

RECONCILIATION AND POWER

HANDLING CIVIL-MILITARY
RELATIONS IN
POST-TRANSITION CHILE

TAYLOR HAZELRIGG BATES
DAVID GALLUCH
RYAN M. YOHE

Taylor Hazelrigg Bates, a sophomore at Tufts University, is an international relations major concentrating in security studies. He is a graduate of the US Senate Page School and served as a delegate to the 2008 Democratic National Convention. He is involved in the Director's Leadership Council for the International Relations Department, is a captain on Tufts Mock Trial, and is a member of the Institute for Global Leadership's Synaptic Scholars program and ALLIES program.

David Galluch is a sophomore at the US Naval Academy. He is an economics major and plans to pursue a Master's Degree in Economic Philosophy. He also hopes to become a Navy E.O.D. (Explosive Ordnance Disposal). At the Naval Academy, he is a member of ALLIES and the Special Operations Workout team.

Ryan M. Yohe is a junior political science major and a Russian language minor at the US Naval Academy. She plays for the USNA lacrosse team and participates in ALLIES. She is currently a research assistant for the USNA Debate Team.

In summer 2009, ALLIES (Alliance Linking Leaders in Education and the Services) sent a team of students Chile to Chile for a month to research civil-military relations. ALLIES is a student group that began at the Institute for Global Leadership at Tufts University and now has chapters at the US Service Academies. For the past three years, ALLIES has engaged students in the annual Joint Research Project, sending a mix of civilian and military students to conduct research internationally. This year's diverse team was comprised of students from the US Military Academy at West Point, the US Naval Academy at Annapolis, and Tufts, including a former scout sniper and current First Captain at West Point, an aspiring Special Operations midshipman, and a Veteran's Affairs intern for the late Senator Edward M. Kennedy.

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Introduction

Reconciliation is an important term in the Chilean political lexicon. It means many things: Reconciliation between General Pinochet's former regime and the civilians who have governed since 1990, reconciliation between the socialists elected in 1970 and the conservative officers who ousted them in 1973, and reconciliation between the rich and poor who remain separated by Latin America's third-highest wealth gap.¹ Chile's efforts at reconciliation are important not only for their effects on Chileans, but also for their implications for other states with troubled relationships between civilians and the military. For every country that has recently felt or still feels the influence of the military in politics—Honduras, Thailand, Myanmar, Libya, Madagascar and countless others—Chile holds important lessons for future reformers.

The ALLIES trip made observations in several areas, two of which are presented in this article. Midshipman Ryan M. Yohe shares lessons on improvements in Chile's civil-military relations at the highest levels. Midshipman David Galluch presents his recommendations below on Chile's "Copper Law," one of the mechanisms by which it funds the military.

Historical Background

Chile, this line of territory between the Andes and the Pacific Ocean, has moved between democracy, dictatorship, socialism and laissez-faire capitalism. Today, it has a free-market economy, Socialist president, and democratic government. This synthesis of ideas was only reached after a long and painful period, shaped by the transitions into and out of dictatorships, most notably the dictatorship of Gen. Augusto Pinochet from 1973-1990.

In 1970, Chileans elected Salvador Allende to the presidency by a very narrow margin. An avowed Marxist, his Popular Unity coalition included Socialists, Communists, Radicals, and dissident Christian Democrats. His election and his drastic changes in Chile's economic policies – ranging from agrarian reform to the nationalization of banks – raised concern both within Chile and externally. On September 11, 1973, the four branches of the Chilean military, aided by training and finances from the U.S. government, came together to

form a junta and overthrew Allende in a coup d'état. Allende died in the coup, and General Augusto Pinochet, who Allende had named as Commander in Chief of all of Chile's armed forces less than a month earlier, assumed power.

General Pinochet then began a period he called an "internal war" against leftists. He formed a secret police, the DINA, which became the main tool of abduction and disappearance. Thousands of people disappeared from their homes, mostly between 1973 and 1977.² In 1978, the regime passed an amnesty law pardoning all potential crimes committed in service to the government.

After silencing the opposition with violence and taming Chile's economic troubles, the Pinochet regime sought to establish its legitimacy with a new constitution. The constitution scheduled referendums on the president every eight years; the voters would vote "Yes" or "No" to General Pinochet, the only candidate on the ballot.

In 1988, Pinochet lost the referendum despite intimidation and media control. Faced with the choice of a coup against his own government or a negotiated end to the regime, Pinochet agreed to cede presidential power, although he would remain head of the armed forces until 1998, when he would become a senator-for-life. After two years of negotiation, Chile held open elections in 1990, choosing Patricio Aylwin from the center-left Concertación coalition.

For the first time since 1973, Chile democratically elected a president and Congress, but the military still held enormous power. Pinochet appointed nine senators-for-life to safeguard his policies and structured elections so that two opposing candidates would both represent a district unless one of them won in a landslide. These conditions favored Pinochet's ideological allies, severely blunting Chileans' expression of their preferences.

Another check on democratic expression was the military's readiness to stage another coup. The armed forces demonstrated their continuing political involvement with the "Boinazo" incident. On May 28, 1993, paratroopers surrounded the Chilean Army headquarters near La Moneda palace, the scene of the 1973 coup.³ The Aylwin government resolved the situation peacefully, but the display highlighted the civilian government's weak authority.

Since then, Chile's armed forces have grown significantly more professional in the face of political changes and investigations. In 1998, British authorities arrested General Pinochet in London. The British eventually released Pinochet, citing health concerns, but the arrest set a precedent for the Chilean justice system. Judge Juan Guzmán received an assignment to investigate mass murder under the regime, and his initial discoveries led to a string of prosecutions that put Pinochet on the defense until his death in 2006. Despite the lack of a conviction on any of the counts, these prosecutions provided legal precedent for the arrests of hundreds of officers involved in disappearances and torture.⁴ In stark contrast with the 1993 Boinazo, today's Chilean military has officially repudiated Pinochet's doctrine.

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Chile's military has regained much of its professional and apolitical tradition. Constitutional reforms in 2005 restored the president's authority over promotion and retirement in the military,⁵ and civilians are slowly reasserting themselves in the Ministry of Defense. Though many Chileans still sympathize with Pinochet's economic policies, his legacy is fading from relevance. Chile is now approaching the institutional civil-military model of a stable, wealthy democracy.

Civilian Control of the Military

The military exists as an entity distinct from civilian society because it has a unique role that is both absolutely necessary and extremely dangerous. In most developed states, the military is one of very few institutions authorized to use violence on behalf of the government. Police forces and internal security are often tasked with the justifiable use of violence against criminals within the country's borders, while the military deals with foreign threats. The military's ability to use violence may be necessary for the defense of the state, but it carries risks as historically seen with Chile's history of rule under a military regime. How can a civilian leader give orders to the state's most heavily armed, highly trained forces? In Chile, the military reversed the normal chain of command in 1973, and since then, the essential question has been raised: "How can we prevent this from happening again?" Chile has made impressive progress on this front. Today its public is more confident than ever in

the abilities of its military and their sense of honor and loyalty with respect to their country. Chile's success thus serves as a lesson to emerging democracies, and the few areas in which it still seeks improvement provide greater insight into the future of civil-military relations.

While in Chile, many of the participants in our study consistently recognized knowledge and experience as a crucial area of improvement in civilian control of the military. Dr. Claudio Fuentes, director of the Institute for Social Science Research at Diego Portales University, described effective civilian control of the military as being dependant on legal, informal and technical institutions. Since 2005, Chile's civilians have had full legal control of the military, but according to Dr. Fuentes, the informal and technical institutions require additional attention on behalf of the civilian leaders.⁶ The military can exert informal influence through ties to politicians, as well as through their established credibility among political leaders. Furthermore, military experts largely retain technical expertise and influence due to their civilian counterparts general lack of expertise. Chile suffers from a civil-military human resource gap — it needs many qualified civilians to manage its powerful military but has very few civilians with defense policy experience. According to Professor Fuentes, the Ministry once had less than ten advisers who had been lifelong civilians.⁷ Today, the numbers have increased, but the need for qualified civilians has not changed.

One of Chile's few civilians to become an expert in defense from outside the regime, Professor Felipe Illanes, advocates for more education and training in the Ministry such as that provided at the National Academy of Strategic and Political Studies (ANEPE). According to Professor Illanes, the ability to "speak the same language" with his military counterparts allowed him to create a better working relationship with them. Furthermore, it enabled him to establish a bond of trust with the military that vastly improved the perceived inoperability of civil-military relations. While acknowledging that his civilian colleagues were competent and concerned people, even the perception of inexperience damaged trust and allowed the military to assert control over the agenda.

The creation of a better working relationship between the civilian leaders and military commanders is found with the increase in education with respect to the civilian population. Furthermore, it has been aided by the inclusion of greater transparency on behalf of the military such as the adoption of the White Book, the touchstone of defense policy. According to General Juan Emilio Cheyre, former Commander-in-Chief of the Chilean Army and director of the Center for International Studies at the Pontifical Catholic University in Santiago, the transparency requirements instituted since 2002 have helped to reestablish the Chilean military as a highly trusted institution. The White Book has created an environment of transparency and confidence toward the military by allowing easier access to yearly expenditures and operations by publishing the common goals and values of the civilian leadership and military personnel.

To illustrate the efforts that the Chilean government made to create an environment of transparency, retired Capitan de Navío Ricardo Benavente described his role in drafting the first White Book in 1997; though the commission was ostensibly equally balanced, he said only three members were "chemically pure" - that they had never served in the military.⁸ He described the process as consensus-driven, with civilians and military personnel trying to accommodate conflicting viewpoints. This dynamic of compromise, while helpful in bridging the civil-military gap, included very assertive military negotiations against what they perceived as "unrealistic" civilian approaches.⁹ While not

demonstrating any real institutional power, the White Book process shows the military's enduring informal and technical influence in the absence of strong civilian education and leadership experience.

Even with total legal control of the military, civilians need to appear competent and assertive to set the national defense agenda. If competence and assertiveness are the virtues of a civilian defense bureaucrat, then professionalism is the primary virtue of a responsible officer corps. As one of the few sectors of society entrusted with legitimate violence, it is crucial for an officer corps to understand when and where it is authorized to use that violence, and to what extent the officer may speak on matters of state policy. A lack of this professionalism can render subjective legal constraints on the military powerless, because the military may choose to override laws with force. After a transition to democracy, a military is likely to lack the professional ethos necessary for true civilian control due to their long allegiance to the military.

The White Book recommended increased professionalism as late as 1997 and 2002,¹⁰ demonstrating the long lag between changing government and changing attitudes. One officer working to professionalize the new generation, Capitan de Bandada Oscar Hevia, a teacher at the Chilean Air Force Academy, was charged with "guiding the moral development of cadets." He put the task of professionalism in moral terms: the difference between using strength against the people and using strength according to the will of the people, as expressed by the president.¹¹ In 1993, senior officers responded to human rights investigations and democratic reform by staging the "Boinazo" show of force. Contrasted with the period of 1998 to 2006, when the military did not interfere in Pinochet's prosecution for torture and murder, the military has made great strides in accepting the rule of law by civilians.¹² By breaking bonds with the past and giving up old tactics of political influence, the Chilean military has demonstrated this ideal high degree of professionalism.

Since 1990, the Chilean military has drastically improved its professionalism, from recognizing civilian leaders as the legitimate authorities to defining themselves as apolitical de-

fenders.¹³ As the military becomes more professional, Chilean policy can begin to trust the military with more autonomy and centralized power in return for greater effectiveness and security. This tradeoff would come from instituting a structure similar to that of the US Joint Chiefs of Staff. In a study published in the journal *Armed Forces and Society*, political scientist David Pion-Berlin argues that Latin American democracies should hesitate to centralize military authority in a joint command structure, and should keep an advisory staff parallel to the military commanders instead. He observes that when control of the military is based on the state's ability to react to incentives and demands rather than to command absolute loyalty, a divided military structure forces branches of the military to compete for funding or better terms with the central government.¹⁴ We observed that in the past 100 years, Chile has had no foreign wars and two military coups¹⁵, suggesting that a strong, unprofessional military is a greater danger to political stability in this particular country than is the possibility of foreign aggression. As the military becomes more professional, the state can trust it with greater cross-service coordination, but an unprofessional and highly unified military would be more likely to influence national policy than effectively prosecute or deter war.

After its difficult transition, Chile's example outlines the areas of greatest importance in securing effective civilian control of the military. First, putting the civilians on an even playing field with the military in terms of being able to understand the military jargon and demonstrating the ability to assert the government's agenda will be a crucial change following the years of civilian exclusion from defense policy. Second, no military can be truly controlled until it voluntarily agrees to limit its actions and accept the guidance of civilian laws and leaders. These recommendations aim to enact such changes with respect to the military and civilians at the highest levels, while simultaneously structuring institutions with the capability of overcoming shortcomings. Chile has effectively transitioned from a military dictatorship to a democratic state based on legitimate civilian leadership. Many states in the region and around the world would do well to learn from its recent history.

The Copper Law and Its Implications for Democracy

The primary focus of Chile's democratic leaders from 1990 to the present has been the mitigation of military-regime-era legislation and procedure, which stem from the remnants of institutional structures and practices in an effort to construct robust and effective democratic institutions.

To become a true democracy, a nation must do more than just hold elections. They are the first step, events that serve as "institutional technologies by which people hold governments to account."¹⁶ To have an effect, elections must be supported by "a range of institutional checks and balances, processes that restrain incentives for governments to behave in undemocratic fashions."¹⁷ Such checks and balances maintained through government ministries and legislation ensure that the rules by which a nation is run will not change, even if those governing do.

Chile's contemporary political and economic stability is derived from the strength of its institutional checks and balances. Since the elimination of military rule, elected civilians have strengthened democratic control over governmental institutions like the Ministry of Defense, as well as eliminated much of the armed forces' influence in Congress. A system of effective safeguards against autocratic control has been developed, placing control in civilian hands, and thus insulating Chilean democracy from a possible return to military rule.

Despite such developments, however, divisive issues remain. One such matter of particular importance is Chile's current legislation regarding military acquisitions. Dubbed the "Copper Law," it stipulates that approximately ten percent of Chile's annual copper export profits be allocated to the military for the purchase of new weapons systems.¹⁸ Since Chile has the world's largest copper reserves and bases much of the export economy on this resource, such a link has been very lucrative for the military. While the law has been in existence since well before the military coup in 1973, many in Chile claim that it grants the military a disproportionate amount of autonomy from the civilian government. The debate over the Copper Law highlights a conflict between a strong military, strong civilian oversight, and equitable distribution of resources.

Equipping a modern military is an expensive and seemingly perpetual venture. Purchasing weapon systems is labor-intensive. Military acquisition policy must focus on maintaining current levels of operational capacity, as well as developing a long-term vision of the "force of the future." Without explicit specifications detailing the desired size and composition of a nation's military, the purchase of weapons can resemble an extravagant shopping spree rather than an organized and essential defense process.

Effective procurement methodology and policy requires two things: educated leaders to coordinate systems purchases and adequate funding from a reliable source. Without these essential factors, military acquisitions tend to become frivolous expenditures or unaffordable fantasies of the highest extravagance. The greater degree to which a nation can provide competent defense leaders with ample acquisition funding tends to augment the quality of that country's armed forces.

Monetary capital utilized for weapons procurement composes a small portion of a nation's military budget. Like all institutions subsidized by a national or central government, the military receives a limited amount of funding that forces it to adjust its finances accordingly. Governments must always face the "guns versus butter" economic dilemma. A nation has but a limited amount of capital to subsidize its various institutions and programs. The allocation of funds to the military is a hotly debated topic around the world. An incumbent government has many constituents to serve and to please. By choosing to finance new weapons acquisitions, governments choose to leave other programs unfunded. Reconciling defense spending with expenditures on other initiatives is an often divisive and complicated process.

Currently, the Chilean armed forces have two main sources of funding: the national budget and the Copper Law. Operational costs—including salaries, pensions, rations, etc—are financed through the national budget. Weapons purchases, as previously mentioned, are funded through the ten percent of copper export profits automatically allocated to the military each fiscal year.¹⁹ The automatic allocation of copper profits without civilian oversight is the controversial aspect of the law. Despite bitter political contention over this piece of the legislation, one must acknowledge the positives and negatives of the law itself.

First, the automatic funding the military receives eliminates the need to lobby congress for money. This keeps the armed forces out of the political loop, focused on defense. In addition, with the knowledge of some sort of continual and dependable financing, the military can develop acquisition projects over long periods. Uninhibited by congressional mandates and guidelines (as they pertain to system specifications), the armed forces are able to construct a detailed plan for the "force of the future."

However, the Copper Law does have its drawbacks. Primarily, the military's acquisition funding—the blood life that facilitates force modernization and maintenance—is tied to the volatile natural resource export market. Highly susceptible to the vagaries of global

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markets, the amount of money received by the military can vary greatly from year to year. According to the Chilean National Bank, copper profits fell from \$37,582.8 million to \$32,807.4 million between 2007 and 2008.²⁰ While profits have risen in recent months, July 2009 profits are nearly \$704 million less than they were in July 2008.²¹ Such data indicates that while copper continues to yield considerable profits, it can be highly affected by shifts in international trade markets. In addition, purchases by the military are conducted in relative secrecy. Final approval for every purchase must be given by the Minister of Defense, and subsequently, the President. Outside of those individuals, however, the amount of money spent on respective weapon systems is kept quiet.

ALLIES' final recommendation was similar to other recent proposals that have been presented to the Chilean government. The proposal includes the incorporation of the military procurement budget into the general budget approved by congress. However, instead of being passed on a year-to-year basis, the new legislation would provide acquisition funding for four to five fiscal years. The funding, fixed at a certain amount per annum, would replace the funds allocated to the military by copper profits. Such a proposal would allow the military to continue its long-term planning without the need to lobby congress each year for money, so congressional lobbying would only arise every four to five years. With the required congressional hearings and committee meetings rare, military autonomy—as it pertains to weapons systems acquisitions—would be preserved.

The relative autonomy the military would retain would allow leaders of the armed forces to conduct acquisition projects in their current form. At the same time, newly introduced congressional oversight would require the military to report their spending publicly to higher authorities. This reporting would prevent any potential spending unrelated to systems procurement, granting civilian leaders nominal authority over leaders in the military. The subordination of military officials to those of civilian institutions is a hallmark of a developed democracy.

If a system similar to the aforementioned were adopted, the link between the procurement budget and the natural resource export market would be eliminated. As a result,

the risk of a funding shortfall due to shocks in global trade and finance sectors would be greatly mitigated. With a stable income for procurement, the military would know how much funding it would receive in years to come. In addition, requiring congressional passage of the budget every five years would satisfy those calling for greater legislative control over the military's entire budget. With increased transparency, congress would have the right to investigate the aims and goals of the military, to approve or disapprove certain systems, and to dictate the aggregate funding the armed forces would receive over the course of the fiscal years of interest. At the same time, the military would remain relatively unhindered by lengthy legislative and lobbying processes, perpetuating apolitical and professional standards, thus ensuring the fundamental autonomy of the martial and political realms.

In early September, Chilean President Michelle Bachelet signed and submitted a bill to the Chilean Congress. The measure proposes eliminating the Copper Law as part of an aggressive initiative for transparency in defense matters. The bill calls for a strategic plan of twelve years with the option of modifications every four years; acquisition financing would be decided every four years as well. While the proposition aims to reduce the secrecy that surrounds the Copper Law, the passing of the acquisition budget on a quadrennial basis highlights a desire to ensure the separation between political and defense matters.

Talk of reform and the actual passage of legislation are very different. Political parties, special interest groups, and a host of other organizations all have reasons for advocating particular types of amendments. Bipartisan cooperation holds the key to effective results. If the methods by which the Chilean military receives acquisition funding are to change, dissimilar views and ideas must be reconciled. Common goals, such as the preservation of military autonomy from political influence, as well as the insulation of funding from external market shocks, must take precedence over the desires of political parties and special interest groups. The development of a cogent system of funding will require bipartisan impetus, compromise, and legislation of the highest order.

Conclusion

Whenever we spoke to officials about Chile's civil-military relations, we sensed it was a guarded subject. Several officials used the same answers over and over, until we became acutely aware of the "party line." However, once we learned how to disarm people of their assumptions about us, we found that Chileans had complex and conflicting feelings about their own military. Many had a deep trust in the military, telling us that the military would spend its budget better than elected politicians ever could. Others had a reluctance to control what they saw as an assertive and insular institution. Chile's old divisions have certainly grown close enough for a peaceful society, but deep imprints remain. In the end, Chile's military has had the biggest role in shaping the country's recent history. The Chilean government has come a long way since 1990. Today, it has finally gained the ability to shape the military instead of being shaped by it.

Notes

¹ "CIA - Country Comparison :: Distribution of family income." *CIA World Factbook*. Web. 05 Sept. 2009. <<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2172rank.html?countryName=Chile&countryCode=ci®ionCode=sa&rank=14#ci>>.

² Ibid.

³ Ibid.

⁴ "BBC NEWS | Americas | Chile seeks 'Dirty War' arrests." *BBC NEWS | News Front Page*. British Broadcasting Company. Web. 05 Sept. 2009. <<http://news.bbc.co.uk/2/hi/americas/8232996.stm>>.

⁵ Fuentes, PhD, Claudio. Diego Portales University. Personal communication. 8/6/09.

⁶ Fuentes, PhD, Claudio. Diego Portales University. Personal communication. 8/6/09.

⁷ Ibid.

⁸ Benavente, Ricardo. ANEPE, Santiago, Chile. Personal Communication. 8/11/09.

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¹⁰ Republic of Chile. Ministry of Defense. *Libro Blanco de la Defensa Nacional de Chile*. 2002. Web. 30 July 2009.

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¹³ Fmr. Gen. Cheyre, Juan Emilio. Pontifical Catholic University, Santiago, Chile. 8/10/09.

¹⁴ Pion-Berlin, David. "Defense Organization and Civil-Military Relations in Latin America." *The Armed Forces and Society* 35.3 (2009). Print.

¹⁵ Oppenheim, Lois Hecht. *Politics in Chile Socialism, Authoritarianism, And Market Democracy*. New York: Westview, 2007. Print.

¹⁶ Paul Collier and Russ Roberts. *Collier on Democracy and Violence*, 62 min., 42 sec.; Library of Economics and Liberty, MP3. http://www.econtalk.org/archives/2009/07/collier_on_demo.html (accessed September 3, 2009).

¹⁷ Ibid.

¹⁸ Pattillo, Guillermo. "El Presupuesto de Defensa en Chile: Procesos Decisionales y Propuesta de Indicadores de Evolución" No.1. 2001

¹⁹ Ibid.

²⁰ "Exports of Goods (Annual), External Sector," *Banco Central de Chile*, http://siz.bcentral.cl/Basededatoseconomicos/951_417.asp?m=BP_102&f=A&i=1, (accessed September 9, 2009)

²¹ Ibid.