Although Ensalaco makes the case for considering these barriers as a fourth prerogative, they are more accurately seen as defenses around the first three prerogatives.

⁴³ Ensalaco, "Military Prerogatives," 260–261. In spite of the frequency with which this point is made in the literature, both Sigmund (2003, 247) and Weeks (2003, 82–83) illustrate the inefficacy of the body. They point out that the military members of this Council only convoked one meeting, in 1992, and that even that attempt at contestation (in response to accusations of misconduct directed against a general officer) resulted in a tie vote among the members, thus producing no official statement, and no practical effect.

⁴⁴ *Ibid.*, 262.

⁴⁵ *Ibid.*, 262–263.

Bargaining efforts by civilians from the Concertación alliance in the period before the election of Aylwin were successful in obtaining some key changes to the legal framework they were about to inherit, but they did not eliminate the constitutionally enacted prerogatives. The most important victory for the opposition was a subtle, yet significant, change in the NSC's charter, which reduced its powers such that it could merely *hacer presente*, or "make known," its views only to the president, the congress, and the Constitutional Tribunal, rather than *representar*, or represent, those views directly to any other government body (e.g., the armed forces). Further, one seat, to be filled by the civilian comptroller general, was added to the NSC, doing away with the de facto military majority in that body. The strictures in Article 8 regarding constitutionally permitted ideologies were also eased considerably. Additionally, although the nine designated senators were left in place, their influence was diluted by adding twelve new elected seats to the senate, for a total of thirty-eight.⁴⁶ Finally, the barriers against reform were weakened by lowering the majority needed for constitutional amendments from two-thirds to three-fifths, and by eliminating the demand for passage during two consecutive legislative periods.⁴⁷

2. Prerogatives in the Organic Law

Last-minute maneuvers by Pinochet before he handed over power added two more prerogatives to the three found in the constitution and further eroded the ability of future civilian governments to chip away at any military prerogatives. The 1989 Organic Law of the Armed Forces, signed into law less than two weeks before Aylwin's 1990 inauguration, was part of a larger set of so-called *leyes de amarre* (binding laws) that, along with the constitution, provided the legal basis for continued influence for the *pinochetistas* after the transition.⁴⁸ The law stipulated that the military budget shall never fall below the inflation-adjusted level at which it was in 1989. What is more, under a secret law (*ley reservada*) passed well before Pinochet came to power, the state-owned

⁴⁶ Weeks, *The Military and Politics*, 53.

⁴⁷ Siavelis, "Chile," 193.

⁴⁸ Arceneaux, *Bounded Missions*, 102.

copper company, CODELCO, was obligated to contribute 10 percent of its annual revenues from exports directly to the armed forces.⁴⁹ Pinochet considerably strengthened the military's benefit from the copper law in 1985, under yet another *ley reservada* that doubled the minimum payoff guaranteed annually to the three armed services from US\$90 million to US\$180 million.⁵⁰ (Recent returns from copper revenues, however, have rendered even this higher floor irrelevantly low.) Formally enacted behind a series of barriers that inhibited their modification, these guarantees amounted to a military prerogative, since they effectively took away from civilian leaders the ability to cut military spending as they might see fit.

The organic law also gave Pinochet, in his role as chief of the armed forces, one additional prerogative, in the form of control over military education and doctrine. The president's lack of control over senior personnel was deepened, as the military head of the armed forces was also bestowed with the power to make all nominations to the rank of major general, thus making him a "gatekeeper" to the ranks from which the service chiefs were culled.⁵¹

Other roadblocks in the way of future reforms came along with Pinochet's final machinations. Any potential changes to the organic law would have to get past the already-stacked Constitutional Tribunal before passage.⁵² Additionally, the outgoing dictator successfully packed the Supreme Court, installing seven sympathetic young justices (who serve lifetime terms on the bench) by offering to the aging former justices a sweetheart retirement deal, via the so-called *ley de caramelo*.⁵³

⁴⁹ Hunter, "Continuity or Change?" 459.

⁵⁰ Wendy Hunter, *State and Soldier in Latin America: Redefining the Military's Role in Argentina, Brazil, and Chile*, Peaceworks No. 10 (Washington, D.C.: United States Institute of Peace, 1996), 30. See also Alex Sanchez, *Chile's Aggressive Military Arm Purchases Are Ruffling the Region, Alarming in Particular Bolivia, Peru and Argentina*, Report, Council on Hemispheric Affairs (Washington: COHA, 7 August 2007).

⁵¹ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 209.

⁵² *Ibid.*, 209.

⁵³ Hilbink, *Judges beyond Politics*, 159.

3. Summary

Seen through the lens of Stepan's military prerogatives, it is clear that in 1990 the armed forces were nicely positioned to weather the storm of democratization while maintaining their autonomy for a long time to come. All three of the military prerogatives in the constitution came through the first reform efforts in weaker, but still meaningful forms. Pinochet had secured significant powers for the next eight years that otherwise would have belonged to the civilian president. Finally, formidable barriers stood in the way of any attempt by future governments to do away with any of these prerogatives.

D. AFTER THE TRANSITION: THE FATE OF THE MILITARY PREROGATIVES

Though they may have come slowly, reforms and amendments to the highly restrictive laws put in place by Pinochet did come over time, gradually eliminating most of the formally enacted military prerogatives. This was the "single most important issue for the recapture of Chilean democracy."⁵⁴ Building on the modest success of the 1989 reform efforts, civilian political leaders continued the "cautious and incremental process"⁵⁵ through a sequence of consensual reforms, and were thus able to remove most of the military prerogatives from the law of the land. Each of the prerogatives will be discussed in turn below.

1. The Right to Repress

The constitutionally mandated ability of the state to repress subversive thought by way of the Constitutional Tribunal and the armed forces has all but disappeared. Gone from the constitution are references to institutional order. Instead, the armed forces now "exist for the defense of the fatherland and are essential for the national security."⁵⁶ Article 8 now limits itself to a discussion of terrorism, rather than of unacceptable

⁵⁴ Ensalcado, "In with the New, Out with the Old?" 423.

⁵⁵ Ibid., 410.

⁵⁶ *Constitución Política de la República de Chile de 1980*, 28 October 2009, available from <http://www.leychile.cl/Navegar?idNorma=242302>, internet; accessed 15 December 2009.

ideologies, as it once did. Further, the control of the national police, once in the hands of the armed forces chief, was moved to a new sub-ministry, thus reducing military participation in internal security matters.⁵⁷ It is thus reasonable to conclude that this prerogative has been mostly eliminated. In the next chapter, it will be seen, however, that certain aspects of this prerogative remain in place.

2. Military Presence in the Government

Here again, changes to the constitution have erased most of the vestiges of military participation in policy-making. In the legislature, the four senate seats reserved for former service chiefs (along with all other designated seats) were eliminated in the 2005 reforms.⁵⁸ Influence over the judiciary, previously exercised via the Constitutional Tribunal, was also eliminated in the 2005 reforms, which divided control over the Tribunal's seats nearly evenly among the three branches of government. Of the ten members of that body, four are now elected by the legislature, and three each by the president and the Supreme Court.⁵⁹

Perhaps the single greatest blow to military influence over the government came with the major overhaul of the National Security Council in 2005. As part of that effort, the NSC was stripped of any decision-making powers. It is now strictly an advisory body, presided over by the president himself, and convoked solely at his discretion. The military service chiefs now constitute a minority of the membership, as well.⁶⁰ With these changes, the NSC is no longer anything more than a source of advice to the president alone. Military presence and influence in the government beyond the armed forces has thus been effectively closed off.

⁵⁷ Marcos Robledo, "Democratic Consolidation in Chilean Civil-Military Relations: 1990–2005," in *Global Politics of Defense Reform*, ed. Thomas Bruneau and Harold Trinkunas, 95–126 (New York: Palgrave MacMillan, 2008), 108.

⁵⁸ Siavelis, "Chile," 194.

⁵⁹ *Constitución Política*, Article 92a), b), and c).

⁶⁰ *Constitución Política*, Article 106; and Robledo, "Chilean Civil-Military Relations," 108–109.

3. Presidential Control Over Senior Officers

The hiring and firing of service chiefs was not officially placed in the president's hands until the signing of the 2005 reform package.⁶¹ Combined with Pinochet's departure from office as the chief of the armed forces in 1998, effective control over high-level promotions, and appointments to and removals from high posts have all effectively moved under civilian control, thus eliminating this prerogative.

4. Budgetary Controls

The legally mandated minimum budget level, set to remain equal to the 1989 level, adjusted for inflation, has not changed.⁶² Nor has the 10 percent contribution from the profits of CODELCO been altered since the transition. Nevertheless, Hunter points out that the 1989 equivalency has essentially served to lock military spending at that level, citing significant growth in other spending areas, while the defense budget has stagnated.⁶³ More recent data demonstrate that this informal workaround of sorts continues to manifest in modern Chilean defense policy.⁶⁴

As will be discussed in the next chapter, the funding from CODELCO presents a much more vexing issue in terms of civilian control. Even with ostensible authorizations by the executive on most major military purchases, the mere fact of this guaranteed funding (particularly when copper prices are relatively high) places military budgets beyond civilian control. As Jeanne Giraldo points out, "government preferences are more likely to be taken into account when they are backed by the provision or withholding of resources."⁶⁵ Obviously, huge amounts of reserve funding make it impossible for civilians to wield such powers. However, a bill is now being considered that would do

⁶¹ Robledo, "Chilean Civil-Military Relations," 108.

⁶² *Ley Orgánica Constitucional de las Fuerzas Armadas*, December 4, 2008, available from <http://www.leychile.cl/Navegar?idNorma=30318>, internet; accessed December 15, 2009: Article 96(99).

⁶³ Hunter, "Continuity or Change?" 459–460.

⁶⁴ Compare the decrease in defense spending cited by Hunter (1997: 459) from 1989 (11.34% of national budget) to 1995 (8.65%) with the level of 2008 (8.49%) (see Marcela Donadio and María de la Paz Tibiletti, ed., *A Comparative Atlas of Defence in Latin America*, 2008 ed. (Buenos Aires: Red de Seguridad y Defensa de América Latina, 2008), 145).

⁶⁵ Jeanne Kinney Giraldo, *Defense Budgets and Civilian Oversight*, Occasional Paper #9, The Center for Civil-Military Relations, Naval Postgraduate School (Monterey, California: CCMR, June 2001), 5.

away with the CODELCO funding requirement, and there is visible political momentum in favor of its passage.⁶⁶ Civilian leaders have thus rendered moot this prerogative, although work remains to be done to formalize this situation.

5. Military Education and Doctrine

The control of military education remains formally within the purview of each service chief.⁶⁷ However, Robledo argues that civilian leaders have managed to establish considerable influence in this arena. He points out that each of the services has, over the past two decades, increasingly brought its own doctrine and educational policies more and more in line with defense policy white papers signed by the president and the minister of defense.⁶⁸ It will be demonstrated in the next chapter, however, that those white papers are of only limited value as measures of civilian authority over the military. Military officers have played a significant, if not dominant, role played in the formulation of these documents, and they continue to display a number of troubling vestiges of traditional military identity and a strongly militaristic geopolitical worldview. Not unlike the budgetary prerogative, then, military autonomy over education and doctrine has weakened since 1990, but only to a certain degree. Legal reforms and a more difficult cultural shift are needed if this prerogative is to be fully eliminated.

6. Barriers to Future Reforms

Although not, strictly speaking, a military prerogative, it is nonetheless worth noting that democratic leaders have, since 1990, made it even easier to change the constitution and the organic laws. As part of the 2005 reforms, the majority required for passage of amendments to the constitution was lowered again, this time to four-sevenths.⁶⁹ Given the weakening of these barriers that came with the 1989 reform

⁶⁶ See Javiera Olivares M., "Ley Reservada del Cobre vive sus últimos días," *La Nación* (September 9, 2009), <http://www.lanacion.cl/ley-reservada-del-cobre-vive-sus-ultimos-dias/noticias/2009-09-09/020001.html> (accessed December 17, 2009); and *El Mercurio*, "Piñera: 'La tragedia no nos apartará de cumplir nuestro programa de gobierno,'" May 21, 2010.

⁶⁷ *Ley Orgánica Constitucional de las Fuerzas Armadas*, Article 18(19).

⁶⁸ Robledo, "Chilean Civil-Military Relations," 112–113.

⁶⁹ Siavelis, "Chile," 194.

package and the impressive number of constitutional reforms that have been passed since the transition, it is fair to say that these barriers now strike a correct balance between protecting the document from frivolous changes and allowing important reforms.

7. Summary

Substantial progress has been made on all most of the five prerogatives identified during the transition. Of these, all three of the constitutionally mandated prerogatives have been eliminated. Strong civilian control over military budgets and over doctrine and education remains problematic, on the other hand. The stipulations of the Organic Law of the Armed Forces, have, at best, been sidestepped by politicians, and only in an informal manner. The articles of that law pertaining to these latter two prerogatives have not been altered, perhaps due to a lack of perceived need, given that they have not posed significant difficulties to politicians in recent years. Political momentum in favor of eliminating the copper contribution indicates that progress may be forthcoming on this issue. The unfortunate fact remains, however, that it has already had a hugely negative impact on civilian oversight of defense budgets. The next chapter will explore the additional negative ramifications of this situation on Chile's foreign relations.

E. OTHER CONSIDERATIONS: HUMAN RIGHTS, THE MINISTRY OF DEFENSE, AND CONTESTATION

A number of factors beyond the military prerogatives analyzed above deserve mention in a discussion of the trajectory of civil-military relations in Chile. The first of these is human rights and the accountability of the armed forces. From there, the analysis will turn to military contestation, the other half of Stepan's framework. Finally, some comments on the status of the Ministry of Defense will be offered.

1. Human Rights

The amnesty extended to members of the armed forces for violations of human rights between 1973 and 1978 ought not be thought of as a prerogative.⁷⁰ Still, it did

⁷⁰ Claudio Fuentes would disagree (see Fuentes, "After Pinochet," 118), but I contend that the amnesty does not fit within Stepan's definition, as it does not constitute a license to commit further violations, nor does it concern military autonomy, strictly speaking.

lend itself to a perception that the military remained above or outside of the rule of law even after the transition to democratic rule. A number of events during the first decade after the transition served to make clear the evolving nature of civilian authority with respect to its ability to hold the military accountable for its criminal actions under the authoritarian regime.

The first was the 1993 verdict by the Supreme Court that found General Manuel Contreras guilty of planning the execution of Orlando Letelier. After withstanding two years' worth of appeals, the conviction led to a seven-year sentence. The case was a limited demonstration of progress, given the exceptional nature of the judges' waiver of the amnesty law and the more than four-month standoff between the executive and the military that it ignited.⁷¹ However, it was an important first example of a high-ranking officer being taken to task by the democratic government.

By far the most significant advance in the realm of human rights came about even before 1998, when Pinochet was arrested in London. Using two important lines of reasoning, judges began to rule that amnesty could not be applied in a number of high-profile cases. First, since amnesty was meant to pardon individuals already found guilty, the Supreme Court ruled for the first time in 1997 that it could not be invoked to prevent the investigation and prosecution of a crime. In 1998, the same body held that, since cases of disappearances were ongoing crimes and thus fell outside of the five-year window covered by the amnesty law, they must be classified as kidnappings and therefore must also be investigated.⁷²

These rulings established the precedent under which Pinochet himself was soon to be indicted, although he avoided standing trial. In spite of that shortcoming, numerous other officers (including, for a second time, Contreras) have been sentenced for human rights abuses carried out in the name of the authoritarian regime, while hundreds more officers are still undergoing trials.⁷³ Imperfect and incomplete as the results are bound to

⁷¹ Hilbink, *Judges beyond Politics*, 196–197.

⁷² *Ibid.*, 199.

⁷³ Robledo, "Chilean Civil-Military Relations," 110.

be, the curtain of amnesty has clearly been lifted, and all, including the military,⁷⁴ have agreed on the way forward for human rights trials.

2. The Development of the Ministry of Defense

The Ministry of Defense in 1990 was a shell of an organization. Gregory Weeks explains that, under Pinochet, a president who doubled as a general and the commander-in-chief of the armed forces, the ministry had become a backwater where few decisions were made. During the first decade of civilian rule, senior military leaders continued to disregard the ministry as a channel of communication with the president, and the minister was routinely left on the sidelines as issues unfolded. The conflict initiated with the *ejercicio de enlace* in 1990 was the first clear demonstration of this trend, as Pinochet insisted on negotiating directly with the president to bring the matter to resolution. 1993's *boinazo* incident came about partly as a result of the military's frustration with administrative backlogs in the ministry. As recently as 2001, Weeks declared that the Ministry of Defense "cannot yet be considered an effective political institution for civil-military relations."⁷⁵

Yet, change was already underway even then. The negotiations over the status of General Contreras after his sentencing in 1995 were handled through the minister of defense.⁷⁶ This trend continued, as Lagos managed to leverage the ministry in his negotiations with military leaders over the 2001 constitutional reform package.⁷⁷ Michelle Bachelet, appointed as the first female minister of defense in Latin American history, reinforced this development, "winning her first grudging acceptance and later outright praise from military authorities."⁷⁸ Though largely symbolic and anecdotal, Bachelet's successful relationship with military leaders was illustrative of a trend toward an improved position for the Minister of Defense.

⁷⁴ Siavelis, "Chile," 199.

⁷⁵ Weeks, "Democratic Institutions and Civil-Military Relations," 70–72.

⁷⁶ Ibid., 71.

⁷⁷ Robledo, "Chilean Civil-Military Relations," 107.

⁷⁸ Siavelis, "Chile," 198.

More recently, “the most ambitious defense reform since the post-World War II reorganization”⁷⁹ was signed into law in February of 2010. Passage of this legislation was no mean feat, given that it languished in debate for more than four years, unable to garner the political attention it needed in order to be passed into law. Important elements include the creation of a Joint Chief of Staff and the concomitant development of joint doctrine, the elimination of portions of the ministry that have grown irrelevant over the years, and the establishment of two undersecretaries (“of defense” and “of the armed forces”) who handle defense policy and administrative matters, respectively.⁸⁰ A report by the *Red de Seguridad y Defensa de América Latina* (RESDAL, Latin American Security and Defense Network) highlights the consensual and slow process that went into the development of this project, including as it did the inputs of senior military officers. Importantly, this law also clearly defines the position of the Minister of Defense in the chain of command, acting at all times (at peace, in crisis, or at war) as a superior to the chiefs of the various services. The result, according to RESDAL, is an updated ministry that can “exercise genuine civilian leadership and control over the armed forces.”⁸¹ While the passage of this most recent legislation certainly gives reason to be optimistic regarding the capacity of Chile’s Ministry of Defense, only time can tell if the changes it brings actually render the organization something more than the largely administrative body that it currently is.

3. Contestation by the Armed Forces

If, as Alfred Stepan argues, military contestation is a barometer for the level of disagreement that exists between the armed forces and a new democratic government, then Chile’s gauge registered significant peaks during the first years after the transition, but eventually settled at a low level. The first year of the new regime had not come to a

⁷⁹ Robledo, “Chilean Civil-Military Relations,” 114.

⁸⁰ Claudio Ortiz Lazo, “Modernization of the Ministry of Defence,” in *A Comparative Atlas of Defence in Latin America*, 2008 edition, ed. Marcela Donadio and María de la Paz Tibiletti (Buenos Aires: Red de Seguridad y Defensa de América Latina, 2008), 153–155. These two subsecretaries took the place of the previous three (one each for the army, air force, and navy).

⁸¹ See Miguel Navarro, *Metodología para el Análisis de los Ministerios de Defensa: El Caso Chile*, Report, Red de Seguridad y Defensa de América Latina (Buenos Aires: RESDAL, November 2009), section 7.

close before the first serious crisis, known euphemistically as the “ejercicio de enlace,” exploded. Stemming primarily from a fraud investigation against the general’s son, this event was a clear demonstration of Pinochet’s willingness to use the army as his personal defender, and of the army’s willingness to act in that capacity.

When the findings of the Rettig Commission were published just a few months later, in March of 1991, leaders of all three military services issued public statements that variously repudiated the findings, attempted to justify the human rights abuses, and declared solidarity with their commander-in-chief, Pinochet.⁸² Given the toothless nature of the commission’s assignment to merely identify victims, this act paled in comparison with the next contestation event, the *boinazo*. Responding to the reemergence of his son’s fraud investigation, and to other frustrations with the Ministry of Defense (and thus with President Aylwin), Pinochet deployed dozens of armed commandos in front of his Santiago headquarters, as he and a cadre of generals held a meeting inside the building. The crisis was resolved without violence in a matter of days, with the army winning a number of significant political victories.⁸³ The army’s response to General Contreras’ sentencing in 1995 was the last major crisis of contestation. After a nearly five-month stand-off, the army, which had maintained custody of the general, handed him over to government authorities in exchange for still more political concessions, including a pay raise.⁸⁴

In spite of these initial outbursts of protests, since 1995, the armed forces have passed up a number of opportunities to demonstrate their collective dissatisfaction with the policies and actions of the civilian government. Importantly, there were no significant acts of protest from the military in response either to Pinochet’s arrest and indictment, or to the sweeping constitutional reforms of 2005. Instead, the armed forces remained quiet, and even expressed support for the civilian administration. It might be argued that a lack

⁸² Weeks, *The Military and Politics*, 73–74.

⁸³ See Weeks, *The Military and Politics*, 83–90; and Agüero, “Legacies of Transitions: Institutionalization,” 392. Agüero points out that neither the *boinazo* nor the *dia de enlace* were intended as coup attempts. As power plays by the military, though, they were extremely successful in winning desired concessions.

⁸⁴ *Ibid.*, 107.

of contestation is merely a reflection of the conformity of civilian-generated policies with military thinking. Nonetheless, the prolonged period of institutional silence is a strong indicator of a newly acquiescent military, one which is satisfied to respect the decisions of its civilian masters.

F. CONCLUSION: THE STATE OF THE BARRIERS TODAY

The bulk of the factors reviewed in this chapter paint a fairly bright picture of civil-military relations in Chile as of 2010. All of the prerogatives enshrined in Pinochet's 1980 constitution have been eliminated, and the extraordinary hurdles that once inhibited reform of the constitution have been sufficiently weakened to allow further changes as civilian leaders see fit. Politicians have managed to develop informal ways to sidestep the two other prerogatives through interpretation and application of the budgetary requirements, and through an evident and growing cooperation on the part of the armed forces in their elaboration of service-specific educational systems and doctrine. Further, much progress has been made toward bringing to justice those who violated human rights under Pinochet. The Ministry of Defense has established itself as a credible superior over the armed forces, particularly after the recent legislation aimed at the modernization and overhaul of this agency. Finally, public acts of contestation have all but ended.

In spite of Chile's remaining challenges, and notwithstanding the areas for further study outlined above, there seems little doubt that civil-military relations have overcome many of the enormous obstacles set in place before the transition to democracy, and that civilian control today is remarkably strong. Of the three attributes of a consolidated democracy discussed earlier, only the second, government authority to generate new policies, remains to be fully realized. The changes that have occurred unquestionably took place in spite of the remarkably constrained framework that the civilian administration inherited from Pinochet, thus calling into question the predictions of the modes-of-transition analyses. While that approach did contribute to a more thorough understanding of the difficulties that lay ahead for democratic leaders in 1990, it did not offer a useful way to explain the speed and success of the consolidation since then.

One must be careful not to overstate the case, of course. As has been discussed above, much work remains to be done. Evidence of effective cooperation between the armed forces and the Ministry of Defense is somewhat anecdotal, and is founded upon a document (the defense white paper) that is of questionable practical value, as will be discussed in the following chapter. Furthermore, if civilian governments are to truly control the military in Chile, the problems with the Organic Law of the Armed Forces must be addressed. Whatever the role of the white papers, though, oversight of education and doctrinal decisions must be formally assigned to civilian leadership in the Ministry of Defense. What is more, minimum funding levels should be removed from the law and placed in the hands of policy-makers. The *ley reservada del cobre*, meanwhile, demands political attention. More than a floor on funding, what the secret copper law guarantees is a ceiling on civilian oversight of defense budgets. It is perhaps the greatest single remaining obstacle to effective subordination of the armed forces in Chile. The proposal to eliminate this guarantee is a worthy effort.

As was mentioned in the introductory chapter, it is not sufficient to examine just the barriers that stand in the way of Chile's civil-military relations. In the next chapter, this study turns to an analysis of the evolution of the roles and missions of the armed forces, and how they have impacted civil-military relations. Given that so many barriers have been removed, and others simply sidestepped by politicians, do the activities of the military services bear out the more or less optimistic conclusions of this chapter?

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III. ONE FOOT STILL IN THE PAST: MILITARY ROLES AND MISSIONS SINCE 1990

A. INTRODUCTION

Thanks mostly to the numerous barriers to civilian control left in place by Pinochet, the armed forces were positioned to remain an independent and influential player in Chile's governance for many years to come. It stands to reason that the removal of those rules of the game that inhibited civilian control over the armed forces should mark a turning point in Chilean civil-military relations. Now that two decades have passed since elected civilians took control, and many of those restrictions are no longer in their way, has the military been effectively subordinated to that control? As was noted in the introduction, it is not enough to examine Stepan's prerogatives and contestation in order to develop a full understanding of a nation's civil-military relations. This chapter will therefore continue the analysis of civilian control in Chile by examining the level of participation of the armed forces in various areas of state activity and, perhaps more importantly, determining who governs those activities.

The preceding chapter demonstrated that things have unquestionably changed in the twenty years since President Aylwin made clear the contribution that elimination of the restraints on government control of the armed forces would make toward his country's successful democratization. As was discussed in that chapter, the major round of constitutional reforms signed into being in 2005 marked the most recent and most substantial step (with the possible exception of the brand new reforms to the Ministry of Defense) toward the elimination of the obstacles in the way of the subjugation of the military. Now that so many of the "limitations, obstacles, and restraints" that inhibited civilian control of Chile's armed forces have been removed from the path toward consolidation, the question remains as to whether that civilian control is in place. Samuel Fitch points out that an overemphasis on the rules of the game tends to disguise other, equally important indicators of effective civil-military relations.⁸⁵ One of the most

⁸⁵ Fitch, "Military Attitudes Toward Democracy in Latin America," 62.

important among these other measures is the roles and missions assigned to the armed forces.⁸⁶ Put simply, it is at least as important to know what the military actually does, and who tells them to do it, as it is to understand the various rules that constrain the interaction between the military and its civilian masters. This chapter seeks to examine how the roles and missions assigned to Chile's armed forces have reflected and influenced (in a mutually dependent fashion) changing levels of civilian control since the democratic transition of 1990. Specifically, how have those missions changed over the past two decades? Who has controlled the decisions regarding the assignment of those missions? Finally, how have the roles and missions reflected the evolving worldviews of civilian and military leadership? This last question is crucial, as it points to the level of cooperation or divergence between officers and politicians in the determination of military missions.

In seeking answers to these questions, this study will begin with an analysis of the official statements of the roles and missions of the armed forces found in the constitution and the defense white papers. After a discussion of these formal delineations, the paper will then turn to an examination of the employment of the military services in external and internal activities. Throughout, the analysis will concentrate on the nature of military identities and worldviews that these roles and missions reflect, and how these questions have impacted the crucial question of who governs the determination of those activities.

This chapter will demonstrate that, notwithstanding the progress made in eliminating the barriers to civilian control since 1990, the roles and missions of the modern Chilean armed forces present an ambiguous image of civil-military relations. An emerging pattern of internationalism in Chile's foreign policy appears to have been adopted by officers and politicians, leading to the solidification of the military's constitutionally defined external role through such missions as peacekeeping and regional cooperation. Nevertheless, this encouraging sign is contrasted with considerable vestiges of traditional perceptions of the military's identity, as well as the continued influence of a geopolitical outlook evident among decision-makers in and out of uniform.

⁸⁶ See Hunter, *State and Soldier in Latin America*, vii.

1. Definitions

For the working definitions of roles and missions, this paper will borrow those offered by Wendy Hunter, with some modifications. By *role* is meant the “principle orientation of the armed forces.” This orientation is most commonly explained as lying somewhere along a simple continuum between “external” and “internal,” although Hunter add to this another dimension – that of politicization and involvement in state decision-making. *Missions* are defined as “the specific tasks assigned to the armed forces.” Within this construct, missions essentially serve as the ingredients that combine to characterize the overall role of the armed forces.⁸⁷ Notwithstanding the validity of this “bottom-up” approach to defining roles from a pragmatic standpoint, it is important to consider, in addition to the constituent missions, any roles formally and explicitly assigned to the military by the government. These are typically promulgated by means of the constitution and other official documents, such as defense white papers.⁸⁸

From an analytical perspective, the centrality of roles and missions in understanding civil-military relations is one of the few points of real consensus in the literature. From there, analysts tend to diverge into two different camps, broadly speaking. As will be described below, some scholars consider that what matters most is *types* of roles and missions, while others maintain that the crucial factor is not the sort of missions taken on by the armed forces, but rather *who decided* what those missions would be.

It is here that one finds a key distinction between the two studies drawn upon above to define “roles” and “missions.” Hunter draws an analytical line between military subordination to civilian authority on the one hand, and the nature of the military’s role on the other. Put more clearly, “strong civilian control is difficult to sustain when the armed forces are oriented mainly toward internal conflict.”⁸⁹ Michael Desch, upon

⁸⁷ Hunter, *State and Soldier in Latin America*, 1.

⁸⁸ David Pion-Berlin and Craig Arceneaux follow this method in another study of roles and mission, in which they begin by examining the constitutions of the states in question. See David Pion-Berlin and Craig Arceneaux, “Decision-Makers or Decision-Takers? Military Missions and Civilian Control in Democratic South America,” *Armed Forces & Society* 26, no. 3 (Spring 2000): 422.

⁸⁹ Hunter, *State and Soldier in Latin America*, 3.

whose work Hunter draws, says that internal missions necessarily affect the military structure in such a way that they become less manageable for civilians.⁹⁰ By implication, roles and missions are not themselves indicators of the strength of civil-military relations. Instead, mission type and subordination are mutually dependent variables. In any event, the employment of the armed forces for managing internal security, according to both Hunter and Desch, is necessarily damaging to civilian control. Even if a country displays effectiveness in civil-military relations, it risks damaging that condition if it assigns internal roles to the armed forces.

On the other hand, Pion-Berlin maintains that, contrary to the conventional thinking (exemplified by Hunter), “internal missions are not *inherently risky*, nor are they more perilous than external missions.”[emphasis in the original] The critical question for him is rather *who determines* the roles and missions that the armed forces have.⁹¹ After all, if military officers have the final say as to what their jobs are, then distinctions between internal and external missions and orientations become much less important.

These two perspectives are not mutually exclusive, however. Combining them, this paper will use the following definition: *The roles and missions of the armed forces indicate effective civil-military relations when they are externally oriented, and when they have been determined and promulgated by civilian authorities.* An external orientation cannot reasonably exclude internal missions (such as crisis response and some support functions) altogether, but it should rule out political involvement. Similarly, to say that civilians have determined these roles and missions must not proscribe military involvement in their formation; the “balance of power” in the process must, however, favor civilians.

⁹⁰ Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore: The Johns Hopkins University Press, 1999).

⁹¹ David Pion-Berlin, “Unexpected Civil-Military Relations in 21st Century Latin America,” *Nueva Sociedad*, no. 23 (January–February 2008): 7.

B. FORMAL DEFINITIONS: THE CONSTITUTION AND THE DEFENSE WHITE PAPERS

1. The Constitution

The first place one must turn when seeking to outline the roles and missions assigned to the Chilean armed forces is the constitution. The importance of this “secular sacrament” (to borrow Brian Loveman’s phrase)⁹² in this particular case goes beyond the truism that constitutions form the bedrock of national law and policy. Paul E. Sigmund notes that Chileans, both civilian and military, have historically demonstrated “a strong commitment to legalism, professionalism, and constitutionalism.”⁹³ Even Augusto Pinochet went to great lengths (however undemocratic the actual process might have been)⁹⁴ to shroud his dictatorship with constitutional legitimacy. After all, it was his 1980 constitution that set the stage for the very plebiscite, eight years later, which led directly to Pinochet’s ouster in the 1989 elections. Evidence of the military’s particular dedication to the constitution came in the run-up to the 1988 vote. Recognizing his likely upcoming defeat (thanks in part to constitutionally mandated access to the media that was provided to his opposition), the dictator threatened to cancel the plebiscite. In response, the heads of the other uniformed services (for the President remained in direct control of the army) insisted on conformity with the process laid out in the constitution, thus in a sense casting the deciding vote on his removal.⁹⁵ There exists, therefore, sufficient reason to believe that in Chile, what the constitution says is of genuine practical concern.

As was demonstrated in the previous chapter, the treatment of the Chilean armed forces in the constitution has been fairly dynamic since 1990. Neither the broad statements of the military’s role, nor the political functions handed to senior officers *de jure* have remained what they were as of the transition to democratic rule. Since 2005, the constitution has stated that the armed forces “exist for the defense of *la patria* and are

⁹² Brian Loveman, *For la Patria: Politics and the Armed Forces in Latin America* (Wilmington, Delaware: Scholarly Resources, Inc., 1999), 232.

⁹³ Paul E. Sigmund, “The Chilean Military: Legalism Undermined, Manipulated, and Restored,” *Revista de Ciencia Política* XXIII, no. 2 (2003): 242.

⁹⁴ Hilbink, *Judges beyond Politics*, 131.

⁹⁵ Sigmund, “Legalism Undermined,” 245.

essential for national security.”⁹⁶ Innocuous as this assertion may seem by itself, it stands in stark contrast to the original text, which until that year included the critical, if subtle, additional mandate that the armed forces “guarantee the institutional order of the Republic.”⁹⁷ The constitution thereby orients the military externally first and foremost.

Importantly, the removal of the reference to “institutional order” also erases any legalistic justification for the employment of the army in its traditional (and most troublesome, in democratic terms) mission: “the defense and salvation of the nation’s traditions and its permanent values.”⁹⁸ This does not necessarily mean that such notions have likewise been eliminated from the popular imagination. Indeed, as will be seen below, vestiges of this conception of the military’s position in society remain evident in several key aspects of Chile’s military roles and missions. That it is no longer a part of the constitution, however, is an encouraging and significant indicator.

Aside from the broadly external military role described above, the internal political responsibilities given to the armed forces have also taken a considerable turn over the past twenty years. Direct political participation by senior and retired military officers was pervasive during the authoritarian period, and it remained enshrined in the constitution inherited by President Aylwin in 1990. Clearly, such extensive political involvement meant that the armed forces, particularly at the highest levels, were politicized beyond what can be considered healthy for the prospects of democratic consolidation. With military officers in powerful positions in all three branches of government, security forces were able to act with considerable autonomy. Moreover, having such extensive involvement in the governance of the nation without having to answer to any constituency (i.e., the electorate) could only have reinforced the sense within the organization that it occupied a place apart from the rest of government, with a unique and almost god-given capacity to defend the values and identity of the Chilean nation as it saw fit.

⁹⁶ *Constitución Política de la República de Chile de 1980*, September 22, 2005, <http://www.leychile.cl/Navegar?idNorma=242302> (accessed May 04, 2010).

⁹⁷ *Historia de la Constitución Política, Artículo 101: Fuerzas Armadas, de Orden y Seguridad Pública*, (Santiago: Biblioteca del Congreso Nacional, undated).

⁹⁸ Loveman, *For la Patria*, 231.

Official military presence and influence in the government beyond the ministry of defense was effectively closed off by the 2005 constitutional reforms. The Chilean constitution therefore now provides a clearly externally orientation for the armed forces. Political involvement for military officers has been eliminated almost completely, with only the considerably emaciated NSC providing direct contact with the president, and only at his or her invitation. The constitution also no longer contains any legalistic basis for military intervention on behalf of “institutional order.” In short, the fundamental, constitutionally mandated role of Chile’s military forces is external, with low political involvement.

2. Defense White Papers

Having established the constraints placed on the armed forces by the Chilean constitution, this paper will now examine another important official expression of roles and missions: the series of defense white papers (*Libros de la Defensa Nacional*) that have been published by the Ministry of Defense since 1997. The first of these was something of a breakthrough for Chile, being the first of its kind in the nation’s history. Marcos Robledo notes that before then, the principal aspects of defense policy had never been openly published.⁹⁹ As President Lagos noted in the opening pages of the second edition, published in 2002, the objective behind the white papers was (and presumably remains) to enable both Chilean citizens and the international community (especially neighboring governments) to examine and even question defense policy, “including its objectives and orientations, as well as the most effective way to achieve them with the public funds allocated to such ends.”¹⁰⁰

Robledo further observes that the white papers “have been widely accepted by the armed forces,” and that they represent the culmination of a collective process that “incorporated military opinions and visions.”¹⁰¹ A report by the respected *Red de Seguridad y Defensa de América Latina* suggests that the level of cooperation evident in

⁹⁹ Robledo, “Chilean Civil-Military Relations,” 112.

¹⁰⁰ *Libro de la Defensa Nacional de Chile, Quinta Parte*, Ministerio de Defensa Nacional, 2002, available at <http://www.resdal.org/Archivo/chi-02-part5.htm> (accessed May 04, 2010).

¹⁰¹ Robledo, “Chilean Civil-Military Relations,” 112.

the preparation of the white papers has only grown “more profound” with each iteration, and that it should serve as an example to other countries.¹⁰² It is certainly encouraging to note that military officers have taken to heart the policies promulgated by the civilian government.

On the other hand, this last assertion raises some hard questions, especially given that the first white paper was formulated and published while Pinochet was still the sitting commander-in-chief of the army. To what extent are the “opinions and visions” of uniformed leaders balanced with those of their civilian counterparts? Does widespread acceptance of the white papers among military members really mean anything if the documents merely reflect what those personnel already tend to believe? Consideration must also be given to the substantive value of Chile’s white papers. A skeptical Pion-Berlin calls these publications, and others like it from neighboring countries, examples of “transparent obfuscation.”¹⁰³ He argues that they do not meet the most critical goals of defense policy: enumerating strategic objectives, defining existing and potential threats to national security, and outlining strategies to achieve those objectives and confront those threats. Instead, they “amount to little more than superficial reflections and sterile generalizations.”¹⁰⁴ Accurate as this critique may be, there is still value in studying these books, as they nevertheless represent an expression of the Chilean conception of its defense environment (even if only in broad strokes) and of the ways in which the armed forces should behave in that context.

A close look at the proclamations made in the past three editions of the *libros de defensa* reveals that significant vestiges of traditional views of the military’s role and identity persist to this day. Given that these documents are expressions of a shared view of the appropriate position of the armed services within national policy, it is noteworthy that all three of them preserve some of the more problematic missions and identities that have been a part of Chile’s military history, through both good times and bad. This includes even the most recently published (2010) version of the white paper.

¹⁰² Navarro, *Metodología para el Análisis de los Ministerios de Defensa: El Caso Chile*, section 6.

¹⁰³ Pion-Berlin, “Political Management of the Military in Latin America,” 30.

¹⁰⁴ *Ibid.*, 30.

This is not to say that there is no evidence of modern, democratic principles in these publications. Indeed, in its principal expression of the mission of the armed forces, the white paper, in all three editions, begins by quoting the constitutional purpose described above. In all three versions, the mission is further specified to mean the defense of Chile's sovereignty and territorial integrity and the protection of the populace against *external* threats. No mention is made in any of them of internal threats, subversion, or even terrorism.¹⁰⁵ Furthermore, since 1997, the paper has consistently highlighted the international role of the Chilean military, including peacekeeping operations and the creation of "bonds of military cooperation" with neighboring countries.¹⁰⁶ All of these missions are in keeping with the spirit of the external orientation spelled out in the constitution. They furthermore remain within the bounds of what Hunter and Pion-Berlin would consider "safe" missions: they are outwardly oriented, and they hew closely to the constitutionally mandated roles crafted by the civilian government.

The explication of missions does not stop there, however. In a throwback to traditional Chilean military identity, the 2010 version includes in the third paragraph of the "Armed Forces" section a reiteration of the oath of service taken by members upon entry into the military. This pledge places the defense of the nation's "essential values" in a central position.¹⁰⁷ Older editions of the white paper provide similar references to the military's role in "socioeconomic and cultural development,"¹⁰⁸ as well as "the cultivation of the country's historical tradition, and the transmission of the principal traits of our national identity."¹⁰⁹

Such relics of Latin America military thought are even more in evidence in the sections devoted specifically to each of the services. The army's section provides

¹⁰⁵ The omission of terrorism is noteworthy in itself, given that the constitution actually devotes an entire article to it (a holdover from the wording formulated by Pinochet himself).

¹⁰⁶ *Libro de la Defensa Nacional de Chile, Quinta Parte*, Ministerio de Defensa Nacional, 1997, available at <http://www.resdal.org/Archivo/defc-pV.htm> (accessed May 04, 2010).

¹⁰⁷ *Libro de la Defensa Nacional de Chile* (Santiago: Ministerio de Defensa Nacional, 2010), 242.

¹⁰⁸ *Libro de la Defensa Nacional de Chile, Quinta Parte*, 1997.

¹⁰⁹ *Libro de la Defensa Nacional de Chile, Quinta Parte*, 2002.

particularly telling examples. In every version, its service-specific mission is preceded by a statement that “the army of Chile was born with and for *la patria*.” Unsurprisingly, sensitivity to *pinochetistas* is especially apparent in the 1997 edition, which follows this statement with a summary history of the Chilean army. Somewhat astonishingly, in seven full paragraphs of historical narrative, just one sentence is devoted to the bulk of the twentieth century, during which time the army evidently merely “continued contributing to the maintenance of peace.”¹¹⁰ Such whitewashing is avoided in the two later versions, where the historical narrative has been omitted altogether. One must also wonder why a white paper, purportedly devoted to spelling out policy, objectives and orientations, should include any but the most cursory references to historical narrative, let alone to emotional appeals to the identity of the armed forces.

The text of the *libros de defensa* is indicative of a Chilean defense establishment that keeps one foot in the present and the other firmly in the past. The military has unquestionably embraced its increasingly external orientation, as provided for in the constitution. At the same time, however, there remain in these official publications numerous elements of a mode of identity and self-perception that can at best be considered outdated and, at worst, dangerous. As one study noted about the state of such conceptions throughout Latin America, “while the worst features of national security doctrine...have been purged from many of the legal documents...it is not true that the concept of defense that replaced security has been defined in sufficiently precise and limiting terms.”¹¹¹ Chile appears to be no exception to this assessment. A look at the external missions of its armed forces further illustrates this ambiguous position.

C. EXTERNAL MISSIONS: OVERCOMING CHILE’S GEOPOLITICAL LEGACY?

As noted above, most of the externally focused missions assigned to the Chilean military are defined explicitly in terms of protecting the nation’s borders, maintaining its sovereignty, and defending its territorial integrity. These missions are not, in and of

¹¹⁰ Specifically, the sentence covers the period 1906–1994. *Libro de la Defensa Nacional de Chile, Quinta Parte*, 1997.

¹¹¹ Pion-Berlin and Arceneaux, “Decision-Makers or Decision-Takers?” 424.

themselves, particularly noteworthy. Nevertheless, in the case of Chile, one must consider how defense policy, shaped by the visions of both civilian and uniformed personnel, is reflective of a uniquely powerful legacy of geopolitical thought. Jack Child describes how this worldview, in which national power is inextricably tied to national territory, has played an influential role in Chilean history, going back at least as far as the War of the Pacific.¹¹² One could argue that this strain of thinking actually got its start in Chile as early as that war's predecessor, the War of the Confederation. It was then that Diego Portales, one of Chile's founding fathers, insisted, "We must dominate forever in the Pacific," a sentiment which retains its power for *chilenos* even today.¹¹³ More recently, and perhaps even more significantly, Augusto Pinochet, who considered himself a geopolitician, helped to cement the primacy of this expansionist and inherently militaristic outlook during his time in power. Using the dictator's own treatise, *Geopolítica*, as a text, this philosophy came to dominate teaching in government and military academies.¹¹⁴

1. Geopolitics in Chile

The relationship between geopolitical thought on the one hand and civil-military relations, on the other, is not an obvious one. As has been noted already, and will be emphasized in the coming pages, the Chilean case places a magnifying glass on this relationship. Above all, geopolitics, being a militaristic and conflict-driven view of world affairs, provides the armed forces with a mission. While the detached observer might conclude that Chile suffers no threat from any external power, a Chilean geopolitician, by definition, takes the very existence of other states on its borders as a threat to its territorial integrity. Geopolitics, in other words, is a sort of self-fulfilling

¹¹² Jack Child, "The Status of South American Geopolitical Thinking," in *South America into the 1990s: Evolving International Relationships in a New Era*, ed. G. Pope Atkins (San Francisco: Westview Press, 1990), 58–60.

¹¹³ Jay Kinsbruner, *Chile: A Historical Interpretation* (New York: Harper & Row, 1973), 66.

¹¹⁴ Howard T. Pittman, "From O'Higgins to Pinochet: Applied Geopolitics in Chile," in *Geopolitics of the Southern Cone and Antarctica*, ed. Philip Kelly and Jack Child (Boulder, Colorado: Lynne Rienner Publishers), 178.

prophecy that “provides the rationale for existing continental disputes.”¹¹⁵ The critical question, then, is the extent to which this worldview pervades decisions by both civilian and uniformed leadership. If it is extensive and active, then the military will necessarily have a power advantage insofar as geopolitically motivated missions offer easy justifications for acquisitions and other defense projects. Further, if civilians accept geopolitics at more or less the same level as their military counterparts, one might conclude that this is a reflection of a lack of independent thought on the part of the civilian leadership.

Chile’s one-of-a-kind geography, viewed through a geopolitical lens, offers little opportunity for expansion or domination along its eastern border, thanks to the Andes. In every other direction, however, one may find the geopolitical aims of the Chilean defense establishment hard at work. In the north, there is the still-simmering conflict (unarmed though it might currently be) between Chile and its two neighbors, Peru and Bolivia (the also-ran confederation of the War of the Pacific). To the south, Chile has settled its claims with Argentina over the Beagle Channel, but continues to claim contested portions of Antarctica. Westward, the Chilean claim over the Pacific Ocean, as will be seen below, is exceptionally large and is also subject to ongoing international contestation.¹¹⁶ Collectively, these claims make up the expansive concept of the “Tri-Continental Chile,” which includes territorial, insular (or maritime), and Antarctic zones. As it turns out, the most succinct and complete official description of this unique conception of the Chilean geographical domain resides in the defense white paper, where it enjoys pride of place as the first among six lengthy chapters.¹¹⁷

¹¹⁵ Howard T. Pittman, "Harmony or Discord: The Impact of Democratization on Geopolitics and Conflict in the Southern Cone," in *Geopolitics of the Southern Cone and Antarctica*, ed. Philip Kelly and Jack Child (Boulder, Colorado: Lynne Rienner Publishers, 1988), 32.

¹¹⁶ "Peru institutes proceedings against Chile with regard to a dispute concerning maritime delimitation between the two States," unofficial press release, International Court of Justice (January 16, 2008). See also *The Observer*, "Chile's Claim on Pacific Waters Alarms Britain," November 7, 1993: 23.

¹¹⁷ *Libro de la Defensa Nacional de Chile*, 2010.

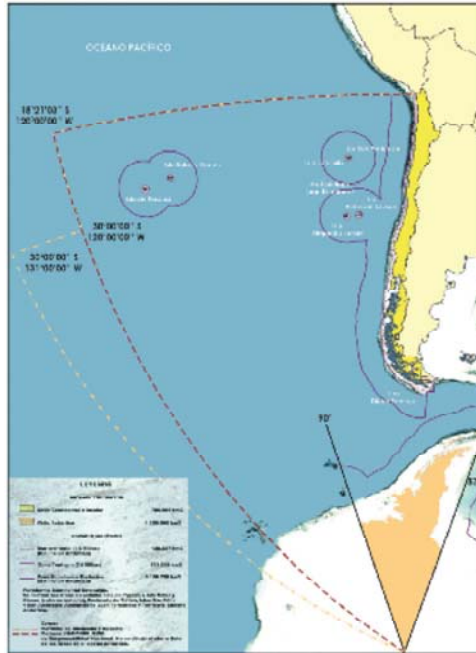


Figure 1. Chile's maritime claims (*Mar Presencial* falls within the darker broken line)
Source: Libro de Defensa Nacional, 2010, 37.

The extent to which uniformed leaders have determined Chile's geostrategic goals (and hence the military's role within that framework) is not easy to establish with any real accuracy. In any event, the evidence points to a shared responsibility between civilian and military personnel. One example may be sufficient to give the reader a sense of the mutual devotion to the geopolitical approach. The vast area claimed by Chile under a concept known as *Mar Presencial* (see Figure 1) was initially, and independently, proposed by the commander-in-chief of the navy in 1990.¹¹⁸ It was soon adopted and promoted by civilian thinkers,¹¹⁹ and became national law by 1991.¹²⁰ Twenty years later, this expansive and not uncontroversial notion remains an explicit part of Chile's defense policy. Although the concept of *Mar Presencial* is not overtly one of unlimited

¹¹⁸ Pion-Berlin and Arceneaux, "Decision-Makers or Decision-Takers?" 431.

¹¹⁹ Francisco Orrego Vicuña, "Toward an Effective Management of High Seas Fisheries and the Settlement of the Pending Issues of the Law of the Sea," *Ocean Development and International Law* 24, no. 1 (January 1993): 39–40.

¹²⁰ Paul Stanton Kibel, "Alone at Sea: Chile's Presencial Ocean Policy," *Journal of Environmental Law* 12, no. 1 (2000): 44.

sovereignty, its stated intention of controlling maritime traffic within its boundaries¹²¹ (aside from being almost laughably impractical) is enough to give legal analysts pause.¹²² Given that the United Nations Convention on the Law of the Sea of 1982 does not sanction any such maritime claim, its precise reason for being is somewhat unclear unless one considers it as an attempt to establish international legal precedent for Chilean dominion over this enormous swath.¹²³

It bears mentioning here that an extensive modernization and build-up of defense equipment, ostensibly spurred by need (thanks to outdated materiel) and opportunity (in the form of revenues drawn from record high copper prices), has given the Chilean armed forces a decidedly geopolitical appearance in recent years.¹²⁴ Chile is not alone in this trend, nor is it even the biggest spender in the region, but it has emerged as “the most modern and best-equipped army in Latin America.”¹²⁵ The pattern has spurred along the latent conflict with Chile’s northern neighbor, leading Peru’s president to insist on adding the issue to the agenda of recent meetings of the Organization of American States, and to publicly call for an end to “excessive military spending.” Other observers have used the term “arms race” to describe the situation in the region.¹²⁶ As to the question of who is determining the need for these purchases, it is noteworthy that the civilian finance ministry has veto power over the purchases made as a part of this build-up, and that the commanders-in-chief of the various armed services have, in practice, consistently sought the approval of the minister of defense and the president for their acquisitions.¹²⁷ Thus,

¹²¹ *Libro de la Defensa Nacional de Chile*, 2010, 39–40.

¹²² For skeptical legal analyses, see Thomas A. Clingan Jr., “Mar Presencial (The Presential Sea): Déjà vu All Over Again?,” *Ocean Development and international Law* 24, no. 1 (January 1993): 93–97; and Kibel, “Alone at Sea,” 43–63.

¹²³ The *Mar Presencial* claim represents a 500% increase over the claims permitted to Chile under the existing UNCLOS framework. Kibel also points out that Chile followed a similar pattern when it set the precedent for the now-accepted notion of the exclusive economic zone (EEZ), which extends 200 nautical miles to the sea. (See Kibel, “Alone at Sea: Chile’s Presencial Ocean Policy.”)

¹²⁴ *The Economist*, “Speak fraternally but carry a stick; South American defence,” May 31, 2008.

¹²⁵ *The Economist*, “A force for good, for now,” September 27, 2008.

¹²⁶ Juan O. Tamayo, “S. America tensions grow as arms sales do,” *Los Angeles Times*, November 15, 2009.

¹²⁷ See Navarro, *Metodología para el Análisis de los Ministerios de Defensa: El Caso Chile*, section 5; and *The Economist*, “A force for good, for now.”

whether intentionally or not, civilian politicians and military officers have conspired to create a sticky foreign policy situation through a modernization program that is (quite understandably) interpreted in geopolitical terms by those nations potentially most threatened by it.

The influence of the military on the policy of *Mar Presencial* is plainly evident. The rapidity with which it became sanctioned by national law indicates, however, that civilian lawmakers required little convincing of its merits, even after Pinochet had stepped down from the presidency. If, in addition, one considers that defense policies are as much reflections of military as they are of civilian thought, as well as the ongoing modernization of military equipment, then it seems reasonable to conclude that Chilean geopolitical thought is still alive and well, and that it is embraced to more or less the same extent by those in and out of uniform. This would come to no surprise to Jack Child, who predicted that this worldview would die a slow death in the post-authoritarian Southern Cone:

The legacy of geopolitics will extend beyond [military] regimes because of the way geopolitical thinking became popularized in [the 1960s and 1970s] through the media and educational systems. Geopolitical thinking in the Southern Cone is also closely linked to nationalism, patriotism, and deeply felt beliefs about national sovereignty. These values, although strongly stimulated and manipulated by military regimes, also have an existence that is independent of military rule.¹²⁸

The legacy of geopolitics in Chile is most evident in its defense policies, particularly with respect to the Chilean conception of national territory and the recent modernization campaign. Guns and borders, however, do not by themselves constitute a military mission. In the following section, it will be seen that there is considerably less suggestion of geopolitical considerations in the actual missions and activities assigned to nation's armed forces.

¹²⁸ Jack Child, *Geopolitics and Conflict in South America: Quarrels Among Neighbors* (New York: Praeger, 1985), 173.

2. Peacekeeping and Regional Cooperation: The Obverse of the Geopolitical Coin

Given the apparently substantial influence of geopolitics on leadership, both in and out of uniform, one might expect Chile to have rather intense conflicts with its neighbors. One might further imagine that the predominance of geopolitical rivalries would vault military leaders toward greater prominence in foreign policy, thus eroding civilian authority over the armed forces. A survey of Chile's relations and involvement with its neighbors demonstrates, however, that such local rivalries have mostly softened over the past two decades.¹²⁹ Moreover, this softening can be shown to have resulted at least in part from a growing "internationalism" among senior officers and their civilian counterparts, an approach that contrasts significantly with the geopolitics that has been so influential in the past.

Externally, Chilean participation in peacekeeping serves two major purposes. In keeping with the policies outlined in the defense white papers, the first of these goals is to establish the country's position as a player (and perhaps a leader) in regional affairs. Accordingly, Chile does not send its peacekeepers just anywhere. The heavy concentration of Chile's peacekeepers in Haiti is testament to this frugality. Of the approximately 500 personnel it has deployed to UN peace operations around the world, more than 96 percent are a part of MINUSTAH, with the remaining twenty or so individuals spread among the Palestinian territories, Cyprus, and Kashmir.¹³⁰ The combined Argentine-Chilean peacekeeping force is another example of the application of this mission set to the broader foreign policy goal of regional integration. Having so far

¹²⁹ For two such studies, see Kristina Mani, *Democratization and Rivalry: Lessons from the Resolution of Rivalries in South America*, Paper presented at annual meeting, International Studies Association (Honolulu: ISA, March 2005); and Randall R. Parish Jr., "Democrats, Dictators, and Cooperation: the Transformation of Argentine-Chilean Relations," *Latin American Politics and Society* 48, no. 1 (Spring 2006): 143–174.

¹³⁰ *UN Mission's Summary detailed by Country*, United Nations Department of Peacekeeping Operations, April 30, 2010, http://www.un.org/en/peacekeeping/contributors/2010/apr10_3.pdf.

achieved only symbolic results,¹³¹ it seems especially clear that this move was aimed above all at détente between the neighbors more than any concrete peacekeeping objectives.

A secondary goal of Chilean peacekeeping is to assure the continued supply of U.S. military assistance. Such funding comprises the greater portion of the aid the nation receives from the United States, which itself is justified (in somewhat circular fashion) as a means to improve Chile's peacekeeping capacity.¹³² Fundamentally related to this goal is a larger foreign policy objective of maintaining strong ties with the United States in a broader sense. In this context, one can clearly see Chile's leading role in the establishment of MINUSTAH during its stint on the Security Council as an effort to appease its erstwhile partner after having opposed the 2003 U.S. invasion of Iraq.¹³³

Domestically, the reasons for deploying the armed forces for peacekeeping missions are well understood. Such missions are attractive to both civilians and military officers, though for different reasons. To civilians, peacekeeping pays off not just in terms of foreign policy (as described above), but also as a motivation for improved civil-military relations. For uniformed leadership, peacekeeping is a guarantor of institutional relevancy and survival in an environment otherwise lacking in employment and funding opportunities. Peace operations also provide a source of professional experience, not to mention substantial augments to participants' salaries.¹³⁴

Given these diverse benefits, the puzzle of Chilean peacekeeping lies not in understanding why it happened, but rather in why it only happened so recently.

¹³¹ See *BBC Monitoring Latin America – Political*, "Argentine, Chilean defence ministers head joint peace force ceremony," April 09, 2008. Two years after its founding, the official Chilean peacekeeping force website lists only "future activities" for the combined task force, dubbed *Cruz del Sur*. (See http://www.cecopac.cl/chile_en_opaz/cruz_del_sur.htm.)

¹³² Peter J. Meyer, *Chile: Political and Economic Conditions and U.S. Relations*, Report for Congress no. R40126, Congressional Research Service (Washington, D.C.: CRS, March 2, 2010), 14.

¹³³ Mônica Hirst, *South American Intervention in Haiti*, Comment paper, Fundación para las Relaciones Internacionales y el Diálogo Exterior (Madrid: FRIDE, April 2007), 5.

¹³⁴ Antonio L. Palá, "Peacekeeping and Its Effects on Civil-Military Relations: The Argentine Experience," in *International Security and Democracy: Latin American and the Caribbean in the Post-Cold War Era*, ed. Jorge I. Domínguez (Pittsburgh: University of Pittsburgh Press, 1998), 131; and Hunter, *State and Soldier*, 5.

Participation in Haiti in 2004 marked the first-ever major deployment of troops for this mission set.¹³⁵ Before then, scattered detachments of observers, usually numbering in the single digits, were the rule for Chile. This historical trend, which stood in contrast to other born-again democracies in the region, such as Brazil and Argentina, was generally perceived to reflect a desire on the part of an autonomous military to retain a measure of national independence in its operations.¹³⁶ If this was indeed the case, then it stands to reason that the shift in Chile's commitment to peacekeeping is likewise reflective of a shift in attitudes among both military and civilian officials since that time. Recognizing this change, a number of scholars have pointed to a growing internationalist approach as the cause.¹³⁷ Mônica Hirst, among others, asserts that Chile, like its Southern Cone peers, has "become more flexible regarding [its] anti-interventionist beliefs, accepting expanded political roles in Latin American affairs."¹³⁸ What sets Chile apart from its neighbors, then, is only that this shift came later. This delay makes sense when one considers that both Brazil and Argentina made the transition from military to civilian rule before Chile.

The emerging internationalism evident in Chile's peacekeeping missions, including the combined task force and the shared leadership of MINUSTAH with Brazil, seems to diverge significantly from the geopolitical tendencies that are so apparent elsewhere in Chilean defense policy. It is certainly not impossible for the two attitudes to coexist—there is, after all, little precedent for genuine philosophical consistency in the pragmatic world of international relations – but there is an obvious tension between them. The disconnect between Chile's defense and diplomatic structures, pointed out by Arturo

¹³⁵ Meyer, *Chile: Political and Economic Conditions and U.S. Relations*, 14.

¹³⁶ Mônica Hirst, "Security Policies, Democratization, and Regional Integration in the Southern Cone," in *International Security and Democracy: Latin America and the Caribbean in the Post-Cold War Era* (Pittsburgh: University of Pittsburgh Press, 1998), 110; and Hunter, *State and Soldier*, 5.

¹³⁷ By "internationalism" is meant an approach to foreign affairs "that recognizes the interdependent benefits of cooperation and economic integration and holds that security can be significantly enhanced by pursuing these means." See Mani, *Democratization and Rivalry*, 5.

¹³⁸ Hirst, *South American Intervention in Haiti*, 2–3. See also Mani, *Democratization and Rivalry*; Parish Jr., "Democrats, Dictators, and Cooperation: 143–174; and Marybeth P. Ulrich, *Developing Civil-Military Competencies among Senior National Security Practitioners in Democratizing Latin America*, Paper, U.S. Army War College (Carlisle, Pennsylvania: U.S. Army War College, 2008).

Sotomayor, presents an ongoing barrier to the reconciliation of these two trends.¹³⁹ For now, the military's geopolitical and realist aims are likely to remain the dominant motivation in determining peacekeeping participation.

Which one of them will come to dominate Chile's foreign policy, as well as the definitions of the military's external roles and missions, is an open question. If actions count for more than words, however, it seems apparent that geopolitics is ebbing as an influential worldview in Chile.

More than one author has argued that the evolutionary arrow in this case points toward internationalism. Parish and Mani describe a top-down process in which the civilian executive has driven the armed forces to gradually turn away from geopolitical realism toward a more integrationalist approach. Ulrich, for her part, differs from these two authors in that she believes that the same process has been brought about not by civilian or executive leadership, but instead by senior military officers.¹⁴⁰ To a certain degree, the distinction is irrelevant to the larger question of the future of Chilean foreign policy and civil-military relations. Under either construct, there appears to be consensus that both civilians and uniformed personnel are beginning to lift one foot out of the past and stepping toward a more modern, internationalist approach. Shared as it seems to be, the emerging pattern of Chilean internationalism is bound to lead to even greater cooperation between military and civilian leaders in the future, thus contributing to strengthened civil-military relations.

D. INTERNAL ROLES AND MISSIONS

The generally outward role of the Chilean military that has been described above does not mean that it has no part to play in internal operations. Quite to the contrary, the armed forces have substantial responsibilities with respect to activities within their own borders. Even the constitution, as shall be demonstrated, provides for an implicit internal

¹³⁹ Arturo C. Sotomayor Velázquez, "Why Some States Participate in UN Peace Missions While Others Do Not: An Analysis of Civil-Military Relations and Its Effects on Latin America's Contributions to Peacekeeping Operations," *Security Studies* 19, no. 1 (2010): 194.

¹⁴⁰ Ulrich argues that the lack of civilian control and expertise necessarily means that uniformed officers had to take steps toward increased regional involvement, particular with respect to peacekeeping.

orientation to a certain degree. By all appearances, Chile's experience in the aftermath of the devastating recent earthquake proved that the armed forces have finally been subordinated to the point where this internal orientation can be safely carried out. Nonetheless, there is reason to believe that, in spite of these superficial indicators of success, the internal role assigned to Chile's military still carry some inherent risks for the continued consolidation of civilian control.

1. Regimes of Exception: Risky Business

The essentially outward-looking nature of the military role enshrined in the constitution is not without its inconsistencies. Chief among these are the various regimes of exception that Chile, like so many other Latin American states, retains within its fundamental legal charter. Even after the major package of constitutional reforms passed in 2005, there are no less than four different states of exception at the president's disposal in the event of some sort of disturbance. Table 1 summarizes the differences among them. Of particular note for this study are the two states, "of catastrophe" and "of emergency," that place affected zones under the "dependency" (a term that is not defined in the constitution) of the Ministry of Defense.

Table 1. Constitutional states of exception in Chile

	<i>Article</i>	<i>Reason</i>	<i>MoD Dependency</i>	<i>Rights Subject to Restriction or Suspension</i>	<i>Congressional Oversight</i>	<i>Time Limits</i>
Assembly	40	External war	No	"Personal freedom," assembly, work, association, privacy, private property	Consent required within 5 days*	None
Siege	40	Internal war or grave internal upheaval	No	Movement, assembly	Consent required within 5 days*	15 days**
Catastrophe	41	Public calamity	Yes	Movement, assembly, private property, other "extraordinary measures" as necessary	For extension only; must notify of measures taken	1 year**
Emergency	42	Grave breach of public order or grave damage to the security of the nation	Yes	Movement, assembly	For extension only; must notify of measures taken	15 days***

Notes: * - Up or down vote only (no modifications allowed). Consent assumed if no vote taken after 5 days.

** - President may extend indefinitely with congressional approval.

*** - President may extend in 15-day increments only, and only with congressional approval.

Source: *Constitución Política de la República de Chile de 1980*, 22 September 2005.

a. *The 2010 Earthquake: Reason for Hope?*

For the first time since the transition twenty years earlier, the states of exception were put to the test after the major earthquake and tidal wave that struck south-central Chile in February of 2010. After hesitating for three full days, President Michelle Bachelet declared a state of catastrophe in six of the country's fifteen zones. The delay, though partly a result of the slow development of social unrest that unfolded after the quake, was mostly due to debate among Bachelet's inner circle regarding the symbolism of the move.¹⁴¹ Following the president's announcement of the move, the Minister of Defense placed a general officer in charge of each zone, declared his intention to work in partnership with the Ministry of the Interior, and publicly reiterated that the military would remain subordinate to civilian authority.¹⁴² Only three days later, the *New York Times* reported that civilians in the city of Concepción, quite understandably more concerned with their own safety than with the historical legacy of repression at the hands of Pinochet's armed forces, were embracing the security forces and praising their successful efforts. Rather than inciting fear or reigniting bad memories, it seemed that the direct contact and positive impression provided by the state of exception had had the reverse effect. "The military's relationship with the country's people was turning a new page," according to the *Times*.¹⁴³ Even Gregory Weeks, historically skeptical of Chile's civil-military relations,¹⁴⁴ declared within two weeks that the triumph of the soldiers who brought aid and security to the disaster-stricken regions of the nation "marked a return to a normal civil-military relationship."¹⁴⁵ The state of catastrophe and its attendant restrictions on civil life (which had included a curfew and limitations on movement) were

¹⁴¹ Tracy Wilkinson, "For Chile's Bachelet, decision to call on army was weighty," *Los Angeles Times*, March 3, 2010.

¹⁴² "Bachelet decreta primer Estado de Catástrofe desde terremoto de 1985," *El Mercurio*, March 01, 2010, <http://diario.elmercurio.cl/detalle/index.asp?id={0eef9c9b-9d23-44b5-9286-c02f12a6978c}> (accessed May 4, 2010).

¹⁴³ Alexei Barrionuevo, "Setting Chile's Past Aside, a City Welcomes Soldiers," *New York Times*, March 4, 2010.

¹⁴⁴ See Weeks, *The Military and Politics in Postauthoritarian Chile*.

¹⁴⁵ Quoted in Larry Rohter, "Exorcising ghosts of the military; Letter from Chile," *International Herald Tribune*, March 18, 2010.

lifted before a month had passed.¹⁴⁶ Truly, it seems this devastating event provided an opportunity to demonstrate just how far Chile had come in cementing an appropriate role for its armed forces.

At the risk of excessive skepticism, however, it must be borne in mind that the opportunity for abuse still exists within this system. The fact that the military made such a positive impression during the most recent state of catastrophe does not mean that all is well.¹⁴⁷ However much good might appear to have come out of this particular case, any constitutionally defined regime of exception that hands direct control over segments of the country to the military, even at the behest of a civilian executive, is dangerous. Unquestionably, the armed forces by virtue of their size, readiness, and training, are often the quickest and most effective means of responding to domestic crises, such as a natural disaster.¹⁴⁸ That this response requires a uniformed officer to be placed in charge of the affected area, answerable only to the executive, is not quite so evident. Furthermore, the implication is probably not lost on military personnel that they alone possess some special quality of leadership and character to which the nation must turn for protection in times of dire need. It is just this sort of unique identity, distinct among their countrymen, to which Brian Loveman points in describing the “warrior-priest tradition” in Latin American militaries.¹⁴⁹ Military involvement in crisis response efforts tends to foster this image among the public at large, as well.¹⁵⁰ And it is in this vein that military leaders have “found a fixed moral rationale” for taking political matters into their own hands.¹⁵¹

¹⁴⁶ Reduced numbers of troops did remain in several areas, however, at the request of the local mayors. (See Fabián Álvarez and Fredy Aliaga, “Alcaldes rechazan fin de patrullajes militares en zonas de catástrofe,” *El Mercurio*, April 1, 2010.)

¹⁴⁷ In a somewhat troubling (and admittedly anecdotal) postscript to this story, the right-wing Piñera government temporarily reinstated the restrictions on civil liberties, within the framework of the notionally apolitical state of catastrophe, for the March 29th *Día del Joven Combatiente*. Ironically, this unofficial holiday (celebrated almost exclusively by young leftists) commemorates the assassination of two left-wing activists at the hands of Pinochet’s security forces in 1985.

¹⁴⁸ Pion-Berlin and Arceneaux, “Decision-Makers or Decision-Takers?” 420.

¹⁴⁹ Loveman, *For la Patria*, 229–231.

¹⁵⁰ Hunter, *State and Soldier*, 6.

¹⁵¹ Loveman, *For la Patria*, 231.

2. Other Internal Missions

Chile's armed forces are involved in other domestic operations, as well. So-called "civic action" programs have been undertaken by all three branches, focused mostly on the least developed areas of the country, in the far north and south. Such activities include road construction, emergency transportation, cartographic services, and the regulation of civil aviation and the merchant marine.¹⁵² The army has also played an extensive role in the provision of medical services in area where the government is otherwise unable to do so.¹⁵³ Finally, the constitution includes one other domestic mission for the armed forces: the maintenance, alongside the *carabineros*, or federal police, of public order during elections.¹⁵⁴

It is worth mentioning that there are encouraging signs that the military is not the default government response mechanism in the face of internal difficulties. Unrest among the indigenous Mapuche in the southern parts of Chile has been an ongoing problem for the government in recent years. These protest activities have taken on an increasingly violent tone, with riots sometimes escalating into "battles" with police forces, and occasional shootings and acts of arson and sabotage.¹⁵⁵ One Mapuche organization even declared war on the country late in 2009.¹⁵⁶ Given the heated nature of this conflict, it would not be surprising to hear calls for troops to respond. After all, deploying the army to put down uncooperative indigenous populations is hardly without precedent in Chile.¹⁵⁷ Yet the army has played no evident role in quelling the unrest, with the response by authorities in Santiago consistently limited to law enforcement and social programs.¹⁵⁸ It is thus heartening to note that the only uniformed personnel

¹⁵² *Jane's Sentinel Security Assessment – South America, Executive summary, Chile*, December 17, 2009, <http://www.janes.com> (accessed February 11, 2010).

¹⁵³ *The Economist*, "A force for good, for now," September 27, 2008.

¹⁵⁴ *Constitución Política de la República de Chile de 1980*, Article 18.

¹⁵⁵ *Jane's Sentinel Security Assessment – South America, Executive summary, Chile*.

¹⁵⁶ Meyer, *Chile: Political and Economic Conditions and U.S. Relations*, 7.

¹⁵⁷ The mostly low-intensity conflict known as the War of the Arauco lasted for more than 300 years and ended in a brutal campaign against the Mapuche by the Chilean army in 1883.

¹⁵⁸ Meyer, *Chile: Political and Economic Conditions and U.S. Relations*, 7. One possible exception to this point could be the Chilean army's role in training the Carabineros.

involved in this effort have been police officers. However harsh the official answer to the Mapuche crisis might be judged, responsibility for it cannot be placed in the laps of the armed forces. In fact, the civilian government had put in place a structure for handling such internal threats as early as President Frei's administration in the mid-1990s,¹⁵⁹ signaling that politicians worked fairly rapidly to avoid having to deploy the armed forces to deal with domestic anti-government and terrorist movements.

3. Summary: The Impact of the Internal Missions

Wendy Hunter points out three key ways that civic action missions, though obviously beneficial in the immediate sense, undermine the subordination of the military to civilian control and potentially harm the government in the long term. First, along with peacekeeping operations (discussed above), civic action offers a *raison d'être* to a defense establishment that lacks any genuine threat against which to orient itself, thus allowing it to compete (perhaps unfairly) for scarce budgetary resources. Second, like the regimes of exception, civic action missions feed into the antiquated self-perception among officers (and civilians, for that matter) that uniformed personnel are inherently better suited to the task of lifting their compatriots out of difficult circumstances. Finally, by deploying the armed forces to carry out development programs (as opposed to crisis response missions) within its borders, the government inhibits the growth of civilian institutions needed to implement sustained social programs.¹⁶⁰

Pion-Berlin and Trinkunas maintain that internal roles are no more threatening to democratic control than external roles. So long as civilians are the ones who determine the timing, location, and nature of domestic military missions, these operations are not inherently likely to lead to political intervention by the armed forces.¹⁶¹ This conclusion provides an important caveat to Hunter's analysis, but it does not controvert the thrust of her argument. What this means for Chile, in other words, is that the internal missions

¹⁵⁹ Agüero, "Legacies of Transitions: Institutionalization, the Military, and Democracy in South America," 393.

¹⁶⁰ Hunter, *State and Soldier*, 6.

¹⁶¹ David Pion-Berlin and Harold Trinkunas, "Democratization, Social Crisis and the Impact of Military Domestic Roles in Latin America," *Journal of Political and Military Sociology* 33, no. 1 (Summer 2005), 6–7.

carried out under civic action programs and regimes of exception are unlikely to lead to another military-led coup, but that they nevertheless make difficult the further consolidation of democratic rule.

E. CONCLUSION

Having celebrated the twentieth anniversary of the transition to democracy only months ago, Chile can legitimately claim to have made considerable progress in eliminating the barriers to civilian control that were left in place by the Pinochet regime. In spite of this progress, an examination of the roles and missions that are assigned to the armed forces demonstrates that there is work yet to be done. Civil-military relations in Chile are strong, and there is scant evidence that backsliding could occur. Still, Chilean leaders have not left the past behind them when it comes to defense policy.

The constitution provides a suitably external overall role for the military, and yet also includes provisions under which military officers can be placed in control of entire zones of the country, answerable only to the executive. The *libros de defensa* published by the Ministry of Defense expand on the external role enshrined in the constitution, outlining a robust involvement in regional cooperative activities. However, those same defense white papers retain a number of vestiges of traditional and dangerous modes of military identity.

The external missions undertaken by the Chilean military, particularly in peacekeeping operations, illustrate a growing internationalist attitude among leaders in the defense establishment. This approach appears to be gradually supplanting the powerful legacy of geopolitical thought that has for so long influenced Chile's foreign relations. Nonetheless, that legacy is still very much in evidence within the pages of the defense white papers, as well as in the reactions of Chile's neighbors to the ongoing round of military modernization.

Within its own borders, Chile makes wide-ranging use of the different branches of the armed services. While it is perfectly reasonable that they be called upon to respond in times of crisis, the level of authority that accompanies that response, as well as the permanence of these sorts of missions, may harm the continued development of

institutions of governance under civilian auspices. Furthermore, the many domestic missions placed in military hands risk fortifying the same outdated self-perception that is evident in the *libros de defensa*. The likelihood of a return to anything like the 1973 coup is negligible, but work remains in order to remove the vestiges of military identity and to allow for the flowering of civilian-led social programs in the least developed portions of the country.

The picture of a defense establishment with one foot still in the past seems to hold true after a look at the missions carried out by the Chilean military. Returning to the operative definition of effective civil-military relations, it can be safely said that the balance of power in defense decision-making, by and large, lies with the civilian leadership. The extent to which the military's role is oriented externally is less encouraging. Political participation by officers is a thing of the past, but the use of the armed forces for internal development has a net negative impact on the nation. The regimes of exception are particularly troubling in this regard. For better or for worse, though, those mission and other defense policies suggest that both civilian politicians and military officers share an outdated notion of the military's identity, and that geopolitics continues to hold some sway in both camps. The good news is that things continue to change.

IV. SUMMARY, ANALYSIS, AND CONCLUSION

The previous two chapters examined in some detail both the affirmative and the negative sides of civil-military relations in Chile. Having done so, it is now possible to provide a comprehensive assessment of this critical measure of democratic consolidation. This summary chapter will demonstrate that civilian control of the military in Chile is effective, but that considerable vestiges of military autonomy remain in place, even after twenty years. Recalling Pion-Berlin's argument that civil-military relations exist along a continuum of definitions, and post-authoritarian Latin American states are unlikely to meet the high standards often applied by means of normative definitions of civilian control, it will be seen below that Chile has unquestionably achieved political management of its armed forces.

In the two decades since elected civilians took office and ended the military authoritarian dictatorship of Augusto Pinochet, Chile has undoubtedly come a long way toward effectively subordinating the previously dominant armed forces. The "limitations, obstacles, and restraints," which President Aylwin acknowledged so early in his term, have been mostly overcome. In spite of the genuinely positive aspects of Chilean civil-military relations that were so prominently on display in the days and weeks after the February 2010 earthquake, there remain a number of fundamental vestiges of military autonomy that demand attention in order to fully consolidate civilian control of the armed forces. Three key areas—the Copper Law, regimes of exception, and traditional military identity—have seen no change at all to military enclaves. In others, progress has only been achieved through informal and pragmatic workarounds, leaving difficult legislative questions unanswered. The constitutional role of the military has been appropriately redefined, limiting it to a primarily external orientation and removing any undue political involvement. Nevertheless, extensive internal missions are still a part of the everyday business of the armed forces. Even the same constitution provides for circumstances in which uniformed personnel can take charge of entire zones of the country. Elsewhere, vestiges of the traditional Latin American mode of identity assigned to the military as

guardians of national character and social values are readily apparent. This chapter seeks to understand why so much variation exists in the progress achieved in each of the areas considered in the preceding chapters.

In sum, it is reasonable to say that civilian leaders in Chile have subordinated the armed forces to a great extent. Political management exists and is in all likelihood irreversible. Nevertheless, the overall picture of civil-military relations presents a mixed level of progress, with great success in some areas, and little to no success in others. However much the modes-of-transition literature may have helped to understand the state of affairs in the first decade or so after the transition to democracy, the electoral dynamics framework is the one that can best explain these varying levels of achievement. A key finding of this study is that, while the rational choice approach implicit in electoral dynamics certainly helps explain why some prerogatives have been completely overcome in Chile, this same theoretical framework also explains those areas in which little or no progress at all has come about. In other words, electoral dynamics, in and of itself, is by no means a guarantee that civilian control of the military will be fully consolidated. Implicit in this framework is the requirement that sufficient incentives exist to convince politicians to support policies that will increase their power with respect to the armed forces. There is no way to predict if or when such incentives will come into being, let alone to ensure that they do so.

Another key finding is that not all measures of civil-military relations can be affected by electoral dynamics. Widely held perceptions of military identity and the ways in which people, whether in or out of uniform, view the threats and opportunities presented by the world situation, for example, cannot be legislated or mandated. This does not mean that the modes of transition will necessarily doom these sorts of issues to stagnation. Instead, there is a natural tendency for these conditions to change over time as a result of myriad factors, most of which elude prediction.

A. PROGRESS AND STAGNATION: A PICTURE OF CHILEAN CIVIL-MILITARY RELATIONS

As a means of synopsis, this chapter will begin by presenting its findings within the framework of “jurisdictional boundaries” conceived by Trinkunas. This method provides a succinct visual representation of the evolution in the state of civilian authority over the armed forces. It measures the level of military participation in four categories of state policy: external defense, internal security, public policy, and state leadership selection. Military participation in each category is coded as one of three possible levels: military dominant, shared authority, and civilian dominant. As higher levels of military participation are found in each of the four categories, the likelihood of successful consolidation of democracy decreases. Shared authority in state leadership selection, for example, is more threatening to democratization than is military dominance in external defense. Effective civilian control, in turn, is defined in this framework as civilian dominance in all categories except external security, which may be coded as either civilian dominant or shared authority.¹⁶²

As the preceding chapters made clear, civilian control was weak—and the prospects for improvement were dim—when Pinochet left office in 1990. Trinkunas classifies Chile’s outlook for democratic consolidation under these circumstances as “regime persistence,” a sort of status quo in which the government has sufficient competence and capacity to keep itself in power, but at the same time has insufficient leverage over the military to make any real change in the relationship or jurisdictional boundaries between the two. Just as Pinochet intended, politicians in Santiago at the time had a “narrow opportunity structure” that severely limited their ability to change the conditions that they had inherited from the dictatorship.

More specifically, at the time of the transition there was clear military dominance in both internal security and external defense. The latter had enjoyed almost complete independence from civilian influence for most of Pinochet’s dictatorship, and even the installation of a *Concertación* politician at the helm of the Ministry of Defense made little

¹⁶² Trinkunas, “Crafting Civilian Control,” 174–177.

impact, given the institutional weakness of that organization at the time. Internally, the constitution explicitly mandated that the armed forces ensure the institutional order of the republic, opening the way for any number of expansive definitions of this term. The multiple enclaves of direct and indirect political influence that remained in place contributed to a strong military voice in external defense, internal security, and public policy. Of course, this last area also now enjoyed much more influence from elected leaders than it had before 1990, meaning that there was shared authority in this realm. As for the selection of national leadership, this must be coded as civilian dominant, since the impact of the military on this process was at most tangential by this time. The resulting graph of this situation can be seen in Figure 2. The predominance of darker shading, creeping outward from the center, offers an apt depiction of the reach of the military power at the time. To be sure, it had been contained since the earlier regime, when every ring, with the arguable exception of public policy, would have been shaded dark gray, but that containment only went so far, and the leaders chosen by the people had to concede substantial amounts of power to their unelected military counterparts.

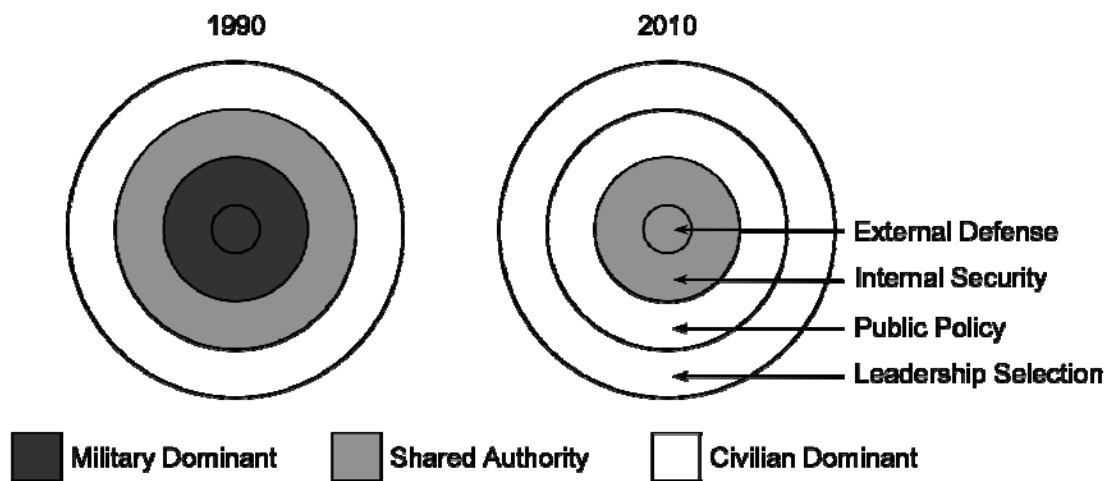


Figure 2. Jurisdictional boundaries in Chile since the transition to democracy
Source: Trinkunas, "Crafting Civilian Control," 175-176. 2010 measures based on author's assessment.

Since then, as has been discussed extensively above, things have improved. Figure 2 also illustrates the current state of jurisdictional boundaries in Chile. Unfortunately, this condition, too, falls short of a full realization of effective civil-

military relations, or what Trinkunas terms “strong institutionalized control.”¹⁶³ In particular, the continued presence of influence from uniformed officers in so many realms of internal security (broadly defined as this term is in Chile) prevents this country from surpassing the strictest standards of civilian control. Nevertheless, What can be argued in the case of Chile is that it has achieved *political management*, to the extent that “in a legal and practical sense” the armed forces remain subservient to the command of their elected and appointed civilian masters.¹⁶⁴ Whatever might be said about vestiges of military autonomy (and plenty will be said below), there is no evidence that uniformed officers have any desire, intention, or ability (in terms of political support) to disobey the policy decisions handed down by the government, let alone to actively intervene in matters of state governance.

B. VARIATIONS IN PROGRESS: SOME STICKY CONDITIONS

The purpose here is not to present an overall negative picture of Chilean civil-military relations. In fact, military subordination to civilian democratic authority is, on balance, strong in Chile. Credit for this significant turnaround from the overwhelmingly negative situation inherited by the Aylwin administration in 1990 goes primarily to the various rounds of constitutional reforms that have gradually chipped away at the barriers to progress over the years. To be sure, 2005 represented a milestone in this effort, but it did not mark the only changes that were made, either to the constitution, or to other factors affecting civilian control.

So where has progress been made, and where have things stagnated? Table 2 illustrates the variation in the overall findings of this study by coding each of the issues analyzed as having achieved “significant progress,” “some progress or workaround,” or “little or no progress.” The first of these categorizations is meant to indicate that a given issue has been changed (both formally and in practice) such that it either ceases to inhibit effective civilian control, or actively promotes military subordination. The second category, “some progress or workaround,” is applied to those factors that have achieved

¹⁶³ Trinkunas, “Crafting Civilian Control,” 176.

¹⁶⁴ Pion-Berlin, “Political Management of the Military in Latin America,” 26.

some apparent measure of improvement in the direction of “significant progress,” but without formal legal reforms and/or without complete implementation of the reform in question. The final and most negative categorization, “no progress,” includes those aspects discussed in this paper that have not undergone any significant modification in the past twenty years. Three of the issues considered fall somewhere in between the second and third columns, indicating that improvement is evident, but that the available evidence indicates a nascent change that has yet to become overwhelmingly apparent or formally institutionalized. Notwithstanding the fairly broad nature of this scheme of categorization, and the subjectivity inherent in the author’s final assessment of these measures, this exercise is useful in order to determine some equally broad patterns of variation in the improvements (and lack thereof) in Chilean civil-military relations.

Table 2. Variations in progress among measures of civil-military relations, 1990–2010

	<i>Significant progress</i>	<i>Some progress/ Workaround</i>	<i>Little or no progress</i>
Constitutional Reforms	Right to repress		Regimes of exception
	Military presence in government		Internal role
	Control over senior officers		
	Barriers to future reforms		
	External role definition		
Other Legal Reforms		Human rights accountability	Copper Law
		Organic Law (10% minimum)	
		Organic Law (education and doctrine)	
		Ministry of Defense	
Extra-legal Factors	Internationalist worldview	Geopolitical worldview	
	Military contestation		Traditional military identity

Source: Author’s assessment.

To aid in finding these patterns, Table 2 dispenses with the dichotomy between “barriers to progress” and “roles and missions” that has been employed up to this point in this study. Instead, three classes of factors are grouped together: constitutional reforms, other legal reforms, and extra-legal reforms. Clearly, the first of these involves any

changes made to the constitution with respect to the armed forces since 1990. “Other legal reforms” comprises changes to any other laws, such as the Organic Law of the Armed Forces, that have impacted civilian control of the military. The third and final class, “extra-legal factors,” includes those conditions that cannot necessarily be legislated or mandated. This characterization is fitting for such issues as geopolitics, modes of identity, and military contestation, all of which are at least as important as any of the formally mandated conditions found in the other two groupings above.

Broadly speaking, Table 2 demonstrates that Chilean politicians have had greatest success in modifying the constitution, and the least success in changing or creating other legal instruments. The extra-legal factors, which politicians have only a limited ability to directly impact, demonstrate mixed levels of progress, with a trend toward improvement. The table also illustrates the three most troublesome conditions that continue to restrain civilian control of the military in Chile: the regimes of exception, the Copper Law, and vestiges of traditional military identity.

1. Constitutional Reforms

That the most advances have been seen among constitutional reforms may not be as surprising as the negative predictions made by modes-of-transition scholars would have led us to expect. One of those same authors, in fact, recognized the progress being made in this regard soon after the transition. Mark Ensalaco pointed out in 1994 that “the splendid irony of Chile’s continuing transition is that democratic forces are succeeding in transforming the political system they took over from the military by tampering with the military regime’s own Constitution.”¹⁶⁵ In contrast, Agüero contends that the reforms passed in 1989 represented a merely superficial level of change, one that the outgoing military regime was satisfied to permit since it left in place the most crucial elements of the constitution that created the institutionalized regime.¹⁶⁶ This assessment certainly helps to explain the success that the opposition *Concertación* had in obtaining whatever

¹⁶⁵ Ensalaco, “In with the New, Out with the Old?” 409.

¹⁶⁶ Agüero, “Legacies of Transitions: Institutionalization, the Military, and Democracy in South America,” 389.

concessions they could prior to the 1990 transition. Its skeptical outlook, however, fails to acknowledge that those same concessions paved the way for future reforms, which, as it turned out, came gradually and incrementally until the 2005 package of amendments was approved. The very fact of constitutional reforms having been passed prior to the 1990 transition means that the Pinochet regime failed to institutionalize itself fully, thereby leaving vulnerabilities that could be attacked by democratic politicians. The “irreversible” nature of those reforms, in turn, ensured that future amendments were likely only to build upon and strengthen those that came before them.¹⁶⁷ The trend toward democratic consolidation by means of a gradual, piecemeal overhaul of the constitution was established, therefore, before Aylwin even took office.

2. Other Legal Reforms

If constitutional amendments have been so important and so successful for civilian politicians, why have the other legal reforms needed to consolidate military subordination remained so elusive? The answer to this puzzle lies in the nature of these other reforms. Elected leaders viewed the changes to the constitution as necessary in part because they directly impacted the power relationship between themselves and not just their opponents in the military and the far-right political parties. By modifying these elements of the chief legal document in Chile, politicians sought, above all else, to improve their own position with respect to their opposition. In keeping with the rational-choice model identified by Hunter and Fuentes, these individuals were behaving just as any other democratically elected leader would, with the primary objective being to keep oneself in power for as long as possible. By and large, the Organic Law of the Armed Forces, the secret Copper Law, and questions of amnesty for human rights violations, did not threaten *Concertación* members with being booted from office. If anything, politicians from the other side of the aisle were in a weaker position with respect to these laws. To see this more clearly, each of these issues bears examination separately.

In the case of the human rights issue, the democratic government played a balancing game in which it sought to give the appearance of progress on the issue while

¹⁶⁷ Ensalcado, “In with the New, Out with the Old?” 429.

at the same time placating the military and the far right in order to win support and concessions elsewhere. Of equal importance in the human rights cases was the simple fact that its resolution lay largely beyond the reach of the executive or legislative branches. Instead, the high courts that Pinochet himself had so cleverly packed with his supporters, had a stranglehold on the matter. The problem was even more deeply seated than this fact implies, given that even after Aylwin had managed to replace more than a third of the High Court judges, the executive found only continued resistance to reconciliation efforts.¹⁶⁸ This situation would not begin to change until 1997, when constitutional reforms that “effectively brought the Pinochet-dominated court era to a close” were signed into law.¹⁶⁹ Importantly, this legislation also marked a turn for the conservative parties that had traditionally been linked so closely to Pinochet, the military, and the judiciary. Pion-Berlin argues that this shift was part of a broader movement within the parties of the right to distance themselves from the legacy of Pinochet, an implicit recognition of the low level of public support enjoyed by the former dictator and those who had tortured and disappeared on his command.¹⁷⁰ Garretón pointed up the same popular disapproval of political or legalistic justifications for human rights violations in 1999. “The real problem is the reconciliation between the armed forces and the minority on the political right, on the one side, and the broader society on the other.”¹⁷¹ Thus, electoral dynamics had an impact on the right-wing parties in much the same way it affected the ruling left-wing coalition.

The Organic Law of the Armed Forces has remained essentially untouched to date. Again, rational choice offers an easy explanation for this situation. The two facets of the organic law that most undermine effective civilian control of the military do not significantly threaten the ability of politicians to remain in office. The formal assignment of responsibility for doctrine and education to uniformed officers is fitting for a country

¹⁶⁸ David Pion-Berlin, “The Pinochet Case and Human Rights Progress in Chile: Was Europe a Catalyst, Cause, or Inconsequential?,” *Journal of Latin American Studies* 36, no. 3 (August 2004): 494–495.

¹⁶⁹ *Ibid.*, 500.

¹⁷⁰ *Ibid.*, 500.

¹⁷¹ Garretón, “The Revenge of Incomplete Democratization,” 262.

that has achieved effective political management of its armed forces. Sufficient numbers of civilians with the requisite professional experience to carry out these responsibilities simply do not exist.¹⁷² On the other hand, military personnel, whether on active duty or retired, are readily available to do these sorts of jobs.¹⁷³ Even the recent modernization of the Ministry of Defense fails to address this shortcoming. The stipulation that the defense budget not fall below the floor established by the 1989 budget, as discussed in Chapter II, has never proven to be an obstacle to legislators or the president. The Organic Law, therefore, does not present politicians with any incentive for change.

The Copper Law presents an interesting counterpoint to the case of the Organic Law. In light of the obviously high level of military autonomy guaranteed by this particular legislation, one might expect there to be fairly significant motivation for politicians to seek its repeal. Then again, it must also be considered that this law predates the Pinochet era, having been passed originally in 1958, and has survived governments from across the political spectrum. Not even the socialist Salvador Allende felt compelled to tamper with it. As was mentioned earlier, Pinochet's tinkering with the Copper Law turned out very quickly to be irrelevant.

Recent events have shed needed light on this apparent puzzle. After more than half a century of longevity, politicians from both sides of the aisle and at the highest levels are publicly and adamantly calling for its repeal. The timing of these stepped-up calls, which go far beyond any rhetorical denunciations of the Copper Law made before them, is a direct result of recent historical spikes in world copper prices. Put simply, the Copper Law was not enough of a problem for politicians until the amount of money involved became overwhelmingly large. Sufficient incentive for change, then, has been facilitated and pushed along only by recent copper price surges.

For most of the past two decades, the political will needed to tackle this outstanding prerogative once and for all did not materialize. This makes sense, given that copper prices remained low until fairly recently. So long as commodity prices stayed

¹⁷² Navarro, *Metodología para el Análisis de los Ministerios de Defensa: El Caso Chile*, section 4.

¹⁷³ *Ibid.*, section 4.

low, there was little reason for anyone to be particularly concerned that the military was receiving a portion of the relatively meager revenues from copper exports. Furthermore, and in keeping with the theme of political management, the lack of defense expertise among Chilean legislators and their staff has created inertia and a hands-off approach with respect to the Copper Law.¹⁷⁴ The massive and unprecedented jump in copper prices that occurred between 2004 and 2006, however, brought the troubling nature of this law into stark relief. Increasingly strong calls by former President Bachelet and her successor, Piñera, including the submission in September of 2009 of a bill that would repeal the 10 percent reserve funding, appear to have this law's days numbered. The reason behind these calls is, once again, the rational decisions by civilian leaders to appease constituents. On the one hand, the government-owned copper industry (known as CODELCO) is, for obvious reasons, not fond of handing over one-tenth of its revenues to another organization. Moreover, this same financial obligation does not improve CODELCO's corporate reputation. Military leaders, on the other hand, are worried about the viability of a system that allocates funding based on fluctuating commodities prices, and which provides that budget on a rolling two-year timeframe, thus inhibiting effective long-range budget planning and projections.¹⁷⁵ It seems likely that there is also a growing public perception that the Copper Law creates an obvious imbalance in the apportionment of state resources. Notwithstanding their desire for a powerful and modern military, Chileans might question why the government should hand over so much of its wealth to the apparently healthy armed forces when so many of the country's citizens live below the poverty line, particularly in the absence of genuine external threats to security. Ever since copper prices skyrocketed just a few years ago, then, the difficulties inherent in the Copper Law have become evident to all sides, creating a consensus that the mandate needs reform.

¹⁷⁴ David Álvarez Veloso, "El Sector Defensa en Chile y los Desafíos de una Política Pública," in *Atlas Comparativo de la Defensa en América Latina*, ed. Marcela Donadio and María de la Paz Tibiletti, 158–163 (Buenos Aires: Red de Seguridad Defensa de América Latina, 2005).

¹⁷⁵ Steve Anderson, "Chile's Bachelet Seeks To Overhaul Defense Ministry, Arms Financing," *Santiago Times*, February 8, 2010.

Whether that consensus is sufficient to create the political momentum needed to formally overturn this legislation remains to be seen. Opposition to the reform is still present, and generally reflects the same geopolitical tendencies that have described elsewhere in this study. Writing last year in Chile's *El Mercurio*, the then ex-Minister of Defense (who has since returned to that post), Jaime Ravinet expressed concerns that without the Copper Law, the military will not receive sufficient funding to confront to threats facing the nation.¹⁷⁶ He also credits the same law with having permitted the country to enjoy "peace and security for more than half a century."¹⁷⁷ Another right-wing politician worried that a repeal of the Copper Law "sends the wrong signal" in view of the continued territorial demands being made by Peru and Bolivia.¹⁷⁸ In the eyes of some, then, the Copper Law is an essential guarantee against the geopolitical intentions of Chile's neighbors.

Overhauling the Ministry of Defense is coded in Table 2 as having achieved only "some progress." The recent passage of the new Organic Law of the Ministry of Defense signals that there is a desire on the part of civilian decision-makers to increase their control over the armed forces. For a number of reasons, however, this move fails to indicate that significant progress has been made in this regard. First, the difficulty with which the law was passed, requiring more than five years and spanning two presidential administrations, indicates that there was minimal consensus among lawmakers on the matter of Defense Ministry modernization. Second, as mentioned above, the law fails to address the more troubling aspects of the Organic Law of the Armed Forces, thereby leaving in place some of the more critical weaknesses of the minister. Finally, having been implemented only a few months prior to the writing of this study, it would be premature to give very much credit to the measure. Time will tell if the changes it has

¹⁷⁶ Jaime Ravinet, "Reemplazo de la Ley del Cobre y la Defensa Nacional," *El Mercurio*, September 27, 2009.

¹⁷⁷ Ibid.

¹⁷⁸ José Luis Riffo M., "Pasado, presente y futuro de la Ley Reservada del Cobre," *Biblioteca del Congreso Nacional de Chile*, September 23, 2009, http://www.bcn.cl/carpeta_temas_profundidad/ley-reservada-cobre (accessed June 10, 2010).

wrought will bring any real strengthening of the minister's power. In any event, though, the mere passage of this bill is indicative of a positive and formalized trend toward stronger civilian control of the military.

3. Extra-Legal Factors

The final category of items considered in Table 2, extra-legal factors, is perhaps the most difficult to explain with any assurance of accuracy. Sitting beyond the direct control of any individual or organization, it is difficult to pinpoint any single factor as the most important in changing them. Nevertheless, two items stand out as having produced the mixed levels of progress indicated in the table. First, the significant progress noted in relation to the internationalist worldview and the lack of military contestation are indicative, in part, of the broader generational shift that naturally occurs in any organization. The armed forces are not a simple "black box," as this study has treated them up to this point. In reality, of course, the military is made up of individuals with experiences and beliefs that are at turns both unique and shared across generations, socioeconomic classes, or other groups. Since 1990, it will come as no surprise that the make-up of the Chilean military has changed slowly but constantly, to the point that only a minority of the men and women who served under Pinochet remain in service today.¹⁷⁹ The rest, quite obviously, entered the armed forces under a democratic regime. It would be unrealistic to presume that Pinochet's influence disappeared upon his death in 2004, but it would be equally naïve to expect that his iconic status has remained constant. Irrespective of Pinochet's influence, all of the servicemembers in today's Chilean armed forces have been imbued with the more modern sense of the military's role in the nation's defense. The internationalist attitudes of so many civilians and officers, contrasting so sharply with attitudes prior to 1990 (and even into the 1990s and 2000s), provide further evidence of this phenomenon. The ongoing lack of public acts of military contestation sends a powerful signal not just to the public, but also to the younger members of the armed services, thereby reinforcing this generational trend.

¹⁷⁹ As of 2008, "only six of those in the army at the time of the 1973 coup remain in service." (See *The Economist*, "A force for good, for now.")

Whether such progress will be seen in the still-traditional modes of identity applied to members of Chile's armed forces remains to be seen. Geopolitics also appears to be weathering the gradual generational upheaval more or less intact. It seems most likely that such views, proclaimed from on high in the defense white papers and elsewhere, are unlikely to retreat from their current level of influence any time soon. Why is it that these two vestiges of weak civilian control remain so strong while the other extra-legal factors have improved so much? To begin with, both geopolitics and traditional forms of military identity were powerful trends in Chile long before Pinochet even joined the army. As has been discussed, both of these are deeply embedded in the Chilean psyche and have remained so through all sorts of historical transitions. It will take much more than the mere passage of time and the presence of a vibrant democracy to temper these emotion-laden and nationalistic modes of thinking. This is not to say that nothing can be done to move this process along. Civilian leaders can and should pursue legislation, defense policy, and foreign policy that will reinforce the trend away from these closely interrelated phenomena. Indeed, as was discussed in the section on international peacekeeping, some analysts have argued that just such a process has been underway in Chile for at least the past decade. Nevertheless, as the last two examples from the above analysis of the Copper Law indicate, there are plenty of members of the civilian political class who themselves hold onto these sorts of views, not the least of which is the current Minister of Defense.

It therefore is interesting to note that, among all the measures of civilian control of the military assessed in this paper, none is more influenced by the path-dependency put in motion by the modes of transition than are these two extra-legal factors. This is noteworthy because none of the modes-of-transition literature directly addresses either geopolitics or military identity. Being primarily institutionalist in their approach, these authors focused instead on the measures from the other two categories in Table 2. Yet both of the other two factors with the least progress (the regimes of exception and the Copper Law) are in many ways connected to the question of Chile's perception of its own geopolitical situation and of the appropriate manner of employment for the armed forces. As an area for future study, it would be worthwhile to better understand the trajectory of

these two vestiges over the course of Chilean history, with the aim of predicting their future influence on policy-making in general and on civil-military relations in particular.

C. ASSESSING THE PREDICTIONS

Did the predictions get it right? Was the pessimism and skepticism in the modes-of-transition literature well founded? Did the electoral dynamics school see something that others missed? In a sense, these may not be the right questions to ask; the answer to both questions is “yes.” It may be useful, instead, to inquire as to what both schools overlooked. Scholars who emphasized the importance of the modes of transition largely underplayed, or even ignored, the power of elected civilians to modify the rules of the game that hemmed them in. These analysts also discounted the critical importance of the legacies of geopolitics and traditional military identity and how these two issues might play into the evolution of civilian control. The electoral dynamics framework, on the other hand, did not sufficiently acknowledge that the same rational decisions that could so powerfully drive the progress toward democratic consolidation might also inhibit the very same progress.

Those observers who saw a low probability of successful democratic consolidation in 1990s Chile had good reason to be skeptical. Many of the most troubling aspects of the military dictatorship remained very much in effect even after President Aylwin’s inauguration. At least as troubling was that Pinochet still held an amount of power that was ludicrous in light of his status as a deposed dictator. His scheduled move from command of the army to a waiting seat on the senate floor in 1998, “an act of great symbolic violence” in the eyes of some,¹⁸⁰ only promised to extend his influence indefinitely. A lack of progress in tackling the difficult reconciliation needed in the wake of so many human rights violations was only exacerbated by the contentious cases of General Contreras and the Rettig Report, not to mention the disturbing *boinazo* and *ejercicio de enlace* affairs. To conclude, as the modes-of-transition scholars did, from this overwhelmingly negative evidence that a strong Chilean democracy was not in the cards is quite justified.

¹⁸⁰ Garretón, “Chile 1997–1998: The Revenge of Incomplete Democratization,” 261.

In contrast, for anyone to have predicted otherwise seems, on the face of it, to have required an enormous faith in the power of electoral politics, if not a certain suspension of disbelief. A closer reading of the work by authors like Hunter and Fuentes, however, makes it quite obvious that neither of them was looking through rose-colored glasses as they studied Chile in the postauthoritarian era. In fact, both of them fully acknowledge and analyze the difficulties facing Chile's democratic consolidation.¹⁸¹ The key distinction in their work, of course, is not a lack of hardnosed realism in their assessment of the challenges facing Chile; it is merely that they each recognize that those challenges are not set in stone. Indeed, the rules of the game resulting from the pacted transition were themselves the result of a series of negotiations. Electoral dynamics logically extends this fact to argue that those negotiations are, in a sense, never-ending in the context of an electoral democracy. Put simply, politicians will, as time goes on, continually reshape those rules, eliminating them and adding new ones as the situation might require or desire, in an infinite series of rational calculations aimed primarily at keeping oneself in power.

The evolution of civil-military relations in Chile has shown that the predictions of both the electoral dynamics and the modes-of-transition frameworks were modulated in a number of ways. Electoral dynamics, in a sense, contains the seeds of its own potential failures, insofar as the key variable is the presence or absence of incentives for change. In several of the measures discussed in this study, the lack of incentives has ensured that crucial vestiges remain in place, even after twenty have gone by. In its focus on the founding conditions, the modes-of-transition literature, for its part, tended to downplay the single greatest factor that has contributed to the successes that have been achieved to date in Chile, the same electoral dynamics. Interestingly, had these scholars chosen to address geopolitics and military identity in their assessments, it seems likely they would have only found even greater justification for their pessimism.

What neither the modes-of-transition nor the electoral dynamics framework includes in its expectation is the fact that whatever critical juncture one chooses as a

¹⁸¹ For a particularly damning analysis of Chile's slow progress, see Claudio Fuentes, "Resisting change: security-sector reform in Chile," *Conflict, Security & Development* 2, no. 1 (2002): 121–131.

starting-off point is bound to be followed by other critical junctures. The reason for this omission is obvious enough: those critical junctures, being profound changes to existing conditions, are generally totally unpredictable. Just as no one foresaw that Augusto Pinochet would leave office back in 1980, this study could find no predictions of the arrest of the former dictator, nor of Chile's coming economic success.

In the end, though, the crucial question that has determined the bulk of the generally impressive progress so far achieved in Chile has been whether or not the incentives exist to motivate civilian leaders to seek the reforms and actions that will contribute to effective civil-military relations. Rarely will a politician pursue stronger civilian control of the armed forces for its own sake. Rhetoric aside, it is difficult to make the case that any of the modifications to Chilean laws and policies that have contributed to the generally effective level of political management were made on such an ideological basis. Just as important, there are issues that are beyond the reach of electoral dynamics. Even Pinochet cannot be given full credit for intentionally shaping the powerful legacies of military identity and geopolitics that were present in 1973, in 1990, or even today. The forces at play in shaping these facets of civil-military relations, be they generational, educational, or cultural, are far too complex to be reined in by the government. Only time will allow for their continued evolution toward effective support for strong civil-military relations and a fully consolidated democracy, but there is no guarantee even of this.

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