

Defense Policy in Latin America

Maria Julia Moreyra (Ed.)



The Geneva Centre
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Defense Policy in Latin America

Edited by
Maria Julia Moreyra

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PREFACE

In this paper, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) presents the defense situation in four Latin American countries: Argentina, Brazil, Chile and Uruguay. To that end, four experts in the field—Khatchik DerGhougassian (Argentina), James Onnig (Brazil), Armen Kouyoumdjian (Chile) and Sandra Perdomo (Uruguay)—offer a detailed analysis of defense policy in the abovementioned countries.

These four countries have lived under military dictatorships that left deep imprints on the region under study in this paper. Some of them show similarities in terms of the crimes that were perpetrated or the attitude of the different governments regarding their armed forces.

Argentina lived one of the most horrendous phases of its history under the military government that ruled the country between 1976 and 1983. During that period, human rights were violated with total impunity and thousands of citizens disappeared. These horrors were compiled in the “*Nunca Más*” (Never Again) report issued by the CONADEP (National Commission on the Disappearance of Persons), which was created to investigate the fate of the thousands who disappeared during those years.

Public awareness about the human rights abuses committed during the military dictatorship resulted in the generalized discredit of the military and the indifference of society towards them, which led to discussion on whether it was necessary for the country to maintain its armed forces.

In his article, Khatchik DerGhougassian addresses the evolution of the defense policy in Argentina since returning to democracy, examining the measures adopted by the administrations of Raúl Alfonsín and Carlos Menem and, finally, by the administration of Néstor Kirchner. The author stresses the modernization of the military institutions, especially the citizenization of the military driven by Nilda Garré, the present minister of defense, aimed at achieving a rapprochement between society and the armed forces (divided in the past by military involvement in domestic affairs that inflicted terrible pain and suffering on civilians) and their mutual understanding.

In the case of Chile, the military dictatorship lasted from 1973 to 1990. As it happened in Argentina, with the return to democracy, there was a generalized commitment to the search for truth and justice and to ensure full accountability for past human rights violations. In his article, Armen Kouyoumdjian stresses the dynamics of civil-military relations and the positive impact of the rapprochement between the defense sector civilian authorities, the armed forces and the public.

Chile's National Commission for Truth and Reconciliation, known as the "Rettig Commission" presented its final report (the Rettig Report) in February 1991. This report and the Dialogue Panel (1999 and 2000) helped to smooth civil-military relations. The author states that there are pending tasks (the reform of the military justice system and extensive reform of the structure of Chile's Defense Ministry). Nevertheless, it is important to stress the progress already achieved (e.g., the forced resignation of Pinochet as Army Commander-in-Chief and his arrest in London as well as Chile's constitutional reform in 2005) regarding issues that had been inconceivable years before.

As regards Uruguay, the military dictatorship ruled between 1973 and 1985. Just as it was the case in Chile and Argentina, during the military regime there were serious human rights violations committed like illegal detentions, torture, forced disappearances, the appropriation of children and the theft of victims' personal items of value. As for civic-military relations, Sandra Perdomo describes the attitude of society, the traditional political parties and the present ruling party (*Frente Amplio*) towards the armed forces.

The author stresses the importance of the National Debate on Defense that took place in 2006, organized by the National Defense Ministry. Its main purpose was putting an end to the monopoly held by both the military and the executive regarding defense decision making and fostering the participation of civil society actors such as legislators, civil and military officers, diplomats, politicians and academics. Uruguay does not have a defense law and, consequently, the author recognizes the importance of the defense bill, which is based on a model of military legislation and consistent with the basic principles of the rule of law, and acknowledges that this bill constitutes one of the major challenges to the recently elected government.

In the case of Brazil, James Onnig examines the peculiar geographic position of Brazil, a country that is part of the Amazon region from a geopolitical viewpoint. The Brazilian dictatorship ruled the country between 1964 and 1985. Just as in the abovementioned cases, the author stresses the consequences of the military regime, highlighting human rights abuses, particularly those against indigenous peoples who have been threatened on repeated occasions. The author also refers to the evolution of the civil-military relations.

The armed conflict in Colombia deserves special consideration because it has forced the Brazilian government to adopt measures in this regard. According to the author, drug trafficking is, indirectly, responsible for the militarization of the Amazon region.

This brochure reaffirms, once again, the commitment of DCAF to stimulate, through research and analysis, the democratic civilian control of armed and security forces.

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Towards the Citizenization of the Armed Forces

The Institutionalization Process of Argentine Defense Policy since the Return to Democracy

Khatchik DerGhougassian *

Abstract

Until 1983 when Argentina returned to democracy, defense policy was practically the exclusive domain of the military. The Argentine defeat in the Malvinas War in 1982 not only accelerated the end of the last military dictatorship (1976–1983) and brought to light the horrors of the so-called Process of National Reorganization but also showed its incompetence in the management of state affairs. Upon the restoration of the constitutional system, one of the first challenges faced by the first democratically elected civilian government was the formulation of a defense policy. This paper examines the evolution of Argentina's defense policy in democracy, both in the domestic/national and external/international contexts. The central argument contends that it was the domestic context that determined the defense policy in its three consecutive stages: the restoration of civilian control, military reform and modernization of the Armed Forces. On the other hand, the external/international context has not been relevant in the formulation of the successive guidelines of this policy, primarily on account of the dismantling of the conflict theory, the regional integration process and an international attitude committed to the consolidation of international law and the circumscription of the role of the military within the legal context of the UN system. The social discredit and budgetary restrictions of the armed forces, in turn, did not help to generate a public debate regarding the reconsideration of the military instrument in the strategic positioning of the country within the context of the UN system. However, since 2003–04—more precisely, since the beginning of the modernization of the military institution—there has been a growing interest in areas related to strategic visions of the country's

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place and its association with the defense policy. Unlike other Latin American countries, this is an intellectual and academic interest and neither reflects a return to conflict theory nor promotes the militarization of the domestic security agenda. It actually addresses the need to define a proactive role of Argentina as part of the UNASUR process of regional integration in its strategic dimension.

Introduction

According to the *Latin American Dictionary on Security and Geopolitics*, “defense policy” is defined as “the set of principles and criteria used by a State to define its defense role in order to preserve the sovereignty and integrity of its territory and contribute to the achievement of other national goals. It comprises the general guidelines necessary to structure, coordinate and harmonize the State efforts aimed to face the obstacles, risks and threats against national interest posed by third parties. It is a State policy because it demands overcoming the political present situation and [transcending] the projects and actions of the successive national governments” (Barrios, Jaguaribe, Rivarola, Caldach, Cervera 2009, 306).

In this definition, the domestic and external contexts of security are clearly separated and the defense policy, which unavoidably includes the role of the armed forces, is restricted to neutralizing external threats to national interests. However, in order to study the historical evolution of defense policies in South America, and particularly in Argentina, it is necessary to focus on the role of the armed forces in domestic politics, their frequent interventions, usually in the form of coups d'état, and the impact these coups have had on state institutions. The historic perspective is essential to understand the difficulties faced by successive Argentine democratic governments to develop a defense policy “that goes beyond the current political situation.” It was not until the first months of 2000, with the initiative to modernize the armed forces, that the first efforts were made to lay the structural foundations of a democratic defense policy, characterized by its permanence and not subject to changes or interruptions.

Until the 1980s in Argentina, as well as in most South American countries, the monopoly of defense policymaking was retained by the armed forces, submitting this policy to their particular view of the world, their ideological criteria and, above all, their interests, often confusing, or even comparing them with the public interest. Without explaining in detail the long history of military intervention in domestic politics since the overthrow of President José Félix Uriburu¹ in 1930, it was the military regime of the so-called Process of National Reorganization (1976–1983) that de-

¹ On military intervention in Argentine domestic politics, see Potash (1984) and Rouquié (1981).

fined and executed the defense policy based on the concept of “total war,” which followed the guidelines of the “Doctrine of National Security.”² The external dimension of this policy was based upon: (1) the conflict scenarios regarding the territorial disputes between Argentina and Chile that brought the countries to the brink of war in 1978, finally prevented by the Vatican’s mediation efforts; (2) the competition with Brazil for regional leadership;³ and (3) foreign interventionism in Central American conflicts.⁴ In order to understand the evolution of the defense policy in Argentina since the return to democracy, it is imperative to explain both the deep impact the Doctrine of National Security had on the national political process and the state structures, and the radical changes undergone by the external dimension. It should be noted that both dimensions of the military process’s defense policy were independent; in fact, the conflict scenarios did not prevent the cooperation of military governments in the repression of political opponents within the context of the so-called Operation Condor (Gallego, Eggers-Brass, Gil Lozano 2006, 396–398).

The Argentine defeat in the Malvinas War (1982) constituted a radical turning point in Argentina’s defense policy, proving, among other things, as the *Rattenbach Report* concluded, the incompetence of the military dictatorship to understand international reality, the erroneous assumptions on which they launched an operation aimed at “hitting first and negotiating later” and, above all, the lack of preparedness and training of the army, the navy and the air force to contend with a major world power like Great Britain.

“On the other hand and in a doctrinal sense, although the Armed Forces had been sustaining the possibility of external conflicts (mainly with Chile) since the mid-1950s, their efforts were focused on an ‘internal war’ within the framework of the US doctrine of National Security... Due to the decision to ‘institutionalize’ this practice (with the participation of all officers throughout its different phases) in 1982 most senior officers have had some degree of experience in the ‘counter-revolutionary war’ they had fought and won. With a history of successful cam-

² The Doctrine of National Security introduced a fundamental change in the role of the military in Latin American countries. Their function was no longer protecting national borders against external military threat but chasing and identifying the “enemy within their own territories” (Gallego, Eggers-Brass, Gil Lozano 2006, 394).

³ As stated by Roberto Russell and Juan Gabriel Tokatlian (2003), Argentina and Brazil have always perceived each other as rivals, not enemies. Additionally, their initial closer relationship was forged in 1979 when both countries were still ruled by military governments.

⁴ See: Armony (1997).

paigns that had started with the independence wars of the 19th century and had ended with the War of the Triple Alliance against Paraguay and the Desert Campaign, many of the military leaders that participated in the Malvinas War shared a triumphalist attitude based on that victory” (Lorenz 2009, 91–93).

The end of the dictatorship also revealed the horrors of the politicide committed by the military government, described in the *Nunca Más* report. Sadly “successful” with the massive violation of human rights and the disappearance of the same citizens they were suppose to protect and defend, Argentina’s Armed Forces proved to be a failure as regards their professional performance.⁵ This somewhat explains why the redefinition of the defense policy by the democratic government gave priority to restoring civilian control of the military and defusing the threat of their return to power. Their discredit was so profound that for a long time, notwithstanding the need to restore civilian control, the defense issue, as a matter of public policy, was not the focus of public debate because of both social indifference and the irresponsible attitude of politicians at the time of competing to win the favor of voters. Public rejection of the military was so widespread it even led to questioning whether the country should maintain its armed forces.⁶

The purpose of this paper is to analyze the institutionalization of defense policy in Argentina upon the return to democracy. Part of the central argument maintains that the restoration and consolidation of civilian control of the armed forces became a priority in the institutionalization process of a new defense policy. However, both the urgency of this priority during the 1980s and a different regional and global context during the following decade prevented the incorporation of a strategic view of the role of the armed forces into the institutionalization of the defense policy at the moment of defining Argentina’s place in the world. As will be explained below, this was not the case during Carlos Menem’s administration, when this role was limited to peacekeeping missions. Although their importance in terms of national interest is not questioned, considering these missions as the core of the “Defense doctrine” is, at least, arguable from the perspective of this article.

The second purpose of this paper is, consequently, to discuss the “omission” of the strategic view of the role of the armed forces in order to state that since 2000,

⁵ This opinion does not refer to the braveness of Argentine soldiers. In fact, some episodes of the war, for example the Argentine Air Force missions over Bomb Alley strait (as the British called it), won the admiration of their enemy (Lorenz 2009, 109–119).

⁶ “Adiós a las Armas” (A Farewell to Arms), an article written by journalist Martín Caparó and published by the *Crítica de la Argentina* daily on October 22, 2009, is a clear example of this questioning. See <http://www.criticadigital.com/index.php?secc=nota&nid=31633>.

and without giving up the imperative of the civilian control of the military system, both external and internal factors—such as the military modernization initiative and the creation of the South American Defense Council (CSD), an agency of the Union of South American Nations (UNASUR)—have been promoting the incorporation of a strategic view of the armed forces into the institutionalization of the defense policy.

The rest of this paper is focused on the institutionalization of the defense policy since 1983 as a three-stage process—restoration of civilian control, military reform and modernization of the armed forces⁷—in order to illustrate the argument about the “omission” of the role of the armed forces and the reason for their possible re-incorporation upon the success and consolidation of the last stage of this institutionalization process. The hypothesis is that the different military modernization initiatives are inserted into the concept of “citizenization” of the military, a term employed by the project sponsor, Defense Minister Nilda Garré who was appointed in 2006, that aims, among other things, to ensure mutual understanding and rapprochement between the military and civil society. The successful “citizenization” of the armed forces would put an end to the threat perceptions that are still deeply rooted in civil society and, at the same time, would allow for the reassessment of their role in a strategic view of Argentina’s reintegration into the region and the world. In the conclusion, some ideas about the existing difficulties regarding the “citizenization” of the armed forces and the successful completion of the institutionalization of the defense policy in Argentina in order to put an end to the “omission” of that essential pillar of the nation are presented.

The Defense Act Was the Starting Point

The foundations of the institutionalization of the defense policy in Argentina upon the return to democracy were laid during the administration of Raúl Alfonsín (1983–1989) and the first concrete measure was the enactment of Law 23,554 on April 18, 1988 after the derogation of the old National Defense Act N° 16,970,

⁷ This particular conceptualization of the defense policy institutionalization process after the return to democracy is the basis of Antonella Guidoccio’s unpublished thesis, “Civil control, reform and modernization of the Armed Forces,” to earn her Master’s Degree in International Relations from the Universidad de San Andrés, under my advice as her project tutor. She finished her thesis in November 2008 and defended it—successfully—one year later. This work revisits the idea developed by Ms. Guidoccio as part of the argument that proposes to focus the process of redefining the role of the armed forces in strategic terms within the framework of the institutionalization of the defense policy.

which had been in force since 1966. The enactment of the new law took place amid some drastic measures adopted by President Alfonsín to restore the civilian control of the armed forces after rejecting a negotiated transition proposed by the military institution in order to preserve its privileges and ensure its influence under the incoming civilian government. These measures included the prosecution of military officers most responsible for human right abuses during the military regime, the adoption of measures for protecting democracy against any future attempt of military uprising or insurrection and the reformulation of the military forces' roles and missions in a democratic environment.

The prosecution of military officers was the cornerstone to lay the foundation for civilian control of the military institution. Five days after taking office, Alfonsín issued two decrees, N° 157 and 158, ordering the arrest and criminal prosecution of those responsible for human rights violations, including the guerrilla movements—the People's Revolutionary Army (ERP) and *Montoneros*—and the Military Junta. He also sent a bill to Congress calling for the repeal of the military's self-amnesty law adopted by the last Military Junta in 1983, before the democratic transition. On December 20, 1983, Congress passed Law N° 23040, nullifying the amnesty provisions. Alfonsín also created the National Commission on the Disappearance of Persons (CONADEP), whose mission was to investigate the crimes perpetrated by the armed forces during the military dictatorship. Although all these measures were obviously questioned and resisted by the armed forces, and despite the refusal of the high command to comply with decree 158, the trials of the Military Juntas took place based on the large amount of evidence gathered by CONADEP and compiled in the *Nunca Más* report. The tribunal handed down its verdict on December 9, 1985, sentencing the Junta members to prison terms. In spite of the controversies and even the frustration generated by the passing of the Full Stop and Due Obedience laws and the "*carapintadas*" military faction uprisings, the social rejection of the military put an end not only to the military's impunity but also to its sense of omnipotent power over civilians. In this sense, it was also crucial to disavow the armed forces' claim to monopolize the defense policy and decide the best implementation method.

The passing of the Defense Act, as Ernersto López put it, "took too much time" (2007, 31). After the executive sent the original bill to Congress in April 1985, it was not until April 14, 1988, after the passing of the Due Obedience Act (June 5, 1987) and the second "*carapintadas*" uprising (January 1988) that the Senate finally approved it and it was enacted into law. "This clearly shows the turmoil of those times, the military resistance and the politicians' procrastinating behavior and delaying tactics. In a few words, it reveals the difficulties of a tributary process of a collapsing transition without either the complete military political defeat or the

full civilian dominance of the spheres of power, a process that was open to plays and counterplays and that in the absence of previous agreements between the conflicting sectors, gave rise to, at times, an inescapable instability” (López 2007, 31). However, the relevance of the Defense Act should not be underestimated. It was thanks to this piece of legislation that a fundamental ideological battle was won: the delegitimization of the National Security Doctrine, the clear distinction between internal and external security, the delimitation of the armed forces’ role to defending the country against external aggression, and the restriction of military participation in this area. In order to ensure the application of this principle, the law introduces mechanisms aimed at redefining the relationship between the constitutional powers and military institutions, as well as consolidating the subordination of the armed forces to democratic authority. Thus, the law not only ruled out the military intervention within the sphere of domestic security matters but it also vested the responsibility of defining the defense policy in the constitutionally established authorities. It is worth mentioning the consensus forged among all political parties to prevent the military from intervening in domestic security functions; it showed that the military would not have enough political power to impose conditions upon the civilian authorities (Sain and Barbuto 2002, 3).

In terms of military reform and the appointment of civilian experts to fill positions in military institutions, the first steps adopted were the elimination of the role of commander-in-chief of each force, the attempt to strengthen the joint chiefs of staff and the transfer of budget allocation decisions regarding the military budget, the production of military weapons and equipment (General Directorate of Military Industries), the National Atomic Energy Commission and the absorption of the maintenance costs of the Border Guard Patrol and the Coast Guard, previously in charge of the army and the navy, respectively (López 1992; Hunter 1997). In spite of these developments, the military retained a certain degree of autonomy in the management of military affairs, either due to the military resistance to accept this new situation or due to civilians’ lack of training in defense and strategy affairs, as all the attention had been focused on civil-military relations. Thus, upon the return to democracy, a first generation of sociologists, political scientists and foreign relations experts were devoted to general security matters and specialized, quite naturally, in civil-military studies and transition processes – without paying attention to the more strategic aspects of the defense policy, i.e., the role of the armed forces in the international relations of the country. Perhaps it was assumed that the role and mission of the military as set forth in the Defense Act were clear enough, or that the long time it took to enact the law did not allow for shifting the debate to the concrete implementation of their roles, which would have revealed the need to train experts in strategic affairs. Perhaps our foreign policy was too committed to

dismantling any possibility of a conflict scenario with neighboring countries, to improving our relations with Brazil and achieving a deeper regional integration, to defending democracy and shuttle diplomacy to put an end to military interventions, to attaining international legitimacy. No matter what the explanation, no one perceived the need to involve the armed forces in restoring the country's role on the international stage.

Reform through Adjustment and Reformulation of the Military's Role in the Age of Globalization and Alignment

The successful repression of the last "*carapintada*" uprising on December 3, 1990 by the Carlos Menem administration (1989–1999) ended with the military's attempts to occupy spaces of influence and participate in political decisions. The successive army chiefs appointed by the Justicialist Government were generals who had participated in the Malvinas War, had nothing in common with the "*carapintada*" faction and were deeply committed to suppress any military rebellion or uprising against the civil government. On October 6, 1989, on the grounds of the need to ensure pacification and national reconciliation, Menem issued Decrees N° 1002, 1003 and 1004, granting pardon to the military officers, guerrilla leaders or any other person who had been prosecuted and/or convicted for their participation in armed rebellions or other violent acts during the 1980s. The purpose of this measure, highly criticized by human rights organizations and society as a whole, was to appease the military, establish new patterns of civil-military relations and earn their loyalty – something that was already recognized with the isolation of the rebellious officers and the final neutralization of their political clout within the army after December 3, 1989 (Sain 1997).

The pardon of military officers and the neutralization of the "*carapintada*" faction were the most significant and only official initiatives within the defense policy institutionalization process during Menem's administration. Alfonsín's successor "buried any hope of a military reform but accomplished a Copernican turn that greatly improved Argentina's international positioning as regards international military missions" (Ernesto López 2007, 32). The package of neoliberal economic reforms known as the Convertibility Plan and the severe structural adjustment policies it entailed, as well as the government's decision to align with the United States concerning international relations in the post-Cold War era, defined by Carlos Escudé as "peripheral realism" (1992), determined by default the institutionalization process of the defense policy.

Therefore, during Menem's time, the defense policy was marked by globalization as the process was understood and undertaken at a national and international

level by the governing elite. One of the most salient features of Menem's military policy was the reformulation of corporatist bonds: "He negotiated with those officers who were loyal to him and cast off the corporatist chains, a move that contributed to weakening the military, appeased some demands and selectively recomposed those functions that were useful for his projects. He negotiated with the military leadership, exchanging benefits for political loyalties" (Diamint 2008, 102). This policy explains the way in which the dismantling of the military industry and the privatization of the General Directorate of Military Industries were carried out, leading, among other things, to the illegal arms sales to Croatia and Ecuador and to the involvement of the military in Mafia-like dealings (Santoro 2001).

The sharp reduction in defense spending from 1.88% of GNP in 1989 to 1.32% in 1993 (in 1999 it represented 1.47% of GNP) seriously damaged the military's functional capacity: the annual number of recruits dropped and the training capacity of recruits and officers deteriorated. In short, the military profession was considerably damaged and the defense policy turned into, as Thomas Sheetz put it, "a quest for profit" (2002, 49). Menem's decree abolishing compulsory military service and replacing it with voluntary military service in 1994, which was neither based on a serious evaluation of its impact nor previously discussed with the armed forces, further damaged the military institution. It should be noted that this surprisingly swift decision was mainly due to the public outcry caused by the brutal murder of soldier Omar Carrasco on the grounds of the army's 16th Artillery Group and the attempted cover-up by army officers, junior officers and other soldiers – not the result of careful consideration of the redefinition of the armed forces' role (Sain 1997; Hunter 1998; Martínez 2000).

In this internal framework, however, the speech delivered in 1995 by the army chief General Martín Balza, in which he acknowledged for the first time the use of illegal methods, including torture and executions, was a very positive step towards the institutionalization of the defense policy. Balza's speech did not lead to reconciliation between the military and civil society, basically on account of the persistent demand for the prosecution of those military leaders that had been granted pardon by President Menem, the reopening of the trials against military officers charged with crimes against humanity during the military government, and the intransigency of military sectors that had not endorsed General Balza's position. However, his position constituted an important precedent of the explicit acknowledgement of military subordination to constitutional authority and the abandonment of the long-standing military claim of considering themselves "the custodians of the values of their fatherland" – a claim that had built a military culture and national character that rendered it impossible to accept the critical change towards an institution imbued with the ethical values of a democratic society. Consequently, and

notwithstanding the controversies surrounding Balza's motives to deliver such a speech or the extent of his capacity for self-criticism and sincerity (considering it was delivered after presidential pardons had been granted), the General's unprecedented initiative is analyzed from the point of view of what we have called the process of citizenization of the armed forces.

If, within the internal context, the institutionalization of the defense policy during the 1990s followed the reform through adjustment reasoning, the Menem administration's foreign policy seemed to offer this process the opportunity for restructuring. The reformulation of the military's role in the foreign policy of the *Menemista* government reflected the logic of "restoring" the image of the country abroad in order to regain the confidence of multilateral organizations and attract potential foreign investors, rather than the logic inherent in the proper role of defense. This study does not discuss the internal coherence of a comprehensive state policy project that prioritized overcoming the deep economic crisis by adhering, with certain reservations, to the principles of the Washington Consensus; the welfare of citizens embracing a particular philosophical and economic ideology (neo-liberalism); and deciding to continue with and develop some of the foreign policy initiatives of the former administration, as well as shifting to a policy of close alignment with the United States on the basis of the needs of such political and economic priorities. In other words, it is perfectly clear that the reformulation of the role of the armed forces, fundamentally as part of United Nations peacekeeping missions,⁸ was in line with the vision of reformulating the country's international relations that restricted the defense role within that context. But it is also possible to argue that the circumstantial and nearly opportunistic character—in the literal sense of the term—of this reformulation of the military role did not provide a structural foundation solid enough to set up a defense policy that, as a state policy, could ensure its stable continuity.

The policy of alignment with the United States and participation in two military interventions—the Persian Gulf in 1991 and Haiti in 1994—as part of multinational coalitions led by Washington, which put an end to Argentina's long tradition of neutrality, contributed, in Carlos Escudé's opinion, to improving the image of Ar-

⁸ "Of a total of thirty one missions, twenty two took place during Menem's administration. The number of troops increased between 1989 and 1995, from about twenty to over 2,000, falling sharply a few years later, to about 600. Since then, this number has remained stable. The reduction in the number of troops deployed in the mid-90s is due to an adjustment in which our country 'follows the decline curve of the UN general participation and, fundamentally, to budget problems of the contributing countries'" (Simonoff 2005, 130–131).

gentina in the Western world.⁹ This political objective was, however, subject to some pressures such as the dismantling of the Condor II Project (Busso 1999)—a decision that could hardly help to improve the country's defensive capacity. Since the Malvinas War, Washington had started to review its position towards the South American military that in the 60s and 70s had helped the U.S. to expand its containment policy in the region through the Doctrine of National Security. It is possible that the decision of the Military Junta to militarily challenge its principal ally could have put Washington on alert about the unpredictability of the *de facto* regimes. However, in the 1980s and 1990s, U.S. strategies in the Western hemisphere started to focus on the security implications of free trade agreements (Taylor 2006). This American perspective in the post-Cold War era contributed to enhancing hemispheric cooperation in defense matters and facilitating its institutionalization through the adoption in 1995 of the Defense Ministerial of the Americas mechanism within the context of the OAS. This enhanced cooperation also made important contributions in terms of training, professionalization, exchange of experience and debates, and the emergence of experts—both military and civilian—in the field of defense.

Washington's new security priorities after the second half of the 1990s—first the so-called “war on drugs,” next its expansion to include “new threats” (Sain, López 2004) and, after September 11, 2001, the “war on terrorism”—led successive American administrations to propose a redefinition of the role of Latin American armed forces and placed them under the direct control of the US Southern Command. Argentina remained unconvinced, as this was correctly seen as a potential danger of military involvement in domestic affairs. Still, Washington's plans for Latin America and Argentina, in particular, never contemplated areas of defense cooperation such as industrial projects or the establishment of a NATO-style military alliance.

Summing up—without denying its novel input into Argentina's foreign policy, the consistency of the arguments that supported it and the concrete benefits it produced—Menem's policy of alignment with the United States was more characterized by its pragmatism and its symbolic achievements¹⁰ than by a substantial

⁹ These three authors are mentioned by Simonoff (2005, 128).

¹⁰ For example, Clinton's decision to grant Argentina the status of “Major Extra NATO Ally” during his visit to the country in October 1997 and its confirmation on November 10, after a 10-day period in which the US Congress did not formulate objections to the executive's initiative. In the opinion of Juliana Lazagabaster (2003), the objective of Menem's administration since 1990–91 had been the incorporation of Argentina as a full NATO member, but would have required an amendment to the NATO Charter, that

contribution to the institutionalization of the defense policy within a strategic dimension.

The Qualitative Leap: Defense System Modernization

The institutionalization process of the defense policy in Argentina took a qualitative leap with the decision to formulate and implement a military system modernization initiative in January 2006 when Dr. Nilda Garré was appointed minister of defense by the then president, Dr. Néstor Kirchner. After a prolonged recession that started in 1998, the Argentine economy collapsed in December 2001 and the country's situation turned into a deep crisis that lasted until 2003, when the economy began to recover. During the social riots of December 2001, and despite the state of emergency declared by the government, the armed forces abstained from intervening. Institutional order was restored by the National Congress, first with the appointment of Eduardo Duhalde as Interim President (2001–2003) and then with the election of Néstor Kirchner (2003–2007), who was succeeded by his wife, current President Cristina Fernández de Kirchner, in 2007.

The defense policy was not a priority during the economic crisis that also affected the functioning of the military institution. President Kirchner's strong commitment to human rights put an end to a status quo that supposed a mutual understanding between the civilian government and the armed forces as a result of Menem's pardon. "He did not hesitate to call things by their right name and fiercely fought any ideological or symbolic survival of figures, representations and values of the tragic immediate past, in military institutions. His decision to remove the portraits of former generals and de facto presidents Jorge Videla and Reynaldo Bignone from the Military Academy gallery of former leaders was a clear example of his commitment" (López 2007, 35). Another important decision was declaring the invalidity of the Full Stop and Due Obedience Laws that allowed for the reopening of investigations and trials of military officers responsible for crimes against humanity for the achievement of truth and justice and the eradication of impunity.

The long-delayed military reform, reactivated in 2006 with the modernization plan for the armed forces, was inserted in this logic of institutionalization of the defense policy in democracy, ending with a past dominated by the Doctrine of Na-

prevented the incorporation of South Atlantic countries. Should Menem's administration have achieved its goal of becoming a NATO member that, in fact, would also imply Washington's interest in a strategic alliance with Argentina; the consequences for the defense policy institutionalization process in Argentina would have been completely different from the position sustained in this article. The counterfactual analysis this perspective requires is not part of the purpose of this work.

tional Security and making it imperative to complete the process, which started in 1985 and was interrupted in 1987 and 1990. The modernization plan also responds to the need to continue with the accomplishments that gave this reinstitutionalization process its regulatory foundations: the Defense Act N° 23,554 (1988), the Internal Security Act N° 24,059 (1992), the Voluntary Military Service Act N° 24,439 (1994), the Armed Forces Restructuring Act N° 24,948 (1998) and the National Intelligence Act N° 25,520 (2002). Finally, we cannot underestimate the importance of the structural change that took place in South America during the first years of the 21st century, which allows us to rationalize the consolidation of the armed forces modernization process and the formulation of the strategic dimension of an Argentine Defense Policy consolidated on the basis of its reinstitutionalization within the framework of the rule of law.

Consequently, the armed forces modernization plan did not intend to abandon the reinstitutionalization process that had started upon the return to democracy or deny it as a pillar of the state. On the contrary, it reflects the political will to put an end to two omissions that has characterized the defense sector since 1983. The first omission is one of the outstanding characteristics of this process: “the significant, long-lasting and recurrent reduction of resources for the Defense that, in the twenty following years has suffered a fifty percent reduction of its share in the national budget priorities and never received precise adjustment guidelines from the political leaders” (“Argentine Model for the Defense Sector Modernization” 2009, 11). The second is “a management modality based on approaches to delegate political responsibilities to the armed forces that validated a chronic and chaotic process that degraded the military instrument operative capacities” (“Argentine Model for the Defense Sector Modernization,” 2009, 11). It can be stated, then, that the actions and plans summarized in the “Argentine Model for the Defense Sector Modernization” paper (2009), on the basis of which the analysis of the present stage of the institutionalization process of the defense policy is developed in the following pages, constitute, as a whole, an effort to create and consolidate structures that ensure the institutional continuity of the defense policy as a state policy, and evaluate it in terms of its strategic need to define Argentina’s place in the world.

The defense system modernization plan is supported by the following ten lines of actions that are explained in the above-mentioned paper (pages 17–18):

- A. Organic and functional structuring of the system
- B. Organization of a strategic planning methodology
- C. Configuration of an optimized logistic planning and execution system
- D. Articulation of research, development and production areas

- E. Regional integration and international cooperation consolidation
- F. Educational quality promotion and education and training integration
- G. Implementation of the human rights perspective and gender policy
- H. Activation of the military strategic intelligence system
- I. Strengthening of the system in relation with civilian society
- J. Optimization of transparency and public control mechanisms.

The implementation process started with the promulgation of the Defense Act by a presidential decree issued in June 2006. The decree of promulgation, which had been delayed for 18 years, made it possible, among other things, to clearly differentiate the roles of the minister of defense, the joint staff and the armed forces, and to transfer to civilian organizations non-military tasks that had been performed by the military, such as the National Meteorological Service and the Naval Hydrology Institute. "The clear specification of the primary mission of the Armed Forces corresponds to the need to avoid denaturalization of its object as a military instrument of the Nation, a situation that occurs when it is assigned responsibilities for other functions which, although within the competence of the National State, have no direct relation whatsoever with its specific competence" ("Argentine Model for the Defense Sector Modernization" 2009, 19).

The creation of the National Defense Council (CODENA) by Presidential Decree N° 1168/06, the approval of the Directive for the Operation and Organization of the Armed Forces (Decree 1691/06) and, finally, the creation of the National Defense Planning Cycle (Decree N° 1727/07) met the goal set in point B; on the other hand, the creation of the Under-Secretariat of Defense Logistic and Operative Planning (Decree N° 788/07 and consolidated by currently effective Decree N° 1451/07), responded to the need to define and implement the following programmatic initiatives: the Integral Management System for Investment in the Defense (SIGID); the Common Inputs Joint Supply Program (PACIC); the Peace-Keeping Operations Joint Equipment Plan (PECOMP); the Armed Forces Maintenance Capacities System (SICAMAN); the Military Air Navigation System (RAM); and the Budget Policy Committee (CPP). In order to overcome the deficiencies of the programs, the minister appointed a committee made up of specialists who, after six months of intensive research, submitted a report that was presented to the international seminar on "Defense Modernization: Logistic Organization Models." "In general terms, the report prescribes different management technologies in the fields of military strategic planning, generic logistics (obtainment and modernization of arms systems and support means) and support logistics (support of resources in operations or readiness situation), with the purpose of building an inte-

grated logistics system provided with an adequate centralization of the functions to be determined by the Ministry of Defense as well as a decentralized planning and supervision of the Armed Forces' functions" ("Argentine Model for the Defense Sector Modernization" 2009, 24). The report¹¹ proposes to create a Defense Logistic Agency made up by civilian and military members.

The modernization project included the reactivation of scientific research through the reform of strategic guidelines, the administrative structure and the staff management system of the Scientific and Technological Research Institute of the Armed Forces (CITEFA), later called the Scientific and Technological Research Institute for the Defense (CITEDEF). Articulating the research from the defense area with other development and production areas, "the Ministry of Defense promoted the recuperation and potential of the Armed Forces's production, which face decreasing operational activity, chronic lack of guidelines and, in some cases, fraudulent privatization processes, which took place some decades ago" ("Argentine Model for the Defense Sector Modernization," 2009, 25).

In line with the reform of the National Intelligence Act N° 25,520 in 2001, the defense system modernization required the adoption of certain measures, such as the provision of sophisticated equipment and operation regulations that ordered the observance of the guidelines in the first Strategic Plan for Intelligence in Democracy.

In addition to these initiatives aimed at achieving the efficient operation of the defense system, the modernization plan placed emphasis on areas that, until that moment, had been considered irrelevant or disconnected from the military institution: education and training, human rights and gender issues. The main purpose of the education system reform for senior and junior officers was integrating "knowledge obtained in the national and international areas to the military area and propitiate the quality of strictly military contents according to the functional requirements of the Armed Forces" ("Argentine Model for the Defense Sector Modernization" 2009, 28). The education of the military sector based on democratic values was considered essential for the education of the military citizen and the development and specialization of the military profession as a public service. Concerning the training of civilians in defense issues, progress was made regarding the articulation of the Armed Forces' University Institutes. To that end, an agreement was reached with the National University of Tres de Febrero for mutual cooperation in the development of a syllabus and activities, and the creation of a course to

¹¹ The document "Report on the Defense Logistic Systems Modernization" is available at the Minister of Defense web site: www.mindef.gov.ar.

obtain a Master's Degree in Defense and Strategy aimed at professionalizing future civilian officers for the effective management of defense issues.

With respect to the implementation of the human rights perspective, the ministry created the National Human Rights and International Humanitarian Law Board, which operates as a coordinator of related efforts and initiatives. The approval in August 2008 of Law N° 26394 was a milestone towards the implementation of the human rights perspective. This piece of legislation provided for the integral reform of the military justice system and derogated the former Military Justice Code, which was replaced by a new code that considers, *inter alia*, the elimination of the military court, the simplification of military criminal law, the regulation of military disciplinary laws, and the eradication of the death penalty from the Argentine legal system.

The gender perspective was "focused on the access and progress in an equal standing and the eradication of violence against women in the military scope" ("Argentine Model for the Defense Sector Modernization" 2009, 32). In line with these efforts, the Ministry of Defense took some measures aimed at adapting the conditions for admittance and permanence in educational institutes to include girls and women having children or becoming pregnant while working in the armed forces (Ministerial Resolution N° 849/06), amending the Voluntary Military Service Regulatory Decree that provided for non-admittance of people having dependents, promoting an agenda of changes that supported women's inclusion in a military career through the Council of Gender Policies in the Defense, created to that end, and detecting cases of domestic violence.

Conclusion

(I) The citizenization of the military, or a Defense Policy in democracy

The Argentine Defense sector modernization should be understood and evaluated on the basis of two general axes: the areas exclusively associated with increasing the efficacy of the operation of the system's components—items B, C, D and H, including the creation of CODENA, the Logistics Committee, the promotion of technological research and the provision of sophisticated equipment for intelligence analysis—and the areas of education, human rights and gender issues—items F and G—the impact of which, in terms of a qualitative and quantitative change of the system, shall be assessed in the long term. In both cases, however, the objective is to consolidate civilian control of the armed forces. In fact, the prominence of civilian participation in all these undertakings is quite remarkable. This presence, participation in, and commitment to defense issues demonstrates the growing interest of university experts in the areas of defense management, administration

and planning, which in the past were under the exclusive competence of the military.

One of the indicators is the intellectual production dynamics between research projects and public debates that was generated in the Manuel Belgrano Center for Strategic Studies, created within the scope of the Ministry of Defense for the purpose of coordinating the efforts of the army, navy and air force and whose goal, as expressed in a ministerial communiqué, “is to develop the perspective of considering defense as a problem to be addressed by all sectors, civilian and military. With the incorporation of university and civilian experts to military studies on defense, the subject can be proposed from an integral perspective where the Nation’s capacities and deficits in this field can be analyzed with the highest scientific level” (Veiras 2008). Consequently, the goal of “strengthening the system’s relation with the civilian society” is intended to be one of the most important components of the modernization process. Efforts have been made to promote cultural undertakings, dialogue with intellectuals, debates, conferences, tributes, memorials and reflection sessions about the Malvinas War, exhibitions and the publishing of magazines, reports, lectures, etc.

The object of these undertakings is to end the disconnect between the armed forces and society that, besides having a strong historical-cultural element, was basically a consequence of military intervention in internal affairs. It is, as Minister Garré expressed, the effort of “citizenizing” the armed forces and providing for the insertion of citizens into military careers. This is the first novel contribution to defense sector modernization at the last stage of the reinstitutionalization process of the defense policy since the return to democracy.

(II) The external factor, or the strategic dimension of the rationalization of a defense policy

Defense sector modernization takes into consideration the approach adopted by Argentina’s foreign policy since 1983 – namely, regional integration and international cooperation. The ministry’s concrete actions in this field “confirm its will to continue working with the purpose of reinforcing integration in the sub-regional and regional areas as well as the bilateral integration with those States and international organizations that are considered important for the national interests” (“Argentine Model for the Defense Sector Modernization” 2009, 27). Besides the ministry’s participation in several meetings on policy coordination, the creation of work groups and cooperation undertakings, among other initiatives, the qualitative leap concerning regional defense integration has been the creation of a Combined Peace Force, made up by Argentina and Chile and known as “*Cruz del Sur*,” ready for quick deployment in any United Nations operation. This regional integration and

international cooperation approach constitutes solid proof of Argentina's abandonment of old perspectives strongly anchored in considerations of balance of power or force projection and conflict scenarios.

In other words, defense policy as a pillar of state policy does not necessarily need to define itself on the basis of the existence or perception of external threats, or simply justify itself in terms of force projection. The geopolitical context of a South American "peace zone" that includes Argentina requires a proactive defense policy from all the regional countries. This is because, first, the strategic shift of regional integration that led to the creation of UNASUR and its CSD (South American Defense Council) implies a new security architecture design (Chipman and Lockhart Smith 2009). Second, although the creation of the CSD was a Brazilian initiative, the proposal provoked both interest and enthusiasm in Argentina, where several public debates and intellectual works were produced on the subject.¹² Participating in the creation of the CSD requires a strategic vision that does not exist, or will lack credibility, without a defense policy.

In sum, the post-9/11 external context, both regional and international, demands a rationalization of the strategic dimension of international relations, or the place in the world of an Argentina no longer connected to the dominating paradigms of the 1980s and 1990s. This external factor is the second novel aspect of the current stage of the reinstitutionalization process of the defense policy.

(III) The role of the "epistemic community"

This essay states that the modernization of the defense system constitutes the last and perhaps the culminating stage of the reinstitutionalization process of the defense policy within the framework of the rule of law after the return to democracy. Consequently, one could argue that it means the end, as Fabián Calle put it in his reaction to the proposal of Martín Caparrós to dissolve the armed forces,¹³ "of two decades of absolute neglect of the Defense issue as a State policy" (2009, 22).

This work was based on two arguments. The first is defined as a factor within the internal Argentine scope and is supported by the confirmation that the modernization of the defense system is aimed at the citizenization of the armed forces. The second argument deals with the rationalization of the defense policy according to the post-9/11 world. However, the citizenization of the armed forces is a slow process and needs a systematic and permanent effort, especially in the field of

¹² See, for example: *Cuadernos de Actualidad en Defensa y Estrategia* # 4 "Consejo de Defensa Suramericano Council: Una Mirada desde la Argentina," ed. Khatchik DerGhougassian. Buenos Aires: Ministry of Defense, 2009.

¹³ See: footnote 6.

military education and training.¹⁴ Rationalizing the need of a defense policy on account of the strategic imperative of an external context—both regional and international—is, therefore, a political decision.

Neither of these two factors, citizenization and the external context, can guarantee that the structures to be generated by the current project of modernization of the armed forces shall not suffer a setback or be abandoned on account of political decisions or budget restrictions. It has yet to be seen if a—fortunately—active Argentine “epistemic community” made up of experts in security and defense matters, which has already made important intellectual investment in ideas and debates, shall be able to maintain the interest for the defense policy as a state policy in a democracy in view of the silence of the media, society’s indifference and the irresponsibility of the political class.

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¹⁴ See: Badaró (2009). I also thank Germán Soprano for the fruitful exchange of ideas about the subject based on an unpublished paper he wrote with the collaboration of Sabina Frederic, Analía Bracamonte, Alejo Levoratti and Mariano Martínez Acosta about military education that he placed at my disposal for reading, commenting on and debating ideas.

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The Military in Chile: The Long Road towards Civil-Military Integration

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Abstract

This work covers the different environments in which armed forces activities, financing, legislation and control by civilian authorities have developed since the return to democracy, which shall celebrate its 20th anniversary on March 11, 2010. It is on that date that a newly elected president took office.

Prologue and Introductory Note

Although the Chilean transition process regarding civil-military relations started nearly two decades ago, it continues to be dynamic. The controversy and reticence generated by some aspects of the reforms and the complicated legislative system have not contributed to accelerating the achievement of the overall goals.

Chile is different from the other countries in the region because of the nature of the military component of society. Far from belonging to the so-called oligarchy or the upper classes, where, according to a traditional social cliché, a son handles the family business, another son becomes a priest and the third one joins the armed forces, the Chilean military has historically been a closed caste system. Members of the military are the managers of a country estate, taking care of other people's interests, but not the owners. Whenever the country feels privileges are at risk, the role and importance of the military gains prominence but the rest of the time it is forgotten and neglected. No patrician family would be happy if a daughter fell in love with a young officer. Marriages and social life take place within the "military family" and the existence of their own schools, colleges and social clubs contributes to maintaining this status quo.

An overview of the history of military interventions in Chilean political life, between the second half of the 19th century and 1973, shows that many of these movements were more similar to social movements expressing their own demands

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regarding the deteriorating life conditions of the military or the people in general, rather than attempts to seize power and rule the country. Throughout history, there emerged several socially conscious movements, including populist movements and even a Socialist military government – an infrequent but not unprecedented case in the region.

Notwithstanding the changes introduced regarding the reintegration and democratic civilian control of the defense sector since the return to democracy in March 1990, other changes are being examined at different stages of the legislative process, some of them with an uncertain outcome. Consequently, what is described below is the situation envisaged at this moment, subject to revision and updating according to the progress of some of its different aspects.

Principal Milestones of the Reforms

The changes introduced in civil-military relations since the end of the military dictatorship have taken place at a slow pace, not as the result of a prudent attitude or the purpose of ensuring solid foundations but as the result of shyness, or even fear. For several years after the return to democracy, before any controversial decision or declaration by the government, citizens wondered what the military might do about that. The armed forces (FFAA) were considered a constant but dormant threat, and politicians acted like former students of a very strict school: still afraid of their headmasters, though they no longer dictated their lives.

The first president from the Democratic *Concertación* coalition, Patricio Aylwin, who had been in office since 1990 (1990–1994), had already showed this attitude with a famous phrase from his first speech, in reference to human rights violations, where he stated that “to the extent practicable, we should continue with the unavoidable task of searching [for] truth and justice.”

In April 1990, soon after assuming office, he created the National Commission for Truth and Reconciliation, also known as the “Rettig Commission,” empowered to investigate cases of violent death, enforced disappearance and torture that had taken place between 1973 and 1990. Taking into account that the military still kept most of the information required, it was not an easy task and the final report that was presented in February 1991 is far from complete. However, its publication caused a great deal of anxiety for military officers, who made this clear.

Almost ten years later, there was a second effort with the participation of the armed forces, human rights organizations and independent experts. This Dialogue Panel met between 1999 and 2000 to gather information on the whereabouts of the remains of the missing. Because of the reticence, shame or ignorance of the military, the panel’s results were not very successful.

Other facts reflected the government's decision to contend with the armed forces and their political legacy. In most cases, they were the result of strong international pressure. The following are some of the principal milestones:

- *Detention of General Manuel Contreras.* The feared former director of DINA (Directorate of National Intelligence), the central repressive pillar of Pinochet's regime, had been mentioned as the intellectual author of the assassination of Orlando Letelier, former foreign affairs minister during Allende's administration, in Washington, D.C. in 1976. His assistant, an American woman, also died in the attack. International diplomatic pressure eventually forced the Chilean government to detain and imprison General Contreras in 1991 in a proceeding that had to face several obstacles. Since then, Contreras was convicted to several prison sentences for the commission of other crimes but maintained certain privileges, such as the building of a special prison that he shared with other officers that were also convicted in later years.
- *The end of Pinochet as commander-in-chief.* As part of the agreement that marked the end of the dictatorial regime, and in spite of his old age, General Pinochet would remain head of the army. His presence, the purpose of which was "to take care of his people," also entailed a dormant threat for many citizens as he was the commander of the most important branch of the armed forces. He resigned in March 1998 at the age of 82 (8 years after relinquishing the presidency that he had retained for 25 years) when he was sworn in as a senator for life, a privilege first granted to former presidents. Although his influence had diminished, his senatorship and consequent immunity from prosecution still protected him.
- *Arrest of General Pinochet in London.* He did not have much time to enjoy his new appointment. On a trip abroad in October 1998, he was arrested in London under an international arrest warrant issued by Judge Baltazar Garzón of Spain, formally requesting his extradition. During a stay of over 500 days in London, where he was placed under house arrest, legal maneuverings and diplomatic pressures prevented his extradition. He was finally returned to Chile in March 2000.

It could be said that this episode was decisive in prompting Chilean authorities to start prosecuting those responsible for human rights abuses. If foreign judges could prosecute Pinochet, that meant that no one was above the law and the roof of national coexistence did not collapse because of his arrest in Chile. Several arrests, indictments, trials and legal and administrative actions thus took place soon after Pinochet's arrest.

- *The Constitutional Reform of 2005.* Regardless of matters related to human rights violations, the 1980 Constitution still preserved, together with other pieces of legislation, the special rights, privileges and influence granted to the armed forces. As this Constitution requires a majority of two-thirds or three-quarters of the number of members of Congress to amend constitutional texts, and the binominal electoral system renders it practically impossible that only one party or coalition gets the majority of votes, it was necessary to reach an agreement on the reforms with at least some sectors of the right-wing opposition. In 2005, 15 years after the end of the military dictatorship, an agreement was reached to eliminate some of the military's privileges. These reforms are examined in the following section.

Constitutional and Legislative Reforms

At the end of 2005, after extensive negotiation, 58 constitutional reforms were voted on and promulgated. The constitution, devised and promulgated during the military dictatorship, had been approved by 67% of the votes, although there were doubts about the veracity of the official figure after the aggressive propaganda campaign led by the government that included severe restrictions on the opposition organization and access to the media. Although 52 sections had been amended during the transition process (1989), the military privileges and protections remained intact. The following are the most relevant sections that were amended in 2005:

- *Elimination of the role of the armed forces as guarantors of the institutional order.* The 1980 Constitution established a permanent role for the armed forces as “guarantors” of the institutional order of the republic. In the opinion of the majority, it was a *carte blanche* that granted the armed forces constitutional authority to take matters into their own hands—either by their own initiative or pushed by others (as they tried to justify the coup d'état of September 1973). In the amended text, the institutional order is guaranteed by all the components of the state, although it still refers to the military in a similar fashion. “The armed forces exist for the defense of the fatherland and are essential for national security.”
- *Modification of the powers granted to the National Security Council (CSN).* In its original design, the CSN had eight members, four civilians and the four military leaders (the commanders-in-chief of the armed forces and *carabineros*).
The council could be convened upon the request of two of its members. Among its powers, it was to convey to any official of the government its opin-

ion on any “event, act or subject-matter, which in its judgment gravely challenges the bases of the institutional order.” As the number of military and civilian members was the same, the military members used and abused the CSN to express their discomfort and exert pressure on the president, including the power to interfere with his decisions (the CSN authorization, for example, was essential for the removal of a commander-in-chief). The 2005 Constitutional reform transforms the National Security Council into a body that provides advice to the president and which can be called only by him. A civil member is added to the council (the speaker of the Chamber of Deputies), giving the military a minority representation.

- *Elimination of the positions of appointed senators.* The 1980 Constitution included 38 elected senators, nine appointed senators and life-long senators who were former presidents. Out of the nine appointed senators, three had to be former commanders-in-chief of the armed forces and one a *carabinero*.

With the elimination of all non-elected senators, the presence of the four uniformed senators was removed. This practical effect was irrelevant in the case of General Pinochet as he died in 2006, the year in which this new system was applied.

- *Power to remove the commanders-in-chief.* The 2005 reform granted the president the authority to remove the commanders-in-chief of the armed forces, who were now appointed by him for four-year terms, ending the immovability of their positions.
- *Restrictions imposed on members of the armed forces to run for Congress.* Members of the armed forces and *carabineros* cannot run for Congress if they have been serving officers one year before the elections. This provision intends to avoid situations such as the case of Admiral Arancibia, former navy commander in chief, who resigned from his position in June 2001 to become a senate candidate for the ultra-conservative Independent Democratic Union (UDI) party in the parliamentary elections of the same year.
- *Reduction of the length of compulsory military service and new professional troops.* Although there has not been a constitutional reform, there has been a certain degree of democratization among the troops. Military service, theoretically compulsory, tended to enlist the children of humble families.

Without ignoring the positive social impact that discipline and training could have on young men with far less attractive prospects, the global trend towards professionalism and voluntary service has finally been accepted in Chile. Today, all conscripts are voluntary. There is also a section of professional troops engaged for a few years. These troops can voluntarily extend the periods of

their conscription and apply to senior non-commissioned officers' academies. Regarding officers, all military academies pertaining to the three forces allow women to enroll on an equal footing with men.

- *A new role for Congress.* Although decisions about military spending (see section V) do not involve Congress and the annual budget debates regarding current defense expenditures hardly raise controversies or heated discussions, both senators and deputies have gained a more active role in monitoring defense sector decisions. Within this framework, the defense minister or secretaries, the commanders-in-chief, and the Upper and Lower Houses' defense committees are regularly summoned to explain and elaborate on relevant decisions and actions adopted by military institutions.
- *Transparency regarding salaries and expenditures.* The changes introduced in Congress and applied to the public sector as a whole have had a positive effect regarding the transparency of certain activities undertaken by the armed forces. It is worth mentioning the introduction of the *ChileCompra* online bidding system for the purchase of goods and services by public departments, including non-military equipment requested by the Defense Ministry. Additionally, a new transparency law allows for having access to information regarding the salaries of military personnel, both permanent and under contract. Although the *ChileCompra* system is not perfect as far as its coverage and transparency, and the list of salaries is incomplete, both initiatives show a radical change in comparison to the situation that existed some years ago when this kind of information was considered a "state secret."

Rapprochement between the Military and Civil Society

Aside from the constitutional and administrative changes already described, both the civilian authorities of the defense sector and the armed forces adopted several measures to develop a rapport with civil society in general and with specialized classes within civil society in particular. Although these efforts have been varied, in both nature and scope, they have had a positive impact. Both public and private surveys ordered by the government show that the three branches of the armed forces and *carabineros* are the four institutions most trusted by the population in comparison with other public institutions. The list is led by the army, which has a 76% approval rating.

- *Dialogue Panels and the Rettig Report.* These initiatives have already been mentioned in this work. It can be stressed that despite their limitations and imperfections, they have undoubtedly contributed to smooth civil-military relations.

To these positive measures it is important to add the gesture and good will of several commanders-in-chief in asking for forgiveness (with different degrees of enthusiasm or conviction) for past abuses and performing symbolic acts aimed at improving relations with some prominent personalities, such as former leaders of Allende's Popular Unity Party and their relatives. Taking into account the different levels of opinion among the uniformed, these statements and acts have not always been welcome by the whole body of officers.

Although active officers could not express their opinion in public due to the non-deliberative nature of the armed forces, they still helped to finance the legal expenses of those colleagues who were facing trials and used the voice of retired military officers' associations to express their unrest about what they considered "persecution."

- *Retirement and Promotion of Military Officers.* In the same sense, different governments have carefully handled the annual retirement and promotion process for purging those officers whose pasts could be questioned from the military ranks. With the passing of years, most of them have reached mandatory retirement age and the problem has gradually been solved.

However, in previous years, some cases were overlooked or missed by mistake, forcing the government to introduce last-minute changes or order premature retirements. The national president has the authority to appoint commanders-in-chief for four-year non-renewable terms out of the five most senior officers in active service, as well as ratify decisions taken by commanders-in-chief regarding high ranking officers. Admiral Edmundo González, current navy commander-in-chief appointed by the Chilean government in June 2009, surprised everyone when, soon after being promoted, he declared that there were no active officers in his institution that had been in active service in September 1973.

The appointment of General Juan Miguel Fuente-Alba as the new army commander-in-chief, effective from March 10, 2010, could have raised a serious problem. Some investigations referred to his alleged involvement in a particularly violent episode of military repression, known as the Caravan of Death, when he was a young second lieutenant. However, he was cleared after a judicial enquiry.

- *Creation of ANEPE and FLACSO.* The National Academy of Political and Strategic Studies was created in 1974, a few months after the military coup. Since the return to democracy, it has played a key role in encouraging civil-military rapprochement.

The ANEPE reports to the Defense Ministry, not to the armed forces. An

important number of the academy's professors are civilians (including retired military officers). Although its general director has always been an admiral or general in active service (the two-year office is held alternately by members of the three branches), a few years ago it was decided that the position of deputy director would be held by a civilian, elected like the rest, through public competition. The ANEPE was the first defense institution to reach out to the civilian world, allowing for the enrollment of civilian students from Chile and from foreign countries in different short- and long-term courses.

Another institution that has no connection with the military world but has greatly helped to encourage civil-military rapprochement through courses and seminars is the Latin American School of Social Sciences (FLACSO), with branches in several regional countries and research programs on defense and security issues.

- *Defense Community and Specialized Media Promotion.* The historical reticence to reveal information, even the most innocuous data, regarding the armed forces, defense policies and armament procurements, has gradually diluted with the emergence of a defense community, perhaps the most important of the region, in terms of the size of the country and its armed forces. Although it does not have a formal structure, the group includes strategic analysts and country risk analysts, weapon systems experts, academics, political scientists, specialized journalists and even arms brokers disguised as analysts.

On the other hand, the armed forces have taken a proactive role, organizing meetings to present specific projects and visits to military facilities in different parts of the country. In the past, these institutions were extremely sensitive to any criticism, to the point of forbidding the access of analysts or journalists whose opinions or comments were not supportive of the military institutions. However, in recent years this relationship has become more cordial.

- *Defense Books and Social Responsibility Reports.* In line with this new openness approach, but with less successful results, a National Defense Book was published. The second edition was released in 2002, and the third is to be released soon. Although this book includes useful information, the first two editions did not contain enough details about the means available to the Armed Forces.

Although the government's purpose was to increase access to military information, the dissemination of the first edition, published in the 1990s, was very limited. In spite of being considered a pioneering effort in the region, other countries—most particularly Argentina—have taken the lead regarding

the quantity and quality of the information released through these publications.

The initiative to prepare a Social Responsibility Report was more informative and helpful. In this case, the army took the lead with the publication of the first report that covered the period 2006–2007.

- *Changes to the National Anthem and Coat of Arms.* Regarding issues that do not fall within the exclusive scope of the armed forces but that show the willingness to attenuate a bellicose national profile both at the international and domestic level, changes were introduced in two patriotic symbols. The first was the removal of the historic motto “*Por la razón o por la Fuerza*” (By Reason or by Force) from the national coat of arms as it was considered too aggressive. This initiative was generally accepted but the decision to introduce changes in the public performance of the national anthem caused a great deal of controversy.

Although the Chilean national anthem consists of several verses, only verse V (known as “*Puro Chile*”) used to be sung. During the military government, verse III was officially incorporated because of its praise of the military: “Your men, brave soldiers, who have been the nation’s support.” When democracy was restored, this verse was eliminated from the anthem, although it is still sung in private ceremonies by supporters of the former military regime.

- *Evangelist Chaplains.* Chile is a predominantly Catholic country and the armed forces have traditionally been conservative in this regard. During the military dictatorship, the influence of arch-conservative Catholic organizations, such as Opus Dei, a conservative lay organization, the Legion of Christ, a controversial order of priests and even the Lefebvrites, a throwback movement that uses the Latin-rite mass and was considered a schismatic group by the Vatican, notably increased. However, the changes undergone by Chilean society in general, where the influence of evangelist groups has been growing steadily, posed some problems with the troops, who are more prone to be attracted by these churches.

Although those who belong to Protestant churches already established are still a small group (but they exist within the armed forces, for example the former member of the military dictatorship, General Fernando Matthei, who belongs to the Lutheran Church), the evangelists currently represent about 20 percent of the military personnel. Due to legal and moral pressures and in spite of resisting these changes, the armed forces had to incorporate evangelist chaplains into their units.

- *New Institutional Buildings.* In October 2009, construction of a new building in the center of Santiago where the Ministry of Defense will be relocated was

started. The building will be known as the Armed Forces Building and symbolically will replace the old Diego Portales Building, where the military government had its offices. The old military building will be transformed into a cultural center, called Gabriela Mistral, in honor of the great Chilean poet and Nobel Prize laureate. The army and the air force, whose headquarters were in the Armed Forces building, will move to new buildings that are being constructed in other districts of Santiago, while the navy headquarters will remain in the port city of Valparaíso.

- *Unfair Treatment.* With little success, sometimes as fortuitous events and not as part of a plan, several episodes and decisions that took place throughout the years were intended to degrade the profile or harm the image of the armed forces, both at an individual and collective level.

Among these episodes, we can mention the growing income disparity between the military and civil society members, particularly as regards specialized professionals. In 1990, at the end of the military dictatorship, the salary of a high ranking officer—which included additional benefits such as medical insurance for him and his family, lodging, etc.—was similar to the salary of their counterparts in the private sector. Ten years later, the private sector salaries, at a management level, are two to three times higher.

When the situation became unbearable and it was difficult to retain specialized staff such as pilots or engineers, it was necessary to take measures to reverse this trend. At the same time, families of military members were offered facilities regarding housing and education to allow them to reach an economic level that would not embarrass them in comparison to their non-military friends and relatives.

Another aspect that has annoyed the armed forces has been the concentration of responsibilities and prosecutions for human rights abuses and, most recently, for acts of corruption nearly exclusively directed at members of the armed forces.

Although it is true that in most cases they were the executors, the orders had generally been given by high ranking civilian officers of the military regime. While the military officers were prosecuted and convicted, the former civilian officers of Pinochet's government, as well as the members of the judiciary that condoned some of the abuses, are free—some of them are successful businessmen and consultants, and even public officers. The current president of the Constitutional Court, for example, was the dictatorship's spokesperson in 1986, who imposed severe censorship on the media.

Defense Budgets and Armament Financing

Reinterpretation of the Copper Act of 2003. Although it was partially copied in the region, the Chilean system, still in force, of armament procurements is still unique. Although there have always been resources directly allocated for that purpose for over fifty years, the present system requires the state copper mining company (CODELCO), the world's largest copper producer, to transfer ten per cent of its exports revenues to the Armed Forces to be used for the purchase and maintenance of weapon systems.

During the military dictatorship this advantage, that is not subject to legislative oversight or budget review, even in democracy, was increased, raising this contribution from five to ten per cent and with a guaranteed minimum contribution. In case the revenues were less than the stated minimum amount, the treasury had to supply the difference. The expected minimum contribution is annually adjusted according to variations in the producer price index in the United States.

For a long time, this income averaged US\$ 220–250 million a year – an amount that was becoming less important as costs of modern weapon systems increased exponentially. For several years, the armed forces had to borrow from future anticipated resources to finance high-cost purchases, a situation that was contemplated in this arrangement. At the same time, political pressures and the lack of strict civilian control led to a reexamination of the system, which was considered obsolete and anti-democratic.

At the end of 2003, when the current President Michelle Bachelet was the minister of defense, the then comptroller general gave the law, which has a secret or reserved nature, a discretionary reinterpretation. Under this new interpretation, only the guaranteed minimum amount was to be transferred to the armed forces (divided into three equal parts for each division, net of five percent set aside for joint operations). The funds in excess of the guaranteed minimum amount were to be deposited as a “fourth fund” and, despite its mandatory use for the purchase of weapon systems, was under civilian control, particularly through the Ministry of Economy and the Budget Department.

This reform was approved in 2004, just when copper prices experienced a recovery, and from a total level of US\$ 250 million, its output reached a maximum of US\$ 1.45 billion in 2007. Even with the subsequent drop in copper prices, the return was US\$ 650 million in the first nine months of 2009. The armed forces have lost the initiative regarding the final decision of decisive purchases.

Purchase Financing Reform. Taking into account the changes introduced in 2003, the authorities have tried to eliminate the *Ley Reservada del Cobre* (the Copper Law), replacing it with multi-annual budget allocations that would be decided with

other budget allocations, both military and civilian, in the national budget vote. After a long process of reflection, consultations and internal debates, a reform bill was sent to Congress in September 2009.

Both the new system, whatever its final form, and the one in force will face the perennial problem of corrupt practices in defense contracts. In the last few years, several cases of corruption related to operations carried out by both the military government and civilian administrations have been revealed. They involve Chilean and foreign brokers, high-ranking public officials and military officers. Penalties have been scarce and, in some cases, the losers were the officials who denounced the facts, which is far from encouraging step towards transparency.

Limits to Above-Inflation Increases. In order to avoid the military budget lagging behind other national expenditures, the dictatorship had ruled that the military budget could not decrease in real terms. This turned out to be a double-edged sword in good years, when the budgetary affluence allowed for increasing total expenditures beyond inflation, while military expenditures rose according to the legal minimum amount.

Ongoing Reforms and Pending Tasks

Amnesty Decree Law. In 1978, the military government drafted and promulgated an Amnesty Decree Law intended to provide an ample blanket for all offences committed between 1973 and 1978. Although in theory crimes committed by both sides during this period fell within the scope of this law, in practice, its purpose was to protect military leaders and officers from future prosecutions.

In effect, when the democratic governments started to prosecute some of the individuals responsible for human rights violations, this law was used and abused, especially to prevent investigations. The stage of the investigations at which the Amnesty Law could be applied was a major point of contention. Some judges held the view that the law should not be applied until the investigation was completed and the full criminal responsibility of any suspect was clearly established while others contended that the law should be applied before the facts had been established. Due to some changes introduced into international law, expanding the list of specific crimes that are considered crimes against humanity and consequently not subject to any statute of limitations, and strong international pressure (criticism from both private and state organizations), although the Amnesty Law has not been repealed, it has practically not been applied since 1978.

In a private meeting with retired admirals and generals held on November 10, the right-wing presidential candidate Sebastián Piñera made clear his intention to halt these human rights trials “that never end,” adding that all the monuments,

memorials and museums about the military government period should honor the fallen “on both sides.”

System of Military Justice Reform. Another pending task that has been the target of international criticism is the military justice reform. At present, military courts have jurisdiction over practically any crime committed by or against military personnel.

The jurisdiction of these courts covers, for example, a simple road accident where one of the drivers is a military officer or *carabiniero* to serious events such as a terrorist attack against police or military targets. Although Chile has pledged to implement judicial reform restricting military courts’ jurisdiction to strictly military matters, the legislative process to carry out this reform has been extremely slow. What has been achieved so far is vesting in the Supreme Court, which previously had no jurisdiction over these courts, the power to render a final decision when considering cases on appeal.

Areas under Civilian Control. Activities that in most countries are under the control of a civil administration remain under military control in Chile. The most obvious examples are the civil aviation and the maritime littoral area, including seaport and airport supervision.

Although maritime and air traffic operations have been privatized, the regulatory bodies (Civil Aviation General Agency and General Directorate of the Maritime Littoral Area) report to the air force and the navy, respectively.

Although it could be argued that it is not a negative thing to have a high level of supervision and discipline regarding certain activities, both in terms of security and discipline, the scope is too wide. In order to build a house by the sea, or run a food and drink kiosk on the beach during the summer, you need to request authorization from the Chilean Navy.

New Ministry of Defense Act. After years of debate and the introduction of several drafts, deep reform of the Ministry of Defense structure is in the last stages of the legislative process. One of the purposes of this reform is to set a stronger civilian framework in the ministry. Once it is approved, its effective application is expected to take place after 2011 and includes, among other changes, ending the supervision of the two police forces. It is still unclear if these forces will report to a new Ministry of Public Security or to one of the under secretariats of the Ministry of the Interior.

Another change involves the elimination of the three armed forces undersecretariats, whose coordination and cohesion has always presented problems. They will be replaced by two undersecretaries with related responsibilities, one as a virtual vice-minister and the other in charge of administrative affairs.

The most problematic issue regarding the drafting of the law has been the figure of a new chief of staff who would coordinate the three military branches in case of conflict or crisis. At present, Chile has the figure of the National Defense Chief of Staff who, together with a deputy chief, runs the three branches of the armed forces.

Their responsibilities are limited to coordinating intelligence services, giving advisory services to the minister, supervising national participation in peacekeeping missions, etc., and they are allowed to go back to their high command positions at the end of their mandate.

The new authority will be elected among three-star admirals and generals for a period of four years. Upon his appointment, he will automatically be upgraded to a four-star officer and will retire once his term is over.

Another current problem is the low number of civilians in public office with enough expertise in defense affairs, either technical or administrative, to argue with military high officers on equal terms. Several efforts have been made to improve this situation, including the presence of foreign experts. However, most of the Ministry of Defense advisors are independent experts appointed in a personal capacity, coming and going as part of the entourage of the minister or undersecretary of the moment, without building a career in the sector.

Military Pension Reform. In the early eighties, the military government decided to implement a privately managed pension system and created the Private Sector Pension Funds Administrators (AFPs). The only ones excluded were members of the armed forces and the police. Both parties, the AFPs and the uniformed services have accused each other on the subject. The latter were accused of not having been invited to participate and the former of claiming that they had not been interested in participating. As a result, the military and police pension systems impose a major fiscal burden. While the AFPs system is financed by the contributions of the civil workforce that opted for the new regime, the 2010 budget has set aside around US\$ 18 billion for the police and military social security systems, of which only 17.3 percent is financed by staff contributions.

The efforts undertaken to change the military and police pension systems have always met with the reticence and protests of these sectors, backed by several legislators. Some minor changes were introduced to the system, with minimal effect on the high overall cost. This is one of the pending tasks.

Democratization of Access to the Officer Ranks. It has already been stated that the military component of society does not belong to the so-called oligarchy or the upper classes and the Chilean military have historically been a closed caste system, self-supplied with their own children and relatives, encouraged by previous gen-

erations. Nevertheless, it should be said that it is not easy for the poorer classes to attend officers' schools.

Aside from the academic difficulties resulting from different levels of education between students who have attended private schools and those who have attended public establishments (admission tests are highly competitive), applicants from poor families must overcome economic obstacles and restrictions imposed by the application process itself.

The cost of the initial application form is nearly US\$ 30 and the applicant must obtain the form in person. Once the form is filed, the applicant must submit to costly medical and dental exams, the results of which are evaluated by the institution's doctors. In a country with a minimum monthly salary of US\$ 300, this procedure is costly.

Conclusion

The process of elimination or reduction of the military's undue influence on the internal affairs of their own institutions and the affairs of civil society has been slow and vague. Although there is a lot to do, we should not overlook the advances made, with changes that would have been unthinkable 15 years ago.

Breaking away from Old Traditions: The National Debate on Defense in Uruguay

Is It the First Step towards the Democratic Control of the Defense Sector?

Sandra Perdomo*

Abstract

This work analyzes the “National Debate on Defense” that took place in 2006 as a mechanism to address some democratic deficits in Uruguay’s civil-military relations and an instrument to contribute to the reform of the defense sector placing the emphasis on the roles of civil society and the powers of the state.

Characteristics of the Civil-Military Relations in Uruguay: Key Elements to Understand the Relevance of the National Debate on Defense

Reading specialized literature about civil-military relations in Uruguay, we can find common aspects regarding their characteristics. A review of such characteristics will allow us to understand the relevance of the National Debate on Defense as a first step to break away from the old tradition of an apathetic handling of defense-related public policies.

The Party Co-option

The specialized literature in Uruguay—González Guyer (2000 and 2008), López Chirico (1999), Real de Azúa (1969), Paternain (2004), Maronna and Trochón

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(1988)—has stressed the “Colorado Party” influence on the national army since the 19th century. The Colorado Party, which was in power for 93 years until 1958, exercised a sort of party militancy inside the military institution aimed at ensuring the officers’ support in the case of a confrontation with their traditional rival, the National Party. In this sense, the army was a Colorado and pro-government institution, rather than a state institution.

On the one hand, while the National Party was the opposition party, it harshly criticized these practices and tried to promote measures to diminish the institution’s affinity with the Colorados, for example, in the case of the mandatory military service bill. Nevertheless, once the National Party (or White Party) took office in 1958, it adopted the same practices, which the specialized literature denominated “the whitewashing” of the forces: the search for affinity and the discretionary handling of promotions and transfers of potentially friendly high ranking officers (González Guyer, 2000).

The traditional parties were not the only ones that handled officers’ promotions in a discretionary way. Although the Broad Front (*Frente Amplio*) coalition used the same mechanisms, gaining the trust and loyalty of the armed forces proved to be a more difficult task.

It is impossible to understand this party co-option of the military without referring to the centrality of political parties in Uruguayan history. The characteristics of Uruguay’s politics and democracy were determined by the successful role of political parties as regards articulating and mediating between society and the state. Although it is not possible to elaborate about the centrality of political parties, it can be stated, in general terms, that the stability of Uruguayan democracy and its peculiar characteristics have greatly contributed to shaping a system of plural, diverse and stable parties with deep roots in Uruguayan society.¹

Professional Autonomy

The opposite of the party co-option was the significant autonomy showed by the armed forces in handling military affairs. Although it could seem a contradictory idea, González Guyer and López Chirico (1999) point out that the different governments were interested in ensuring the loyalty of high-ranking officers, without paying attention to the political and strategic definitions of defense. The armed forces monopolized both the technical knowledge and management of profes-

¹ About the centrality of Uruguay’s political parties, see: Caetano, Gerardo, Rilla, José y Pérez, Romeo (1987), “La partidocracia Uruguaya. Historia y teoría de la centralidad de los partidos políticos,” en Cuadernos del CLAEH, 44, Montevideo.

sional affairs and the military strategic guidelines from strategic positions in the Ministry of National Defense (MDN).

The military officers' claim about a more professional promotion system was somewhat mitigated by the political agreement regarding their autonomy and quasi-monopolistic defense strategic decision making. In this respect, González Guyer (2000) states:

It is said that co-option and autonomy have co-existed and complemented each other, defining, explaining and giving sense to the characteristics civil-military relations have had throughout the 20th century.² Thus, the autonomy with which the Armed Forces have handled their affairs seems to be convenient for and complementary to party co-option. This relationship between governments and the Armed Forces could be explained as an exchange where governments maintain a high degree of intrusiveness in the military promotion process, specially regarding the higher ranks and, consequently, in the whole body of officers, while giving significant levels of autonomy to the Armed Forces to handle their professional affairs.³

Nominal Operational Functions

On the other hand, Real de Azúa (1969) and López Chirico (1999) uphold that Uruguay's armed forces have not performed operational functions during most of the 20th century. Real de Azúa (1969), González Guyer (2000) and López Chirico (1999) associate this lack of operational functions with two contributing factors, an external and an internal one. As regards the first, as Uruguay is a small country with a low population density surrounded by two powerful neighbors (Brazil and Argentina), it adhered from the beginning to the most basic principles of international law. Besides, according to the public perception of our armed institutions, they are not prepared to resist a serious attack against the country. In this sense, as Real de Azúa (1969: 19) put it, "the idea of a weak and small country that entrusts its destiny to the protection of international law, became a collective dogma."

In the internal field, Uruguay is a country that has traditionally solved its conflicts by pacific means, with a hyper-integrated society (Rama, 1987), at least until the 1950s crisis. Upon the restoration of democracy, this peaceful and secure social environment returned. This characteristic is connected with party co-option because once the loyalty of military officers was secured, governments never ques-

² This relationship was obviously interrupted during the military dictatorship that ruled between 1973 and 1985.

³ As it was said above, this autonomy not only includes education and military equipment, the formulation of the military doctrine, the management of institutional structures and regulations, but also more sensitive areas, such as intelligence.

tioned the role of the armed forces in terms of national defense and, consequently, the functions they should perform.

Real de Azúa (1969) highlights the military institution bureaucratization that, without any concrete operational functions, acquired the most negative characteristics of the concept: "... institutional sclerotization formalized by the loss of contents, characterized by an accommodating rigidity"

On the other hand, according to the opinion of González Guyer (2000, 84), "the Armed Forces were never perceived as an instrument of the country's military defense. On the contrary, for both governments and civil society, they have always represented an uncomfortable burden." Society's indifference and a self-serving political system generated a feeling of isolation and distrust in the military. The indifference was reflected in the coup d'état of 1933, while the dictatorial government that started in 1973 can be understood as a real possibility of showing the superiority of the military institution vis-à-vis an anomic society and a political class perceived as corrupt. Despite their creation within a democratic context, the armed forces found themselves increasingly isolated with a non-participating parliament, a pragmatically discretionary executive power as regards its policies for the sector and an indifferent society constituted according to its own organizational logic, building its own feelings and identities. Paternain (2004) has stated that beyond the short-term factors, the creation of an identity of its own based on its formation and logic was one of the factors that would later lead to the military-sponsored dictatorship in 1973.

The Role of Parliament

Another characteristic of civil-military relations in Uruguay has been the parliament's marginal role in the formulation and control of defense policies. It is the executive power, in particular presidents and members of their inner circles, who has exercised a form of civil authority over the armed forces.

Regarding the parliament, several papers (Rumeau 2008, González Guyer et al. 2007) have shown that on certain occasions, ignorance and the lack of parliamentary control of the defense sector were determined by the shady maneuvers by the executive regarding these issues. On other occasions, the lack of control simply responds to the indifference of politicians. As González Guyer put it, dealing with defense issues in Uruguay is not profitable in electoral terms.

The absence of a legal rule that sets forth guidelines about national defense could account for the civil mismanagement (Rumeau 2008) of defense and the military's monopolization of the subject. Although the Organic Law of the National Armed Forces, adopted during the dictatorial government (Decree-Law N° 14,157 of April 4, 1974) provided some definitions dealing with defense, they had been

drafted on the basis of the Doctrine of National Security and were repealed in 1986 (Law N° 15,808 of April 4, 1986).

Consequently, the absence of political definitions was replaced by documents prepared by the MDN. There are other guidelines prepared by the Ministries of Defense of the moment, for instance, *Bases for a National Defense Policy*, a document drafted and signed by Minister Juan Luis Storage in 1999 (during the National Party government), and the book *National Defense: Contributions for a Debate*, introduced in 2005 by Minister Yamandú Fau of the Colorado Party government (Gonnet, et al. 2006).

As Gonnet (2006) put it, notwithstanding the existence of some definitions in these documents, they are not legally binding rules and were prepared in relatively closed circles of civil and military ministerial officials, without any political endorsement or public debate. In this sense, the National Debate on Defense attempted to remedy both the absence of binding political definitions regarding defense policies and the narrow thinking of the circles responsible for drafting the definitions dealing with defense.

The Role of the Ministry of Defense

In addition to the parliament's marginal role, the MDN has traditionally been a militarized institution. Military officers have historically filled key positions within the ministerial structure that allowed them to set strategic and administrative guidelines. Gonnet (2006) also referred to the MDN as a militarized institution stressing that:

Sections 9 to 30 of Decree-Law N° 14,157 guarantee officers omnipresence at all administrative hierarchies and in all dependent services. Until the approval of Law N° 17,921 in November 2005, the positions of Minister and Undersecretary were the only existing political positions. This legislation enabled the Executive Power to appoint civilians to fill the positions of Secretariat Director and General Deputy Director. One month later, Section 83 of the National Budget Act N° 17,930 of December 23, 2005, authorized the creation of the State Secretariat General Direction.

As González Guyer put it (2000, 86):

... the Ministry of Defense could not fully exercise its functions as part of the Joint Command of the Armed Forces,⁴ something that was reflected on its endemic institutional weakness. Traditionally, the State Secretariat has not had its own de-

⁴ According to the constitution, the national president and the minister of defense constitute the Joint Command of the Armed Forces.

partments—independent from the Armed Forces—charged with the drafting and control of policies within its sphere of competence.⁵

On the other hand, and in general terms, the civilians who manage to get a high position in the hierarchical ladder of the ministry structure either have an undisguised ideological affinity with the military's thinking, or are somewhat related to them.

In short, the following have been the salient characteristics of civil-military relations in Uruguay: party co-optation by securing the loyalty of military officers; autonomy of the armed forces to handle military affairs and other defense-related issues, facilitated by the military character of the MDN; the nominal character of military functions, causing feelings of distrust and lack of understanding; and the marginal roles of both the parliament and the executive power in defining policies on national defense.

Military autonomy, political decision making confined to close military circles or the executive's highest leaders, as well as the traditional absence of legal rules were some of the challenges faced by the National Debate on defense process. This process also gave the parliament and the Ministry of Defense the possibility of having an active role in defense sector reform.

The Left-wing Government and Civil-Military Relations: A Critical Environment, a Possibility of Change

In elections held on October 31, 2004, the center-left *Frente Amplio* coalition came to power for the first time in Uruguay, also winning a majority in both houses of parliament. According to the Uruguayan electoral system, if a candidate does not get 50%-plus one of the valid votes cast, a second round of voting (or ballotage) is held, with the participation of the two most voted candidates. The FA won 50.7% of the votes, thus retaining a parliamentary majority in both houses and the presidency.

This unprecedented political situation in a traditionally two-party country (National Party and Colorado Party) created doubt between the various social actors (politicians, bureaucrats and citizens) about the public policies the new government would implement, and a great deal of uncertainty in the defense sector.

⁵ At this point, it is important to remember the endemic absence of civilians with autonomous interests as regards the armed forces and expert knowledge of defense policies, strategic and military affairs. Indirectly, this allows us to highlight the omission of universities as regards these subjects.

This uncertainty derived from the historical relation between the left and the armed forces. Most members of the parties and movements that are part of the *Frente Amplio* coalition had been victims of persecution during the civil-military dictatorship. Many of them had been political prisoners for several years, had gone into exile or forced into clandestinity. Additionally, after the enactment of the amnesty law for political prisoners in March 1985, most of the members of the National Liberation Movement—or MLN-T, also known as the *Tupamaros* (a former urban guerrilla organization defeated by the army in 1972, before the installation of the dictatorship)—returned to politics as a political group. In 1989, they founded the Popular Participation Movement (MPP), joined the *Frente Amplio* coalition and declined guerrilla methods.

In the elections held in 2004, the MPP was the most voted for group inside the FA. Although this sector had been part of several coalitions that included different parties with different beliefs, forming a relatively plural movement, the MLN-T members were the political leaders that carried the highest political weight. Besides, the sectors that most suffered military repression both before and after the dictatorship were members of the FA coalition, for example, the Communist Party of Uruguay (PCU). Thus, the new government and the new national authorities were people who 20 years before had been defined as the “enemy within” and were violently repressed by the dictatorship.

González Guyer (2008) explained this as a critical climate, a concept earlier used by Collier and Collier (1991) and defined as “a historical moment or period in which an event or a number of events, that can be considered as fortuitous and/or irrelevant, change the course of a phenomenon and/or pave the way for a new process that can be characterized as a legacy.” In this sense, there exist at least three factors that can be considered part of the critical climate within the framework of Uruguayan civil-military relations: first, the fear about the armed forces’ reaction, taking into account that they were to be subordinated to the control of civilian authorities that had been considered subversive years before; second, the *Frente Amplio*’s promise to investigate the cases of human rights abuses committed by civilians and military officers during the dictatorship while the *Ley de Caducidad* (Expiry Law) was still in force, considered by the armed forces as retaliation; and third, the new government’s publicly announced decision of reviewing laws regarding the armed forces and defense issues.

Regarding the first factor—military subordination to FA elected authorities—it is worth stressing that since the new government took office, there has not been any destabilizing or relevant event, or an act of military insubordination. In spite of some surreptitious resistance on the part of certain groups of retired or active duty officers, the Uruguayan Armed Forces have been subordinated to the constitu-

tional authorities and rules. In fact, although some right-wing actors and members of the armed forces had some doubts about the attitude the armed forces would take regarding the new left-wing government, it is worth mentioning that their demonstrations were less frequent than in previous years.

Regarding the second factor—investigations of human rights violations during the 2004 electoral campaign—the FA had promised to respect the Expiry Law⁶ but that such respect implied complying with section 4 of said law. The Expiry Law led the Supreme Court to declare it unconstitutional because it was in direct contravention of the principle of separation of powers as it granted the executive the authority to decide cases filed in Uruguay's courts regarding human rights violations by military and police officers between 1973 and 1985. With respect to all consultations made by the judiciary to the executive until 2005, the answer was that they were subject to the Expiry Law. However, once the FA took office, the situation was reversed and the executive gave this law a new reinterpretation, allowing the tribunals to investigate and prosecute many of the human rights violation cases.

Aside from the judicial investigations, President Tabaré Vázquez, during the first year of his administration, ordered the three armed forces commanders-in-chief to present reports about the fate of detained/missing persons. Although the armed forces submitted the required reports, human rights organizations were convinced they were hiding information. Nevertheless, on the basis of some of the data contained in said reports and other information provided by confidential sources, the government hired the services of a team of anthropologists from the University of the Republic to start looking for human remains in military units. Between the end of 2005 and the beginning of 2006, they found the remains of two persons who had been kidnapped and murdered during the dictatorship. In spite of the team's efforts, those were the only bodies they could recover.

On the other hand, other incidents became known as the result of judicial investigations. These incidents had been denounced by human rights organizations but were resisted and strongly debated by several social and political sectors: the cooperation of the military dictatorship of the South Cone within the context of the so-called Operation Condor (Plan Cóndor), the systematic use of torture, the appropriation of children and the theft of victims' personal items of value.

Because of the judicial investigations, several retired military officers and civilians were sent to prison, including the *de facto* President Gregorio Álvarez (1981–

⁶ The Law on the Expiration of the Punitive Claims of the State excludes police and military officers from prosecution for crimes committed during the dictatorship. It was ratified by a public referendum in 1989. In 2009, in general elections, Uruguayan voters rejected a move to repeal this amnesty law.

1985), Juan María Bordaberry (constitutional president from 1973–1976 and de facto president from 1973–1976) and Dr. Juan C. Blanco, the foreign minister during the dictatorship.

The reaction of the military was ambiguous and generated internal conflicts. As it has been stated, the armed forces were suspected of having more information than they provided. On the one hand, there existed a double tension inside the forces: those commanders-in-chief who decided to assist the government were criticized by the hard-line sector of the army, especially among retired officers and, on the other hand, the new generation of officers seemed unwilling to accept responsibility for the darkest history of the military institution (Guyer 2008).

Both the government and the officers who gave their assistance were harshly questioned by the hard-line sector of retired officers, as they considered it a thirst for revenge of those who had been defeated during the internal war. In spite of these challenges, the investigations and trials were carried out without any serious acts of military indiscipline.

Regarding the third of the above-mentioned factors—the decision to amend the military legislation—the FA promoted the National Debate on Defense, a space where various political and social actors could debate about different military and defense-related subjects aimed at generating material for the elaboration of a defense law and amending the organic laws of the armed forces.

The National Debate on Defense: Defense Sector Reform and the Citizen Participation Process

Objectives of the Debate

The MDN organized the National Debate on Defense MDN with the support of the University of the Republic and financed by the United Nations Development Program (UNDP). This participative process had two components. The first component was related to the organization of national and international seminars to start discussing the subject and receive information about the experience of other countries regarding defense sector reform. The second component was related to the organization of thematic tables (MTD) where the participating political and social actors debated on the issues presented by the Consulting and Advisory Committee, a body specially created to provide guidance about the reform process.

The thematic tables' mission, at a first stage, was the elaboration of documents based on the debate on five defense-related axes.⁷ These documents would then

⁷ The five defense-related axes debated by the thematic tables were the following: MTD 1: national defense: its definition. The political conduct of national defense. Concepts,

develop into raw material for the elaboration of a national defense bill that the MDN would send to parliament, the first in the country's history. At a second stage, and upon the conclusion of the debate on national defense, the thematic tables would elaborate documents that would then be developed into raw material for the reform of the Organic Laws of the Armed Forces based on two axes.⁸

According to the official document issued by the MDN and titled "National Debate on Defense: program and general description," the general purpose of the debate was to "contribute to the improvement of the democratic governance and the construction of a citizen democracy, as well as the strengthening of regional integration and world peace, transforming the national defense public policies into transparent State policies."

Although the general objective was extremely ambitious, the following paragraph shows the ministry's intention: "In particular, we seek to promote ample agreements on national defense policies as a result of the participation and the informed exchange of ideas of diverse social actors: parliamentarians, civil and military officials, diplomats, politicians, members of the academia, experts, organized civil society, social communicators, etc. (National Debate on Defense: program and general description, MDN, 2006).

During the debate in an interview with the undersecretary of National Defense, Dr. José Bayardi,⁹ a present representative, explained that the idea of organizing

components, institutional competences, the citizens and their relation to national defense; MTD 2: national defense and foreign affairs. Strategic definitions of the foreign policy: international security and regional security. Military cooperation. Peace operations; MTD 3: the Ministry of National Defense, competencies and guidelines of an institutional design; MTD 4: military justice: organization, jurisdiction. Military Code of Criminal Procedure, organization of military courts; MTD 5: the military component of national defense. General definitions about its missions. Relevance of police missions and other non-military missions.

⁸ The two axes were the following: MTD 1: human resources of the armed forces: profile of applicants to military institutions. Promotions and continuation. Qualification systems for military personnel. Reserve components; MTD 2: Armed forces military academies managed by the Ministry of National Defense. Education of military professors: general guidelines about their interrelation and insertion into the national system of education, secondary and tertiary education, and particularly into the University of the Republic (UDELAR), their curricula, programs and teaching staff. Training of reserve officers and pre-military training.

⁹ This interview was conducted within the framework of the author's thesis preparation towards a Master's Degree in Political Sciences from the School of Social Sciences, University of the Republic.

the debate with broad social participation aimed at reforming the defense sector legislation. It was born in the *Frente Amplio's* Defense Commission and approved by the coalition in 2004. As Bayardi put it:

... although the National Debate on Defense was defined as an instrument to make defense issues available to more social sectors... it was directed to all sectors that could have an interest within the framework of society. In sum, the idea was to take it out of the ghetto in which defense issues had historically been discussed, a restrictive ghetto that only included the Armed Forces or government officials.

Thus, the National Debate on Defense intended to break up the monopoly held by the military and the highest echelons of government regarding defense matters and attract the involvement of new social actors: civil society, parliament (all members of parliament were invited to participate in the debate process), and those state agencies that had an interest in the subject. The idea was to discuss a broad concept of national defense as something that involves us all, society and the state, and is not restricted to those who are in charge of the military component of defense, said Julián González, one of the members of the Consulting and Advisory Committee responsible for the organization of the debate.

Rules of Procedure

The MTDs had their own rules of procedure that established the debate conditions. As was explained above, each MTD would have the name of its defense-related axis (five thematic axes in the case of the national debate on defense and two in the case of the organic laws' debate) and would hold four sessions, with the option to hold an extraordinary session.

From the beginning, the MTDs were considered consulting and non-binding bodies that would work for a seven-month period.¹⁰ In this sense, the MDN would have the responsibility of drafting the bills reflecting the documents resulting from the debate, although there was no guarantee that things would turn out like that.

It was established that the MTDs would have one four-hour session per week and the MDN, together with the Consulting and Advisory Committee, would be responsible for establishing the debate agenda based on the preparation of a reference document that would be modified after the session of each MTD until the approval of the final document. The approval of each document would be by consensus but would record assents and dissents.

Although the announcement was not open and only those who had been invited could attend, attendance was significant and included the most diverse so-

¹⁰ From June to September the debate dealt with national defense and from September to December, with the Armed Forces Organic Laws.

cial, political and state sectors. Concrete measures were adopted to ensure that everybody could express his ideas with complete freedom. In the first place, the operating rules established that no idea expressed in the thematic tables could be subject to any disciplinary measure. This provision was adopted thinking about the armed forces, as one of its top officers, the national defense undersecretary was the debate's director and officers from the same force but of a different rank were present, thus establishing a hierarchical difference.

In the second place, the rules established that sessions would have a confidential nature. Although the proceedings and outcomes of each session were recorded every day, they would not reveal the names of the persons giving the opinions. The rules also established that all participants had to respect the confidential nature of the debate.

The design of the debate intended to ensure the greatest possible participation through two mechanisms: oral interventions in the working sessions would be limited to five minutes and any proposal to amend the reference document would be in writing, with a maximum length of one page. All amendment proposals received by the council were presented for their consideration during the sessions.

There were also mechanisms regarding the participation of unorganized persons or persons who had not been invited to the debate. They could post their proposals on a forum specially created for that purpose on the ministry's website.

Successes and Failures of Citizen Participation in Defense Sector Reform

We cannot deny the importance of the National Debate on Defense as the first attempt at participation of civil society in the formulation of a National Defense Policy as the achievement of some degree of social involvement in this subject and an open-minded attitude on the part of the armed forces, accepting that any person who has an interest is entitled to give an opinion and have an influence on defense macro strategies.

It is worth highlighting that more than fifty percent of the participants represented organizations that traditionally had not been involved in the formulation of defense policies or definitions such as civil society organizations, academic units from different universities and university schools, the legislators (representatives, senators and/or their advisors) and provincial governments.

Another important element associated with breaking away from traditional civil-military relations in Uruguay is the active and participative role of civilian political authorities of the Ministry of National Defense. This statement does not refer to the

quality of the ministerial leadership but to a more visible, proactive and independent role of the armed forces.

Regarding the parliament, the process of breaking away from old traditions is not very clear. Although all members were invited, their participation in the debate was low. Nevertheless, the Defense Law was approved unanimously by both houses after exhausting discussions and negotiations, particularly in the Senate Defense Committee.

The authorities in the judiciary were also invited to participate in the debate, more specifically in the discussion on military jurisdiction and the inclusion of military jurisdiction in the judicial system. In spite of the importance of the subject as regards adapting military legislation to the principles of the rule of law (separation of powers, guarantees of due process of law, among others), the members of the judiciary did not participate in the debate process.

One of the questions that usually arise from any debate process is the different levels of knowledge among the participants. For the military officers and the MDN leadership, defense issues are routine matters, while other agencies and organizations have a theoretical notion about the subject but it is not part of their routine concerns. In this sense, the debate design foresaw the generation of a number of documents called "support documents" that illustrated or elaborated on the subject to be discussed in the different thematic tables. Although these documents did not grant an equal level of understanding to address the subjects, they helped those persons or organizations who were not so familiar with defense matters but were willing to participate.

Setting the agenda posed another problem for the debate process. In this case, the agenda was set for each session through a reference document that was debated and, if necessary, was changed by consensus. A rather strict handling of the agenda set by the Consulting and Advisory Council had pros and cons. On the one hand, it allowed for the formulation of concrete documents that were processed in a relatively short time. On the other hand, the power exercised by the MDN to decide what was going to be debated was a disadvantage. The agenda-setting process is part of a much deeper discussion that we are not going to raise here but has to do with the participation-efficiency dichotomy and finding the optimal combination in any collective decision-making process.

As it was already said, the National Debate provided those persons who had not been invited to the debate with an opportunity to post their proposals on a forum specially created on the ministry's website. According to the opinion of the de-

bate organizers that were interviewed,¹¹ this mechanism was not successful. Either because it was not properly advertised or because of a lack of interest on the part of the public, there were no significant proposals posted on the forum. This raises questions about the representativity of those who participated in the debate. Can we talk about social participation when the announcement was not open and non-organized persons were not allowed to participate? This question cannot be answered here. Nevertheless, it is important to point out that those who had an interest, no matter how spurious this interest was, were invited to participate in the debate.

Process Results and Impeded Defense Sector Reform during the First *Frente Amplio* Administration

It is precisely in the process results where we can detect the shady aspects of the process. Although the National Debate on Defense took place in June 2006, the MDN sent the draft bill to parliament in 2008 (after long negotiations with the governing party legislators) and approved it at the end of 2009 (a few months before the end of the legislative session). Despite the parliamentary approval of the bill, the president vetoed one of its articles and sent it back to parliament. In such a situation, the Uruguayan Constitution (Sections 134 to 145) foresees three options. The first is to wait for 30 days, make the changes the president wants, revote the bill and send it back to the executive for signature. The second is to revote the bill as it stands and it becomes law should three-fifths of both houses vote for it. The third is to reject the bill.

This situation implies that the reform of the defense sector is still pending. At present, Uruguay does not have binding definitions regarding defense matters. However, considering the bill was approved by the unanimous vote of both houses, the possibility that parliament rejects the whole bill seems dim.

It is to be seen whether parliament will get such wide support this time, as the article vetoed by the president (Article 16, Section C, subsections e, f, g and h) was not included in the original bill drafted by the MDN but was incorporated as part of the negotiations within and between parties.

On the other hand, and because of the delay to enact the defense law, reform of the Armed Forces Organic Laws has stagnated. The discussions within the framework of the National Debate on the Organic Laws have not produced any concrete result. It will be the responsibility of the next national authorities (elected

¹¹ These interviews were conducted within the framework of the author's thesis preparation towards a Master's Degree in Political Sciences from the School of Social Sciences, University of the Republic.

in October and November 2009) to move forward with this reform and either take into account or dismiss the documents produced in the debate.

In this sense, one of the positive aspects of the results of the National Debate on Defense is that the defense draft bill sent to parliament took into account most of the contents of the documents agreed by consensus, notwithstanding the consultative character of the thematic tables. This is not a minor detail, considering that in the case of a general debate of all participative processes of a consultative character, government consideration of the participants' contributions is essential to enable society to have an influence on the formulation of public policies and, consequently, democratize decision-making processes.

Whether the National Debate was an effective or ineffective mechanism to ensure the real influence of society on the formulation of a defense policy is not an issue that can be addressed in this work as it would entail the analysis of very specific elements, such as the influence of the MDN on the final decisions by setting the debate agenda or the incidence of the different levels of knowledge about defense matters between civilians and members of the armed forces.

Some Original Aspects of the Defense Bill

Given the present legal void in defense matters, the bill itself is momentous. Some of the provisions of the Defense Bill introduce significant changes in the present reality of the sector.

First, it gives the term national defense a broad definition that is not only linked to military matters. In this sense, it says that National Defense comprises "a set of civil and military activities intended to preserve the sovereignty and independence of our country, its territorial integrity and strategic resources, as well as the peace of the Republic with the framework of our Constitution and laws; contributing to create the conditions for the present and future well-being of our people." Article 2, apart from defining national defense as a set of activities carried out by civilians and military men, also states that national defense is both a right and a duty of all citizens. This broad definition of defense is consistent with the intention of the Frente Amplio's administration of breaking up the monopoly held by military institutions on defense matters.

Another new aspect of the Defense Law is the creation of the National System of Defense that comprises the executive, the legislature and the National Defense Council (an agency charged with the formulation of the National Defense Bill).

The executive has a pivotal role in the formulation, implementation and execution of the defense policy as it will have the responsibility of determining and managing the national defense policy both politically and strategically, and adopting

pertinent measures in times of crisis. However, the role of parliament within the national defense system is not clear as the competencies granted by the law are the same as enshrined in the constitution. It will be necessary to wait for the legal regulations to know the exact roles given to the legislature as a member of the National System of Defense. If such regulations do not grant it a concrete role, there exists the danger of maintaining its current non-participating status regarding the defense sector.

The third member of the system is the National Defense Council (CODENA). This consultative and advisory agency comprises the president of the Republic, who is also the agency's chairman, and the ministers of defense, foreign affairs, interior, and economy and finances as permanent members. However, the president will be allowed to invite any person that in his opinion and because of their expertise or knowledge may be useful for the agency. It is worth stressing that the system has no military members—something that, without considering whether it is a right or wrong decision, constitutes an unprecedented situation regarding defense matters. This council has advisory functions in the case of a potential threat or a conflict scenario.

Another new aspect is the creation of the Defense General Command (ESMADE) as “a ministerial military advisory organ [whose] duty is to advise and coordinate the activities of the Armed Forces under the military policy directives....”¹²

The National Defense Bill passed by parliament set forth that the ESMAD head would be an active duty officer equal in rank to the commanders-in-chief of the armed forces and appointed through the same procedure that applies to them. He would report directly to the Ministry of Defense. This is the aspect rejected by the president of the Republic because in his opinion, it was “inappropriate to modify the current structure of the Joint Command of the Armed Forces. The decision to create the position of Defense Commander-in-Chief with the same level of authority as the Commanders-in-Chief of the Armed Forces could create a disturbing situation” (Message 52/09 issued by the Executive Office of the President on September 9, 2009). Consequently, the modification introduced by the executive

¹² This organ shall provide advisory services on the following matters: “a) Planning and doctrinal formulation of the Armed Forces Joint Operations’ concept. b) Analysis and assessment of strategic scenarios. c) Military logistics planning at a ministerial level, in particular, in reference to weapon systems, communications, equipment and new technologies. d) Doctrine and rules of engagement of the military instrument. e) Planning and coordination of joint and/or combined operations. It shall centralize all military intelligence-related matters. An active duty or retired general officer shall be appointed as Chief of the Defense General Staff by the Executive” (Article 16 of the Defense Law).

reads as follows: "The Defense Commander-in-Chief shall be a retired or active duty officer appointed by the Executive" (Message 52/09 issued by the Executive Office of the President on September 9, 2009).

With an executive playing a leading role and a parliament playing a still uncertain role, the judiciary acquires greater relevance. Article 27 of the Defense Bill passed by parliament sets forth that "...the Executive, through the National Ministry of Defense, shall coordinate with the Supreme Court of Justice the corresponding transfer of duties, according to the project to amend Judicial Organic Law N° 15,750 Determining the Organization of Courts of June 24, 1985." This implies that the judicial power shall have to implement the necessary structural reforms to undertake said transfer of duties. Article 28 settles the doctrinal argument about the definition of military crime held by Uruguayan jurists. The article sets forth that "It is hereby declared that only the military can be responsible [for] military crimes."

This reform is unquestionably a turning point that puts an end to the idea of the military class—that is, to the creation of parallel legislation based on the essential and particular nature of the military role. It draws us nearer to a new model of military legislation, adapted to the principles of the rule of law, the separation of powers, the guarantees of due process of law and the independence of judges.

Final Considerations

As I am writing this paper, defense sector reform in Uruguay is still pending. Despite this, over the last years considerable progress has been made in different areas. Some of them are particularly significant because they helped to overcome some of the historical democratic deficits in civil-military relations.

The National Debate on Defense attempted to break away from the narrowness of military and political circles in the definitions about national defense matters through the invitation to different social organizations, state agencies, military institutions, etc., to participate in a national debate. On the one hand, civil society organizations had to listen to the armed forces' ideas and present their comments, and the military had to address a non-expert audience who in some cases did not support their positions. This constitutes in itself a remarkable aspect of the reform process of Uruguay's defense sector.

On the other hand, the debate attempted to fill a legal void in defense matters through the generation of ample social consensus, not only through the conclusions of the thematic debates but also in parliament. The unanimous vote in favor of the Defense Bill in both houses is a clear example.

The MDN gained a proactive and leading role that it had not had until then as Joint Command of the Armed Forces and as the body charged with the political-strategic responsibility of formulating and implementing defense policies.

At the same time, the intrusion of the MDN and other institutions and organizations into military professional affairs, taking into account the autonomy with which the armed forces handled their affairs, was a concession granted by the political power in exchange for the discretionary handling of promotions of high ranking officers. This could only be evaluated in the long term. In this sense, it will be necessary to evaluate the dynamics of the emerging civil-military relations, if there will be new mutual concessions or if they will aim for a more professional handling of promotions.

Implementing the Defense Law provisions and undertaking the reform of the Armed Forces Organic Laws, two tasks President Tabaré Vázquez (2005–2010) failed to complete, are major challenges the new administration shall face after March 1, 2010.

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Defense Policy and Governance in the Brazilian Amazon

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Abstract

This paper analyzes the defense situation in the Amazon region that comprises Brazil, among other countries. It includes a historical review, highlighting that its history shows several examples of the military presence in the area. It also includes an analysis of the after-effects of the military dictatorship in the region and their influence on the defense policy.

Introduction

The Amazon region includes portions of eight countries: Brazil, Bolivia, Colombia, Ecuador, Guyana, Peru, Surinam and Venezuela. Its relevance is proportional to its dimensions. In Brazil, Bolivia and Peru, it covers nearly half of their territories, thus bearing both on the internal and external policies of these nations.

Nevertheless, each country defines the dimensions of this huge biome in a different way. Brazil established the concept of Legal Amazon. In 1966, the Brazilian military government considered that the northern border was very vulnerable and posed the potential threat of war or invasion. Law 5173, passed on October 27, 1966, created the Amazon Development Superintendence (SUDAM) that would be responsible for the macroeconomic planning of the region. Since then, the concept of the Amazon goes beyond the forests that cover part of the territory and includes some Eastern and Southern areas. The Amazon region encompasses nine states that share similar social, economic and political problems: Acre, Amapá, Amazonas, Mato Grosso, Pará, Rondônia, Roraima and Tocantins and a portion of Maranhão. These nine states comprise 61 percent of Brazil's land area. Sixty percent of Brazil's native population lives in this area. The region is as big as Western Europe or seven times bigger than France.

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There was a Brazilian Amazon before the military government that started in 1964, and another one created during the dictatorship that is still undergoing changes in the present.

A Small Part of the Amazon Region over Time

Since the conclusion of the Treaty of Utrecht (1712), the Amazon region was the object of disputes between Spain and Portugal. The expedition led by Portuguese explorer Pedro Teixeira in 1637–47 up the Amazon River reaching Quito, Ecuador, confirmed Spain and Portugal's ownership of the region, because at the time of the expedition, and according to historian Jaime Cortesão, both empires were partners in the Iberian Union.

Portuguese cartographers tried to demonstrate that the Amazon, São Francisco and Paraná rivers basins were connected, an essential element and objective in order to establish the lines of demarcation during the 16th, 17th and 18th centuries. This concept was known as "Brazil's Island." The Brazilian territory was to be considered an island in a metaphorical sense, as it is bordered on the east by the Atlantic Ocean and on the west by huge rivers and their interconnected catchment areas.

This dynamic of arguments and controversies about borders experienced changes on account of structural transformations that were taking place in the logic of capitalism in Europe and North America. The industrialization process and the search for new products gave the Amazon region a new status.

The first factory of rubber products was in France and supplied different markets but the material had disadvantages and its use was inefficient and expensive. Some explorers started looking for a new product to replace it. Their purpose was to improve the process of vulcanization but they needed a new raw material. Amazon latex, a kind of sap tapped from the rubber tree, a species typical of equatorial South America, emerged as a cheap and abundant alternative. During the second half of the 19th century, huge rubber plantations were established near the Purús River in the Brazilian western Amazon and other nearby areas. The rubber boom and the growing demand for this product produced the first migration wave of Northeasterners to the Amazon region. Thousands of immigrants flowed in, mainly fleeing the drought that affected northeast Brazil—a region still plagued with social problems—to work in this new activity. International division of labor had a profound influence on the spatial dynamics of the Amazon. The indigenous people, massacred or exploited through slave labor, were deeply affected during this process. Tension escalated in the region when the "*seringueiros*" (rubber tappers), lured by powerful rubber companies, expanded their operations beyond the bor-

ders of Bolivia, creating a serious diplomatic incident. In those times José María da Silva Paranhos Júnior, the Rio Branco Baron, was a renowned Brazilian diplomat, responsible for demarking several of the country's boundaries.

Bolivia was still licking its wounds for having lost its narrow corridor to the Pacific. In this episode, Chilean companies and workers had been overexploiting saltpeter and other natural resources in regions belonging to Chile and Bolivia. The Bolivian government's decision to raise the duties imposed on the big conglomerates that were operating in Chile infuriated these companies. These events led to the War of the Pacific, a military conflict that took place between 1879 and 1883, and ended with a Chilean victory. As a result, Bolivia turned over a huge part of the disputed Bolivian Littoral Department, the Antofagasta region, to Chile. Thus, at that moment, the rubber boom represented a new risk to the integrity of the Bolivian territory.

After several conflicts, political problems and the pressure from British financial groups and the Brazilian military forces, Bolivia finally signed the Treaty of Petropolis in 1903. The country received financial compensation and turned thousands of square kilometers on the Acre River over to Brazil. Acre became part of the Brazilian Amazon. This was a typical process as regards the shaping of external borders. Years later, with the end of the Brazilian rubber boom caused by the significant increase in productivity and competitiveness of the Asian rubber plantations, thousands of peasant laborers were left practically isolated in the rain forest. The indigenous communities and tribes started having closer contact, strongly marked by neglect and hardships. Together, the descendants of Brazilian migrants from the Northeast and Brazilian Indians became what in Brazil we now refer to as the jungle or rainforest people.

Attempts to Introduce the Logic of Capitalism into the Brazilian Amazon

Taking into account the importance of this vast territory, in the 1880s the Brazilian government started to think about the installation of a technical system that would ensure their possession of these lands. In order to eliminate any risk of invasion, the government chose the strategy of opening roads and routes, creating an inter-communication system and entrusted the Brazilian Army with this mission. Mariano Cândido Rondon, a high-ranking officer of Portuguese and Indian descent, led the construction of telegraph lines connecting the huge Mato Grosso State with the most populated and economically thriving centers of Brazil, Rio de Janeiro and Sao Paulo, starting the process of economic expansion towards the boundary with the Amazon rainforest. At that time, relations between Brazil and Argentina were

somewhat strained. There was a territorial dispute regarding the Palmas/Misiones region that provoked a confrontation between the baron of Rio Branco and the Argentine Foreign Minister Estanislao Zeballos. The purpose of the occupation of the western region of Mato Grosso was to secure possession of these vast lands and, indirectly, to facilitate the penetration into the Amazon region. This was a decisive factor in US President Grover Cleveland's arbitral award in favor of Brazil on the long-standing boundary dispute with Argentina.

Mariano Cândido Rondon was such an emblematic figure that the Guaporé territory was called Rondônia after him. He gained fame for his work on the telegraph lines and his humanitarian work on the protection of the rights of indigenous tribes. Unfortunately, the Brazilian government did not sustain his efforts, as violence against and the massacre of the ancestral peoples of northern Brazil intensified during the 20th century.

This was the development model in the Amazon region before the major changes introduced after World War II. The agreements signed in Washington in 1942 are an example of this process. In order to maintain its influence on the South Cone, the United States had offered financial assistance for specific projects. American strategists were convinced the war was going to last longer and they would need more natural resources to feed the war industry. Aside from the financial aid for the creation of the National Steel Company (CSN), the United States also encouraged rubber tapping in Brazil, an activity that had fallen into decline. For that purpose, the Brazilian government created SEMTA—the Special Service of Mobilization of Workers for the Amazon.

Developmentalism and the Amazon Region

Simultaneously with this new migration wave to the Brazilian Amazon region, a new economic model was adopted by Brazil in the 1930s. Gradually, the country stopped being an exclusive exporter of agricultural products to acquire an urban-industrial character. This transition was supported by a state-controlled developmentalist ideology, where the state apparatus had a strong intervention in every sector of the economy.

As regards the development of the Amazon region, state intervention was evident in the social and land-use planning that had already taken place in other regions of the country. Thus the March to the West, sponsored by the dictatorial regime of Getúlio Vargas in the 1940s with the creation of the Central Brazil Foundation and symbolized by the Roncador Xingu expedition led by the Villas-Boas brothers, was intended to gradually open up this huge region to colonization and infrastructure works. It is worth mentioning that these plans for northern Brazil

started at the central-western boundary of the Amazon rainforest. In line with this perspective, the military government launched Operation Amazonia in 1964. The road-building program was followed by fiscal and credit incentives granted to private conglomerates for the exploration of huge portions of the Brazilian Amazon region. Many of the cities and settlements of the region are the result of private colonization projects that intended to settle small-scale farmers from Paraná, Santa Catarina and Rio Grande do Sul to increase food production in the southern border of the Amazon rainforest, accompanied by the expansion of cattle-raising in the Mato Grosso State. These factors paved the way for the Plan for National Integration (PIN) launched by the military government.

All these government actions allowed for the advance of the agricultural frontiers and spurred the incursion of huge farms, thus endangering Brazil's environmental heritage. According to geographer Ariovaldo Umbelino de Oliveira, an expert on the Amazon region, one of the biggest landholdings—the Suiá Missú ranch that covered 560,000 hectares—had received over 30 million dollars to fund agricultural and livestock projects that performed far below expectations. The advance into the Amazon region and the accelerated rate of deforestation ran parallel to Brazil's period of economic growth and its insertion into the world economy. The search for new open spaces and resources was the key to understand the penetration of monopoly capitalism in the Amazon rainforest. This is evidenced with the signature of the Amazon Cooperation Treaty in 1978. At a diplomatic level, the treaty intended to promote the harmonious development of the Amazon region, to permit an equitable distribution of the benefits of said development among the contracting parties so as to raise the standard of living of their peoples and achieve total incorporation of their Amazon territories into their respective national economies. The signatory countries also promoted the rational utilization of the natural resources of their Amazon territories, taking into account the preservation of the environment. It is important to stress that when the treaty was signed, most of the involved countries had military governments. Their common discourse was defending “national security” but, in practice, they favored transnational companies. Brazil was the most influential party to the agreement.

The Militarization of the Amazon

From the foundation of Presepio Fortress in 1616, which formed the city of Belém, to the present, there have been countless examples of military involvement in the Brazilian Amazon. According to Brazilian strategists, the United States is the only military power capable of a military invasion and a prolonged war in the Amazon.

However, in the last years, all this expansion in northern Brazil has generated a feeling of distrust from its neighbors, as the changes that took place in this geographic area have indirectly affected their territories. They refer to the "Brazilian expansion plans." The writings of Brazilian General Carlos de Meira Mattos made a great impact in Brazil, especially the 1990 book called *Geopolitical Theory and Frontiers* that highlights that the potential tensions of the present environmentalist and ecological discourse can generate ambitions in Europe and North America regarding the Brazilian Amazon. "Brazilian policy on the Amazon frontier should be watchful, reflexive and constructive," said the author.¹

According to Brazilian strategists, more aggressive action was needed. This perception was due, on the one hand, to external greed and, on the other, to the inaction of the other signatory parties to the Amazon Cooperation Treaty. This perception gave way to a new regional dimension.

In 1985, despite the Brazilian process of democratization, the evidence clearly showed that the information and management monopoly was still in the hands of military engineering. The settlers and inhabitants of the Amazon region, previously repressed by military dictatorships and victims of the national security ideology, started to be perceived and understood by the rest of Brazil. The living conditions of small farmers turned into cheap labor and immigrants who ended up living under slave labor conditions were exposed. Even the rainforest people perceived the possibility of expressing themselves and raising awareness about their importance worldwide.

It is fundamental to understand that since the 1980s the Amazon rainforest has been in the middle of a confrontation between a national security agenda and economic development and the recognition of the struggle and rights of the rainforest peoples.

The "Calha Norte" Project

The "Calha Norte" Project, initiated in 1985, is a clear example of authoritarian government action to strengthen military presence on the Amazon northern border. The area of the project, unexplored by government representatives, either civil or military, was considered "an empty space" from the military viewpoint. It represents a 6,500 km strip along Brazil's northern borders. As regards an increased military presence, the project involved the establishment of frontier outposts along the Brazilian border.

¹ *Geopolítica e teoria de fronteiras: Fronteiras do Brasil* (Rio de Janeiro: Biblioteca do Exército, 1990), 193.

This project attracted attention due to events that developed outside the Brazilian Amazon. The Brazilian government expressed concern about Colombia's internal conflicts and events that took place near the Colombian-Brazilian border. The arguments for strengthening the military defense of the Amazon intensified with the worsening of the neighboring country's situation. It was the 1990s and the Plan Colombia was about to be launched. This plan was allegedly an American attempt to develop a military regional cooperative counternarcotics action but the real target was the FARC (the Revolutionary Armed Forces of Colombia).

This pressure from the United States became evident during the Fourth Conference of Ministers of Defense of the Americas held in Manaus in 2000. The final document warns about the differences in subregional contexts and declares that they should be respected and taken into account in the development of a balanced security system. It also recommends the publication of white papers to strengthen mutual confidence, without losing independence in the creation of defense policies. Nevertheless, the United States continued providing military and financial aid to Colombia to help the country to combat drug trafficking.

Although the application of repressive strategies could help to curb drug production in Colombia, should the demand from the U.S. market continued to increase, there would be other regions ready to satisfy that demand. In fact, drug production has been indirectly responsible for the militarization of the Amazon. This evidence indicates that the U.S. concern is circumscribed to annihilating Colombian insurgent movements and avoiding the surge of left-wing guerrilla movements that could become an alternative electoral power.

Colombia is a major player in the Amazon game. Its geography is quite peculiar as it has coasts on the Atlantic and Pacific Oceans. The massive international interest in the Amazon could give a political meaning to Colombia's geographical position.

The "Calha Norte" Project was conceived by an ambitious strategy, designed to address identified vulnerabilities or threats: the migration of elements of the FARC to Brazilian territory and the installation of laboratories to refine coca paste into cocaine in the Brazilian rainforest. Some isolated incidents, such as the report that members of Colombian guerrillas crossed the border into the town of São Gabriel da Cachoeira in the Amazonas State in 1985, to buy supplies, is insufficient to justify the region's militarization.

Although at present the "Calha Norte" Project has expanded to include other goals and objectives, about 60 percent of budget allocations are destined to the improvement or construction of military infrastructure. The project corridor encompasses the states of Pará and Amazonas and the territories of Amapá and Roraima. Access to the project is difficult due to the limited road infrastructure and the

course of the Amazonas, Solimões and Negro Rivers. Project supporters believe that the military presence minimizes the lack of or insufficient assistance. The basic goals of increasing the presence of the state, improving the existing infrastructure and integrating the region to the national context were certainly met. It was expected that the presence of the armed forces would motivate other government agencies to be established in the region. This could help to increase the inhabitants' involvement in the institutional life of the country but the presence of civilian and ministerial agencies along the border is still insignificant.

It is evident that the project has changed in the last years. The military presence has also increased in the states of Acre and Rondonia. The project's critics fear that these new measures will worsen the plight of indigenous peoples. Although there are laws that protect the Indians, it is not difficult to foresee the need to amend the laws that regulate the use of land in favor of state participation for the establishment of military fortifications. These are the changes that will pose a serious threat to the Indian habitat and lands, once the mapping of the northern border shows the presence of rich mineral deposits. According to the critics, allowing the military to expand their areas of competence reinforces the opinion that the project is just another example of authoritarian government action in the northern frontier of Brazil: facilitating the exploitation of the forest by private ventures.

SIPAM/SIVAM

Despite the distance and secrecy surrounding the military presence, this new reality in the Amazon region was eventually publicized and triggered a set of fast and integrated actions. The Brazilian defense policy identified these "new threats." Although they were considered low-intensity threats by a sector of the Brazilian Intelligence System, the guerilla drugs and weapons trafficking operations needed a transnational-scale monitoring program. It is important to remember that we are referring to a vast area with a very low population density and absence of state agents, thus facilitating the activity of criminal groups in Brazil and other Amazonian countries. Drugs and weapons trafficking routes were identified and the evidence pointed to the Brazilian northern border as one of the most vulnerable borders. According to the UNODOC, the United Nations Office on Drugs and Crime, Colombia, Peru and Bolivia produce practically all the drugs that supply European and U.S. markets. Only a multilateral operation in the Amazon territory could combat this illegal activity. Consequently, the regional air forces decided to undertake joint operations known as COLBRA (Colombia-Brazil), VENBRA (Venezuela-Brazil) and PERBRA (Peru-Brazil).

The importance of the Amazon northern border was given a higher priority during the 1990s. Strategic advisors to the Brazilian government stressed the need to develop a system that not only monitored the Brazilian northern border but also provided useful data that would allow the government to implement actions aimed at protecting the environment. This led to the development of SIVAM – the Amazon Surveillance System. Through this system, it would be possible to define the different government areas, especially the environment, security, health and infrastructure agencies.

The system includes several equipment components (computers, radars, satellites) that support the generation of maps, graphs and images. The remote sensing application allows for the exchange of real-time meteorological and environmental information. For operational purposes, the Amazon region was divided into three parts: the regional surveillance units of Manaus, Belém and Porto Velho, all subordinated to the General Coordination Center in Brasilia. There were some controversies during this period when the executive invited foreign groups to participate in the selection of an Amazon protection system. A portion of the Brazilian scientific community and other organizations responsible for gathering strategic information warned that the selected option was a threat to national security. The argument was that the data volume involved was too significant to be shared with scientists from other countries and vulnerable to the manipulation of economic groups. The accusations of espionage and favoring an American economic group generated a great deal of distrust in Brazilian society. This sensitive situation led to the creation of the SIPAM (Amazonian Protection System) in 2002. With the SIPAM, all the information about the armed forces gathered by the SIVAM would be subject to greater civilian control and directly linked to the Presidential Staff Office. Initially operating with 25 radars, hundreds of antennas, and ground-based and airborne sensors, in the last years the system was used to monitor the environment, protect the Indian peoples and provide data to maintain the security of the Brazilian Legal Amazon. The government agencies responsible for generating data about the situation of the different regions are located in Brasilia. The universities, NGOs and entities that want to be part of this system must provide and generate information for this huge database.

As a symbol of this stage of the insertion into the life of the Brazilian Amazon and its strategic importance, Bertha Becker, a researcher, stated the following in a recent article: “The Brazilian Amazon constitutes a national, not a regional concern. Its still unknown vast natural heritage and its inefficient use, constitute a

challenge to national and international science, the core of conflicts over land that affect the nation's sovereignty has become an instrument of external pressures."²

These information systems represent advances regarding the knowledge about this amazing wealth but they are still insufficient in comparison with the dimension of the Amazon's problems. The present concern about the region has to do with the consequences of the use of information that should be handled for the exclusive purpose of strengthening the SIPAM systems.

The "Shoot Down Law"

This process of modernization and creation of information networks in the Amazon requires a subdivision of the air space as the indiscriminate use of Brazilian air space by drug traffickers, using small aircraft coming from Peru, Colombia and Bolivia, has been observed. The absence of regulatory statutes that authorize the Brazilian Armed Forces to undertake more aggressive action make things easier for these illegal flights. In order to rectify the situation, the Brazilian Congress passed the "Shoot Down Law" based on the principle of legitimate defense, aimed at strengthening the surveillance of the national air space and dissuading the invasion of unauthorized or unidentified planes suspected of participating in drug trafficking. The legal studies undertaken to establish security procedures and integrate Brazil's actions with those of the neighboring countries took several years. These studies concluded that the suspicious flights are those that enter Brazilian air space from known regions without a previously approved flight plan; airplanes that do not comply with the information requirements of air traffic controllers for purposes of identification; or airplanes that do not comply with the authorities' regulations.

The situation was tense, as the studies revealed the existence of more than 300 monthly air incursions of small aircrafts only over the Brazilian-Paraguayan and Brazilian-Bolivian frontiers. Brazilian diplomacy was also involved in this affair. In 2003, José Viegas, former minister of defense, met with the U.S. Secretary of State Donald Rumsfeld to discuss this delicate problem.

On that occasion, Viegas said that Brazil was negotiating an international agreement with its neighbors, in connection with the relaunching of a drug air interdiction program sponsored by the U.S. government. It is important to remember that this program had been suspended after a private plane carrying American missionaries had been shot down in Peru in 2001. This event raised such serious

² Bertha K. Becker, "Ciência, tecnologia e inovação para conhecimento e uso do patrimônio natural da Amazônia," *Parcerias Estratégicas*, No.20 (June 2005), 583–612.

concerns that it was discussed at the Conference of the American Air Chiefs that was held that year.

The law that came into force on July 16, 2004 drew strong reactions from the Brazilian legal community. Important Brazilian experts stated that this permission to shoot down airplanes could be compared to the application of the death penalty to airplane passengers. So far, only one case has been reported. On July 3, 2009, near the city of Porto Velho, in Rondonia, a small aircraft that had departed from Bolivia was detected entering Brazilian air space. The Brazilian Air Force sent combat aircrafts with the mission of forcing this aircraft to land in the nearest air-strip. As there was no answer, the Brazilian pilots fired their guns as a warning signal. The Bolivian pilot landed on a dirt road and fled. The plane was carrying 180 kilograms of coca paste ready for the production of cocaine.

Violence in the Amazon Lands

According to studies on the subject, few settlers had formal rights to the land in the Brazilian Amazon region in the 1950s and 1960s. The majority were small subsistence farmers whose low social and economic situation and the still difficult access to the Amazon contributed to a more balanced colonization that respected the preservation of rivers and forests. The rainforest settlers, the Indian peoples and the descendants of the northeastern migrants had no legal problems regarding the land and practiced extractive activities without worrying about title deeds. However, the legal situation changed drastically when the developmentalist military governments started a policy of attracting investors and economic groups to the region with significant fiscal incentives. Many of these projects were never executed but helped to generate expectations that led to double the population of the Amazon in less than ten years. By the mid-1960s, the Amazon region had 2.5 million inhabitants and five years later, there were about five million Brazilians living in the area. The presence of speculative capitalists and the arrival of new immigrants started to change the characteristics of the Amazon public lands. The government passed a law that supported ownership of the land by the developer. This law paved the way for clearing enormous areas of forest.

The Amazon social environment also experienced deep changes. The forgery of land titles increased and the demarcated land exceeded the areas effectively acquired. This superimposition of federal lands includes Indian lands and protected areas in the large tracts illegally occupied by private companies. The colonization and land reform project sponsored by the military dictatorship that encouraged the settlement of small farmers on forestlands was seriously distorted. The small landholders who had lived there for years were expelled from their lands and land con-

flict-related deaths grew in alarming proportions. This situation of generalized violence reached unprecedented levels. It was increasingly difficult to differentiate federal lands from private lands in the Amazon.

The number of illegal companies that settled in the region was alarming. Illegal loggers that exploited forest resources and devastated huge areas sold their illegal lands to farmers who violently expelled families who had farmed these lands for generations. Unbelievably, military and state governments of that period condoned these atrocities by passing laws that fostered the fraudulent appropriation of lands. This situation of exclusion and injustice led peasant farmers to form organizations to resist the advance of large-scale producers. It is interesting to observe that not even the return to democracy has given popular organizations and movements the opportunity to revise these historic facts. The Amazon has been a region marked by violence against rural workers, intimidating private militias, workers virtually enslaved by big landowners and the systematic violation of the fundamental rights of thousands of Brazilians.

Conclusion: Is Good Governance Possible in the Brazilian Amazon?

We live in a dynamic geographical space in which technology, science and information are constantly evolving. Despite comforts of modern life, the Amazon is still seen as a region waiting to be conquered and colonized. This situation is similar to the one experienced by other countries, such as the confiscation of lands in Patagonia, Argentina and the Wilderness Road for westward migration in the United States – all characterized by the expulsion and extermination of the indigenous peoples who lost their connection to their lands over a century ago.

In the present geopolitical context, the Brazilian government is trying to balance its priorities and attain a model of development that can sustain economic opportunity based on the conservation of natural resources. Technology should be devoted to the transformation of the rainforest, a resource that is more valuable alive than dead. This process alone would allow for sustainable economic growth with social inclusion.

This situation is not restricted to one country. The vast Amazon biome calls for common not isolated action. Sharing this goal, the Amazon countries decided to create the Amazon Cooperation Treaty Organization in August 2002. Although this project intends to increase the “Pan-Amazon consciousness,” serious problems remain unresolved.

One of these problems has to do with considering the Amazon to be a source of energy. Under the guise of promoting cheap, clean energy, Brazil's dam builders

are planning to build several dams in the Amazon. This is a time when big companies can decide what resources are to be protected, without realizing that their decisions can also cause serious damage.

On the other hand, politicians have started to make clear statements about changing the governance model. With the enactment of Federal Decree 6321 on December 21, 2007, the Brazilian Amazon entered a new phase. This decree allowed the government to focus priority actions on intensive deforestation areas, to better implement the Plan for Control and Prevention of Deforestation, to integrate the environment into land-use planning, to strengthen rules for access to government agricultural credit in certain high-deforestation areas (requiring proof of compliance with environmental regulations before credit is made available), to empower state and federal environmental agencies to embargo illegally deforested landholdings, and to prohibit the sale or purchase of goods produced in degraded lands. Only the inclusion and participation of the Amazon population can be the drive to ensure a fair and equitable future for the region.

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