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# NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

## THESIS

**THE TRINITY: A NEW APPROACH TO CIVIL-MILITARY  
RELATIONS?**

by

David J. Bennett

December 2007

Thesis Advisor:  
Second Reader:

Thomas C. Bruneau  
Harold Trinkunas

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**THE TRINITY: A NEW APPROACH TO CIVIL-MILITARY RELATIONS?**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS**

from the

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## **ABSTRACT**

The literature on civil-military relations has always focused on democratic civilian control of the armed forces. There is currently a debate in the civil-military relations field concerning the amount of military knowledge politicians should possess in order to effectively control the armed forces. While one side argues this knowledge can be minimal, the other argues politicians need to have a general working knowledge of military affairs. This thesis attempts to illustrate the differences between political and knowledge-based management of the armed forces by examining two case studies: Chile and Colombia.

This thesis also attempts to advance the trinity of civil-military relations, the brain child of Dr. Thomas C. Bruneau at the Center for Civil-Military Relations (CCMR) located at the Naval Postgraduate School in Monterey, California. Rather than settle for democratic civilian control only, the trinity adds two additional requirements to successful civil-military relations: an effective and efficient military. By analyzing the trinity and using it as the standard for civil-military relations in Chile and Colombia, this thesis attempts to determine the feasibility of this new concept.



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## I. INTRODUCTION

There is currently a debate in the civil-military relations field concerning the amount of military knowledge politicians should possess in order to effectively control the armed forces. While one side argues this knowledge can be minimal, the other argues politicians need to have a general working knowledge of military affairs. However, in addition to civilian control of the armed forces, this side further expands the argument by adding two more requirements in civil-military relations, military effectiveness and military efficiency. This thesis paper will analyze this trinity of civil-military relations put forward by Dr. Thomas C. Bruneau at the Center for Civil-Military Relations (CCMR) located at the Naval Postgraduate School in Monterey, California and attempt to determine the feasibility of this new concept. Will this new concept provide a more solid foundation for civil – military relations or is civilian control of the armed forces, regardless of how it is achieved, enough to ensure solid civil-military relations? Is it even necessary to pursue this new concept that may or may not provide better results? This thesis will attempt to answer this question, as well as other questions raised by this new concept.

Civilian control of the military has always been considered a prerequisite for democratic consolidation. Harold Trinkunas states, “stable democratic rule is impossible without civilian control of the military.”<sup>1</sup> Regions like Latin America have suffered from numerous coups throughout history. Ideally, had civilian officials exercised proper control of the military, these coups may not have taken place. Civilian control of the armed forces helps ensure that military forces do not become involved in internal politics. Furthermore, effective civilian control of the armed forces may help improve the armed forces themselves. If a new concept like the trinity of civil-military relations takes hold, it could provide civilian officials a roadmap to establish effective civil-military relations and ideally improve the professionalism of the armed forces as well as keep them out of internal politics. In today’s globalized world, professional armed forces are crucial allies in the United States global war on terrorism.

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<sup>1</sup> Harold A. Trinkunas, *Crafting Civilian Control of the Military in Venezuela : A Comparative Perspective* (Chapel Hill: University of North Carolina Press, 2005), 2.

Civil-military relations in Latin America has been a widely debated topic and with good reason. After decades of authoritarian regimes, democratic governments have established themselves throughout the region with a few exceptions. Despite the rise of democracies, these regimes have not proven to be as stable as expected. Peru suffered a self-coup by President Alberto Fujimori in 1992, Guatemala experienced an attempted self-coup in 1993, Ecuador suffered two coups, one in 2000 and another in 2005.<sup>2</sup> In all these cases, the military had a part in the coup, either as the cause of the coup, pulled in to fill a vacuum as happened in Ecuador or in preventing the coup. Democracy is a long way from consolidation in Latin America, as demonstrated above “stable democratic rule is impossible without civilian control of the military.”<sup>3</sup> If civilian control of the military is necessary for stable democratic rule, how much do the civilians need to know about defense issues, if anything at all? Will more knowledge provide for better civil-military relations? This thesis aims to answer those questions and pose further questions in the field of civil-military relations.

There is a consensus in the literature that democratic civilian control of the armed forces means the subjugation of the military to civilian leaders.<sup>4</sup> However, there is an ongoing debate about how much knowledge civilians should have in defense affairs in order to establish strong civil-military relations beyond subordination of the armed forces to civilian control. One side argues that “what Latin America needs are civilians who can manage the military in political-, not defense-, oriented terms.”<sup>5</sup> The argument is that

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<sup>2</sup> Arturo Valenzuela, "Latin American Presidencies Interrupted," *Journal of Democracy* 15, no. 4 (2004), 7-9.

<sup>3</sup> Trinkunas, *Crafting Civilian Control of the Military in Venezuela : A Comparative Perspective*, 2

<sup>4</sup> There are a myriad of sources discussing democratic civilian control. See Michelle Bachelet, "Los Estudios Comparados y La Relación Civil Militar. Reflexiones Tras Una Década De Consolidación Democrática En Chile," *Revista Fuerzas Armadas y Sociedad* 17, no. 4 (October - December, 2002), 29-35.; Thomas C. Bruneau, "Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited," *Revista Fuerzas Armadas y Sociedad* 19, no. 1 - 2 (January - June, 2005), 111-131.; Thomas C. Bruneau and Richard B. Goetze Jr, "Civilian-Military Relations in Latin America," *Military Review* 86, no. 5 (Sep/Oct, 2006), 67.; Claudio Fuentes Saavedra, "La Transición De Las Fuerzas Armadas," *La Tercera*, sec. Correo, September 22, 2006, <http://www.flacso.cl/flacso/> (accessed 16 November 2006).; David Pion-Berlin, "Political Management of the Military in Latin America," *Military Review* 85, no. 1 (Jan/Feb, 2005), 19.; Marcos Robledo, "Democratic Consolidation in Chilean Civil-Military Relations, 1990 - 2005" In *Global Trends and their Impact on Civil-Military Relations (Forthcoming)*, eds. Thomas C. Bruneau and Harold A. Trinkunas.; Mark J. Ruhl, "Curbing Central America's Militaries," *Journal of Democracy* 15, no. 3 (2004), 137-151.

<sup>5</sup> Pion-Berlin, *Political Management of the Military in Latin America*, 19

civilians do not need to acquire knowledge about defense strategy, training, or various other related matters as long as they exercise political control of the armed forces. Pion-Berlin points out that in Central America “there is a complete absence of civilian defense-related insight, influence, and expertise, yet military subordination to civilian rule has been largely achieved.”<sup>6</sup> Furthermore, there is a lack of incentives to become educated in defense-related matters. Whereas United States officials have a keen interest in maintaining military installations and defense contracts in their districts, there is no such interest in Latin America. The emphasis of Latin American governments such as those of Central America, Colombia, Argentina or Chile is on internal security, the economy and social issues, a much bigger problem in most of Latin America.<sup>7</sup>

The other side argues that civilian policy makers need to understand defense issues but not necessarily become experts in defense related matters. According to Thomas Bruneau, “it is more important that they establish stable institutions that embody and perpetuate the expertise needed to deal with possible roles and missions as they arise.”<sup>8</sup> Harold Trinkunas weighs in on the argument by stating “civilian control by oversight exists when politicians and bureaucrats are able to determine policies and approve military activities through an institutionalized professional defense bureaucracy.”<sup>9</sup> Essentially, politicians cannot determine policies without some understanding of defense issues. This especially applies as more Latin American countries are developing defense white books.<sup>10</sup> A majority of white books in Latin America lack substance as a military document and are, in David Pion-Berlin’s words,

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<sup>6</sup> Pion-Berlin, *Political Management of the Military in Latin America*, 27

<sup>7</sup> Pion-Berlin lists these among the many issues detracting politicians from defense issues in Latin America. See David Pion-Berlin and Harold A. Trinkunas, “Attention Deficits: Why Politicians Ignore Defense Policy in Latin America,” *Latin American Research Review* 42, no. 3 (October, 2007), 76-100 and Pion-Berlin, *Political Management of the Military in Latin America*.

<sup>8</sup> Bruneau, *Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited*, 121

<sup>9</sup> Trinkunas, *Crafting Civilian Control of the Military in Venezuela : A Comparative Perspective*, 5-6

<sup>10</sup> For more information concerning white books, see Guillermo Pacheco Gaitán, ed., *Políticas De Defensa y Elaboración De Libros Blancos: Experiencias Latinoamericanas*, 1st ed. (Guatemala: Ediciones Legales, 2003), 242.; Juan Ramón Quintana, ed., *Libros Blancos De Defensa: Concertación Política y Diseño Estratégico Comparado*, 1st ed. (La Paz: Editorial Offset Boliviana Ltda., 2001), 251.



“an exercise in what I call ‘transparent obfuscation.’”<sup>11</sup> Nevertheless, civilian officials knowledgeable in defense affairs dramatically improve the quality of white books as evidenced by Chile’s latest white book.<sup>12</sup>

Bruneau further expands the argument by introducing a new concept in civil-military relations, the trinity of civil-military relations consisting of “democratic civilian control, effectiveness and efficiency.”<sup>13</sup> This concept establishes a relationship between democratic civilian control, military effectiveness and military efficiency. Military effectiveness refers to the ability of the armed forces to implement the roles and missions assigned to them by civilian leaders. Military efficiency refers to achieving those roles and missions “at the least possible cost in lives and resources.”<sup>14</sup> In order to assign relevant roles and missions to the armed services, civilian leaders need to have some knowledge about defense affairs. A lack of knowledge in defense affairs can lead civilian leaders to assign roles and missions that cause the armed services to become involved in missions outside the purview of military forces, such as law enforcement missions resulting in poor relationship between law enforcement and the military and a diminished trust between the military and civilian leaders.

This trinity of civil-military relations is a relatively new concept in the field of civil-military relations and raises the standard on what constitutes true civil-military relations. As such, there is scarce literature on the subject. However, this paper will examine the concept of the trinity and apply it to a real-world scenario. Although there is strong evidence of successful subordination of armed forces in several Latin American countries despite the lack of defense knowledge, the trinity of civil-military relations may further solidify civil-military relations in these countries. If this concept becomes the

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<sup>11</sup> Pion-Berlin, *Political Management of the Military in Latin America*, 30

<sup>12</sup> For an overview of Chilean white book development, see Pacheco Gaitán, *Políticas De Defensa y Elaboración De Libros Blancos: Experiencias Latinoamericanas*, 29-77

<sup>13</sup> Bruneau, *Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited*, 122

<sup>14</sup> The definitions of military effectiveness and efficiency are drawn from Bruneau, *Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited*, 123

standard by which civil-military relations are measured, civilian leaders will have to develop some knowledge about defense affairs in order to improve the effectiveness and efficiency of their armed forces.

In order to determine the viability of this new concept, this paper will examine two Latin American countries, Chile and Colombia. The trinity will be put to the test using Chile's democratic transition as a case study. Chile is a unique case since the military controlled the initial stages of the democratic transition. Despite their control however, Chile has developed a fairly robust defense administration and is widely viewed as one of the best in Latin America. Due to Chile's unfortunate history, civilian leaders within Chile have been forced to interact with the armed services and establish an open dialogue. As a result, civil-military relations within Chile are some of the most solid and comprehensive in Latin America. In order to apply the trinity to the Chilean model it will be necessary to 1) analyze the events leading to Pinochet's military regime and subsequent human rights violations committed by the military during his rule. This is extremely important as one cannot understand the democratic transition without first understanding the events leading up to it. 2) Examine the military's influence during the transition to democratic rule and civilian control. The military's influence on the transition itself forced the civilians to take their time and establish a dialogue with the armed services rather than stripping them of their power as is normally the case in Latin America. This also forced the civilian leaders to become more knowledgeable on defense affairs in order to be able to interact with the armed services. 3) Determine the status of civil-military relations in Chile within the framework of the trinity of civil-military relations and compare its successes to another relatively successful country, Colombia. Although Chile is recognized as a success story in regards to its democratic transition, how will it measure up to the trinity of civil-military relations? Prior to the 1973 coup, the civilian leaders were clueless about defense affairs, now they are among the most knowledgeable within the region. Will this knowledge reinforce civilian control and prevent a repeat of 1973? If the concept of the trinity is viable and Chile fits the model, then the answer will be yes. However, if they do not fit the model but have not suffered a major crisis since 1990, it will be necessary to discard the trinity concept and look for other explanations for Chile's success.

Colombia can also be regarded as a fairly successful example of civil-military relations. However, upon closer examination, it becomes obvious the Colombia armed forces are very autonomous in their decision-making, much more than in Chile. Chapter IV examines the Colombian structure and attempts to determine whether this autonomy is due to the military's refusal or the civilian's lack of defense knowledge. Regardless of the findings in these two case studies, this research will provide further information on the viability of this new concept, provide a roadmap for the region as a whole and may alter United States engagement strategy in Latin America.

## II. CHILE

Civilian control of the armed forces has always been viewed as a requirement for a successful and stable democracy. This is especially true in a region such as Latin America where coup d'états seem to be the order of the day. Harold Trinkunas states it bluntly: "stable democratic rule is impossible without civilian control of the military."<sup>15</sup> Although it may seem like civilian control of the armed forces is being accomplished in Latin America, it is only happening on the surface. As stated by David Pion-Berlin, civilian control of the armed forces has been achieved "without a fundamental knowledge of or interest in defense affairs."<sup>16</sup> This lack of knowledge and interest may actually serve as an obstacle to stable democratic rule throughout Latin America. I believe civilians must have some knowledge of military affairs to achieve true civilian control of the armed forces. This goes hand in hand with Thomas Bruneau's statement "civilians must know enough to be able to ensure that the armed forces are doing what they are required to do, not only in terms of submitting to civilian control, but also in successfully fulfilling the current very wide spectrum of roles and missions assigned to security forces in Latin America."<sup>17</sup> As a matter of fact, as Raúl Benítez Manaut states:

the fundamental difference between the armed forces of a developed country and those of a developing country, is that the former are postured for defense against an external threat, while in the latter, in addition to external threats, the military undertakes missions within its own borders, whether that be to support the modernization process or to provide assistance in facets beyond the State's capacity.<sup>18</sup>

How do countries get to this point in their civil-military relations? It is much easier for the civilian leadership to fall in line with the statement made by Pion-Berlin. Since no knowledge of military affairs is required, civilian leaders can do much the same as Carlos Menem did in Argentina when the military attempted to rebel in 1990. He

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<sup>15</sup> Trinkunas, *Crafting Civilian Control of the Military in Venezuela : A Comparative Perspective*, 2

<sup>16</sup> Pion-Berlin, *Political Management of the Military in Latin America*, 19

<sup>17</sup> Bruneau and Goetze, *Civilian-Military Relations in Latin America*, 67

<sup>18</sup> Raúl Benítez Manaut, "Las Relaciones Civiles-Militares En Una Democracia: Releyendo a Los Clásicos," *Revista Fuerzas Armadas y Sociedad* 19, no. 1 (January - June, 2005), 166.

“reduced the size of the army by a third, abolished the draft, slashed the military budget (from 18.2 percent of total government expenditure in 1989 to 10.6 percent in 1993), and privatized military-owned enterprises.”<sup>19</sup> This is one method of subordinating the military to civilian rule although it may not be the most effective method of bringing the armed forces under civilian control. The steps undertaken by Chile during their democratic transition provide a more thorough and comprehensive method to subordinating the armed forces to civilian control.

Among Latin American countries, Chile has probably enjoyed the most success in establishing true civilian control of the armed forces. This feat did not happen overnight as it has taken sixteen years to get to the point Chile is at now. This chapter will explain how Chile has arrived to this point in its transition. I will provide a background concerning Chile’s coup d’etat in 1973 and the events that transpired during the seventeen year history of Augusto Pinochet’s military regime. The second half of this chapter will cover the events that took place during Chile’s transition to democracy from 1990 to 2006. Specifically, I will focus on the National Commission on Truth and Reconciliation, also known as the Rettig Commission, and the *Mesa de Diálogo*. I will also address the impact the appointment of General Juan Emilio Cheyre as Commander in Chief of the army and Pinochet’s arrest had on the armed forces’ willingness to subordinate themselves to civilian rule. Finally, I will draw on his research and determine whether Chile’s experience can be duplicated elsewhere as well as provide some lessons learned which other countries may institute during their democratic transitions to subordinate the armed forces to civilian control.

Chile has been relatively successful in establishing civilian control of the armed forces. This accomplishment however, has not come easily. It has taken sixteen years and although civil-military relations appear to be institutionalized, there is still some further progress to be made. However, one cannot understand the challenges Chile has overcome in this lengthy process without understanding its history and the impact Augusto Pinochet had during his seventeen year rule.

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<sup>19</sup> Steven Levitsky, “Argentina: From Crisis to Consolidation (and Back),” in Jorge I. Domínguez and Michael Shifter, eds., *Constructing Democratic Governance in Latin America*, Second ed. (Baltimore: The Johns Hopkins University Press, 2003), 250.

## A. PINOCHET'S REGIME

Augusto Pinochet Ugarte came to power as a result of the coup on 11 September 1973. However, he was not the principal architect of the plot and was not informed of the impending coup until three days prior to the coup itself. Nevertheless, once he was informed of the plot he agreed to go along with it and took charge once the military junta was established. The explanations offered for the coup range from the overthrowing the government of Salvador Allende, "the world's first freely-elected Marxist Head of State"<sup>20</sup> to "the claim that Chile was threatened by well-armed subversives."<sup>21</sup> In 1999, Rear Admiral Waghorn stated the following concerning the coup, "that day there was an action by the Armed Forces, that deposed a Marxist government that had been judged illegal by a majority of Chileans, as well as by the other State institutions."<sup>22</sup> Whatever the reasons for the coup, "from the day of the coup until well after Pinochet quit the presidency, Chile was a society ruled by fear."<sup>23</sup> Pinochet accomplished this through his use of the armed forces, the *Carabineros*, (the Chilean police force), and starting in the 1974, through the use of the newly created Directorate of National Intelligence (DINA). The first indications of what was to come occurred shortly after the coup itself. Pinochet instructed General Sergio Arellano Stark, a principal coup plotter, to lead a delegation of military personnel throughout Chile. This delegation was to fly to various military garrisons and "dispose" of any leftist elements present in the prisons. Starting September 30 until the end of the tour on October 19, the delegation ordered or carried out the execution of at least seventy-two prisoners in what became known as the caravan of death.<sup>24</sup> Many of these had turned themselves in shortly after the coup and were awaiting

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<sup>20</sup> Hugh O'Shaughnessy, *Pinochet: The Politics of Torture* (New York: New York University Press, 2000), 59.

<sup>21</sup> Mark Ensalaco, *Chile Under Pinochet: Recovering the Truth* (Philadelphia: University of Pennsylvania Press, 2000), 26-27.

<sup>22</sup> Alex Waghorn Jarpa, "Intervención Del Representante De La Armada De Chile En La Mesa De Diálogo Convocada Por El Sr. Ministro De Defensa Nacional, El Día 7 De Septiembre De 1999," *Revista De Marina*, no. 6 (1999).

<sup>23</sup> O'Shaughnessy, *Pinochet: The Politics of Torture*, 81

<sup>24</sup> For a detailed account of the events of the "Caravan of Death" see Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 39-44

trials and therefore possessed no threat to the government of the military junta. However, this was in line in what would eventually become state policy.<sup>25</sup>

The elimination of leftist elements became state policy with the formal creation in 1974 of the Directorate for National Intelligence (DINA), an intelligence agency created to fight subversion and which answered directly to Pinochet himself. Although DINA's primary mission was stated as "establishing interrogation procedures, classifying prisoners, and coordinating intelligence functions,"<sup>26</sup> its true mission was the elimination of the left. The director of DINA was Colonel Manuel Contreras Sepúlveda, "who apart from his wife and his mother was to be the person who had the most influence on Pinochet"<sup>27</sup> and consisted primarily of army and carabinero officers. The organization was responsible for the "detention and torture centres and clinics throughout the country."<sup>28</sup> The DINA, more than any other organization was responsible for the systematic detention and torture of tens of thousands of individuals as well as thousands of the disappeared.<sup>29</sup> Pinochet also used the DINA to get rid of threats from abroad. These included General Carlos Prats, Bernardo Leighton, and Orlando Letelier. The details on these assassinations can be found in Hugh O'Shaughnessy's *Pinochet: The Politics of Torture*. DINA's most ambitious undertaking however, had to be Operation Condor. Operation Condor was a "coordinating committee of apparatuses of state terror in Chile, Argentina, Uruguay and Paraguay, and to a lesser extent in Bolivia and Brazil."<sup>30</sup> The purpose of this collaboration was to rid the southern cone of leftist elements in the 1970s and 1980s. Pinochet dissolved the DINA in 1977 and established the National Center for Information (CNI), also briefly headed by Contreras. Although the dissolution of DINA did not put an end to state terrorism under Pinochet, "it did

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<sup>25</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 45

<sup>26</sup> *Ibid.*, 55

<sup>27</sup> O'Shaughnessy, *Pinochet: The Politics of Torture*, 64

<sup>28</sup> *Ibid.*, 66

<sup>29</sup> The disappeared were those individuals who were taken by state agencies to never be seen or heard from again. For more details on these events, again see Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 280 as well as O'Shaughnessy, *Pinochet: The Politics of Torture*, 182

<sup>30</sup> *Ibid.*, 104-105

coincide with a sharp fall off in the number of disappearances.”<sup>31</sup> The CNI was eventually “disbanded upon the return of civilian government in 1990.”<sup>32</sup> Contreras was arrested and sentenced by Chilean authorities in 1995 to seven years imprisonment for the assassination of Orlando Letelier.

## **B. THE MOVE TOWARDS DEMOCRACY**

Despite the threat posed by the DINA/CNI and the repression of the Pinochet regime, Pinochet was voted out of office in the 1988 plebiscite. However, this did not signify the end of Pinochet in Chilean politics. Measures he had taken during his rule ensured he would remain relevant far beyond his seventeen years of reign. The two biggest factors in ensuring Pinochet’s relevance after his rule were the Amnesty Law of 1978 and the 1980 constitution. The Amnesty Law of 1978 stated that “anyone who had committed a criminal act between September 11, 1973 and March 10, 1978 was granted amnesty.”<sup>33</sup> The only individuals not covered by this law were those involved in the assassination of Orlando Letelier. Despite the advances made by the democratic regimes since 1990, the Amnesty Law is still used today. The 1980 constitution, drafted under Pinochet’s orders, provided powers that ensured he remained influential. As illustrated by Ensalaco’s and O’Shaughnessy’s research, these included declaring

unconstitutional and illicit groups advocating any doctrine that is totalitarian, is based on class struggle, promotes violence, or even ‘does harm to the family’; insulated senior military commanders from dismissal; established a National Security Council authorized to rebuke the president if he did not heed its warnings about threats to national security; the armed forces were guaranteed ten per cent of the sum earned from sales by Codelco, the state copper corporation; Pinochet continued as commander-in-chief of the army and could not be removed; the military continued to have to answer only to military courts and not civilian ones, and created the position of senator-for-life which Pinochet occupied after ceding control of the army in 1998.<sup>34</sup>

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<sup>31</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 128

<sup>32</sup> "National Intelligence Directorate (Dirección Nacional De Inteligencia--DINA) / National Information Center (Centro Nacional De Información--CNI) Chilean Intelligence Agencies," <http://www.fas.org/irp/world/chile/dina.htm> (accessed 12 December, 2006).

<sup>33</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 129

<sup>34</sup> Ibid., 134-135 and O’Shaughnessy, *Pinochet: The Politics of Torture*, 151



These examples are a few of the “120 permanent articles and 29 transitional articles”<sup>35</sup> introduced by the 1980 constitution. Thus, through the Amnesty Law and the 1980 constitution, Pinochet ensured the transition to democracy would proceed as he saw fit when he stepped down as President of Chile. Finally, before stepping down, Pinochet made one final threat in a speech celebrating the sixteenth anniversary of his regime. During his speech, Pinochet advised the civilian politicians on acceptable behavior during the transition:

Respect the constitutional functions granted to the armed forces, maintain the immovability of the service commanders, ensure the prestige of the military institution and its security from political attacks, prevent class struggle, fully apply the law against terrorism, respect the function of the National Security Council, uphold the amnesty law, refrain from meddling in defense policy, training instruction of military personnel, military jurisdiction, budgetary provisions, and the established system of promotions, retirements, and appointments.<sup>36</sup>

As Marc Cooper stated in his book, *Pinochet and Me*, Pinochet “remained the single most important political presence in Chile”<sup>37</sup> until his death on 10 December 2006. In essence, the Chilean military “stood at the epicenter of power, and largely dictated to its democratic successors what the limits and possibilities of the new competitive order would be.”<sup>38</sup>

## **1. The Rettig Commission**

Against this backdrop the democratic transition started for Chile. The first president of Chile after Pinochet stepped down was Patricio Aylwin Azócar, a member of the Concertación de Partidos por la Democracia which “was formed to defeat Pinochet in the plebiscite.”<sup>39</sup> Aylwin’s first order of business was to deal with the human right

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<sup>35</sup> For the full text of the 1980 constitution see “Constituciones Políticas De Chile,” [http://www.bcn.cl/pags/legislacion/leyes/resena\\_const.htm](http://www.bcn.cl/pags/legislacion/leyes/resena_const.htm) (accessed 13 December, 2006).

<sup>36</sup> Craig L. Arceneaux, “Institutional Aggrandizement and Controlled Transition in Pinochet’s Chile” In “Bounded Missions: Military Regimes and Democratization in the Southern Cone and Brazil”, University Park, Pa: Pennsylvania State University Press, 2001), 103 -104.

<sup>37</sup> Marc Cooper, *Pinochet and Me: A Chilean Anti-Memoir* (New York: Verso, 2001), xii.

<sup>38</sup> David Pion-Berlin, “Authoritarian Legacies and their Impact on Latin America,” *Latin American Politics & Society* 47, no. 2 (2005), 163.

<sup>39</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 176

abuses committed during the seventeen years of Pinochet's rule. He would have to walk a fine line, if he upset the military and Pinochet, they might take over the government; if he upset the victims of the human rights abuses by not seeking justice, the transition would be meaningless. With this in mind, Aylwin set up the National Commission on Truth and Reconciliation on 24 April, 1990. Aylwin selected a left-leaning attorney, Raúl Rettig Guissen to head the commission, for which the commission came to be known as the Rettig Commission. The objectives of the commission as set forth by Aylwin were:

to establish as complete a picture as possible of those grave events, as well as their antecedents and circumstances; to gather evidence that might make it possible to identify the victims by name and determine their fate or whereabouts; to recommend such measures of reparation and the restoration of people's good name as it regarded as just; and to recommend the legal and administrative measures which in its judgement should be adopted in order to prevent further grave human rights violations from being committed.<sup>40</sup>

The overarching purpose of the commission was to get to the bottom of what went on during the Pinochet regime concerning human rights violations and establish once and for all that human rights violations did occur. However, as noted by Ensalaco, the definition of human rights violations adhered to by the commission was in itself flawed. The definition as stated in the report was:

situations of those persons who disappeared after arrest, who were executed, or who were tortured to death, in which the moral responsibility of the state is compromised by acts of its agents or persons in their service, as well as kidnappings and attempts on the life of persons committed by individuals for political reasons.<sup>41</sup>

This definition defines acts committed by persons or agencies in the name of the state as human rights violations. However, it also defines acts committed by individuals as human rights violations. Essentially, any crime committed against agents of the state by private citizens would be considered human rights violations rather than common crimes. The commission's rationale for adhering to this broad definition was as follows:

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<sup>40</sup> "Chile: Reports: Truth Commissions: Library & Links: U.S. Institute of Peace," [http://www.usip.org/library/tc/doc/reports/chile/chile\\_1993\\_toc.html](http://www.usip.org/library/tc/doc/reports/chile/chile_1993_toc.html) (accessed 13 December, 2006).

<sup>41</sup> Ibid.

in practice it has been observed that when the expression "human rights violations" is limited to government actions, public opinion very often tends to interpret it as an effort to condone or justify abuses or atrocities that may be committed by certain opposition political groups. The idea that there are certain values of humane behavior that not only the state but all political actors must respect has become enshrined in the public conscience.<sup>42</sup>

Regardless of the reasoning behind using the broader concept of human rights violations, this was in line with Aylwin's strategy of being "cautious, non-confrontational, and highly sensitive to political, legal and constitutional constraints"<sup>43</sup> so as to not upset the armed forces and thereby jeopardize the democratic transition. The rest of the commission members consisted of two human rights activists, Jaime Castillo Velasco and José Zalaquett Daher, center-right Laura Novoa Vásquez and rightist judge Ricardo Martín Díaz, as well as political moderates and Aylwin associates. In addition to the objectives set forth by Aylwin, he also established some limitations on the commission, namely "he denied it the power to subpoena witnesses, he enjoined it from naming the culpable, and he limited the duration of its existence to less than one year."<sup>44</sup> Although the reasons for imposing these limitations are based on constitutional rationale, the primary reason once again was the threat of the military. However, the limitation to not name names was heavily influenced by José Zalaquett. According to Ensalaco, although Zalaquett believed that in order for states to confront past abuses "the nature and extension of the violations committed should be disclosed, as well as how they were planned and executed, what is the fate of the victims, individually, who gave the orders and who carried them out,"<sup>45</sup> a special commission of inquiry should not publish names. His reasoning for this was due to the fact that "such a body does not have prosecutorial powers, and if it names names, then some individuals may actually be signaled as culprits without having had the benefit of a proper defense."<sup>46</sup> President Aylwin agreed with

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<sup>42</sup> "Chile: Reports: Truth Commissions: Library & Links: U.S. Institute of Peace"

<sup>43</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 183

<sup>44</sup> Ibid., 188

<sup>45</sup> Ibid., 192

<sup>46</sup> Ibid., 192

Zalaquett that naming individuals could incriminate them without the benefit of legal representation and so the exclusion of names was included as a limitation for the commission.

The limitation imposed on the commission served to make its investigations into abuses that much more difficult. As it did not have the legal authority to demand documents or force unwilling witnesses to testify, the armed forces and police selectively turned over the documents they deemed necessary.<sup>47</sup> In addition, the commission's efforts were further hampered by the armed forces. "The halting cooperation of the military, and its deplorable silence on the fate and whereabouts of the arrested-disappeared, combined to perpetuate the pattern of impunity through an official policy to cover-up evidence crucial to the work of the commission."<sup>48</sup> Besides hampering the Commission's efforts by their failure to cooperate, the armed forces also exerted pressure on the commission overtly as evidenced in December 1990, when Pinochet placed the Chilean armed forces on alert. "Pinochet's stunt was meant to convey the simple but ominous message that the possibility of military intervention was now part of operational doctrine."<sup>49</sup> Nevertheless, the commission was able to produce a report confirming the human rights violations thanks in large part to the evidence gathered by human rights organizations such as the Vicariate of Solidarity, the Chilean Human Rights Commission, and the Foundation for Social Assistance of the Christian Churches. Along with the evidence gathered from the human rights organizations, the commission also sought witnesses of human rights violations. It posted notices in local and foreign publications, alerting the public of its work and providing a ninety day limit to report violations. When the commission started investigating cases in June 1990, they had 3400 cases of human rights violations. The commission gathered further evidence through interviews of victims that were detained and later released as well as those who witnessed individuals being arrested and taken away.<sup>50</sup> The commission also tried to gather more information from the armed forces but that proved next to impossible, especially where the army and

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<sup>47</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 196

<sup>48</sup> Ibid., 196

<sup>49</sup> Ibid., 203

<sup>50</sup> Ibid., 198

the Carabineros were concerned. On the other hand, the investigations Police, International Police, the navy and the air force cooperated fully with the commission. The policy of the army and Carabineros to not cooperate with the commission or allow the military members to tell their side of the story is something the commission believes worked against both the army and the police. As Raúl Rettig stated to Mark Ensalaco, “I believe they committed an error that was very prejudicial to them, because many of those who had been publicly imputed, who for personal reasons went before the Commission, frequently received, at least, what you Americans call a reasonable doubt.”<sup>51</sup> After all was said and done, the commission identified 2,115 victims of human rights violations. However, 642 cases were still undecided and as time passed, the total figure would rise. Although it was able to process a large number of cases, the commission did not accomplish what it set out to accomplish: “to identify all of the victims by name and to determine their fate and whereabouts.”<sup>52</sup>

The commission delivered its completed report to Aylwin in February 1991.<sup>53</sup> President Aylwin made the report public in March. The reaction and response to the report by the armed forces was not surprising. The commanders of the armed forces delivered their response at a session of the National Security Council. The army’s report stated “the army certainly sees no reason to seek pardon for having taken part in a patriotic labor.”<sup>54</sup> Furthermore “the army’s response directly rejected ‘the wrong historical perspective of the Rettig Report’ and noted its ‘fundamental disagreement’ with the reports concepts and topics.”<sup>55</sup> The navy’s response likewise blasted the report: “the ‘truth’ which the report proclaims is nothing more than a simple opinion which may be shared or rejected.”<sup>56</sup> The Carabineros dismissed the report as well stating, “given the real impossibility of establishing an absolute truth in relation to the presumed violations

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<sup>51</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 201

<sup>52</sup> Ibid., 197

<sup>53</sup> Ibid., 212

<sup>54</sup> Ibid., 217

<sup>55</sup> Claudio A. Fuentes, "After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy," *Journal of Interamerican Studies and World Affairs* 42, no. 3 (Autumn, 2000), 122.

<sup>56</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 217

of human rights in Chile between 1973 and 1990, we must understand that the work of the national Commission on Truth and Reconciliation was oriented to present a version of those events, and that, because it lacks any legal value, it in no way obliges its complete and total acceptance.”<sup>57</sup> Of all the service’s Ensalaco states the air force’s response “was the most conciliatory.”<sup>58</sup> The air force commander, Fernando Mattei, stated:

I respect that we, the broad majority of Chileans, have acknowledged the effort of president Aylwin to seek the reconciliation that would permit Chile to project itself into a better future...I am convinced that only representative democracy, with its balance of powers and its full vigilance of the rule of law, offers guarantees that there will never again be repeated in Chile an experience such as the one described in the report.<sup>59</sup>

The responses of all the services agreed on one aspect which they believe the report fails to address: the fact that all the services believed that “a state of war existed in Chile during the more than seventeen years of the dictatorship.”<sup>60</sup> Regardless of what the armed forces believed, the findings of the Rettig Commission were public and there was no denying the fact that human rights violations were committed by the armed forces under Pinochet’s rule.

## **2. The Corporation on Reparation and Reconciliation**

The Rettig commission was not able to identify all the victims of human rights abuses, however, as part of its final recommendations, it proposed standing up another agency to continue the investigation of past abuses. President Aylwin complied with this recommendation and directed the formation of the Corporation on Reparation and Reconciliation.<sup>61</sup> The Corporation’s primary mission was “to classify cases, and to find the disappeared and the executed”<sup>62</sup> as well as to “implement the dozens of constructive recommendations for reform carefully drawn up by the Truth and Reconciliation

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<sup>57</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 218

<sup>58</sup> Ibid., 218

<sup>59</sup> Ibid., 218

<sup>60</sup> Ibid., 217

<sup>61</sup> Ibid., 226

<sup>62</sup> Ibid., 226

Commission.”<sup>63</sup> Although the Corporation came into existence in January of 1992, it did not really start working on cases until January 1993, when it finally received the archives from the Commission on Truth and Reconciliation. From these archives, the Corporation started with 989 cases the Commission could not investigate. Another 640 cases were added after a ninety day reporting period was provided for the public in much the same way the Rettig Commission had done. However, due to the large amount of individuals coming forward, the Corporation had another 90 day period in which they added 562 more cases. All told, the Corporation ended up with approximately 2,119 cases, 1,210 of which were new and never seen by the Rettig Commission. In its effort to classify cases, the Corporation faced the task of identifying the arrested-disappeared though to be dead and those who were known to be dead but whose body was never found. With this in mind, by January 1994, the Corporation had to find the bodies of 1,553 Chileans, of which 1,118 were arrested-disappeared and only 435 were known to be dead.<sup>64</sup> None of this resulted from assistance by the armed forces, however. Four years into the democratic transition, the armed forces still refused to cooperate and hindered the investigations in whatever manner they could. The Corporation for Reparation and Reconciliation went out of existence in 1994 still having unaccounted for thousands of disappeared during the Pinochet regime.<sup>65</sup>

President Aylwin’s creation of the Commission for Truth and Reconciliation and the Corporation on Reparation and Reconciliation were his attempts to appease both the victims of the human rights violations committed under the Pinochet regime and the armed forces; neither of which was happy with the results of either commission. Nevertheless, these were the first steps in confronting the past and dealing with the Chilean human rights legacy. The fact the commissions were allowed to exist and publish their findings was an accomplishment itself. However, the investigations into human rights abuses would not end their. Aylwin was replaced by Eduardo Frei Ruiz-

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<sup>63</sup> Ensalcado, *Chile Under Pinochet: Recovering the Truth*, 228. To see the full list of recommendations provided by the Truth and Reconciliation Commission, see *Chile: Reports: Truth Commissions: Library & Links: U.S. Institute of Peace*

<sup>64</sup> All the preceding information was found in Ensalcado, *Chile Under Pinochet: Recovering the Truth*, 225-227

<sup>65</sup> *Ibid.*, 229

Tagle, who according to Hugh O'Shaughnessy, "was to remain as frightened of Pinochet as Aylwin had been – perhaps more."<sup>66</sup> As such, Frei followed the same cautious strategy Aylwin had followed during his four years as president. Frei's presidency differed from that of Aylwin in the manner which they approached the armed forces. Whereas the Aylwin administration had been somewhat confrontational with the armed forces, the Frei administration wanted to establish a "nontraumatic relationship between the armed forces and some parties of the Concertación."<sup>67</sup> Despite the better working relationship with the armed forces, the issue of human rights proceeded at the same pace as under the Aylwin administration. However, a fundamental change was about to take place when Augusto Pinochet was arrested in England in 1998.

### **3. The End of an Era: Pinochet's Arrest**

Pinochet had traveled to the London Clinic in 1998 for surgery on a spinal hernia. While there, an arrest warrant was issued by Interpol on behalf of a Spanish judge, Baltasar Garzón. Garzón had been investigating "the case of atrocities committed against Spanish citizens in Argentina during the military regime which seized power in 1976."<sup>68</sup> Another judge, Manuel García Castellón had been investigating cases of Spaniards murdered or kidnapped in Chile. He brought these to the attention of Garzón who took over the case as well. Garzón and Juan Garcés, another Spaniard who was preparing the case against Pinochet, issued the warrant on 16 October 1998.<sup>69</sup> The arrest of a former head of state, known to have committed human rights abuses set important precedents. Namely, that those who violated international conventions against torture were no longer free from prosecution outside their home country. Additionally, the arrest "was a strong indication that the process of globalization, for so long confined to questions of international trade, the internet and the freedom of multinational companies to strike down barriers to their global activity, was about to be extended to other areas of life."<sup>70</sup>

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<sup>66</sup> O'Shaughnessy, *Pinochet: The Politics of Torture*, 154

<sup>67</sup> Rebecca Evans, "Pinochet in London--Pinochet in Chile: International and Domestic Politics in Human Rights Policy," *Human Rights Quarterly* 28, no. 1 (2006), 222.

<sup>68</sup> O'Shaughnessy, *Pinochet: The Politics of Torture*, 159

<sup>69</sup> Ibid., 159-160

<sup>70</sup> Ibid., 160



The reactions in Chile were mixed, as expected. The Pinochet supporters condemned the arrest as interference in Chilean affairs while the Left and Human Rights groups saw his arrest as “an end to impunity.”<sup>71</sup> Nevertheless, both sides eventually agreed that Pinochet should be brought back to Chile and tried in Chilean courts. The government’s official stand stated that “despite existing obstacles, the ex-dictator should stand before Chilean tribunals and respond to specific accusations on human rights violations.”<sup>72</sup> Pinochet’s 503 days under arrest marked the beginning of the end of his legacy; “the artifice of impunity and unaccountability that he had carefully constructed over twenty years was dealt a shattering blow by his arrest, had begun to crumble during his stay in custody, and was now well on its way, irretrievably, to its end.”<sup>73</sup> More importantly however, Pinochet’s arrest “provided an important catalyst for revitalizing human rights policy in Chile, moving away from impunity and toward a new determination to hold all Chileans accountable to the rule of law.”<sup>74</sup> Without Pinochet’s arrest, a process like the *Mesa de Diálogo* (roundtable discussion) could never have been possible.

#### **4. La Mesa de Diálogo**

The *Mesa* was created under the direction of Minister of Defense Edmundo Pérez Yoma on 21 August 1999. It would start under President Frei’s administration and present its findings to the new president, Ricardo Lagos Escobar. The *Mesa* brought together representatives of the armed forces, religious leaders, members from the Left and the Right, and lawyers to discuss human rights, specifically to try and answer the questions concerning the locations of the disappeared and what happened to them. Each side of the debate wanted something different out of the dialogues. The armed forces hoped this dialogue would mark the end of the transition period while the government hoped “that the military could provide centralized information about the disappeared therefore ending the confusion created by the many different public bodies that had

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<sup>71</sup> Evans, *Pinochet in London--Pinochet in Chile: International and Domestic Politics in Human Rights Policy*, 229-230

<sup>72</sup> Ibid., 231

<sup>73</sup> Cooper, *Pinochet and Me: A Chilean Anti-Memoir*, 132

<sup>74</sup> Evans, *Pinochet in London--Pinochet in Chile: International and Domestic Politics in Human Rights Policy*, 212

looked for information previously.”<sup>75</sup> All in all, there were nine sessions of the *Mesa* from 1999 to 2000. In an effort to promote discussion about the location of the disappeared, President Lagos proposed legislation that would protect individuals who provided information about locations of disappeared. Eventually, the armed forces would provide information on 200 disappearances of which 130 had been dumped in the sea, lake or rivers of Chile, and another twenty buried in a common grave.<sup>76</sup> Although this can be considered noteworthy, human rights groups were not happy with the results. The dissatisfaction can be attributed to the fact that these cases related to the first year of the coup, before the methods of disappearance became more “sophisticated” under the systematic policy of forced disappearance under the DINA. Furthermore, the information provided by the armed forces made the search for bodies harder rather than easier as demonstrated by the Cuesta Barriga case. The initial information the navy had provided regarding bodies somewhere in Cuesta Barriga led workers on a wild goose chase. After two weeks of digging and trying different areas within Cuesta Barriga, workers tried their luck in an old copper mine. Once the navy confirmed that this indeed was the correct location of the bodies, the excavation proceeded and the bodies of Horacio Cepeda and Fernando Ortiz, arrested in 1976, were found.<sup>77</sup>

President Lagos informed the Chilean public of the *Mesa*’s findings in a televised speech on 7 January 2001 in which he stated “more than the number provided, what stands out is the recognition by the high command of the armed forces of the acceptance that Chile cannot look to the future without clearing the doubts of the past.”<sup>78</sup> Although the *Mesa de Diálogo* did not provide the information on the thousands of disappeared, it did provide an important stepping stone for a change in attitude in the armed forces towards past human rights abuses as well as allowing them to abandon “their historically authoritarian posture, to generally support governmental policies, and [be] tolerant of

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<sup>75</sup> Mario I. Aguilar, "The Disappeared and the *Mesa De Diálogo* in Chile 1999-2001: Searching for those Who Never Grew Old," *Bulletin of Latin American Research* 21, no. 3 (2002), 418.

<sup>76</sup> *Ibid.*, 419-420

<sup>77</sup> *Ibid.*, 420

<sup>78</sup> Ricardo Lagos Escobar, Presidente Lagos informó al país sobre resultados de la mesa de Diálogo, 7 January, 2001, <http://www.chileemb.se/espanol/novedades/Lagos-Dis-Desapar.PDF> (accessed 5 December 2006).

public debate on defense and military issues.”<sup>79</sup> Despite the gestures of the armed forces during and after the *Mesa de Diálogo*, the true change in attitudes can be attributed to the appointment of General Juan Emilio Cheyre as commander-in-chief of the army.

## **5. Embracing Democracy: General Juan Emilio Cheyre**

General Juan Emilio Cheyre succeeded General Ricardo Izurieta as commander-in-chief of the army in March 2002. Whereas General Izurieta maintained the army in a defensive posture concerning human rights investigations from 1998 – 2003, General Cheyre believed in a more cooperative effort with the state institutions and as such had the army offer more cooperation to human rights investigations.<sup>80</sup> The importance of General Cheyre’s influence on the changing attitudes of the army cannot be overstated. Michelle Bachelet, the minister of defense from 7 January 2002 until 1 October 2004<sup>81</sup> said as much in her address to the Primera Semana Iberoamericana Sobre Paz: “In Chile we have achieved a common vision between society and the armed forces, recently expressed magnificently by the commander-in-chief when he noted the values of his institution cannot nor should they be, different from society as a whole.”<sup>82</sup> General Cheyre’s speech in November 2004 at the deactivation of the army’s Intelligence Battalion finally provided what many people were waiting for, an admission of the army’s guilt as an institution of human rights violations: “The Chilean army made the difficult but irreversible decision to assume responsibility as an institution for all the punishable and morally unacceptable acts of the past.”<sup>83</sup> This speech and the acceptance of responsibility could have presented problems for General Cheyre had the army decided to contradict his statements. However, as Claudio Fuentes Saavedra points out in his

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<sup>79</sup> Robledo, *Democratic Consolidation in Chilean Civil-Military Relations, 1990 - 2005*, 19-20

<sup>80</sup> Claudio Fuentes Saavedra, *La Transición De Los Militares* (Santiago: LOM Ediciones, 2006), 130-131.

<sup>81</sup> "Presidencia De La República De Chile," <http://www.presidencia.cl/view/viewBiografia.asp?seccion=Biografia> (accessed 14 December, 2006).

<sup>82</sup> Bachelet, *Los Estudios Comparados y La Relación Civil Militar. Reflexiones Tras Una Década De Consolidación Democrática En Chile*, 29-35 (author’s translation)

<sup>83</sup> Cheyre, General Juan Emilio, "Lea El Histórico Mea Culpa Del General Cheyre," *La Nación*, sec. País, 4 November, 2004, [http://www.lanacion.cl/prontus\\_noticias/site/artic/20041105/pags/20041105090447.html](http://www.lanacion.cl/prontus_noticias/site/artic/20041105/pags/20041105090447.html) (accessed 14 December 2006). (author’s translation)

book “La Transición de los Militares”, Gen Cheyre had to have a consensus before making those statements. He had to have at least a sixty to seventy percent consensus from the army as well as face active and retired generals that initially criticized his efforts. Ultimately, General Cheyre’s successful efforts in gaining a consensus paved the way for the army as an institution to take responsibility for past human rights abuses and to accept subordination to civilian leadership. In this context, General Cheyre can be characterized as the general of the military transition in Chile.<sup>84</sup>

## **6. The Transition Gains Momentum: Constitutional Reform**

The armed forces in 2004 were well on their way to accepting civilian supremacy over military matters, however, a large test presented itself with President Lagos’ proposal and subsequent approval of reforms to the 1980 constitution. These reforms included charging all State agencies, not just the armed forces, with national security, making the National Security Council an advisory body and giving the President sole authority to convene the National Security Council, providing the President with the authority to remove the commanders-in-chief and the director general of the carabineros, removing the position of Senator-for-life from the Senate, doing away with the binomial electoral system and limiting presidential terms from six to four years.<sup>85</sup> More importantly, once these reforms were enacted there was no reaction from the armed forces, especially noteworthy since the 1980 constitution was put in place by Pinochet to ensure the military maintained power in Chile. The Amnesty Law of 1978 however, has not been removed. The amnesty law provided amnesty for individuals who committed human rights violations between September 11, 1973 and March 10, 1978. Although the courts are now prosecuting armed forces members for human rights abuses and the armed forces have taken responsibility for human rights abuses committed during the Pinochet regime, the amnesty law is still in use. As recently as April 2006, Chilean Judge Victor Montiglio applied the Amnesty Law to the caravan of death case. Judge Montiglio absolved General Sergio Arellano Stark of his part in the caravan of death due to his

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<sup>84</sup> Fuentes Saavedra, *La Transición De Los Militares*, 134-136 (author’s translation)

<sup>85</sup> Francisco Cumplido Cereceda, “Reforma Constitutcional en Chile,” in Jan Woischnik, ed., *Anuario De Derecho Constitucional Latinoamericano 2006*, Vol. One (Uruguay: , 2006), 105-113.

“lack of participation in the acts being investigated.”<sup>86</sup> Despite the advances made in prosecuting human rights abuses and subordinating the armed forces to civilian control, setbacks like the Amnesty Law continue to delay the democratic transition in Chile.

### C. CONCLUSIONS

Chile’s democratic transition is unique in Latin America. It may be one of the longest transitions, but it can probably be considered one of the most successful. The question is, can other countries look to Chile’s experiences and apply them to their own? The answer is yes and no. Each country’s transition is unique. What works in one country may not work in another. However, individual countries can gain a tremendous amount of knowledge by looking at the Chilean experience.

First, Chile proved that new regimes have to face the past in order to move towards the future. As a poster on the wall of the Foundation for Social Assistance of Christian Churches in Chile states, “a country that does not close the wounds of the past has neither a present nor a future.”<sup>87</sup> The reasoning for this is two-fold; it allows the new regime to pursue justice for the victims of human rights abuses and allows the armed forces to purge its ranks of perpetrators of abuse thereby increasing its legitimacy in the eyes of the population. Chile did this through its Commission on Truth and Reconciliation, the Corporation on Reparation and Reconciliation, and the *Mesa de Diálogo*. Although these committees and dialogues did not produce the desired results, namely the names and locations of the disappeared, they served to open the dialogue between the new government and the armed forces. Despite the armed forces lack of cooperation at the beginning of the transition, the fact that the armed forces provided additional information about disappeared during the *Mesa* provided evidence of the government’s growing influence over the armed forces.

Second, the outgoing leader cannot be allowed to remain politically or militarily relevant, especially when the previous regime was responsible for human rights abuses.

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<sup>86</sup> "Sin Reconocer Tratados De DDHH, Juez Montiglio Aplicó Amnistía En Caso Caravana De La Muerte," *La Nación*, sec. País, 14 April, 2006, [http://www.lanacion.cl/prontus\\_noticias/site/edic/2006\\_04\\_14\\_1/home/home.html](http://www.lanacion.cl/prontus_noticias/site/edic/2006_04_14_1/home/home.html). (author’s translation)

<sup>87</sup> Ensalaco, *Chile Under Pinochet: Recovering the Truth*, 230

Pinochet was the primary reason the transition in Chile has lasted as long as it has. His constant presence posed a threat to the Aylwin and Frei administrations and as such provided for an extremely deliberate transition. Likewise, the armed forces reflected the same defiant attitude of their military leader. Had Pinochet been neutralized as a relevant actor in Chile's democratic transition, the transition would have unfolded very differently. However, this lengthy transition has had an unintended consequence. It has allowed civilian authorities to interact more thoroughly with the armed forces. Rather than just strip the armed forces of their strength and render them irrelevant as a fighting force, the interaction between civilians and military has resulted in a more professional force. The forced interaction between the armed forces and civilian authorities has also made the civilians more knowledgeable on defense matters. As Claudio Fuentes Saavedra points out, "one of the most significant changes since the reestablishment of democracy has been an interest by civilian authorities to accept the responsibility of defense as State policy in which the civilians have a say."<sup>88</sup>

Third, any constitutions drafted during the previous regime need to be reformed or thrown out and redone. The 1980 constitution in Chile allowed Pinochet to remain relevant after he left power. This was intentional as it was Pinochet who drafted the constitution and included measures which ensured he would remain a relevant actor in Chilean politics long after he stepped down as President. It also included measures to ensure the armed forces would remain a viable force for years to come.

Fourth, a military leader committed to truth and justice can steer the armed forces towards subordination to civilian authority. General Cheyre was this individual during the transition. His leadership of the army facilitated the investigations into human rights abuses. His efforts to strike a consensus in the army and admit that the army as an institution was responsible for human rights abuses during Pinochet's regime improved relations between the armed forces and civilian authorities and further solidified the increasing subordination of the armed forces to civilian authority. There is an important distinction to be made about the Chilean transition. Although Pinochet and the armed forces posed a threat at the start of the transition, there were no other threats present.

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<sup>88</sup> Fuentes Saavedra, *La Transición De Los Militares*, 60 (author's translation)

Unlike the *maras* of Central America or the insurgent groups like the F.A.R.C. and the A.U.C of Colombia, Chile had no persistent internal or viable external threat.<sup>89</sup> The presence of either of these threats, would have made the transition that much more difficult.

Among the four findings provided, none is more important than the other, they all have to be dealt with. Human rights abuses may not be settled if the previous ruler is still relevant and impedes any investigations. The previous ruler may be relevant only because a constitution drafted during his regime allows him to be relevant. The armed forces may never submit to civilian control unless they are led by someone who understands the importance of civil-military relations within a democratic regime. Ideally, these issues would be dealt with simultaneously, allowing for a more thorough transition. These findings are in no way a guarantee for success, however, with regards to the civil-military aspect of the democratic transition, they can provide a framework for a smoother transition.

Among Latin American countries that have gone through a democratic transition after an authoritarian regime, Chile stands out as a unique case. First and foremost, the democratic transition itself was dictated by the very person being replaced, Augusto Pinochet Ugarte. Likewise, the armed forces were in a position of strength at the start of the transition. As Marc Cooper illustrates in his conversations with a former army captain, “This was the only transition in Latin America where the military came out not only untarnished, but downright virgin.”<sup>90</sup> As stated earlier, it is imperative to understand the events leading up to the democratic transition. The shadow cast on Chile by Pinochet and the armed forces is difficult to comprehend unless one understands what happened during Pinochet’s seventeen years in power. With this knowledge, one can understand why the transition started under President Aylwin was much more fragile than other transitions throughout Latin America. The constant threat of a military takeover was very real and Pinochet ensured it remained a constant threat with displays of mobilization when the civilian administration pursued actions deemed unnecessary by

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<sup>89</sup> Bolivia’s loss of its water access after its war with Chile will always make it a possible threat to Chile, especially if they continue their policy of gaining access to the ocean.

<sup>90</sup> Cooper, *Pinochet and Me: A Chilean Anti-Memoir*, 95

Pinochet. Furthermore, the cornerstone for a successful transition, civilian control of the armed forces, was for all intents and purpose, nonexistent. Although Pinochet resigned as commander-in-chief in 1998, he still remained relevant in politics when he took his position as Senator-for-life as stipulated in his 1980 constitution. However, as Raúl Benítez Manaut states, “the theoretical supremacy of civilian rule over the military is devalued when retired military members exercise civilian politics from the parliaments,”<sup>91</sup> hence the lack of improvement in civilian control of the armed forces. Pinochet’s defiant attitude was reflected in the armed forces as well. The armed forces whole-heartedly believed they were undertaking a “patriotic mission through the 1973 coup.”<sup>92</sup> Their belief that they answered to no one was reflected in their lack of cooperation during the investigations of the Commission on Truth and Reconciliation, the Corporation for Reparation and Reconciliation and the discussions of the *Mesa de Diálogo*. Although they provided additional information concerning some disappeared during the *Mesa*, it was nowhere near the information needed to clear the thousands of names of the disappeared. Despite this lack of cooperation, the interaction between the armed forces and the civilians forced a dialogue between the two which would benefit both in the long run.

Pinochet’s arrest in London in 1998 removed an obstacle of the democratic transition. This was especially evident when charges against Pinochet started appearing for human rights abuses committed during his regime. It was at this point that the Chilean transition picked up steam as evidenced by the increase in cases against military members responsible for human rights abuses. However, not until General Cheyre took control of the army did the armed forces accept responsibility as an institution for the human rights abuses and further subordinate themselves to civilian control. The biggest test for Chile’s civilian control of the armed forces came with the proposed reforms of the 1980 constitution ratified during Pinochet’s rule. The reforms ranged from doing away with the Senator-for-life post in the Senate to providing the President with the authority

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<sup>91</sup> Benítez Manaut, *Las Relaciones Civiles-Militares En Una Democracia: Releyendo a Los Clásicos*, 164 (author’s translation)

<sup>92</sup> Evans, *Pinochet in London--Pinochet in Chile: International and Domestic Politics in Human Rights Policy*, 219



to remove the commanders-in-chief and director general of the carabineros. Once the reforms were enacted in 2005, there was little fanfare and no reaction from the armed forces, a good omen for the future.

Finally, the deliberate pace of the transition had the unintended effect of laying the foundation for Bruneau's trinity. Once the politicians understood they would have to actively engage the armed forces through the various commissions and the *Mesa de Diálogo*, they took it upon themselves to become more knowledgeable on defense issues. The best way to avoid another military takeover was by understanding what the military was doing and why it was doing it. Essentially, the politicians were following Bruneau's suggestion, "they clearly must know something, and just as important, they must be aware of what they don't know."<sup>93</sup> Chile now has a cadre of knowledgeable civilians on defense affairs. The presence of these civilian officials – probably the most important aspect of the trinity – facilitates the adoption of the trinity and helps Chile in their efforts to strengthen their civil-military relations.

The question remains: has Chile completed its democratic transition? Claudio Fuentes, director of the Facultad Latinoamericana de Ciencias Sociales (FLACSO) in Santiago does not believe so. According to Fuentes, Chile is currently in the third phase of the democratic transition. This phase is referred to as the institutional phase with the first phase being political and the second being constitutional. This phase entails a modernization of the defense decision-making process, professionalization of the military career, the allocation of resources, to include a system of evaluation of projects, acquisitions, industry and forecast, and the international role of the armed forces focusing on peace operations and strengthening mutual confidence measures.<sup>94</sup> Additionally, as long as issues such as the Amnesty Law and the disappeared and past human rights abuses are not dealt with, I do not believe the transition can be closed. The Amnesty Law is still being used to absolve individuals responsible for human rights abuses. Consequently, the whereabouts of those disappeared remain a mystery. The Chilean democratic transition has been a success up to this point, more so than any other Latin American country, however, its human rights legacy remains a black spot on its

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<sup>93</sup> Bruneau and Goetze, *Civilian-Military Relations in Latin America*, 67

<sup>94</sup> Fuentes Saavedra, *La Transición De Las Fuerzas Armadas*, 2

success and will remain a black spot until this issue is resolved. Until that time comes, Chile cannot end its democratic transition nor declare it an unmitigated success.

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### **III. COLOMBIA**

The Chilean case is a prime example of the successful application of the trinity or knowledge-based approach to civil-military relations. As stated earlier, each country's experience with civil-military relations is different. Chile's success cannot be translated into success in other Latin American countries without taking into account each individual country's experiences. However, a case can be made that the failure to follow a knowledge-based approach to civil-military relations as Chile has, can result in poor civil-military relations. While Colombian civil-military relations seem to be successful on the surface, a closer look reveals a military that dictates its own budget and continues to make decisions with little to no input from civilian leadership.

Colombia's history differs from most Latin American countries in that it has not been ruled by a military dictatorship since the 1950s. Although Colombia has not suffered the coups experienced by various countries throughout Latin America, they have been fighting a forty year old insurgency. The fact the insurgency has lasted over forty years may well point at the military's lack of a focused strategy to defeat the insurgency. Ideally, this would be an area in which civilian expertise would provide the military with its roles and missions and national strategy, thereby providing the armed forces a roadmap to accomplish these objectives. Furthermore, it is very possible the lack of civilian oversight led to mismanagement of everything from the budget to military training. Although this chapter will not focus on the insurgency, the insurgency can be used as an example of the civilian's failure to provide the armed forces with clear cut roles and missions and the resources necessary to defeat the insurgency. While not a complete failure of civil-military relations, I believe this approach will allow me to see the communication failures between the civilian and military officials. However, it is very possible that Colombian civil-military relations are very robust but suffer due to the constant battles with insurgent forces. Nevertheless, I believe that Colombia will be an example of what can happen when the standard set by Bruneau's trinity of civil-military relations is not met.

## A. POLITICAL MANAGEMENT OF THE ARMED FORCES

Prior to examining Colombia and its civil-military relations, it is necessary to understand the current debate in the civil-military relations field between David Pion-Berlin and Thomas Bruneau. Pion-Berlin believes it is not necessary for Latin American politicians to have a working knowledge of military affairs. According to Pion-Berlin, “what Latin America needs are civilians who can manage the military in political-, not defense-, oriented terms.”<sup>95</sup> As Pion-Berlin points out, Latin America has historically been free of external threats. As a result, “in the absence of war or the threat of war, there has been less demand for strong fighting machines as well as less demand for defense expertise among civilians.”<sup>96</sup> This has promoted an environment in which “civilian leaders do not meddle in core military interests if the military observes similar rules about the government’s core interests.”<sup>97</sup> While this has led to civilian control of the military throughout most of Latin America, it has resulted in a lack of defense knowledge among civilian politicians. Especially since all matters relating to training, budgeting, roles and missions have been left to the military to decide. This results in a vicious circle in which any civilian who attempts to become more knowledgeable about defense affairs and immerse themselves in defense planning face an uphill battle against the armed forces. As Pion-Berlin points out, “without first establishing their defense credentials, and credibility, civilians who have intervened in this way have bred military antipathy rather than compliance.”<sup>98</sup> Although this political management of the military can achieve civilian control of the armed forces, civilian politicians are putting their faith in the military’s “goodwill” to do what is right for the benefit of the country rather than for the military’s own benefit. This is something the civilian politicians cannot counteract unless they know and understand what the armed forces are supposed to do.

Thomas Bruneau’s trinity of civil-military relations strives to provide the framework necessary to prevent the armed forces from taking advantage of the civilian’s lack of knowledge concerning military affairs. In addition to democratic civilian control,

<sup>95</sup> Pion-Berlin, *Political Management of the Military in Latin America*, 19

<sup>96</sup> Ibid., 22

<sup>97</sup> Ibid., 29

<sup>98</sup> Ibid., 30

Bruneau's trinity includes military effectiveness and efficiency. Bruneau's definition of effectiveness states "that the armed services and other security forces are able in fact to implement the roles and mission assigned to them by democratically elected civilians."<sup>99</sup> Military efficiency "means that the roles and missions are achieved at the least possible cost in lives and resources."<sup>100</sup> As covered by Bruneau, in order to assign roles and missions to the military, civilian policy-makers need to understand the capabilities and shortfalls of their military forces. Pion-Berlin however, disagrees that civilians need to have some military knowledge since "the decision of politicians to decide whether or not to employ the military in certain tasks is a pragmatic one, made on the basis of common sense and information."<sup>101</sup> Pion-Berlin uses examples of "famine relief in Argentina, development assistance in Ecuador, counter narcotic programs in Brazil and disaster relief in Honduras and Guatemala."<sup>102</sup> Although these examples were pragmatic political decisions, they ignored a basic tenet of military operations: whether or not the military forces were capable of performing the mission they have been tasked to accomplish. When the military is left to their devices to accomplish their own training, roles and missions without civilian direction, they will institute a program which they believe is necessary for the protection of the country or their continued existence as a military. This does not always translate into famine or disaster relief or counter narcotics training. As Bruneau points out, "the armed forces have traditionally been trained, equipped, and oriented towards traditional territorial defense; and not towards fighting guerillas."<sup>103</sup> If civilian officials do not understand or know what roles and missions the military is training for, the results could be disastrous when the civilians call upon the armed forces

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<sup>99</sup> Bruneau, *Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited*, 123

<sup>100</sup> *Ibid.*, 123

<sup>101</sup> David Pion-Berlin, "The Defense Wisdom Deficit in Latin America: A Reply to Thomas C. Bruneau," *Revista Fuerzas Armadas y Sociedad* 20, no. 2 (2006), 55.

<sup>102</sup> *Ibid.*, 55

<sup>103</sup> Thomas C. Bruneau, "Colombia: Conflict and Civil-Military Relations," *Strategic Insights* II, no. 3 (2003), <http://www.ccc.nps.navy.mil/si/mar03/latinAmerica.asp>

to perform a mission they have not trained for.<sup>104</sup> Hence Bruneau's call for civilian officials to have some military knowledge in order to assign relevant roles and missions and understand what the military is capable of accomplishing. Bruneau also identifies "four necessary sets of structures and processes...to deal with the different elements of the trinity."<sup>105</sup> These are the Ministry of Defense, legislatures, an "established mechanism for inter-agency communication and cooperation"<sup>106</sup>, and an intelligence system. All of these institutions support some or all aspects of the trinity. However, the question remains whether it is necessary for civilian officials to have some military knowledge to achieve control of the armed forces or whether the trinity provides a better framework to achieve a more highly developed level of civil-military relations. If all that is required to achieve and maintain control of the armed forces are politically astute civilians what is the purpose of pursuing the trinity? Will civil-military relations be better off with the framework proposed by Bruneau's trinity? This chapter aims to provide answers to these questions by examining civil-military relations in Colombia. While this author aims to prove that the failure to adhere to the trinity of civil-military relations has contributed to the never-ending internal conflicts in Colombia, it is possible that no amount of civilian control or oversight of the Colombian armed forces could have improved the situation within Colombia. Should this prove to be the case, neither Pion-Berlin's political management argument nor Bruneau's trinity argument can adequately explain why the Colombian armed forces have not been able to resolve Colombia's internal conflicts despite civilian control of the armed forces. One reason may be the endemic violence within Colombia. "La Violencia" claimed anywhere from 250,000 to 300,000 lives. For better or worse, the armed forces have been and continue to be part of the violent culture. The Colombian psyche and its impact on the armed forces is a topic for further research.

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<sup>104</sup> A tragic example of what can happen when civilians call upon the armed forces to perform missions they have not trained for can be seen in the results of Operation EAGLE CLAW, the failed attempt to rescue Americans held hostage in Iran in 1980. See Master Sgt Jim Greeley, "Desert One," *Airman Magazine* 2007, no. 6/19/2007, <http://www.af.mil/news/airman/0401/hostage.html> (accessed 6/19/2007).

<sup>105</sup> Bruneau, *Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited*, 123

<sup>106</sup> *Ibid.*, 124

## B. COLOMBIAN CIVIL-MILITARY RELATIONS

Although Thomas Bruneau provides the four structures and processes necessary for the trinity, this chapter will not get into the details of these four structures in the Colombian example. Due to Colombia's history as one of the longest-standing democracies in Latin America, little has been written about Colombia with relation to civil-military relations. As a result, there is very little literature available about the historical framework of Colombian civil-military relations. As J. Mark Ruhl points out in 1981, "few analysts have studied civil-military relations in the handful of nations where civilian government has persisted."<sup>107</sup> Despite this lack of literature, this chapter will attempt to provide a general overview of Colombian civil-military relations through the 1980s and 1990s and concluding with President Alvaro Uribe's administration.

Despite Colombia's reputation as one of the longest standing democracies in Latin America, Colombian history has been marked by violence. Starting with the period from 1948 – 1963, known as *La Violencia*<sup>108</sup>, to the rise of narcotraffickers and to the formation of guerilla groups, Colombia has never known real peace. Through most of *La Violencia*, "the armed forces were not a factor in calming the country as it descended into civil war."<sup>109</sup> However, it was the military, specifically General Gustavo Rojas Pinilla who took power in 1953 in an attempt to stop the violence. Rojas only lasted four years, as the civilian politicians removed him from power and arranged a compromise to share power by creating the *Frente Nacional*. Cynthia Watson describes Colombia as being in a perpetual state of siege since the end of the *Frente Nacional* in 1974.<sup>110</sup> During this time, the armed forces attempted to enforce the "political stalemate" in Colombian politics. However, as demonstrated by the military's actions in 1984 and 1985, civilian control of the military left a lot to be desired. When President Belisario Betancur Cuartas

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<sup>107</sup> J. Mark Ruhl, "Civil-Military Relations in Colombia: A Societal Explanation," *Journal of Interamerican Studies and World Affairs* 23, no. 2 (May, 1981), 123.

<sup>108</sup> *La Violencia* was a period in Colombian history in which, depending on what you read, between 250,000 – 300,000 Colombians were killed. It started with the assassination of Jorge Eliécer Gaitán.

<sup>109</sup> Cynthia A. Watson, "Civil-Military Relations in Colombia: A Workable Relationship Or a Case for Fundamental Reform?" *Third World Quarterly* 21, no. 3 (Jun, 2000), 531.

<sup>110</sup> See Cynthia A. Watson, "Civil-Military Relations in Colombia: A Workable Relationship or a Case for Fundamental Reform?", 531, 533



decided to provide amnesty to left-wing armed groups, the “Colombian security forces, charged with the defence of the *patria*, were appalled that an amnesty had been approved.”<sup>111</sup> Rather than fall in line behind the President, the military refused to believe that groups such as Acción Democrática-Movimiento 19 (ADM-19) and Unión Patriótica (UP) wanted to participate in the political process. As a result, when M-19 guerillas seized the Palace of Justice in November 1985, “security forces charged the building and destroyed it, killing all the guerillas and civilians inside.”<sup>112</sup> Furthermore, any former guerillas pardoned by the amnesty who tried to run for political office were assassinated. The actions of the armed forces in 1984 and 1985 as well as their failure to follow policy set by civilian politicians contributed to the ongoing internal conflict in Colombia. Guerilla groups that did not accept the amnesty proposal and witnessed what happened to members who did, no longer trusted the military or the Colombian government. These actions also demonstrate the military’s “autonomy from civilian institutions...with little control from the national civilian authorities.”<sup>113</sup>

Although the Colombian armed forces have held a “quiet, secondary position in society as Colombia struggled to constitute a nation-state in the territory it has occupied since Independence in the 1820s”<sup>114</sup>, their autonomy can be traced to the formation of the *Frente Nacional*. As part of the compromise between Conservatives and Liberals to rotate power every four years, “the civilians would take care of government, including economic and social policy, and the military (including the police) would take care of national security and defence.”<sup>115</sup> This agreement “granted substantial autonomy in prosecuting the war against Marxist insurgents.”<sup>116</sup> However, the civilian politician’s

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<sup>111</sup> Cynthia A. Watson, "Civil-Military Relations in Colombia: A Workable Relationship Or a Case for Fundamental Reform?", 533

<sup>112</sup> Ibid., 533

<sup>113</sup> Aleida Ferreyra and Renata Segura, "Examining the Military in the Local Sphere: Colombia and Mexico," *Latin American Perspectives* 27, no. 2 (March, 2000), 21.

<sup>114</sup> Cynthia A. Watson, "Civil Military Relations in Colombia: Solving Or Delaying Problems?" *Journal of Political and Military Sociology* 33, no. 1 (Summer, 2005), 98.

<sup>115</sup> Thomas C. Bruneau, "The Military in Post-Conflict Societies: Lessons from Central America and Prospects for Colombia" In *Security Sector Reform and Post-Conflict Peacebuilding*, eds. Albrecht Schnabel and Hans-Georg Ehrhart (New York: United Nations University Press, 2005), 235.

<sup>116</sup> William Avilés, "Institutions, Military Policy, and Human Rights in Colombia," *Latin American Perspectives* 28, no. 1 (January, 2001), 38.

complete disassociation from security issues has resulted in the present lack of civilians with any knowledge of military affairs. Furthermore, the military's goal of defeating the guerilla groups has not materialized despite the military's advantage in equipment and personnel. Whether this is the result of an incompetent military or the lack of civilian direction is up for debate. However, the politician's neglect of all security issues left the military to its own devices in determining what is best for national security. Additionally, the lack of understanding concerning the military's roles and missions resulted in civilian officials assigning police functions or non-traditional missions to a military attempting to fight an insurgent war. Further reinforcing this point, William Avilés points out, "the reserved dominion of the armed forces is a consequence of civilian 'capacity' and 'interest' in military affairs."<sup>117</sup> The results of this lack of interest are obvious as Colombia continues to battle guerilla forces and the military remains largely autonomous from civilian control.

While Colombian civil-military relations have improved in recent years, the military's autonomy remains obvious. Yet another example of this autonomy occurred after President Andrés Pastrana Arango's announced his plan to negotiate peace with the *Fuerzas Armadas Revolucionarias Colombianas* (FARC) and granted them a *despeje* in southern Central Colombia. Although Pastrana announced this initiative in 1998, the armed forces did not take any action until 1999, when it became obvious the President was going to follow through on his promises to the FARC. Rather than allow the entire cadre of Colombian generals to resign in protest, the Minister of Defense and ten officers took the fall.<sup>118</sup> Nevertheless, the armed forces presented a clear message that they "did not believe they were wrong, or that their methods unsuccessful; they believed the president was reckless in making concessions to the armed left."<sup>119</sup> This example illustrates the continuing lack of communication between civilian politicians and the armed forces. The lack of a unified national strategy hampers the armed forces' mission to eliminate the insurgent forces while civilian officials continuously change policies with no regard for the armed forces' mission.

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<sup>117</sup> William Avilés, "Institutions, Military Policy, and Human Rights in Colombia," 33

<sup>118</sup> Watson, *Civil Military Relations in Colombia: Solving Or Delaying Problems?*, 102

<sup>119</sup> Ibid., 102

### C. COLOMBIAN CIVIL-MILITARY RELATIONS: WHERE ARE THE INSTITUTIONS?

The military autonomy described above continues today in Colombia. Despite the constitutional reforms in 1991 which “has been seen as a consolidation of the democratic regime, opening up the closed two-party system and promoting the broadening of political and social participation”<sup>120</sup>, the issue of military autonomy was not addressed. As Bruneau states, the 1958 “understanding with the military could have been renegotiated.”<sup>121</sup> Whether the failure to address this issue was due to the fear of a coup d’état or simply the lack of knowledge of what constitutes civilian control is unclear. I believe the reason stems, once again, from the lack of knowledgeable civilians concerning security issues. While politicians may believe civilian control is nothing more than being able to fire a general or have a civilian Minister of Defense, Douglas Porch stresses that “civilian control requires the effective coordination of all branches of government to participate in the oversight of budgeting, strategic and operational planning, intelligence, personnel actions (promotions, assignments, retirements), requirements generation and acquisition.”<sup>122</sup> In essence, the legislative and executive branches should exercise oversight as well as provide roles and missions for the armed forces, something which Colombian politicians do not do.

As mentioned previously, the lack of knowledgeable politicians is rooted in the 1958 agreement between the politicians and the armed forces. However, this lack of knowledge is receiving more attention, or so it seems under President Álvaro Uribe Vélez. At the very least, Colombian politicians are beginning to admit the lack of knowledge as stated by Andrés Dávila Ladrón de Guevara, Director of the Division of Justice and Security in the National Department of Planning, “the problem is that there are very few people in Colombia who understand about defense and security issues.”<sup>123</sup> The extent of this lack of knowledge and disinterest among the politicians becomes

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<sup>120</sup> Ferreyra and Segura, *Examining the Military in the Local Sphere: Colombia and Mexico*, 20

<sup>121</sup> Bruneau, *The Military in Post-Conflict Societies: Lessons from Central America and Prospects for Colombia*, 236

<sup>122</sup> Douglas Porch, "Preserving Autonomy in Conflict - Civil-Military Relations in Colombia" (Unpublished Manuscript), 18

<sup>123</sup> Porch, *Preserving Autonomy in Conflict - Civil-Military Relations in Colombia*, 19

apparent when one takes a look at the institutions, which under Bruneau's trinity should be responsible for control and oversight of the armed forces.

#### **D. THE COLOMBIAN CONGRESS: WHAT CONTROL?**

The Colombian Congress has oversight of the armed forces, but no real power. As Thomas Bruneau states, "the roles of the legislature in policy definition, budget development, and oversight are minimal."<sup>124</sup> The major problem however, stems from the fact the civilian politicians, to include the MOD, believe this is a good thing. As Douglas Porch's interview with Vice-Minister Andrés Penate in 2005 illustrated, "Congress has oversight, but not control. That's good. Who would want an army run by Congress?"<sup>125</sup> While this may seem unbelievable from the point of view of U.S. civil-military relations, the major difference between the two countries is the defense expertise among civilian politicians. The U.S. Congress usually makes decisions and understands the impact those decisions may have on the armed forces. This is due in part to the availability of knowledgeable civilians on defense issues. As has been reiterated in this chapter, Colombian civilian politicians lack this knowledge. As a result, the Colombian armed forces do not want Congress making decisions about the military without understanding the full impact of those decisions. I would venture to say we could have similar reactions in the United States should the roles be reversed. Unfortunately, this results in a vicious circle with no resolution in sight. The armed forces refuse to give up their autonomy and subordinate themselves fully to civilian rule which in turn limits the effort civilian politicians are willing to exert to become more knowledgeable on military affairs. However, civilian politicians have not taken it upon themselves to become more knowledgeable in military affairs. The fact military autonomy was not addressed in the 1991 constitutional reforms represents a missed opportunity for civilians to take more control. Thomas Bruneau believes had the civilian politicians taken a more active role at that time, "the military would be prepared to share more responsibility with civilian

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<sup>124</sup> Bruneau, *The Military in Post-Conflict Societies: Lessons from Central America and Prospects for Colombia*, 234

<sup>125</sup> This was part of a series of interviews conducted by Dr. Douglas Porch on one of his many trips to Colombia. See Porch, *Preserving Autonomy in Conflict - Civil-Military Relations in Colombia*, 19

agencies if the latter would be prepared and willing to do so.”<sup>126</sup> Some within Colombia believe the Congress has sufficient power. Among the powers exercised by Congress are the ability to censure the Minister of Defense, vote on bills promoted by the Minister, appointing the Superior Council of the Judiciary, approve promotions and transfers, albeit with the President’s concurrence, and approve the defense budget. However, the budgetary oversight is more of a rubber stamp than a through review of the defense budget as is the case in the United States. Bruneau illustrates the simplicity of congressional oversight: “It receives the defence budget on a Friday and acts on it the following Monday.”<sup>127</sup> Insofar as military legislation is concerned, Congress has little input. Although they vote on bills promoted by the Minister of Defense, any negotiations concerning military affairs are conducted with military input. The influence of the military in legislation is so large “the vice minister of finance who was negotiating pension reform had to be changed because the military refused to negotiate with him.”<sup>128</sup> The enduring lack of understanding of military issues makes the Congress a non-player in civil-military relations. Rather than subordinating the military to civilian control, Congress goes along with any military proposals with minimal interference. Consequently, “all national issues, including national security and defence, become virtually exclusive areas of executive power.”<sup>129</sup>

#### **E. THE COLOMBIAN PRESIDENT AND MINISTRY OF DEFENSE: WHO CONTROLS WHAT?**

As demonstrated by the presidencies of Betancur and Pastrana, civil-military relations between the military and the executive have shown signs of strain. However, under the current president, President Uribe, there has been “a marked improvement in

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<sup>126</sup> Bruneau, *The Military in Post-Conflict Societies: Lessons from Central America and Prospects for Colombia*, 237

<sup>127</sup> *Ibid.*, 235

<sup>128</sup> This information is gathered from an interview of Andrés Dávila Ladrón de Guevara by Douglas Porch. See Porch, *Preserving Autonomy in Conflict - Civil-Military Relations in Colombia*, 20

<sup>129</sup> Bruneau, *The Military in Post-Conflict Societies: Lessons from Central America and Prospects for Colombia*, 234

civil-military relations, at least as far as the presidency is concerned.”<sup>130</sup> After Pastrana’s failed attempt to negotiate peace with the FARC, Uribe was elected on a law and order platform. Although, some “write off Uribe as a right-wing populist who wields personalized power to the detriment of political institutionalization”<sup>131</sup>, no one can deny the improvements seen in Colombia since his election. The fact Colombians can now travel on the roadways, something unheard of prior to his election<sup>132</sup>, has been one of the many successes which has allowed Uribe to change the constitution and be elected for a second term. His popularity also stems from the fact “he also tackled long-held fears about the primacy of the security forces over the civilian government.”<sup>133</sup> Although Colombia is much safer and civil-military relations have improved somewhat, “Uribe’s leadership style is a very personal one that has come at the price of institution building – the National Security Council seldom meets, while senior generals by-pass their civilian ‘superiors’ in a largely toothless Ministry of Defense to deal directly with the president.”<sup>134</sup> Unfortunately for the advancement of civil-military relations in Colombia, this relationship is a detriment and not an improvement of civil-military relations. According to Cynthia Watson, “the president is said to call military leaders directly regarding issues of interest to him.”<sup>135</sup> Normally, this would be a job reserved for the Minister of Defense who in turn would brief the president on the status of operations or issues of interest to the president. However, due to Congress’ ignorance on military affairs and Uribe’s leadership style, the president’s role has been enhanced. But as Richard Goetze points out, “this undermines the Minister of Defense. It undermines the military chain of command as well. This damages the concept of civil-military

<sup>130</sup> Douglas Porch, "Uribe's Second Mandate, the War, and the Implications for Civil-Military Relations in Colombia," *Strategic Insights* V, no. 2 (2007), <http://www.ccc.nps.navy.mil/si/2006/Feb/porchFeb06.asp>

<sup>131</sup> Eduardo Posada Carbó, "Colombia Hews to the Path of Change," *Journal of Democracy* 17, no. 4 (2006), 81, [http://journals/journal\\_of\\_democracy/v017/17.4posada-carbo.html](http://journals/journal_of_democracy/v017/17.4posada-carbo.html).

<sup>132</sup> During a deployment to Colombia in 2000, the U.S. Embassy discouraged us from driving to our final destination. So much so, we had to take an Evergreen aircraft directly to our final destination, although we would have arrived faster by car and regardless of the fact we were armed.

<sup>133</sup> Greg Mills and Lyal White, "Killing Pablo's Image: Security and State-Building in Colombia," *RUSI Journal* 152, no. 1 (February, 2007), 62.

<sup>134</sup> Porch, *Uribe's Second Mandate, the War, and the Implications for Civil-Military Relations in Colombia*, 3

<sup>135</sup> Watson, *Civil Military Relations in Colombia: Solving Or Delaying Problems?*, 103

relations.”<sup>136</sup> Uribe’s hands-on approach raises concerns about what will happen when he leaves power in 2010. With his direct involvement with military commanders and the lack of institution building, will Colombia revert to its pre-2002 state? Stable civil-military relations between the president and the military are good for the short term, but do nothing for the long term. As long as Uribe continues to undermine the MOD and democratic institutions necessary for stable long-term civil-military relations, Colombia remains vulnerable to military influence throughout the political system.

Although Colombia’s Ministry of Defense exists on paper, its real world performance leaves a lot to be desired; much of this is due to Uribe’s relationship with the military. However, it is important to note the MOD has only been led by civilian ministers since 1991, a relatively short time considering the forty years prior most ministers were generals. Although one of the goals of the ministry is to “maximize the effectiveness of the military to implement national policy and provide for the security of the nation”<sup>137</sup>, this has not been the case. The MOD is viewed by the military as a necessary evil rather than an essential part of their chain of command. Douglas Porch presents several reasons for the military’s dismissal of the MOD and the minister: a cultural divide between civilians and the military, the strength of the military as an institution, and the direct relationship the military enjoys with the President.<sup>138</sup> Once again, the reasons presented here can be traced back to the 1958 agreement. The cultural divide exists because the civilian politicians have not bothered with defense issues since 1958. This same indifference has been responsible for the military’s strengthening as an institution, especially since the *conflicto* has always been viewed as the sole responsibility of the military.<sup>139</sup> Finally, Uribe’s insistence to deal with the military commanders directly has not helped strengthen the MOD. The fact Uribe enjoys a good relationship with the military could be used to strengthen civil-military relations and especially to strengthen the MOD. Should Uribe require his military commanders to go through the MOD to communicate with him, as is done in the U.S. and other advanced

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<sup>136</sup> Porch, *Preserving Autonomy in Conflict - Civil-Military Relations in Colombia*, 23

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

democracies, it would go a long way towards institutionalizing the MOD. More than likely, the armed forces would disagree with this requirement. Nevertheless, I believe Uribe is strong enough to force this requirement upon the military. However, to ease the military's concerns about "taking orders" from young ministers and vice-ministers, Colombia has to educate its civilian politicians on military affairs. Appointing specialists rather than experienced administrators would add instant credibility to the MOD thereby enhancing the standing of the MOD among the armed forces. If not, "the MOD, both the organization and the minister himself, [will remain] largely formalistic, without actually exercising any power."<sup>140</sup> As it stands right now, the CCMR team's research on the Colombian MOD in 2003 concluded, "that MOD personnel are under qualified, overworked, paid less than their counterparts in other ministries, and exhibit 'levels of frustration and fatigue that approach dysfunction.'"<sup>141</sup>

#### **F. COLOMBIAN CIVIL-MILITARY RELATIONS: TYING IT ALL TOGETHER**

This chapter has attempted to show the state of civil-military relations in Colombia. Although they seem to be improving, it should be clear that civil-military relations are not where they need to be. How does this translate into the political versus knowledge-based management issue? Since 1958 it can be said the military has been politically managed. The agreement to let the military take care of all security issues has stood for almost fifty years. Yet in that time we have seen the rise and strengthening of the FARC and the *Ejército de Liberación Nacional* (ELN), the formation of the *Autodefensas Unidas de Colombia* (AUC), and the fall and rise of narco-traffickers; despite the military's mission to defend the *patria*. The fact the military has not been able to put an end to the insurgency is testament to what can happen when civilians show complete indifference to military affairs. Although the political management of the armed forces allows the politicians to lay the blame on the military – especially since this is their area of expertise – it led to a dire security situation in which a law and order

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<sup>140</sup> Bruneau, *The Military in Post-Conflict Societies: Lessons from Central America and Prospects for Colombia*, 234

<sup>141</sup> This conclusion was reached by the CCMR team's trip to Colombia from 1 – 4 April 2003. See Porch, *Preserving Autonomy in Conflict - Civil-Military Relations in Colombia*, 29



candidate was able to win the presidency. While I believe the military's inability to formulate a consistent strategy has contributed to the current situation in Colombia, the lack of knowledgeable politicians on military affairs has been a detriment to civil-military relations and partly to blame for the current situation.

Although the country has experienced over forty years conflict, a national security strategy was not formulated until Uribe's administration. While this is not an attempt by civilian politicians to define the roles and missions of the armed forces, it is a first step to making the military more effective, or at least more focused on the task at hand. As Major General Juan Salcedo Lora (ret.) stated in an interview in 1999, "the national military strategy must thoroughly analyze the constant crisis within our country and redefine the roles and mission of the armed forces to better prioritize what they must do."<sup>142</sup> During the forty years of conflict, it has also become obvious that the civilians do not want to educate themselves on military affairs. As a result the effectiveness and efficiency of the military has suffered. While attempting to fight the insurgent forces, the Colombian armed forces have also been assigned a role in the war on drugs, normally a police function. As Cynthia Watson points out, once politicians start tasking the military with non-traditional missions and "civilians are unable to accomplish their work, they gradually abdicate their tasks to the military, further imbalancing the fragile equilibrium between civilian and military players in society."<sup>143</sup> This raises serious questions for the future of the Colombian National police, especially if the military continues to conduct missions normally reserved for the police.

Political management of the armed forces has not worked in Colombia. Civil-military relations are not where they should be. The desire to let all military issues be handled by the military has backfired and resulted in the near collapse of the Colombian state. Whether or not Colombia would have fared better using Bruneau's trinity model is not certain. If political management of the military was not successful, how can a model

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<sup>142</sup> Salcedo Lora, Maj. Gen. (ret.) Juan, "Respuestas Personalísimas De Un General De La República Sobre Cosas Que Casi Todo El Mundo Sabe" In *Reconocer La Guerra Para Construir La Paz*, eds. Malcom Deas and María Victoria Llorente, First ed. (Colombia: Cargraphics, S.A., 1999), 363 – 364. Author's translation.

<sup>143</sup> Watson, *Civil-Military Relations in Colombia: A Workable Relationship Or a Case for Fundamental Reform?*, 453

which requires more effort from the civilian politicians alter civil-military relations? If Colombia had followed this path starting in 1958 and strengthened the institutions required in the trinity, the Colombian political landscape may have looked very different. However, in order to get there now it is necessary to change the attitudes and the political system within Colombia. Although Uribe has stabilized civil-military relations, this only applies to the relationship between the President and the armed forces. The first step requires that Uribe break the relationship with the armed forces and empower his minister of defense and the MOD to exert control over the armed forces. While the armed forces may believe they have the right and expertise to deal unilaterally with defense issues, forty years of conflict have shown their inability to present a unified strategy to deal with internal problems. They have been neither effective nor efficient in waging a counter-insurgent war. Empowering the MOD with more control over planning, promotions, and budgets, to name a few, would provide the MOD with the credibility to lead the armed forces. Likewise, involving the Congress in military issues is another necessary step to improve civil-military relations and approach the standard set by Bruneau's trinity. As illustrated in this chapter, congressional indifference has allowed the President to develop a personal relationship with the armed forces and removed Congress from the military decision-making chain. This leaves oversight in the hands of the President since the MOD has no power, and as a result the military continues to dictate failed military strategy. This however, is not the silver bullet that will fix Colombian civil-military relations or resolve the internal conflict. Civil-military relations is one piece of a much larger problem in Colombia.

Despite the political management model present in Colombia, the trinity does exist in Colombia, at least on paper. The institutions required by Bruneau's trinity are all there: the MOD, Congress, a stable executive branch, a strong military. However, the existence of these institutions as pointed out in the preceding pages, does not guarantee good civil-military relations nor does it mean it will fulfill the requirements set forth by the trinity. The Colombian case is missing what I consider to be the key component of Bruneau's trinity: a pool of civilian politicians knowledgeable in defense issues. Comparing the Chilean and Colombian cases, they both have the same institutions, however, the effectiveness of the institutions in each country differs tremendously. I

attribute this to the presence of defense savvy officials: Chile has them, Colombia does not. Colombian politicians are starting to understand they cannot grant the armed forces carte blanche when it comes to defense issues. Uribe is proof of the influence a politician can wield over the armed forces when they take time to understand what the armed forces are doing. Developing a pool of defense savvy politicians will take time, however, there is no guarantee anything will change in Colombia once the politicians understand defense issues. Nevertheless, all the pieces are in place as required by Bruneau's trinity, the politicians are the missing piece. They will determine the future direction of Colombian civil-military relations.

Further research needs to be conducted into civil-military relations in Colombia and the civilian's continued persistence to wash their hands of military affairs. Pion-Berlin's assertion that there is no incentive to become knowledgeable in military affairs<sup>144</sup> may be spot on, however, Uribe was elected on a law and order platform, of which the military is a big component. If the security situation worsens and the population remains focused on security, it would benefit the politicians to become versed in military affairs. However, as Douglas Porch states "so long as the military can keep Colombia's insurgencies at arm's length, and governments can play on U.S. fears of communists, terrorists or drugs to extract resources from Washington, the incentive for Colombians to carry out necessary reforms to put their own house in order is removed."<sup>145</sup> Political management has not and will not work in Colombia; it is time to push civil-military relations towards the trinity model and hope for the best. Ultimately, regardless of which civil-military relations model Colombia favors, the civilian politicians are going to decide the fate of Colombia and its people, no matter what the armed forces believe.

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<sup>144</sup> Part of Pion-Berlin's argument about political management centers around the lack of incentives to learn about defense issues in Latin America. For the full argument, see Pion-Berlin, *Political Management of the Military in Latin America*, 19 and Pion-Berlin, *The Defense Wisdom Deficit in Latin America: A Reply to Thomas C. Bruneau*, 51-62.

<sup>145</sup> Porch, *Uribe's Second Mandate, the War, and the Implications for Civil-Military Relations in Colombia*, 7

#### IV. THE TRINITY OF CIVIL-MILITARY RELATIONS

Stable civil-military relations have always been considered a prerequisite for stable democratic governance. As Harold Trinkunas states, “stable democratic rule is impossible without civilian control of the military.”<sup>146</sup> Different countries achieve control of the military through various methods: reducing its budget, reducing the size of the military so it is no longer a threat, or eliminating the armed forces altogether. However, when a country no longer has a military strong enough to accomplish its primary mission – defense of the nation – what options do the politicians have when an unforeseen event occurs that threatens their existence? While this scenario is unlikely to happen in regions like Latin America, the rise of populist leaders like Hugo Chavez brings this scenario closer to reality. According to Chavez, Venezuela needs “a million well-armed men and women.”<sup>147</sup> Venezuela has already spent four billion dollars to purchase “24 fighter jets and 30 transport and attack helicopters, and rifles”<sup>148</sup> with plans for additional spending. Venezuela’s military purchases increase the possibility, as slight as it might be, of an arms race on the Latin American continent. Brazilian senator Jose Sarney referencing Venezuela’s purchase stated that “it is a [great] danger for Brazil and all of Latin America to have a military power in our continent.”<sup>149</sup>

Whether Chavez believes he is preparing his country against an armed invasion by the United States or is preparing to impose his will throughout Latin America, Venezuela represents a dilemma for Latin America. Countries that have achieved stable civil-military relations through budgetary and military reductions will not be able to counter Chavez militarily. This scenario, once thought impossible in Latin America, may very well play out in the next few years. With the rise of populist leaders, terrorist safe

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<sup>146</sup> Harold A. Trinkunas, *Crafting Civilian Control of the Military in Venezuela : A Comparative Perspective* (Chapel Hill: University of North Carolina Press, 2005), 2.

<sup>147</sup> “BBC NEWS | Americas | Venezuela 'to Buy More Weapons'," <http://news.bbc.co.uk/2/hi/americas/4682488.stm> (accessed 11/9/2007, 2007).

<sup>148</sup> ““Venezuela's Planned Arms Purchases Leave Neighbors Unsettled -- 11/07/2007," <http://www.cnsnews.com/news/viewstory.asp?Page=/ForeignBureaus/archive/200711/INT20071107a.html> (accessed 11/9/2007, 2007).

<sup>149</sup> Ibid.

havens in the tri-border region and increased Latin American participation in peace-support operations, it may be time for Latin American countries to shift away from control of the armed forces as the sole means of achieving stable civil-military relations. Thomas Bruneau's trinity concept of civil-military relations may be the answer for an effective and efficient military prepared to accomplish its stated roles and missions yet remain subordinate to civilian rule.

Chapter II and III of this thesis looked at civil-military relations in Chile and Colombia. Chapter II was written to argue that Chile has strong and stable civil-military relations, possibly the best in Latin America. The focus of Chapter II was primarily on how Chile managed to achieve control of the armed forces after Pinochet's rule while also developing politicians with defense knowledge. Chapter III focused on the Colombian military and the political structure. Although Colombia is one of the longest standing democracies in Latin America and appears to have strong civil-military relations, closer inspection reveals a largely autonomous military, a lack of defense knowledge among the politicians, and a weak defense ministry. What can account for the stark differences in civil-military relations between the two countries? Is Bruneau's trinity concept present in one country and not the other? Does political management rather than knowledge based management lead to weak institutions and poor civil-military relations? This chapter attempts to answer these questions and provide an understanding of Bruneau's trinity concept and whether it is the answer for stronger civil-military relations throughout the world.

#### **A. THE ARGUMENT: POLITICAL BASED OR KNOWLEDGE BASED MANAGEMENT**

Prior to applying the trinity standard to the Chilean and Colombian cases and measuring its impact on civil-military relations, it is necessary to dissect the argument between political-based management and knowledge-based management of the armed forces. Political management of the military "is a low-cost means of achieving a relative calm in civil-military affairs without investing in extensive institution building, expertise, legislative oversight, and large budgets."<sup>150</sup> Rather than making decisions or appointing

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<sup>150</sup> David Pion-Berlin, "Political Management of the Military in Latin America," *Military Review* 85, no. 1 (Jan/Feb, 2005), 28.

officers based on improving the armed forces or the institutions or appointing the most qualified, decisions are based on keeping the military under civilian control regardless of the cost to the readiness of the armed forces and appointing those officers “with whom they are familiar, have known via political party or familial connections, or who they surmise will be loyal to them.”<sup>151</sup> Under this type of management, “civilian leaders do not meddle in core military interests if the military observes similar rules about the government’s core interests.”<sup>152</sup> While this is indeed an effective means of enforcing civilian control of military as demonstrated by Pion-Berlin,<sup>153</sup> it has the potential to lower the readiness of the armed forces and render them incapable of accomplishing the roles and mission imposed on them by civilian politicians.

Knowledge-based management of the military is more demanding of civilian politicians than political management. Whereas politicians do not need to worry about understanding the ramifications of their decisions in a political management model, the knowledge-based management model requires that politicians have some understanding of defense issues to achieve stable civil-military relations. As part of Bruneau’s trinity concept, civilian knowledge is a prerequisite to achieve stable civil-military relations:

Civilians must know enough to be able to ensure that the armed forces are doing what they are required to do, not only in terms of submitting to civilian control, but also in successfully fulfilling the current very wide spectrum of roles and missions assigned to security forces in Latin America.<sup>154</sup>

This clearly puts the onus on civilian politicians to understand and institute defense policy rather than allow the armed forces to dictate national defense policy. This however, lies at the heart of the argument between political and knowledge-based management of the armed forces. While both sides agree that “the balance of competence will still lie squarely in favor of the armed forces even with incremental

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<sup>151</sup> Pion-Berlin, “Political Management of the Military in Latin America,” 28.

<sup>152</sup> *Ibid.*, 29.

<sup>153</sup> See Pion-Berlin, “Political Management of the Military in Latin America” for the complete discussion on political management of the military.

<sup>154</sup> Thomas C. Bruneau and Richard B. Goetze Jr, “Civilian-Military Relations in Latin America,” *Military Review* 86, no. 5 (Sep/Oct 2006), 1.

increases in civilian defense understandings”,<sup>155</sup> Pion-Berlin believes the knowledge-based management model will be difficult to institute in Latin America since “civilian politicians and average citizens do not have a proper set of incentives to invest time, resources and expertise into the defense realm. As such, defense learning never becomes a national priority.”<sup>156</sup> While this may have been true in the past, the rise of *maras*, organized crime, insurgencies, increased participation in peace support operations and the global war on terror present new opportunities for the election of defense savvy politicians. One needs to look no further than Alvaro Uribe’s election in Colombia on a law and order platform to understand that circumstances determine the necessity for civilian politicians with some defense knowledge. Furthermore, as Pion-Berlin states, “in democracies, it falls on civilian political leaders to plan for the defense of the state, and assign roles and missions to the armed forces to support this objective.”<sup>157</sup> This is in line with Bruneau’s trinity concept which requires civilian politicians to understand defense issues in order to successfully meet the standards set forth by the trinity concept.

## **B. THE TRINITY EXPLAINED**

The trinity of civil-military relations sets a new standard in the study of civil-military relations. Dr. Bruneau’s concept goes beyond civilian control of the armed forces; it also calls for an effective and an efficient military. This is a broader view than that covered by the current literature in civil-military relations. As Bruneau states, “the literature on civil-military relations (CMR) concentrates on civilian control of the armed forces, even where this control is not in question.”<sup>158</sup> The focus on control in the civil-military relations field has resulted in a limited understanding of why control of the armed forces works in some situations while in others it does not. Pion-Berlin brings this issue to the forefront in Latin America: “Politician’s emphasis on civil-military power relations and coup prevention has masked the stark deficiencies in civilian attention to

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<sup>155</sup> David Pion-Berlin, "The Defense Wisdom Deficit in Latin America: A Reply to Thomas C. Bruneau," *Revista Fuerzas Armadas y Sociedad* 20, no. 2 (2006), 53.

<sup>156</sup> *Ibid.*, 53

<sup>157</sup> David Pion-Berlin and Harold A. Trinkunas, "Attention Deficits: Why Politicians Ignore Defense Policy in Latin America," *Latin American Research Review* 42, no. 3 (October, 2007), 77.

<sup>158</sup> Thomas C. Bruneau, Steven C. Boraz and Cristina Matei, "Towards A New Understanding of Civil-Military Relations" (Unpublished).

defense policy across the region.”<sup>159</sup> Bruneau further states that “control, despite the overwhelming focus in the literature, by itself does not provide a sufficient understanding of contemporary issues in civil-military relations.”<sup>160</sup> The trinity concept is an attempt to fill this knowledge gap and provide a more comprehensive blueprint for stronger civil-military relations.

## **1. Democratic Civilian Control**

Control of the armed forces is the first pillar of Bruneau’s trinity. This control however, is not the control achieved by politicians by reducing the military to the point it can no longer accomplish the missions assigned to it nor by cutting its budget as a means to limit its power.<sup>161</sup> The control espoused by the trinity is that which is rooted in institutions. According to Bruneau, democratic civilian control “is grounded in and exercised through institutions ranging from organic laws that empower the Ministry of Defense, oversight committees and executive bodies that direct police, to budget processes and civilian control of promotions within intelligence agencies.”<sup>162</sup> Ideally, these institutions would be staffed primarily by civilians or else the idea of civilian control is moot. This also goes in line with the previous discussion of knowledge-based management. If the institutions are staffed by civilians who lack an understanding of defense policy, they will “shirk” their responsibilities and allow military personnel to “advise” them on the best course of action thus defeating the purpose of civilian-led defense institutions.

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<sup>159</sup> Pion-Berlin and Trinkunas, *Attention Deficits: Why Politicians Ignore Defense Policy in Latin America*, 77

<sup>160</sup> Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*, 3

<sup>161</sup> Carlos Menem did this in Argentina in the 1990s after defeating a military rebellion. See Steven Levitsky, “Argentina: From Crisis to Consolidation (and Back)” In *Constructing Democratic Governance in Latin America*, eds. Jorge I. Domínguez and Michael Shifter, Second ed. (Baltimore: The Johns Hopkins University Press, 2003), 250.. I am not stating that the military size or budget should not be controlled by civilians, only that there are more effective ways to achieve control of the military besides making them impotent.

<sup>162</sup> Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*, 13



## 2. Effectiveness

The second and third leg of the trinity is what prevents the complete reduction of the armed forces to a skeleton of its former self: “the effectiveness with which security forces fulfill their assigned roles and missions [and the] efficiency in the use of resources to fulfill the assigned roles and missions.”<sup>163</sup> A more concise definition of effectiveness presented by Bruneau refers the military’s “ability to actually achieve stated goals.”<sup>164</sup> The biggest obstacle to the advancement of effectiveness and efficiency as an additional standard in civil-military relations is the difficulty in measuring the success of each one. Regardless of the field of study, effectiveness is always difficult to measure. Within Air Force maintenance metrics are used to evaluate effectiveness with categories ranging from how many mission-capable aircraft are available to how many maintenance hours are required per every flight hour. However, if the maintenance organization does not meet a stated maintenance goal for the month yet provides enough aircraft to meet all the flying organization’s training sorties, is the maintenance organization ineffective and unsuccessful? In the eyes of the flying organization it would be considered successful since it met its requirements, yet the maintenance organization may see the same results as falling short of its goals and therefore unsuccessful.<sup>165</sup> This example illustrates the difficulty in measuring effectiveness and success with something as tangible as aircraft maintenance.

Effectiveness is much more difficult to measure in something as abstract as the armed forces effectiveness within the realm of civil-military relations. The problem is compounded by the fact that some roles and missions of the armed forces are considered successful when nothing happens as is the case with deterrence. As Bruneau points out, “there are the paradoxes of evaluating effectiveness in the context of deterrence, wherein wars are avoided precisely because a country is perceived no to be vulnerable.”<sup>166</sup> The defeat of insurgencies is another difficult measure of effectiveness. Was the insurgency

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<sup>163</sup> Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*, 13-15

<sup>164</sup> Ibid., 16

<sup>165</sup> The author is an Air Force maintenance officer and speaks from personal experience regarding this example.

<sup>166</sup> Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*, 15

defeated by a superior military or by a comprehensive government social plan? These examples demonstrate just how difficult it is to measure the effectiveness of the armed forces. Nevertheless, Dr. Bruneau through his work at the CCMR, has outlined basic requirements for an effective military: the formulation of strategy, institutions to formulate strategy and implement it, and the commitment of resources to the armed forces in order to carry out its roles and mission.<sup>167</sup> Ultimately, the best gauge of effectiveness may be a focus on “processes and not final results”<sup>168</sup> and the lack of war, insurgencies, and crime.

### **3. Efficiency**

Efficiency is even harder to gauge than effectiveness. While efficiency in today’s military is widely understood as doing more with less - using the available resources in the most efficient manner in order to accomplish the mission - how does one measure that efficiency? Although efficiency is the third leg of the trinity, Bruneau acknowledges the difficulty in measuring efficiency, “the conceptualization and measurement of efficiency in the area of security is extremely problematic.”<sup>169</sup> In terms of budgetary efficiency, it is easy to measure how the armed forces are performing. Are they purchasing less top-of-the-line weapons when a larger amount of inferior weapons will allow them to perform their roles and missions just as effectively? However, not everything is as easy to measure as budgetary spending. According to the previous discussion about effectiveness, if a gauge of success is the lack of war, how do you measure the efficiency of the armed forces in achieving that success? There is no obvious physical measurement to determine the military’s efficient use of resources to prevent war. Nevertheless, as with effectiveness, institutions are key to measuring efficiency. The difference however, lies in the types of institutions. Whereas effectiveness is dealt with institutions that can formulate and implement strategy and policy, efficiency is best dealt with institutions of oversight. According to Bruneau, “since the concept of efficiency is mainly about the use of resources, institutions must deal with the allocation and oversight of these

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<sup>167</sup> For the full discussion on effectiveness see Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*

<sup>168</sup> Ibid., 23

<sup>169</sup> Ibid., 26

resources.”<sup>170</sup> Rather than measuring efficiency, it may be easier to provide oversight thereby ensuring the armed forces use the resources available in the best manner available, especially since these resources will be provided by the state at the expense of other organizations and institutions.<sup>171</sup>

Effectiveness and efficiency are at the heart of Bruneau’s trinity. The previous discussions, especially where institutions are concerned, boil down to one thing: the presence of defense savvy civilians and politicians. This does not mean civilians must become experts in defense, but that they need to have some knowledge of defense issues. In Dr. Bruneau’s words:

They clearly must know something, and just as important, they must be aware of what they do not know, if they are to be successful in utilizing the armed forces and the more widely construed ‘security forces’ to the best advantage of their government and nation.<sup>172</sup>

Without these knowledgeable civilians, the presence of institutions does not guarantee strong or stable civil-military relations as outlined by the trinity. The question still remains however, does implementation of the trinity concept translate into stronger civil-military relations?

### **C. THE TRINITY: APPLICATION IN THE REAL WORLD**

The case studies of Chile and Colombia attempt to answer this question. Both countries have relatively successful civil-military relations but with very different approaches. Both countries have the institutions required under Bruneau’s trinity and both have aspects of democratic civilian control, effectiveness and efficiency, however, the similarities end there. The biggest difference between the countries rests in the presence of knowledgeable civilians concerning defense issues. Writing about Chile’s democratic transition and the evolving relationship between the military and civilians, Marcos Robledo writes, “for the first time in Chilean history, civilian elites understood

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<sup>170</sup> Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*, 28.

<sup>171</sup> Due to time and space constraints, I cannot get into the full discussion of effectiveness and efficiency. Dr. Bruneau provides a thorough discussion in Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*.

<sup>172</sup> Thomas C. Bruneau, "Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited," *Revista Fuerzas Armadas y Sociedad* 19, no. 1 - 2 (January - June 2005), 113.

they had an important role in, and assumed responsibility for, the formulation of defense and military policy.”<sup>173</sup> On the other hand, Andrés Dávila Ladrón de Guevara writing about Colombian civil-military relations notes, “the problem is that there are very few people in Colombia who understand about defense and security issues.”<sup>174</sup> Although both countries have a Ministry of Defense, a capable military, a legislature tasked with oversight, among other institutions, the effectiveness of these institutions can be measured by the amount of knowledgeable civilians in the “system”.

## **1. Chile**

The Chilean case study discussed in Chapter II provides an example of the successful implementation of Bruneau’s trinity. While it is not perfect – the military still enjoys perks not present in mature democracies<sup>175</sup> – it is the closest example of what the trinity can offer. The Ministry of Defense formulates and implements defense policy while Congress oversees the budget, promotions, and retirements, among other issues. Unfortunately, while the Copper Law remains in effect, control of the military through budgetary oversight remains limited. Chile’s true measure of civil-military relations will occur should Congress ever decide to repeal the Copper Law. If the military “stays in the barracks” and does not offer heavy resistance, Chile’s civil-military relations are safe.

The key to Chile’s successful implementation of Bruneau’s trinity is the presence of knowledgeable civilians on defense issues. Chile, unlike Colombia, made a concerted effort to educate civilians concerning defense issues. This however, was forced upon the politicians due to their experience with the Pinochet regime and the subsequent democratic transition. In an effort to prevent the armed forces from coming to power again it was not enough to engage in coup prevention, especially since the armed forces dictated the pace of the democratic transition. As discussed in Chapter II, the politicians were forced to become knowledgeable in defense issues in order to discuss defense with

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<sup>173</sup> Marcos Robledo, "Democratic Consolidation in Chilean Civil-Military Relations, 1990 - 2005" In *Global Trends and their Impact on Civil-Military Relations (Forthcoming)*, eds. Thomas C. Bruneau and Harold A. Trinkunas, 15.

<sup>174</sup> Douglas Porch, "Preserving Autonomy in Conflict - Civil-Military Relations in Colombia" (Unpublished Manuscript)

<sup>175</sup> The Chilean military still benefits from the Copper Law established in 1958. The Copper Law provides for ten percent of export earnings to go to the armed forces.

the armed forces. Furthermore, if civilian politicians “must be aware of what they do not know”,<sup>176</sup> they need to understand the roles and missions of the armed forces and how they are able to accomplish those roles and missions. The deliberate pace of the democratic transition allowed the politicians to become knowledgeable on defense issues and develop a professional cadre that also understood defense issues. Although the Chilean armed forces are not yet completely under civilian control, the politicians and civilians are making concerted efforts to become better educated and establish stronger civil-military relations. If the civilian politicians are able to meet the requirements of Bruneau’s trinity, they will enjoy better civil-military relations and a more effective and efficient military.

## **2. Colombia**

As discussed in Chapter III, congressional oversight of the military budget is oversight in name only and which many civilians believe should not meddle in defense issues. The Ministry of Defense is undermined by the President and has no real power in directing, formulating or instituting defense policy. Any defense policy that comes from the Ministry of Defense is heavily influenced by military inputs. On paper, Colombia appears to meet all the requirements for Bruneau’s trinity. However as illustrated in Chapter III, the Colombian military remains largely autonomous with minimal interference from civilian politicians. The biggest indicator Colombian civil-military relations do not meet the requirements set forth by the trinity is the almost forty year old insurgency. While this thesis did not directly address the insurgency as a by-product of poor civil-military relations, further research may establish a link between the continuing insurgency and poor civil-military relations. As it stands, while the Colombian military believes the spigot of U.S. aid will remain open, there is no incentive to be neither effective nor efficient in their fight against the insurgency. Furthermore, the problem is compounded by a toothless Congress and Ministry of Defense. With better oversight, more democratic civilian control and the threat of dwindling aid, the Colombian armed forces would be forced to find more efficient ways of dealing with the insurgency, which in turn would lead to a better implementation of Bruneau’s trinity.

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<sup>176</sup> Bruneau, *Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited*, 113

## V. CONCLUSION

The trinity is the new standard for civil-military relations. Although it raises the bar for what constitutes strong civil-military relations, it forces civilians and politicians to take a hard look at their armed forces and institutions. Both Pion-Berlin and Bruneau agree that civilians need to have some understanding of defense issues. However, Pion-Berlin does not believe Latin American politicians have the necessary incentives to invest time and effort into an area that does not translate into votes.<sup>177</sup> While this may be true, it is necessary to find alternative reasons or incentives for Latin American politicians to concern themselves with defense issues. The threat of terrorism and trans-national gangs presents a problem which Latin America will have to deal with whether they are prepared or not.

The problem of improving civil-military relations to the trinity's standard is not as overwhelming as it may seem. The majority of countries in Latin America have some form of control over their armed forces. The next step entails educating a cadre of civilians on defense issues to improve that control and develop a more efficient and effective military able to participate in peace-support operations, the war on terror, coalitions and internal security. Additionally, improved civil-military relations helps strengthen developing democracies.

How to develop a defense savvy civilian cadre presents another problem. The two case studies discussed in this thesis both seem to have implemented the trinity yet upon closer examination this is not the case. As discussed throughout this thesis, the major difference is the presence of knowledgeable civilians in defense issues. Although each country is unique, Chile offers a possible method to educate civilians. Many Latin American countries have suffered through some form of military dictatorship. Those countries still trying to transition from the dictatorship to democracy can benefit from Chile's experience. A deliberate and methodical transition with civilians and military officials actively engaged in discussions will help develop a defense savvy cadre. The availability of these civilians will make the implementation of the trinity much easier.

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<sup>177</sup> For the full argument on incentives, see Pion-Berlin and Trinkunas, *Attention Deficits: Why Politicians Ignore Defense Policy in Latin America*, 76-100.

Chile's experience is by no means the correct method to develop knowledgeable civilians. However, countries experiencing the same types of issues as Chile did may benefit from their experience. Regardless of how each country decides to develop defense savvy civilians, the key is to develop this cadre whatever the cost.

Knowledge-based management of the armed forces is a better method than political management to control the armed forces. Decisions based on defense knowledge rather than opportunism are normally better for the military and the country in general. Political decisions on the other hand, are normally made with no regard for military interests and can result in increased military hostility, despite democratic control.<sup>178</sup>

The trinity in itself is not perfect. Bruneau admits that effectiveness and efficiency are difficult to measure. Should Latin American politicians be persuaded to take an interest in defense issues, the biggest obstacle for the implementation of the trinity is the difficulty in measuring effectiveness and efficiency. Although Dr. Bruneau provides measures for effectiveness and efficiency,<sup>179</sup> the trinity concept is still a fairly new idea and as such requires more development. Nevertheless, the trinity should be the ultimate goal of developing democracies. If the trinity becomes the accepted standard for civil-military relations, it could go a long way towards institutionalizing democracy throughout Latin America.

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<sup>178</sup> I am not saying that decisions should be made to appease the military. Politicians need to understand how their decisions will affect the military. Politicians that understand defense issues can explain to the armed forces why the decision was made and how it will affect them. The armed forces may not like it, but it is easier to swallow when the politicians show they understand the ramifications of their decisions.

<sup>179</sup> See Bruneau, Boraz and Matei, *Towards A New Understanding of Civil-Military Relations*, 1-44

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