

## Resisting change: security-sector reform in Chile

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The dramatic changes that have taken place in Chile over the past decade or so can be traced to three key developments. At the start of the 1990s, the international environment was transformed by the collapse of the Soviet Union, the consolidation of the us as the sole superpower, and the promotion of economic integration within the Southern Cone. Additionally, a neo-liberal policy shift restricted government spending and hence the option to raise military budgets. And politically, Chile entered a new democratic era after 17 years of military rule—a centre-Left coalition (*Concertación de Partidos por la Democracia*) has managed to hold office for three consecutive presidential periods since 11 March 1990.<sup>1</sup> Given this dynamic context, one might presume that important strategic changes have occurred under the new democratic dispensation. But this has not been the case: the Chilean armed forces have not been subjected to major logistic and bureaucratic restructuring and no significant budget cuts have been introduced. In fact, security-sector reforms face enormous institutional and political resistance.<sup>2</sup>

Four factors account for the lack of significant security-sector reform in Chile. First, the military is institutionally autonomous from the civilian authorities. The institutional framework inherited from the regime of General Augusto Pinochet (1973–90)

allows not only for military independence from civilian rule, but also for military intervention in important political decisions. Second, the armed forces have enjoyed the strong support of the political Right, which has sought to maintain the status quo in regard to security issues. Third, centre-Left political authorities have pursued different objectives in relation to defence policies, weakening the possibility of implementing a long-term plan of reform. Fourth, civilians lack the expertise and the technical capabilities to promote systematic change in the military sector.

## *Military autonomy*

Before leaving office in March 1990, Pinochet stated that ‘everything will be tied, well tied’. The privileges extended to the military by his regime can be broken down into the following categories:

- political autonomy;
- professional and doctrinal autonomy; and
- institutional involvement.<sup>3</sup>

Political autonomy refers to the limitations placed on the civilian authorities. First, the president cannot directly remove the three commanders-in-chief of the armed forces—before the September 1973 coup that brought Pinochet to power, the president could sack any officer, including the heads of the three services. The 1980 constitution allows the commanders-in-chief of the army, navy and air force to stay in office for four years;<sup>4</sup> the incumbent can only be removed with the approval of the National Security Council (NSC)—Chile’s highest ranking security committee—in which the armed forces hold half of the votes. Second, the president cannot promote or remove officers without the permission of the commanders-in-chief. Third, under constitutional law, the armed forces receive a minimum budgetary allocation, which must be equal at least to the 1989 budget (approximately \$700 million) plus inflation (see below). Furthermore, the military receive 10% of the annual income earned by the National Copper Corporation from its exports. This money must be used to acquire military equipment. If the revenue is less than \$180m, the government must make up the shortfall.<sup>5</sup> Fourth, the state provides a special contribution to the military’s pension and health systems—an arrangement that does not extend to the civilian population. Fifth, the military justice system enjoys a high degree of autonomy from the civilian courts—the army auditor has a seat in the Supreme Court of

Justice. Sixth, the military regime established a decree in 1979 granting amnesty to those who committed criminal actions between 1973 and 1978 or who covered up or were an accomplice in such activities. This was based on the proviso that individuals were not already involved in legal proceedings or that they had not been sentenced before the law came into effect. Those found guilty by military tribunal after 1973 also received an amnesty.<sup>6</sup>

The second area is the high level of professional and doctrinal autonomy granted to the armed forces. Since 1990, they have set up their own training and educational programmes, changed their logistical structure, and bought new weapons with minimal civilian influence.<sup>7</sup> Moreover, the outgoing military regime approved laws that reduced the scope of civilian interference in professional and doctrinal matters. For instance, civilians are prohibited from intervening in issues concerning the definition of aims and the curricula for military educational institutions.

Finally, the constitution specified that the armed forces are to act as 'guarantors' of the nation's institutions. The NSC was created to advise the president on national security issues, and was given the right to designate four of the nine senators appointed every eight years—the president appoints two and the Supreme Court appoints the other three. Only former commanders-in-chief, ex-under-commanders-in-chief and former directors of the national police can hold the post.<sup>8</sup> (The constitution also stipulates that ex-presidents who governed for more than six years have the right to be appointed senators-for-life. Pinochet and Eduardo Frei (1994–2000) exercised this right in March 1998 and March 2000 respectively.) The NSC consists of the president, the speaker of the Senate, the president of the Supreme Court, the chief auditor, the commanders-in-chief of the three services, and the director of the national police. Its composition (50% military and 50% civilian) and responsibilities have led to tensions between the democratic authorities and the military. The main problem centres on who decides which subjects could potentially have 'grave consequences for the country's institutional stability and national security'. Any two NSC members can convene meetings, so the president might be in the awkward situation of having to attend a session against his or her will.

### *Military alliance with the political right*

The government of President Patricio Aylwin (1990–94) proposed to re-establish the armed forces as an essentially obedient, non-deliberative, professional, hierarchical

and disciplined institution. This required constitutional reform in order to eliminate the military privileges inherited from the Pinochet regime. But constitutional changes require the support of two-thirds of all deputies and senators. To maintain their privileged position, therefore, the armed forces have had to secure the backing of at least one-third of congressional representatives. This support has come from two right-wing parties: the Unión Demócrata Independiente and, to a lesser degree, the Renovación Nacional.

These parties have consistently rejected government proposals to reduce the military's autonomy and its institutional involvement in politics. Generally speaking, they support the armed services as long as it helps them to project their political agendas.<sup>9</sup> But this explanation is less convincing in regard to issues like human rights, military insubordination and the size of the military budget. Public opinion favours the prosecution of individuals responsible for human-rights violations, military subordination, and a reduction in the military budget.<sup>10</sup> Yet the Right has constantly gone against popular sentiment and defended the armed forces,<sup>11</sup> suggesting a symbiosis of interests between these two constituencies. This assumption is based on the notion that conservative sectors of the Right and the military form a cohesive coalition that is mutually reinforced by the presence of ex-military officers in right-wing parties. In 1994, for example, the ex-director of the uniformed police, Rodolfo Stange, joined Renovación Nacional and was appointed to the Senate. In the 2001 congressional elections, Unión Demócrata Independiente invited the commander-in-chief of the navy, Jorge Arancibia, to run for senator in Valparaíso,<sup>12</sup> the district where the service has its headquarters. This private offer led to intense debate about the boundaries of military involvement in politics. The problem was 'solved' when Arancibia resigned as commander-in-chief—subsequently he won a seat in Congress. One deputy from the liberal wing of the Right, Arturo Longton, has commented that 'it is clear that our parties are still living under military tutelage'.<sup>13</sup>

Very much related to this point is the Right's ideological commitment to the institutional model created by the military regime, and particularly its commitment to the 'creator' of this model, General Pinochet. For instance, the military crises in 1990, 1993 and 1995 were all related to the potential trial of Pinochet for his involvement in a corruption scandal. In all of these cases, the right-wing parties defended Pinochet's reputation rather than that of the military institution itself.<sup>14</sup> In 1990, for example, they decided not to vote against Pinochet after a congressional commission established that he had known that his son, Augusto Pinochet, had sold an arms company

to the military under irregular conditions. Moreover, right-wing political actors served as mediators between Pinochet and the government whenever the president was experiencing political difficulties. The Right has also protected Pinochet from international prosecution for human-rights violations. Immediately after his arrest in London on 17 October 1998, they organised a political campaign to pressure the government into demanding his prompt release and into covering his legal expenses.<sup>15</sup>

## *Political willingness to reform*

High levels of military autonomy and the strong support of the Right, however, cannot explain the variance between the first and second *Concertación* governments in terms of the formulation of defence policies. Aylwin, for his part, applied a more confrontational strategy (especially given that Pinochet continued as commander-in-chief of the army until March 1998), making use of all possible legal tools to reinforce civilian control over the military. For instance, the government employed the presidential veto to avoid promoting officers involved in human-rights violations, provided the minimum military budget allowed for under the law, reinforced the superior authority of the minister of defence over the commanders-in-chief, and avoided the use of institutions, such as the NSC, that could affect presidential supremacy over the military. Aylwin also demonstrated civilian primacy through political gestures. At his inauguration, for instance, he refused to receive the presidential sash from the outgoing leader (Pinochet) in accordance with democratic tradition. At the same time, however, he was conscious not to destabilise the country. A team of his closest advisors developed informal contacts with the armed forces in order to resolve crises and to maintain the stability of the political system.<sup>16</sup> Finally, in comparison with the Frei government, the Aylwin administration launched few initiatives related to the professional development of the armed forces—aside from confidence-building measures and arms acquisitions for the air force and the navy. The army's professional demands were not considered because of the conflictive relationship between Pinochet and Patricio Rojas, the minister of defence.

Frei, meanwhile, pursued a strategy of engagement, reducing the reliance on legal tools to achieve military subordination. The president, for instance, avoided a legal confrontation with the armed forces about whether the minister of defence had superior command over all institutions of national defence. Furthermore, the government adopted a more pragmatic policy agenda, excluding sensitive topics like

human rights. On several occasions conflicts erupted, but these were more the result of external circumstances than the outcome of government initiatives (such as a Supreme Court decision to prosecute an ex-officer, the constitutional impeachment of Pinochet promoted by Congress and the former president's arrest in London).

## *Technical capabilities and expertise*

While political will is crucial for advancing reforms, technical capabilities and the expertise to promote them are equally important. Until the 1973 military coup, defence and strategic issues were considered exclusive to members of the armed forces. The enduring nature of the regime, however, created strong incentives for civilians to develop military research projects. By 1990, civilians were better prepared to deal with defence matters, although they still lacked the resources and the technical capabilities to put some reforms into practice. In March 1990, for example, only seven civilians—the minister of defence, three under-secretaries and three advisors—took up office at the defence ministry. Since 1996, around a dozen new civilian advisors have been employed under the direct management of the minister of defence.

## *The democratic government's record*

After 12 years of democratic government, few of the coalition's ambitious goals have been accomplished. The armed forces continue to enjoy high levels of autonomy, and their institutional involvement in politics has not diminished. The executive has proposed no changes to their constitutional missions, nor to the military budget, military judicial system or amnesty law. Given the dominance of right-wing parties in the Senate, the coalition has altered its goals, proposing changes to the role of the NSC and tackling issues related to the promotion and removal of officers. In regard to the former, the government suggested that another civilian, the president of the chamber of deputies, become a full NSC member in order to prevent potential deadlock (arising due to the 50:50 composition of the Council). Moreover, the government recommended in 1993 and 1995 that the NSC should convene only with the president's agreement to avoid him/her being summoned to meetings against his/her will. Regarding the promotion and removal of officers, the government put forward a bill in 1993 and 1995 that would have restored the president's power to remove

high-level officers without the approval of the commanders-in-chief. In both cases, however, right-wing parties refused even to consider the subjects and the proposals died in Congress.

Another important area where the civilian authorities have not proposed any form of legal change is the military budget, primarily because they have lacked a majority in the Senate. Instead, they have awarded the military the equivalent of the 1989 military budget plus inflation, as specified by law. In 1989, the military fixed the increase in its budget to the inflation rate, expecting that this would be higher than the level of annual economic growth. In practice, however, economic growth has outflanked inflation. The share of the national budget going to the defence sector fell from 15.60% to 10.25% between 1990 and 1994, whereas social spending rose over the same period from 64.75% to 67.05%.<sup>17</sup> Between 1994 and 1997, the government increased the military budget in absolute terms from \$1.08 billion to \$1.22bn, although the budget declined in relative terms from 10.25% in 1994 to 8.94% in 1997.

With regard to human rights, families seeking to locate the bodies of relatives and to prosecute the perpetrators presented hundreds of lawsuits during the 1990s. Because the balance of power favours the Right in the Senate, the *Concertación* opted to respect court decisions and not to pursue the abrogation of the amnesty law.<sup>18</sup> In 1999, after the Supreme Court ruled that Pinochet could be prosecuted for crimes committed between 1973 and 1978, judges decided to re-open other cases.<sup>19</sup> The law allows them to keep cases open in the hope that the law-enforcement agencies can collect more information, even though judges cannot prosecute anyone for the crime.

The *Concertación* governments have promoted two important initiatives, though, in the human-rights field. First, the Aylwin administration created a Commission of 'Truth and Reconciliation' in June 1990 to collect information related to human-rights violations during the Pinochet era. Its final report, published in March 1991, provided extensive analysis of cases in which the victims died or 'disappeared'.<sup>20</sup> The government adopted some of the Commission's recommendations, such as providing material remuneration to the families of the victims as well as symbolic reparation through commemorative acts and the erection of monuments.

The second initiative took place after Pinochet was detained in London in October 1998. In response to his 'arrest', the government created a National Dialogue Roundtable and invited human-rights attorneys, religious leaders, members of civil society, and representatives of the armed forces and the uniformed police to participate. After several rounds of talks, they agreed to collect within six months as much

information as possible on the fate of more than 1,000 individuals who had disappeared. Anyone who supplied information would remain anonymous. The president agreed to appoint special judges to locate and identify the bodies and to establish the time and cause of death.

In January 2001, the armed forces publicly confessed—for the first time—to their involvement in the deaths of some of those who had disappeared, provided information to help locate their remains, and admitted that some bodies had been dumped in the ocean, lakes and rivers. However, they acknowledged awareness of less than 20% of the alleged cases and provided information on less than 5%. In several instances, the information they provided was incorrect.

As for the military regime, the executive has not pursued substantive investigations and the only time a state attorney attempted to initiate a lawsuit against Pinochet, Frei requested that the charges be withdrawn for ‘state’ reasons.<sup>21</sup>

### *Limited progress*

Despite this general lack of progress, the civilian authorities have promoted some innovative, yet not fully-fledged, initiatives. First, the executive, in conjunction with the armed forces, established a centralised decision-making process to control the sale of military equipment after important failures were detected in the mid-1990s.<sup>22</sup> Second, the executive produced a ‘white book’ that set out the country’s strategic objectives. However, this book has had a political rather than an institutional impact, since it has no legally binding effect on the armed forces. Third, the executive and the armed forces have introduced changes to the training and education curriculum for officers, incorporating subjects like international law and human rights.

Civilian governments have also spearheaded significant reform projects in relation to compulsory military service and confidence-building programmes with neighbouring nations. In regard to the former, the government proposed, in 1998, a two-tier system of military recruitment, asking citizens to volunteer for military service for one year, while stressing that any remaining vacancies would be filled through mandatory conscription. In regard to the latter, Chile and Argentina have resolved all borders disputes and the ministry of defence has promoted regular military exercises with Argentina and Peru. Furthermore, Chile and Peru agreed to systematise military budget statistics under the auspices of the Economic Commission for Latin America in order to have standard measurements between countries.<sup>23</sup>

All of these initiatives share some important features. First, the government proposed a concrete agenda that took into account the opinions of relevant actors in society. For example, in relation to compulsory military service and the publication of the white book, the government organised regular workshops with civil-society representatives, academic research centres, legislators and the armed forces to develop a consensual basis for the project. Second, civil–military teams led these workshops and produced thematic reports as a foundation for the government’s proposals. Finally, the defence ministry involved other state agencies in the discussions, particularly the ministry of foreign affairs, in order to make these transformations a matter of ‘state policy’.<sup>24</sup>

## *Conclusion*

Security-sector reforms in Chile face immense institutional and political resistance. High levels of military independence from civilian rule and institutional involvement in political decision-making make any transformation dependent on the co-operation of the armed forces. Moreover, the close relationship between the right-wing parties and the armed services has politicised military affairs. However, institutional autonomy and political alliances have not always produced negative outcomes. In a few instances, civilians have articulated coherent proposals, found allies in Congress and civil society and engaged the armed forces in a reform process, proving that, even in highly restricted environments, civilians can lead security-sector-reform initiatives when they have the political support and the technical capabilities to do so.

## Endnotes

- <sup>1</sup> The *Concertación de Partidos por la Democracia* has been in office under the leadership of Christian Democrat presidents Patricio Aylwin (1990–94) and Eduardo Frei (1994–2000), and Socialist president Ricardo Lagos (2000–).
- <sup>2</sup> This article restricts its scope of analysis to military institutions.
- <sup>3</sup> For a complete legal analysis, see García, G. and Montes, E., *Subordinación democrática de los militares. Éxitos y fracasos en Chile*, (Santiago: Centro de Estudios del Desarrollo, 1994).
- <sup>4</sup> The law established an exception for the commanders-in-chief who were in office in 1990. Pinochet (army), General Fernando Matthei (air force) and Rodolfo Stange (Chief of the Carabineros) could stay in office for eight years. Only Pinochet exercised this privilege for the full eight years.
- <sup>5</sup> No up-to-date figures are available for the regular military budget. In 1998, the regular military budget, excluding copper earnings, amounted to \$1.2 billion. The National Copper Corporation's contributions to the military were \$266 million (1996), \$274m (1997) and \$214m (1998). Until 2000 no state contribution was necessary. Comisión Económica para América Latina, *Metodología común para la medición de los gastos de defensa*, (Santiago: CEPAL, serie 14, 2001).
- <sup>6</sup> Comisión Verdad y Reconciliación, *Informe sobre la situación de los derechos humanos en Chile entre 1973 y 1990*, (Santiago: Ministerio Secretaría General de Gobierno, 1993).
- <sup>7</sup> Varas, A. and Fuentes, C., *Defensa Nacional. Modernización y Desarrollo*, (Santiago: Facultad Latinoamericana de Ciencias Sociales, 1994).
- <sup>8</sup> The original idea was to include 'neutral' sectors of society, such as the armed forces or the Supreme Court. However, the current process of designating appointed senators has led to these institutions becoming highly politicised. In fact, the authorities have appointed new commanders-in-chief with their future role as appointed senators in mind. This has created what is sometimes a complex bargaining procedure between the democratic authorities and the head of each military institution.
- <sup>9</sup> Hunter, W., *Eroding Military Influence in Brazil: Politicians Against Soldiers*, (Chapel Hill: University of North Carolina Press, 1997)
- <sup>10</sup> *Encuesta sobre Percepciones y opiniones sobre las FFAA en Chile*, (Santiago: FLACSO–Chile, 1992), and Fuentes, C., *El discurso militar en la transición chilena*, (Santiago: FLACSO–Chile, 1996).
- <sup>11</sup> Fuentes, C., *ibid.*
- <sup>12</sup> In Chile, nine senators are appointed while the other 40 senators are democratically elected.
- <sup>13</sup> The exact translation is 'lo que queda claro es que no nos podemos sacudir la tutela militar y seguimos en franca dependencia de ella'. Longton, A. (RN), *La Época* (Santiago), 10 April 1998.
- <sup>14</sup> Otano, R., *Crónica de la transición*, (Santiago: Editorial Planeta, 1995); and Fuentes, C., *El discurso militar en la transición chilena*, *op. cit.*
- <sup>15</sup> In an institutional declaration, the army stressed that 'it will adopt any means necessary, including judicial, diplomatic and political, to solve the situation'. *La Tercera* (Santiago), 18 October 1998, available online at [www.latercera.cl](http://www.latercera.cl). Right-wing parties called on the government to take radical action against Spain and England. Moreover, they decided not to attend regular sessions of the Senate. They also stressed the danger the situation posed for the stability of the country. In March 1999, the commander-in-chief of the air force, General Fernando Rojas Vender, said that the arrest of Pinochet 'has caused divisions in the country similar to those that led to 1973'. *La Tercera* (Santiago), 23 March 1999, available online at [www.latercera.cl](http://www.latercera.cl).
- <sup>16</sup> This informal team included the minister of communication (Enrique Correa), the minister of the presidency (Edgardo Boeninger), the undersecretary of interior (Jorge Burgos), and the chairman of the executive division of the presidency (Isidro Solís). See Fuentes, C., *El discurso militar en la transición chilena*, *op. cit.*

<sup>17</sup> Hunter, W., 'Negotiating Civil-Military Relations in Post-Authoritarian Argentina and Chile', *International Studies Quarterly*, vol. 42, no. 2, 1998, pp. 295–338. Chile's defence budget fell from 2.70% to 1.83% of gross domestic product between 1990 and 1994. In absolute terms, the military budget was \$1.01bn in 1990 and \$1.08bn in 1994. Fuentes, C., 'After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy', *Journal of Interamerican Studies and World Affairs*, vol. 42, no. 3, 2000.

<sup>18</sup> Boeninger, E., *Democracia en Chile. Lecciones para la gobernabilidad*, (Santiago: Andrés Bello 1997), p. 400.

<sup>19</sup> In Chile, judges are responsible for investigating as well as ruling on cases. There are approximately 3,000 allegations of disappearances during the military regime. Less than 200 bodies have been found since the re-establishment of democracy in 1990.

<sup>20</sup> Comisión Verdad y Reconciliación, *op. cit.*

<sup>21</sup> Fuentes, C., *El discurso militar en la transición chilena*, *op. cit.*

<sup>22</sup> Authorities found out that Chilean weapons were being sent to the Former Yugoslavia without their approval. An analysis of this topic can be found in Singh, R.P., *Arms Procurement Decision Making. Volume II: Chile, Greece, Malaysia, Poland, South Africa and Taiwan*, (Stockholm: Stockholm International Peace Research Institute, 2000).

<sup>23</sup> Fuentes, C., 'Medidas de confianza y procesos de verificación. El caso chileno en el contexto del Cono Sur', in Rojas, F. (ed), *Medidas de confianza mutua: verificación*, (Santiago: FLACSO-Chile, 1996) pp. 249–270; Fernández, M., 'La agenda de la defensa', *Fuerzas Armadas y Sociedad*, vol. 16, no. 1, 2001; Ministerio de Defensa, *Libro de la defensa nacional*, (Santiago: Ministerio de Defensa, 1997).

<sup>24</sup> Fuentes, C., 'After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy', *op. cit.*

