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DEVELOPMENT OF CIVIL-MILITARY RELATIONS
IN CHILE AND ARGENTINA**

Branch, Shamire E.

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**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**A COMPARATIVE STUDY OF THE DEVELOPMENT
OF CIVIL-MILITARY RELATIONS
IN CHILE AND ARGENTINA**

by

Shamire E. Branch

September 2019

Thesis Advisor:
Second Reader:

Cristiana Matei
Tristan J. Mabry

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RELATIONS IN CHILE AND ARGENTINA**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(WESTERN HEMISPHERE)**

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ABSTRACT

This thesis compares Chilean and Argentine civil–military relations (CMR) after each country’s democratic transition from military rule. Specifically, by considering the cases of Chile and Argentina, two countries that presented very different levels of CMR directly after democratic transition, this thesis identifies and evaluates the tie between the traits of the previous military regime, military negotiation power, and CMR development. To assess this relationship, this thesis analyzes the actions of the previous military regime in each case and the effects of these actions on the outgoing military’s negotiation power. In evaluating each military’s negotiation power, this thesis then examines the development of CMR in each country. The assessment finds that there is a strong correlation between economic, political, and social actions of the previously ruling military and the military's ability to negotiate prerogatives favorable to its autonomy. There is also a strong correlation between negotiation power and the development of CMR in each case, particularly in the short term. Over time, however, there is a strong tie to CMR development and the previous regime's social actions as the effects of the military's economic and political actions tend to diminish. These effects demonstrate the significance of the actions of the previous regime on the development of CMR both directly after transition and over time.

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LIST OF ACRONYMS AND ABBREVIATIONS

CAECOPAZ	Centro Argentino de Entrenamiento Conjunto para Operaciones de Paz
CDE	Civilian Defense Education
CMR	Civil–Military Relations
CODELCO	Corporación Nacional del Cobre de Chile
CONADEP	Comisión Nacional Sobre la Desaparición de Personas
COSENA	Consejo de Seguridad Nacional
CLP	Chilean Peso
CPPD	Concertación de Partidos por la Democracia
EDENA	Escuela de Defensa Nacional
EMC	Estado Mayor Conjunto
FM	Fabricaciones Militares
ISI	Import Substitution Industrialization
MOD	ministry of defense
NATO	North Atlantic Treaty Organization
NDC	National Defense Council
NDL	National Defense Law
PKO	Peacekeeping Operations
PME	Professional Military Education
POTI	Peace Operations Training Institute
SAR	search and rescue
UN	United Nations
UNDEF	Universidad de la Defensa Nacional
UNITAS	Naval exercise with U.S. and allies throughout the American continent

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I. INTRODUCTION

Both Chile and Argentina peacefully transitioned to democracy from military rule¹ during what Samuel Huntington describes as “democracy’s third wave,”² a period starting in 1974 when many non-democratic governments within the international community transitioned to democracy.³ These transitions required military reform to ensure the military properly shifted from functioning as the government to functioning as an institution under the democratic control of the elected civilian leaders.⁴

Despite similarities in the transition process, specifically pertaining to the prior rule of the military as well as the timeframe and peaceful nature of democratic transition in both Chile and Argentina,⁵ there were drastic differences in each military’s negotiation powers and resulting civil–military relations (CMR). In Chile, the military boasted a high degree of negotiation power at the time of transition, causing the newly elected government to exhibit less control over the military after democratic transition. Over time, however, this

¹ The last military rule occurred in Argentina from 1976 to 1983 and in Chile between 1973 and 1990. Neither transition was due to armed conflict. In Chile, military rulers ceded power due to a loss in a plebiscite and Argentine military rulers brought about transition due to increased internal pressures stemming from a defeat in war, the mismanagement of the economy, and failures in the social environment. Guillermo A. O’Donnell, Philippe C. Schmitter, and Laurence Whitehead, *Transitions from Authoritarian Rule: Latin America* (Baltimore: The Johns Hopkins University Press, 1986), 34, 95; Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: The Johns Hopkins University Press, 1996); Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil–Military Relations* (New York: Routledge, 2013), 151, 284.

² Samuel Huntington, “Democracy’s Third Wave,” *Journal of Democracy* 2, no. 2 (1991): 12–34, <https://doi.org/10.1353/jod.1991.0016>; Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

³ Huntington, “Democracy’s Third Wave,” 12.

⁴ Narcís Serra, *The Military Transition: Democratic Reform of the Armed Forces* (Cambridge; New York: Cambridge University Press, 2010), 3; David R. Mares, *Civil–Military Relations: Building Democracy and Regional Security in Latin America, Southern Asia, and Central Europe* (Boulder, Colorado: Westview Press, 1998), 3; David Kuehn and Philip Lorenz, “Explaining Civil–Military Relations in New Democracies: Structure, Agency and Theory Development,” *Asian Journal of Political Science* 19, no. 3 (December 1, 2011): 1, <https://doi.org/10.1080/02185377.2011.628145>; Constantine Danopoulos, *From Military to Civilian Rule* (London: Routledge, 1992), 3; Thomas C. Bruneau, “Impediments to the Accurate Conceptualization of Civil–Military Relations,” in *The Routledge Handbook of Civil–Military Relations* (New York: Routledge, 2013).

⁵ Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 345.

control gradually increased. The Argentine armed forces, on the other hand, displayed a low-level of negotiation power directly after democratic transition. As a result, the newly elected government attained a high level of control over the military. This high level of control has been mostly maintained over time and unchallenged by the military institution.⁶

To explain this divergence in democratic civilian control between the two countries, this thesis conducts a comparative analysis of the outgoing military regime's negotiation powers during democratic transition and its effect on the resulting democratic civilian control in Chile and Argentina. To assess the level of negotiation power, this thesis will first analyze the economic, political, and social actions of the last military regime in each case to determine potential explanations of each military's level of negotiation power during the transition. Then, this thesis will determine the potential intervening variable or variables that resulted in such a divergence in each military's CMR based on the previously analyzed conditions. Specifically, this thesis aspires to answer the following question: Based on the assessment of the cases, how do the traits of the previous regime, along with transition-era negotiation powers, explain similarities and variances in CMR trends after democratic transition?

A. SIGNIFICANCE OF THE RESEARCH QUESTION

A thorough review and response of the presented question will highlight major drivers for both the effective and ineffective development of CMR following a peaceful democratic transition from military rule. In transition literature, many scholars place a significant focus on causes and paths for the transition to democracy as well as essential tasks for the newly elected democratic government to reform the military.⁷ Comparative

⁶ Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 344.

⁷ For a thorough analysis on transition paths and consolidation tasks, see Linz and Stepan, *Problems of Democratic Transition and Consolidation*; Juan J. Linz and Alfred Stepan, "Toward Consolidated Democracies," *Journal of Democracy* 7, no. 2 (1996): 14–33, <https://doi.org/10.1353/jod.1996.0031>; O'Donnell, Schmitter, and Whitehead, *Transitions from Authoritarian Rule: Latin America*; Serra, *The Military Transition*; David Pion-Berlin, *Civil–Military Relations in Latin America: New Analytical Perspectives* (Chapel Hill, NC: University of North Carolina Press, 2003); Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*; David Pion-Berlin and Rafael Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America* (Cambridge; New York: Cambridge University Press, 2017).

studies of CMR in Latin American countries seek to provide new and straightforward comprehensive frameworks in order to determine the levels of democratic civilian control within a particular case study. A review of the literature has not provided a significant link between the actions and effects of the previous military regime, levels of negotiation power as a result of the regime's actions, and the development and progress of CMR as a consequence of these factors, particularly in the form of a comparative analysis between Chile and Argentina. This thesis seeks to determine and evaluate these under-analyzed links between the traits and actions of the military regime, the resulting negotiation power, and negotiation power's implications for the development of CMR directly after transition and over a period of time in both cases.

Understanding the link and how these variables affect the previous military regime's negotiation powers and the influence of these variables on the development of CMR provides useful guidance to academics, governments, and policymakers studying, overseeing, or experiencing a democratic transition. Understanding this link is also significant because although both Chile and Argentina experienced a peaceful transition to democracy in relatively the same timeframe, both have seen differing trajectories when establishing democratic civilian control over the military.

B. EXPLANATION AND HYPOTHESIS

My hypothesis is that there is a strong and direct link between the previous ruling military regime's leadership traits, specifically in its economic, political, and social actions, the military's negotiation power, and the development of CMR directly after transition. I further hypothesize that within these traits, the economic and political links begin to weaken over time and the social effects of the previous regime tend to have a longer-lasting effect.

Specifically, there is a considerable difference between Chilean and Argentine CMR due to each military's differing degrees of negotiation powers directly after democratic transition. In Chile's case, I argue that civilians were not able to establish a sufficient amount of control over the military to reduce the military's autonomy as a result of the military's high negotiation power. Control over the military, however, began to

increase over time due to the longer-lasting social effects of the last military regime. In Argentina's case, the newly elected government attained a high level of control over the military directly after democratic transition due to the military's lack of negotiation power. Argentina's inability to negotiate military prerogatives had a negative effect on their capability to maintain autonomy from civilian control as Chile's ability to effectively negotiate prerogatives had a positive effect on their autonomy.

C. RESEARCH DESIGN

The analytical approach for this thesis will be a comparative case study between the variables that eventually led to the development of Chilean and Argentine CMR. Specifically, I will conduct an analysis of the actions of the previous regime, the military's negotiation power as a result of these actions, and CMR development in each case as a result of these negotiation powers. To analyze the previous regimes in both countries, I will consider the economic, political, and social actions of each military regime. My consideration of the economic effects will detail the economic successes and failures of the military while in power and how these actions affected the support of the economic elites, political elites, and the population. My analysis of political effects will consider the political actions of the military regime via constitutional reforms, implementation of laws and regulations, and political safeguards that would later aid the military in increasing their negotiation power after democratic transition. My evaluation of social effects will consider the actions of the previous military regime for or against the population that affected the support and attitudes of the population toward the military as an institution directly after democratic transition.

When analyzing negotiation power, I will consider the ability of both the military and the incoming civilian government to obtain prerogatives beneficial to their party. By negotiation power, I mean the ability of one party to improve and maintain bargaining leverage over another party during the transition period in order to obtain prerogatives favorable to their own party. To properly categorize the concept of negotiation power, I will assess each level of negotiation power with a grade of high, medium, or low. High signifies that one party had an exceptional amount of leverage to obtain its own

prerogatives, likely at the cost of the opposition. A low grade signifies that the party was not able to secure their own prerogatives, likely to the advantage of the opposition.

Analysis of CMR will be conducted utilizing Matei's CMR framework of control.⁸ The analysis will be based on how the negotiations of military prerogatives aided or hindered the development of CMR in each country. It is noted that Matei – when developing her framework – expresses the importance of understanding CMR not only as a function of democratic civilian control but of effectiveness as well. In her work, she considers the effectiveness of the defense ministry and armed forces based on its ability to plan, the capacity of institutions, and the procurement and use of resources.⁹ This thesis does not analyze military effectiveness as it instead seeks to focus on the development of democratic civilian control of the military. As the two countries have experienced different outcomes, there is great utility in studying the link between the actions of the previous regime, the military's subsequent negotiation powers, and the result of CMR after democratic transition. Mentions of CMR will be based on Bruneau and Matei's all-inclusive definition and framework of democratic civilian control.

Additionally, there are many external factors that are not analyzed in this thesis that may have had a direct or indirect effect on the development of CMR. These include each country's perception of an external threat, external economic and political pressure, post-transition economic interests, and the personalities of leaders both before and after democratic transition in each country. Though these factors may have influenced the development of CMR after democratic transition, this thesis focuses on the development based on the domestic and societal level of analysis as opposed to the individual or interstate level of analysis.

D. THESIS OVERVIEW

This thesis is organized into five chapters. Chapter II will provide a theoretical basis by reviewing significant literature and exploring the relevance of the research question and

⁸ Florina Cristiana Matei, "A New Conceptualization of Civil–Military Relations," in *The Routledge Handbook of Civil–Military Relations* (New York: Routledge, 2013).

⁹ Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 29.

thesis statement. Chapter III will focus on the Chilean case. This chapter will first analyze the economic, political, and social actions of the previous military regime during General Augusto Pinochet's rule (1973–1990). It will later identify the effects of these actions on the military's negotiation power upon democratic transition. The chapter will then analyze the development and outcome of Chilean CMR directly following democratic transition and over time as a result of the Chilean military's negotiation powers.

To highlight the changes in CMR over time, this chapter will separate Chilean CMR into two timeframes: 1990–2010 and 2010–2019. This selected timeframe considers the formal democratic transition in 1990, the approval of the Law on the Organization and Functioning Ministry of Defense (hereby referred to as the MOD Law) in 2010, and 2019 changes in the Chilean Copper Law that gave the civilian government greater oversight in the Chilean military budget. It must be emphasized that 2010 does not indicate a sudden and unexpected shift in CMR as actions have been taken by presidents throughout the first timeframe to assert civilian supremacy over the military. It does, however, indicate the civilian government's ability to enact legislative changes and pass a law focused on the structure of the Ministry of Defense (MOD) and control of the military.¹⁰

In a similar fashion, Chapter IV will provide a study of the actions of the previous military regime in Argentina (1976–1983) and the effects of these actions on the outgoing military's negotiation powers. Following analysis, the chapter will evaluate Argentine CMR based on the same definitions and framework found in Chapter III. The fifth chapter will analyze each case study, present findings, and test the hypothesis. This chapter will utilize each case study to analyze the link between the traits of the military regime, transition-era negotiation powers, and the effect of each on CMR upon democratic transition.

¹⁰ For more information on presidential actions and MOD reform, see Florina Cristiana Matei and Marcos Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," in *The Routledge Handbook of Civil–Military Relations* (New York: Routledge, 2013); Gregory Weeks, "Democratic Institutions and Civil–Military Relations: The Case of Chile," *Journal of Third World Studies* 18, no. 1 (2001): 65–85.

II. LITERATURE REVIEW

This literature review explores definitions and theories concerning democratic transition, consolidation, military prerogatives, negotiation power, and CMR. Academic analyses addressing CMR in Chile and Argentina after each country's democratic transition are also reviewed.

A. MILITARY REGIME'S PATH TO DEMOCRACY: REGIME CHANGE AND DEMOCRATIC TRANSITION

The literature reviewed reveals a general agreement that governments experience a transition toward democracy in three phases: the internal transformation of the nondemocratic regime, the transition to democracy, and democratic consolidation.¹¹ The first phase, according to Huntington, addresses the change within the authoritarian regime, which can lead to democratic transition.¹² O'Donnell and Schmitter note that during this phase, the military regime begins to impose fewer restrictions on political society either due to internal or external variables.¹³ Several authors attribute this allocation of freedom and steps toward transition to conflict within the regime.¹⁴

O'Donnell and Schmitter further suggest that authoritarian governments tend to have a problem with legitimacy as they are seen as transitional governments tasked with

¹¹ Guillermo A. O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies* (Baltimore: The Johns Hopkins University Press, 1986); Huntington, *The Third Wave: Democratization in the Late Twentieth Century*; Bruce W. Farcau, *The Transition to Democracy in Latin America: The Role of the Military* (Westport, Conn: Praeger, 1996); Linz and Stepan, *Problems of Democratic Transition and Consolidation*; Serra, *The Military Transition*; Robert Alan Dahl, *On Democracy*, Yale Nota Bene (New Haven: Yale University Press, 2000), 2.

¹² Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, 114.

¹³ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*; Huntington, *The Third Wave: Democratization in the Late Twentieth Century*; Farcau, *The Transition to Democracy in Latin America*.

¹⁴ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*; Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*, Studies in Rationality and Social Change (Cambridge: Cambridge University Press, 1991), 13; Guillermo A O'Donnell, "Delegative Democracy," *Journal of Democracy* 5, no. 1 (1994): 55–69, <https://doi.org/10.1353/jod.1994.0010>; Farcau, *The Transition to Democracy in Latin America*; David R. Mares, *Violent Peace: Militarized Interstate Bargaining in Latin America* (New York: Columbia University Press, 2001), 21; Serra, *The Military Transition*, 39.

ushering in an eventual democratic government after deposing the previous government due to economic, political, or social failures.¹⁵ This problem with legitimacy may also be perceived within the ruling military regime. O'Donnell and Schmitter indicate that within these regimes, there are hard-liners, who prefer to ensure legitimacy by keeping power, either due to opportunity or due to rejection of democracy; and, there are soft-liners, who believe that in order to maintain legitimacy, certain freedoms, including elections, will have to be afforded to the opposition and the population.¹⁶ To further this argument, Farcau applies the term "factionalization" to describe groups within the authoritarian regime in opposition to one another.¹⁷ Farcau agrees that conflict within the military can eventually lead to democratic transition.¹⁸ He further argues, however, that internal disunity and competing goals between soft-liners and hard-liners existed long before the military regime took power. He further explains that even after the regime takes power, the continued conflict between hard-liners and soft-liners within the military may eventually lead to a democratic transition.¹⁹

Contrary to Farcau's argument, however, Linz and Stepan describe Chile's military as united, with a strong foundation of supporters during Chile's period of transition.²⁰ Conversely, O'Donnell, Schmitter, and Whitehead posit that in the case of Argentina, economic and political failures led to both military factionalization and social conflict.²¹ Political failures included the humiliating defeat to the British in the Malvinas/Falklands

¹⁵ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 15; Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, 115.

¹⁶ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 15–17.

¹⁷ Farcau, *The Transition to Democracy in Latin America*, 53.

¹⁸ Farcau, 53.

¹⁹ Farcau, 28.

²⁰ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 205.

²¹ Luis Roniger, "Democratic Transitions and Consolidation in Contemporary Southern Europe and Latin America," *International Journal of Comparative Sociology*, 3-4, 1989, 218; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 191; Farcau, *The Transition to Democracy in Latin America*, 35; Mares, *Violent Peace*; Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 151.

War, the Dirty War, which O'Donnell and Schmitter describe as a "gangsterization of the armed forces,"²² and no indication that they planned to yield power to competitive elections.²³ Due to these failures, Argentina's military was divided and experienced internal conflict. This internal disunity, Linz and Stepan posit, eventually led to the Argentine military regime's desire to leave power and transition to democracy.²⁴

The second phase in the path to democracy is democratic transition. O'Donnell and Schmitter provide a fundamental definition of transition as the "interval between one political regime and another."²⁵ Adding to this definition, both Farcau and Narcís Serra emphasize the principle motivation of transition to be the end of military intervention in politics, either due to the military regime's decision to no longer interfere in policy-making or due to its loss of legitimacy.²⁶ Linz and Stepan state that democratic transition is complete when there is an agreement between the outgoing, non-democratic regime and civilian leaders to democratically elect a new government, when that government is freely elected into power, and when the democratically elected civilians no longer share power with other bodies.²⁷

Academics also consider the actions of the outgoing military regime to be factors that may lead to transition. Mainwaring highlights the dividing line between scholars who see transitions primarily due to "economic, social, or cultural conditions, and those who see it primarily as a result of political institutions, processes, and leadership."²⁸ Huntington cites both internal economic problems and global economic growth as major factors that

²² O'Donnell, Schmitter, and Whitehead, *Transitions from Authoritarian Rule: Latin America*, 8.

²³ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 8.

²⁴ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 192, 205.

²⁵ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 6.

²⁶ Farcau, *The Transition to Democracy in Latin America*, 49; Serra, *The Military Transition*, 28.

²⁷ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 3.

²⁸ Scott Mainwaring, "Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues," (Working Paper #130, The Helen Kellogg Institute for International Studies, 1989), 25, https://kellogg.nd.edu/sites/default/files/old_files/documents/130_0.pdf.

influenced democratic transition during the third wave of democracy.²⁹ He continues by asserting that development after transition is extremely important in democratic politics as “poverty is a principal—probably *the* principal—obstacle to democratic development.”³⁰ Huser agrees with this assertion, arguing that economic conditions prior to democratic transition can condition the military’s “political behavior and affect the civil–military relationship.”³¹ This behavior is significant as military regimes that have experienced economic success may produce support from segments of the population who benefit from this success.³²

Many scholars who have analyzed Chilean and Argentine transitions to democracy have noted major differences between the political and civilian support of the military after democratization. Ensalaco indicates that in Chile, the military had the support from civilian elites even before the military’s 1973 overthrow of the government, as civilians elites and “military officers conspired to replace what they perceived to be [an] ineffective, corrupt, and possibly disloyal civilian government with an authoritarian regime capable of accelerating a particular model of economic development.”³³ Barrett also notes that economic reforms during the Pinochet regime further increased support from economic elites who preferred Pinochet’s policies.³⁴ Many scholars agree, however, that in Argentina, the poor economic and social situation caused by the military regime led many

²⁹ Huntington, “Democracy’s Third Wave,” 13.

³⁰ Huntington, 31.

³¹ Herbert C. Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem* (Washington, D.C: National Defense University Press, 2002), 20.

³² Scott Mainwaring and Eduardo J. Viola, “Transitions to Democracy: Brazil and Argentina in the 1980s,” *Journal of International Affairs* 38, no. 2 (1985): 201, <http://www.jstor.org/stable/24356910>.

³³ Mark Ensalaco, “Military Prerogatives and the Stalemate of Chilean Civil–Military Relations,” *Armed Forces & Society* 21, no. 2 (1995): 256, <https://doi.org/10.1177/0095327X9502100206>.

³⁴ Patrick S. Barrett, “Business-Labour-State Relations in New Chilean Democracy,” *Economic and Political Weekly* 35, no. 21/22 (2000): 3, <http://www.jstor.org.libproxy.nps.edu/stable/4409324>.

to oppose the government.³⁵ Internal and external pressure due to these factors helped usher in democratic transition in Argentina.

The prevalent consensus among academics is that upon the completion of a democratic transition, democratic consolidation begins, whereby a democratically elected government has a legitimate monopoly on policy-making within the state and this monopoly is universally accepted.³⁶ O'Donnell evaluates democratic consolidation as the “second transition,” in which the newly elected democratic government establishes and maintains institutions based on newly formed democratic rules and norms.³⁷ Likewise, Linz and Stepan notably point out that once transition has occurred, there are still many tasks, conditions, and social attitudes that must be completed and developed in order for democratic consolidation to be complete.³⁸

Many scholars of democracy agree that, as democratic consolidation typically occurs over a relatively longer timeframe in comparison to transition, there is a risk of the newly formed democracy regressing back to authoritarian rule.³⁹ To address this, Linz and Stepan argue that democracy is truly consolidated when it is the “only game in town.”⁴⁰

³⁵ Mainwaring and Viola, “Transitions to Democracy,” 207; Zoltan Barany, *The Soldier and the Changing State: Building Democratic Armies in Africa, Asia, Europe, and the Americas* (Princeton: Princeton University Press, 2012), <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=967434>; Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*; Thomas C. Bruneau and Florina Cristiana Matei, “Asserting Civilian Control: Argentina,” in *The Routledge Handbook of Civil–Military Relations* (New York: Routledge, 2013), 151–57; Michael Albertus and Victor Gay, “Unlikely Democrats: Economic Elite Uncertainty under Dictatorship and Support for Democratization,” *American Journal of Political Science* 61, no. 3 (2017): 625, <http://www.jstor.org.libproxy.nps.edu/stable/26379514>.

³⁶ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 3; Thomas C. Bruneau, “Civil–Military Relations in Latin America: The Hedgehog and the Fox Revisited,” 2005, 120; John A. Peeler, *Building Democracy in Latin America* (Boulder, Colorado: Lynne Rienner Publishers, 2009), 126–28; Serra, *The Military Transition*, 13, 14, 28.

³⁷ O'Donnell, “Delegative Democracy,” 56.

³⁸ Linz and Stepan, “Toward Consolidated Democracies,” 15; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 5.

³⁹ O'Donnell, “Delegative Democracy,” 58; Richard Gunther, P. Nikiforos Diamandouros, and Hans-Jürgen Puhle, *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective* (Baltimore: The Johns Hopkins University Press, 1995), 167; Farcau, *The Transition to Democracy in Latin America*, 43; Serra, *The Military Transition*, 14.

⁴⁰ Linz and Stepan, “Toward Consolidated Democracies,” 15; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 5.

To describe this concept, they detail the need for democratic norms to be well established within political society, civil society, and the constitutionally based rule of law.⁴¹

B. EFFECT OF THE PRIOR REGIME ON TRANSITION AND CONSOLIDATION TASKS

The previous nondemocratic regime has a significant effect on the actions of the newly elected democratic government. Linz and Stepan assert that the “characteristics of the previous nondemocratic regimes have profound implications for the transition *paths* available and the *tasks* different countries face when they begin their struggles to develop consolidated democracies.”⁴² They also imply that depending on the regime type, there are different situations that could lead to democratic transition. Examples of these are *reforma pactada-reforma ruptura*, defeat in war, regime termination by external groups such as insurgents or mass uprisings, military coup, regime collapse, or death of a patrimonial leader, among others.⁴³ They further state that pacts can be between hard-liners and moderates in both the authoritarian regime and the opposition can result in democratic reforms introduced by the nondemocratic regime even prior to transition.⁴⁴

Pion-Berlin states that democratic outcomes are based on the result of the actions of the previous regime during their period of rule. He asserts that differences in CMR after non-democratic rule “may be accounted for by founding conditions of the successor democracies: the way the military exit took place, the main features of the transition, and the early institutional arrangements that gave shape to the new postauthoritarian order.”⁴⁵

⁴¹ Linz and Stepan define democracy as “the only game in town” behaviorally “when no political groups seriously attempt to overthrow the democratic regime or secede from the state”; attitudinally when “the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas”; and constitutionally “when all the actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms and that violations of these norms are likely to be both ineffective and costly”. Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 5.

⁴² Linz and Stepan, 55.

⁴³ *Reforma pactada-reforma ruptura* refers to a “pacted rupture” and the establishment of new democratically led structures. Linz and Stepan, 57–61.

⁴⁴ Linz and Stepan, 61.

⁴⁵ Pion-Berlin, *Civil–Military Relations in Latin America*, 197.

Contrarily, O'Donnell argues that the most significant factors considered for democratic transition and consolidation do not necessarily correlate to the characteristics of the previous nondemocratic regime.⁴⁶ On the contrary, he warns, attention should be paid to long-term and significant historical factors, as well as serious socioeconomic problems inherited by the new the democratic government to determine the kind of democracy a country may later experience.⁴⁷

When studying the prior regime's effects on transition, Huntington focuses on the source of the transition process. To describe the situation in which forces opposing the authoritarian regime led to democratic transition, he uses the term *replacement*. In this situation, the outgoing regime has collapsed or was forcibly removed from power. He also uses the term *transformation* to describe a democratic transition led, or at least controlled, by nondemocratic elites already in power.⁴⁸ He later suggests that Chile's transition involved transformation due to the personal dictatorship under Pinochet. In Chile, the military controlled many aspects of the transition, while in Argentina, the military suffered an internal and political collapse, and transition was led by the newly elected civilians.⁴⁹ This conceptual framework is significant as it argues that transitions initiated by the leaders of the outgoing military regime typically incur a high level of continuity from the previous regime as opposed to a transition due to the collapse of an authoritarian regime, which has little to no continuity nor capacity to control the transition.⁵⁰

C. PACTS, NEGOTIATION POWER, AND PREROGATIVES

Przeworski argues that all democracies, after a transition from a previous authoritarian regime, emerge from pacts.⁵¹ O'Donnell and Schmitter state that a pact is an

⁴⁶ O'Donnell, "Delegative Democracy," 55.

⁴⁷ O'Donnell, 55.

⁴⁸ Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, 114.

⁴⁹ Huntington, 112–15.

⁵⁰ Mainwaring and Viola, "Transitions to Democracy," 195–96.

⁵¹ Przeworski, *Democracy and the Market : Political and Economic Reforms in Eastern Europe and Latin America*, 80; cited in Peeler, *Building Democracy in Latin America*, 77.

explicit agreement between political elites of the outgoing and incoming governments in an attempt to define “rules governing the exercise of power on the basis of mutual guarantees for the ‘vital interests’ of those entering into it.”⁵² These pacts are significant for the first steps of democratic consolidation and the development of CMR.

There is near consensus in the literature that pacts are used to establish rules in the interest of reducing military power and autonomy and increasing the civilian power over the military. This is typically completed by redefining the roles of the military from acting as the government to acting as an institution under the democratically elected government.⁵³ These pacts are not always publicly stated but may potentially aid both the military and the new democracy as they are typically based on compromises between both parties.⁵⁴ Carlos Fuentes supports this notion, stating that the “strategic interactions between civilians and the armed forces during the democratization process provide a good opportunity to evaluate the decisions that shape the civil–military relationship.”⁵⁵ He later concludes that negotiations are important to the development of CMR.

Peeler explains that governments can undergo different types of pacts depending on the type of reform taking place and the strength of the outgoing regime. He argues that agreements and pacts typically consider the interests of the elites, which include authoritarian elites if they remained politically significant.⁵⁶ Considering the cases of Chile and Argentina, he contends that the newly elected government in Chile submitted to elite pacts after the political defeat of the ruling military. He further identifies Argentina as a country that endured a transition without pacts, in which internal conditions caused the

⁵² O’Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 37.

⁵³ O’Donnell and Schmitter, 3, 37; Przeworski, *Democracy and the Market*, 26; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 82; Farcau, *The Transition to Democracy in Latin America*, 44; Serra, *The Military Transition*, 62.

⁵⁴ O’Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 37–39.

⁵⁵ 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 (2000): 113, <https://doi.org/10.2307/166440>.

⁵⁶ Peeler, *Building Democracy in Latin America*, 63–64.

military to lose legitimacy and prevented their ability to negotiate terms via pacts with the new democratic government.⁵⁷

Pion-Berlin explains that if a military is unified and supported, as in the case of Chile, they are able to leave office on their own terms and obtain more prerogatives. A transition following a military regime that is not unified and endures a lack of support, as in the case of Argentina, is more likely to be led by civilians and there are likely to be fewer concessions to military prerogatives.⁵⁸ These attempts to obtain prerogatives before, during, and after transition describe negotiation power, in which each party strives to obtain and maintain a high level of this power in order to secure their prerogatives.⁵⁹

Scholars who support the necessity of pacts during transition also recognize the limitations these pacts can bring to the incoming democratic governments. In their study on Chile, Linz and Stepan determine that because the outgoing military regime was able to negotiate many guarantees favorable to military autonomy, subsequent democratic governments found it difficult to generate new policies. This is because power was shared between the democratic government, military leaders, and those who supported the military within the political environment.⁶⁰ The incoming democratic government in Argentina, on the other hand, was able to “refuse military overtures to enter into a pact.”⁶¹ This led to increased civilian control over the military.⁶²

The military’s interest in negotiating pacts during democratic transition is largely based on securing prerogatives that increase military autonomy and minimize civilian control of the military institution. Serra argues that “as transition takes its initial steps, the military will try to ensure that the institutions and features of the previous regime are

⁵⁷ Peeler, 71; Bruneau and Matei, “Asserting Civilian Control: Argentina.”

⁵⁸ Pion-Berlin, *Civil–Military Relations in Latin America*, 197.

⁵⁹ Kuehn and Lorenz, “Explaining Civil–Military Relations in New Democracies,” 238–39.

⁶⁰ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 207.

⁶¹ Linz and Stepan, 192.

⁶² Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 190; Bruneau and Matei, “Asserting Civilian Control: Argentina.”

maintained.”⁶³ Alternatively, Serra also indicates that the incoming civilian government’s goal is to reduce military autonomy and be able to freely implement military and defense policy based on the goals of the democratic government. Stepan describes military prerogatives as areas in which the military institution wishes to maintain control for their interests in an attempts to “exercise effective control over its internal governance, to play a role within extramilitary areas within the state apparatus, or even to structure relationships between the state and political or civil society.”⁶⁴ Claudio Fuentes also provides a comprehensive interpretation of both military and civilian prerogatives. He highlights the importance of political autonomy, professional autonomy, and military’s intent for institutional involvement in the new government as both civilian and military prerogatives.⁶⁵

Scholars who study Chile and Argentina note that military leadership had contrasting results in each case when attempting to negotiate prerogatives. Studies highlight that the Chilean military was able to negotiate many prerogatives in favor of maintaining military autonomy upon transition. This left the military with a substantial amount of political power and had a negative effect on the development of CMR directly after democratic transition.⁶⁶ In contrast, as the case of Argentina rendered no pacts between the military and the incoming government, the Argentine military was not able to obtain prerogatives beneficial to its autonomy prior to transition.⁶⁷

Zoltan Barany indicates that the major differences between the actions of the Chilean and Argentine military regimes produced different bargaining positions for each

⁶³ Serra, *The Military Transition*, 43.

⁶⁴ Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton, N.J.: Princeton University Press, 1988), 93.

⁶⁵ Fuentes, “After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy,” 118.

⁶⁶ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 82, 207; Francisco Enrique González, *Dual Transitions from Authoritarian Rule Institutionalized Regimes in Chile and Mexico, 1970–2000* (Baltimore: The Johns Hopkins University Press, 2008), 147–48; Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 283; Wendy Hunter, “Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru,” *Political Science Quarterly* 112, no. 3 (1997): 455, <https://doi.org/10.2307/2657566>.

⁶⁷ Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 50.

military.⁶⁸ Due to these differences in negotiation position, the starting points for the development for CMR after transition were different in each country. As a result, “these different deals combined with the radically dissimilar policies followed in the two states led to vastly different outcomes, that is, profound disparities between military politics in contemporary Chile and Argentina.”⁶⁹ Due to the absence of the military’s negotiation power and inability to secure prerogatives, civilians in Argentina were able to implement a “decades-long humiliation of the army as an institution by pushing through Latin America’s most punishing antimilitary program.”⁷⁰ The disparities in military autonomy in these two cases are linked to the democratic government’s ability to exert democratic control over the military.

D. ACHIEVING DEMOCRATIC CONSOLIDATION: CIVIL–MILITARY RELATIONS

Literature focused on CMR details the importance of military reform during democratic consolidation for the newly established democratic government to attain and preserve effective civilian control over the military. This concept starts with the necessity to reduce the power of the military in the political environment⁷¹ as elected leaders cannot legitimately represent the population democratically if the military is controlling the actions and decisions of these leaders.⁷² The two main avenues of attaining this control are through legal reform and institutional reform.⁷³ Pion-Berlin, for example, asserts that “the development, quality, and survival of democratic systems depend on governments making

⁶⁸ Barany, *The Soldier and the Changing State*, 149–50.

⁶⁹ Barany, 143.

⁷⁰ Barany, 153.

⁷¹ Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil–Military Relations* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1957), 80.

⁷² Pion-Berlin, *Civil–Military Relations in Latin America*, 1.

⁷³ Linz and Stepan, *Problems of Democratic Transition and Consolidation*; Bruneau, “Civil–Military Relations in Latin America: The Hedgehog and the Fox Revisited”; Thomas C. Bruneau, “Civil–Military Relations in Democratic Latin America,” 2008; Serra, *The Military Transition*; Thomas C. Bruneau, “Civilians and the Military in Latin America: The Absence of Incentives,” *Latin American Politics and Society* 55, no. 04 (2013): 143–60, <https://doi.org/10.1111/j.1548-2456.2013.00216.x>; Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*; Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*.

the armed forces their political servants and policy instruments rather than the other way around.”⁷⁴ Serra stresses that these reforms must take place in both the transition and consolidation phases to enforce and ensure changes to the military’s established structure and doctrine.⁷⁵

Within these reforms, academics address the necessity of redefining the military’s role as an institution within the democratic government.⁷⁶ These reforms are made to clearly establish and define civilian control over the military along with its mission and roles, to reduce the direct military’s political influence in the government, and to establish and strengthen civilian-led institutions that exert control over the military.⁷⁷ These institutions include the civilian-led MOD and defense oversight committees.⁷⁸

There have been a diversity of definitions and frameworks over the decades by scholars who have studied the process and development of CMR during military reform. Fundamentally, these works have studied the principal concept of civilian control over the military. Dahl asserts that two conditions are required for a state to be democratically governed, one is that the military must be under democratic civilian control and the other being that those civilians must also be bound by established democratic norms and principles.⁷⁹ Adding to this, Matei and Bruneau present a fundamental framework for CMR in which they define democratic civilian control over the military as one portion of

⁷⁴ Pion-Berlin, *Civil–Military Relations in Latin America*, 1.

⁷⁵ Serra, *The Military Transition*, 66–89.

⁷⁶ Samuel Valenzuela, “Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions,” (Working Paper #150, The Hellen Kellogg Institute for International Studies, 1990), 32, https://kellogg.nd.edu/sites/default/files/old_files/documents/150_0.pdf; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 65; Serra, *The Military Transition*, 3, 27; Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*; Matei, “A New Conceptualization of Civil–Military Relations.”

⁷⁷ Serra, *The Military Transition*, 70–89.

⁷⁸ Serra, 72; Weeks, “Democratic Institutions and Civil–Military Relations: The Case of Chile”; Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*; Herbert Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*.

⁷⁹ Robert Alan Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 245.

their analysis.⁸⁰ According to their study, these components are institutional control mechanisms, civilian oversight of the armed forces, and the establishment of professional norms.⁸¹

Pion-Berlin emphasizes the importance of institutional control mechanisms and establishing a legal framework to clearly define the military's roles and missions after transition. He asserts that this legal framework, based on democratic norms, is vital in limiting the actions of the military or an executive who may want to use the military arbitrarily.⁸² With this legislative capacity, civilian leaders will be able to establish oversight mechanisms. Pion-Berlin also illustrates the importance of oversight as it can ensure that the "military personnel do not take advantage of their positions."⁸³ Peter Feaver also ties civilian control with professional norms by stating that the military's "obedience to civilians is at the heart of professionalism."⁸⁴ An increase of institutional professional norms shows the internalization and democratic control mechanisms within the armed forces.⁸⁵

Applying their framework, Bruneau and Matei analyzed both Chile and Argentina using their definition of civilian control. They concluded that both Chile and Argentina met all three requirements for control. They also conclude that Chile's democratic civilian control is more robust. As a result, Chile will tend to have a more established capability within the armed forces to fulfill its assigned roles and missions effectively. This is in

⁸⁰ Matei and Bruneau also study operational effectiveness of the military. However, this portion of their framework will not be considered in my analysis due to my focus on the development of control based on previous regime effects and negotiation powers. Bruneau and Matei, *The Routledge Handbook of Civil-Military Relations*, 1.

⁸¹ For specific definitions, see Bruneau and Matei, 30.

⁸² Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil-Military Relations in Democratic Latin America*, 125.

⁸³ David Pion-Berlin, "Delegation or Dereliction? When Governments Assign Too Many Defense Posts to Military Officials," *Democracy and Security*, February 2019, 3, <https://doi.org/10.1080/17419166.2019.1582339>.

⁸⁴ Peter D. Feaver, "Civil-Military Relations," *Annual Review of Political Science* 2, no. 1 (1999): 228, <https://doi.org/10.1146/annurev.polisci.2.1.211>.

⁸⁵ Matei, "A New Conceptualization of Civil-Military Relations," 31.

comparison to Argentina, where “civilian elites seem intent on achieving democratic civilian control, yet have gone about it in an incoherent manner.”⁸⁶

The literature reviewed provides a strong argument that the actions of the previous authoritarian regime can have a significant effect on the development of CMR. In the case of Chile and Argentina, these actions will be analyzed to determine the outgoing military regime’s ability to negotiate military prerogatives upon democratic transition. The outcome of these negotiations will be considered in the assessment of Chilean and Argentine civilian control over the military. Most scholars argue that the leaders of the Chilean military, boasting a strong and politically supported military, were able to protect its interests and negotiate its prerogatives with the incoming democratic government. The leaders of the Argentine military, on the other hand, were not able to negotiate military prerogatives after democratic transition. The literature also shows that the ability of Argentina’s government to exercise a high level of control over the military has caused the government to focus their attention on punishing the military in lieu of ensuring its effectiveness. The contrast between Chilean and Argentine CMR is essential as this thesis seeks to identify a link between the effects of the previous regime, military negotiation power, and the development of CMR.

⁸⁶ Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 344–46.

III. EFFECTS OF NEGOTIATION POWER ON CHILEAN CIVIL–MILITARY RELATIONS

Chile has experienced dramatic changes in civil–military relations since the 1973 coup d'état. Its return to democracy in 1990, following the election of President Patricio Aylwin (1990–1994), required the redefinition of military roles and missions to shift the military from functioning as the government to functioning as an institution under democratically elected civilian control. Upon the return to democracy, however, the Chilean military was able to avoid legal ramifications from human rights abuses, maintain a high level of autonomy from civilian control and oversight, and remain active in institutional and legislative sections of the Chilean government.

This chapter seeks to highlight that economic, political, and social factors stemming from Pinochet's authoritarian rule (1973–1990) resulted in the military's strong ability to negotiate prerogatives favorable to its autonomy. The chapter posits that these military prerogatives negatively affected the incoming civilian government's ability to achieve and maintain a high degree of democratic civilian control over the military directly after transition. This chapter further contends that whereas political and economic effects were significant for the military to obtain favorable prerogatives directly following democratic transition, the ability to introduce democratic reforms due to social effects allowed civilians to successfully secure a greater level of military control over time.

A. EFFECTS ON NEGOTIATION POWER

The economic, political, and social actions of the previous regime had a strong effect on the outgoing military's regime's ability to negotiate prerogatives favorable to its autonomy.

1. Economic Effects

Economic reforms implemented throughout the Pinochet regime greatly increased the military's negotiation power during the transition to democracy primarily due to Pinochet's ability to reverse Salvador Allende's (1970–1973) failing inward-oriented

Import Substitution Industrialization (ISI) policies geared toward protectionism.⁸⁷ As a result of these reversals, Chile experienced periods of “high growth, low inflation, virtually balanced budgets, and high rates of investment”⁸⁸ throughout most of Pinochet’s rule. Due to his success in stabilizing the economy, the military gained the support of the economic elites, who were willing to compromise democratic norms in exchange for the military’s successful economic policies.⁸⁹ This support helped legitimize the military regime’s economic policies, which would later increase the military’s political leverage and negotiation power during democratic transition. After Chile’s democratic transition, this increased support and legitimacy pressured the new democratic government to continue Pinochet-era economic policies and reforms, despite being ideologically opposed to them.⁹⁰

Pinochet’s neoliberal policies, however, did not help the non-elites in the population. Despite a decrease in unemployment from 30% to 8.6% by 1990, the government’s actions to open the Chilean market to international competition, privatize firms, and decrease regulations, caused real wages to fall by 4.7% while the poverty rate rose to 38.6% in 1990.⁹¹ Though he had a great amount of support from economic elites during the negotiation period, Pinochet would lose the support of many Chilean citizens, especially by those who benefitted from Allende’s previous policies. Despite this loss of support, the opposition found it difficult to increase its negotiation power against the Pinochet regime due to the economic prosperity observed during its rule.⁹²

⁸⁷ For more on the Allende’s policies, see Beatriz Armendáriz and Felipe Larraín, *The Economics of Contemporary Latin America* (Cambridge, MA: MIT Press, 2017), 68, 151.

⁸⁸ Barany, *The Soldier and the Changing State*, 147.

⁸⁹ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 205.

⁹⁰ Albertus and Gay, “Unlikely Democrats: Economic Elite Uncertainty under Dictatorship and Support for Democratization,” 625; Barany, *The Soldier and the Changing State*, 148.

⁹¹ Barrett, “Business-Labour-State Relations in New Chilean Democracy,” 4.

⁹² Peeler, *Building Democracy in Latin America*, 59–60.

2. Political Effects

Political actions during Pinochet's rule also led to the military's high negotiation power during transition. In an effort to consolidate his rule, Pinochet ratified a new constitution in 1980. This constitution enhanced executive powers by establishing a "protected democracy... [which] limited political pluralism and secured military tutelage over civilian authorities."⁹³ The constitution also established roles for the military within Chile's political system and created a powerful National Security Council (Consejo de Seguridad Nacional, COSENA).⁹⁴ These newly defined roles provided a constitutionally backed increase in the military's political power and autonomy. These powers remained throughout democratic transition, resulting in Pinochet's increased ability to negotiate prerogatives beneficial to the military's autonomy.⁹⁵

The new constitution also established the Constitutional Tribunal, which further strengthened the military's political power. This tribunal was composed of seven members selected by the COSENA and ruled on the "constitutionality of organizations and political parties."⁹⁶ This power would further weaken those in opposition to the military's rule as it was able to deem certain groups unconstitutional without the ability to appeal.⁹⁷ The creation of such an institution within the legal framework increased fragmentation of opposition groups and resulted in a lack of internal structure, which diminished the opposition's ability to directly negotiate with the outgoing, highly institutionalized, Chilean military regime.⁹⁸

In an effort to obtain regional and international legitimacy for his rule, Pinochet also included presidential term limits in the constitution, initiating the process of the 1988

⁹³ Claudia Heiss and Patricio Navia, "You Win Some, You Lose Some: Constitutional Reforms in Chile's Transition to Democracy," *Latin American Politics and Society* 49, no. 3 (2007): 163, <http://www.jstor.org.libproxy.nps.edu/stable/30130814>.

⁹⁴ Heiss and Navia, 166–67.

⁹⁵ Pion-Berlin, *Civil–Military Relations in Latin America*, 217.

⁹⁶ Heiss and Navia, "You Win Some, You Lose Some," 177–78.

⁹⁷ Heiss and Navia, 172.

⁹⁸ Heiss and Navia, 168–69.

plebiscite.⁹⁹ Originally, these terms were intended to conserve his political power as they provided Pinochet with an eight-year presidential term starting in 1981, and “outlined the special powers granted to the president and to the Junta, which would serve as the legislative body.”¹⁰⁰ With these powers, the ruling military Junta was able to nominate Pinochet as a presidential candidate at the end of Pinochet’s first eight-year term. Though Pinochet lost the plebiscite to a left-wing multiparty coalition, called the Concertación de Partidos por la Democracia (CPPD, or Concertación), the Junta’s attempt to nominate Pinochet shows that the military was fully in charge of the government and there was no political opposition able to oppose his nomination. As Pinochet only lost the plebiscite in a narrow margin, he was able to lean on support from a large number of the population during the negotiation period. These were likely elites and those in the middle class who were not affected by his political or social actions but did benefit from his economic efforts.

After losing the 1988 plebiscite, Pinochet implemented 54 constitutional reforms days prior to the 1989 presidential elections. These reforms mainly addressed the elimination of many executive powers and reinforced military autonomy.¹⁰¹ Several of these provisions stripped the president’s authority to order the resignation or removal of high-ranking officers and designated the commander-in-chief of the military the sole authority to nominate major military generals.¹⁰² Pinochet also passed the Organic Constitutional Law, which prevented the military budget from reaching below its already high 1989 budget level.¹⁰³ Additionally, Pinochet ensured that the 1958 Restricted Law on Copper (Law 13,196, Ley Reservada de Cobre, hereby called the Copper Law) remained in place, which devoted 10 percent of the Chilean National Copper Corporation’s (Corporación Nacional del Cobre de Chile, CODELCO) annual sales to the military

⁹⁹ O’Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 15; Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, 115.

¹⁰⁰ Heiss and Navia, “You Win Some, You Lose Some,” 166.

¹⁰¹ Heiss and Navia, 167.

¹⁰² Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 208.

¹⁰³ Linz and Stepan, 208–9; Hunter, “Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru,” 459.

budget, including a stipulation that the allotted amount shall not go below \$180 million U.S. dollars.¹⁰⁴

Pinochet was also able to ensure military autonomy by decreasing the incoming elected government's ability to generate new policies. Using constitutional prerogatives enacted in the 1980 constitution, Pinochet appointed nine of the 47 Chilean senate members.¹⁰⁵ These members included himself (as the former president) and Commander-in-Chief of the army and members of the Junta, as former chiefs of staff of the armed and police forces.¹⁰⁶ Though the Concertación received a majority of the popular vote to fill a majority of the Senate seats, the nine appointments caused the Concertación to be outnumbered in the Senate 25 to 22, thus denying the Concertación a Senate majority and the ability to make major changes to the Pinochet constitution.¹⁰⁷ Additionally, Pinochet appointed "supreme court justices, mayors, [and] regional governors."¹⁰⁸ This continuation of political priorities in powerful positions gave Pinochet and his allies the power to reject the new government's attempts to reform the constitution or implement new policies focused on decreasing military autonomy while increasing civilian control.

3. Social Effects

Human rights violations and the aforementioned economic effects on the poorer segments of the population during Pinochet's rule had a detrimental impact on the military's negotiation power during democratic transition. These social effects, however, were not significant enough immediately after transition to create a considerable impact on the military's ability to achieve its prerogatives. The Pinochet regime, whose initial and

¹⁰⁴ Hunter, "Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru," 459.

¹⁰⁵ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 207.

¹⁰⁶ Constitución Política de La República de Chile 1980, Art. 45 (1980), <https://www.bcn.cl/obtienearchivo?id=documentos/10221.1/60446/3/132632.pdf>.

¹⁰⁷ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 208; Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile"; Heiss and Navia, "You Win Some, You Lose Some."

¹⁰⁸ Stephan Haggard and Robert R. Kaufman, "The Political Economy of Democratic Transitions," *Comparative Politics* 29, no. 3 (1997): 271, <https://doi.org/10.2307/422121>.

primary focus was on internal security, made early and harsh efforts to restructure the social and political environment to its benefit.¹⁰⁹ To accomplish this, Pinochet's authoritarian regime resorted to a brutal and calculated campaign that repressed and violated the human rights of the political left.¹¹⁰ Further codifying these actions into law under the protected democracy provisions of the constitution, Pinochet intended to diminish the political power of the opposition and increase the autonomy of the military.¹¹¹

The Pinochet regime's human rights violations have been highlighted in two reports completed after Chile's democratic transition. The first report, released in 1991, was the National Commission for Truth and Reconciliation (Comisión Nacional de Verdad y Reconciliación), also known as the Rettig Commission.¹¹² The report identifies roughly 3,000 Chilean individuals that were killed or disappeared at the hands of the military dictatorship.¹¹³ As the Rettig Commission only investigated crimes resulting in death or disappearance, Chile later conducted the National Commission on Political Imprisonment and Torture (Comisión Nacional Sobre Prisión Política y Tortura) in 2004, also known as the Valech Commission. The Valech report investigated human rights offenses and crimes that did not result in death and added 28,459 cases of torture and detention.¹¹⁴ The report further declared that most of the arbitrary arrests, approximately 67.4%, occurred between September and December 1973.¹¹⁵

¹⁰⁹ *The Decline of Military Regimes: The Civilian Influence*, Westview Special Studies in Military Affairs (Boulder: Westview Press, 1988), 118; Peeler, *Building Democracy in Latin America*, 57.

¹¹⁰ Peeler, *Building Democracy in Latin America*, 57.

¹¹¹ Ensalaco, "Military Prerogatives and the Stalemate of Chilean Civil–Military Relations," 258.

¹¹² *Report of the Chilean National Commission on Truth and Reconciliation* (University of Notre Dame: United States Institute of Peace), https://www.usip.org/sites/default/files/resources/collections/truth_commissions/Chile90-Report/Chile90-Report.pdf.

¹¹³ David Weissbrodt and Paul W. Fraser, ed. National Commission on Truth and Reconciliation, *Human Rights Quarterly* 14, no. 4 (1992): 618, <https://doi.org/10.2307/762329>; Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 285.

¹¹⁴ "Commission of Inquiry: Chile," United States Institute of Peace, September 2, 2009, <https://web.archive.org/web/20090902210612/http://www.usip.org/resources/commission-inquiry-chile-03>.

¹¹⁵ Comisión Nacional Sobre Prisión Política Y Tortura, *Informe de La Comisión Nacional Sobre Prisión Política Y Tortura* (Chile: Ministerio del Interior, 2004), 17–20, https://web.archive.org/web/20070926215444/http://www.comisionprisionpoliticaytortura.cl/listado_informes.html.

B. DEGREE OF CHILEAN MILITARY NEGOTIATION POWER

The economic, political, and social actions of the previous military regime helped determine its degree of negotiation power upon democratic transition.

1. Due to Economic Effects

Successful economic policies during the Pinochet era gave the military a high degree of negotiation power during the democratic transition period. This is due to the increased support of economic elites, who are in a strategic position to operate within “powerful organizations, to affect national political outcomes regularly and substantially.”¹¹⁶ Furthermore, elites did not prefer a democratic transition and a political left turn, as they feared a return to ISI and protectionist policies that seemed to fail during the Allende presidency.¹¹⁷ This support helped the military secure institutional safeguards and prerogatives upon transition.¹¹⁸

With this strong level of support, the newly elected government and their political supporters decided not to make immediate attempts to punish the military and its leaders.¹¹⁹ Instead, elected leaders were “compelled to appease generals, who, in turn, [tended] to carefully prepare their abdication of power and to preside over united and highly cohesive military establishments.”¹²⁰ Economic effects of the Pinochet regime helped contribute to increased civilian elite support within political institutions and hindered the Concertación’s attempts to make immediate changes to the civil–military relationship.

2. Due to Political Effects

Political actions of the Pinochet regime gave the military a medium/high degree of negotiation power. Pinochet’s successful ratification of the 1980 constitution established a

¹¹⁶ Peeler, *Building Democracy in Latin America*, 124.

¹¹⁷ Armendáriz and Larrain, *The Economics of Contemporary Latin America*, 81.

¹¹⁸ Hunter, “Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru,” 454.

¹¹⁹ Barany, *The Soldier and the Changing State*.

¹²⁰ Barany, 150.

legal basis for military prerogatives and high requirements for subsequent governments to repeal these changes. The inability of the incoming government to legally institute political control over the military was perhaps the largest factor to benefit the military's autonomy. With the constitution in place, Pinochet, along with the officers and civilians he strategically placed in positions of authority, were able to maintain a majority and oppose proposed constitutional reforms aimed at increasing civilian control of the military.¹²¹ As Pinochet returned as the Commander-in-Chief of the Chilean army until 1998, he "deliberated... against the affairs of those democratically elected authorities."¹²² Strong and devoted civilian and military support within the government increased the military's ability to negotiate, maintain, and protect prerogatives. This support also allowed Pinochet to oppose reforms aimed at decreasing military autonomy and increasing civilian control of the military.

The Concertación's popular support, however, slightly decreased the military's negotiation power. During negotiations, "the military made some concessions on protected democracy to preempt a Concertación effort to dismantle the constitution, while the Concertación agreed to fewer reforms than originally demanded to make it easier to reconstruct the country and not just solve the issues inherited from the past."¹²³ Additionally, the dictatorship conceded to a reform that would ensure that the defense of human rights was regarded as the duty of the State.¹²⁴ Though this made the military more vulnerable to future human rights legal proceedings, the military assumed such lawsuits would not be brought to trial.¹²⁵ These actions show that military negotiation power due to political effects was not as high as the military may have preferred in the interest of protecting senior officers from punishment stemming from human rights violations.

¹²¹ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 206–7; Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 62.

¹²² Carlos Solar, "Defence Ministers and the Politics of Civil–Military Labour in Chile: A Dialogue with Huntington's the Soldier and the State," *Contemporary Politics*, December 12, 2018, 6, <https://doi.org/10.1080/13569775.2018.1554332>.

¹²³ Heiss and Navia, "You Win Some, You Lose Some," 164.

¹²⁴ Heiss and Navia, 176.

¹²⁵ Heiss and Navia, 176.

3. Due to Social Effects

Social factors gave the outgoing military a medium degree of negotiation power for the military during the democratic transition. The lower classification is mainly due to the opposition's ability to use the military's lack of popular support, mainly due to the negative effects of Pinochet's economic policies on the Chilean working class and human rights abuses against Chilean citizens, to negotiate prerogatives beneficial to the new democratic government. This can be seen by the military's concessions to the aforementioned reforms in order to prevent bringing these reforms to a popular plebiscite. However, the classification is not lower as the military government received nearly 45% of the "yes" vote during the plebiscite and were still able to negotiate the "highest prerogatives among all Latin American neighbors,"¹²⁶ despite its harsh human rights record.

4. Overall Degree of Chilean Military Negotiation Power

Incorporating all factors discussed reveals that the military's overall negotiation power was medium/high. This relatively high degree of negotiation power enabled the outgoing military government to obtain prerogatives such as immediate safeguards of legal actions against the regime's human rights abuses, a continued and strong presence in the government, the protection of military commanders from imprisonment or dismissal, and the ability to implement safeguards against constitutional reforms aimed to decrease military autonomy.¹²⁷

C. NEGOTIATION POWER'S EFFECT ON CMR DIRECTLY AFTER TRANSITION (1990–2010)

The outgoing Chilean military's medium/high degree of negotiation power upon democratic transition allowed the military to negotiate and maintain prerogatives beneficial to its autonomy. This degree of negotiation power also had a strong effect on the development of CMR directly after democratic transition.

¹²⁶ Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 283.

¹²⁷ Ensalaco, "Military Prerogatives and the Stalemate of Chilean Civil–Military Relations," 258–63.

1. On Institutional Control Mechanisms

Due to the military's strong negotiation stance, institutional control mechanisms directly after democratic transition was low. This was seen shortly after Patricio Aylwin assumed the presidency in 1990. Considering Chile's relative economic success in the region, Aylwin's government decided not to make swift, major, economic changes in the Chilean economy or military autonomy. This decision was "based on the fear of reigniting politicized state labor relations, the economic benefits of keeping the same rules in place, and pressure from organized business and right-wing parties."¹²⁸ This also shows that elite support due to economic factors decreased the incoming government's ability to establish democratic institutional control of the military. Additionally, Pinochet's economic successes after moving away from the ISI model increased the autonomy of the economic elites and weakened both political and interest groups that supported the previous failed policies.¹²⁹

Negotiation power due to political factors was a major influence in the new government's inability to establish civilian institutional control mechanisms. Constitutional prerogatives, such as the executive's inability to remove Pinochet's from his role as the Commander-in-Chief of the Chilean army, the president's inability to exile citizens, the role of the COSENA and constitutional tribunal,¹³⁰ designated political figures, and Pinochet's transition to senator-for-life after retirement from the armed forces, limited the democratic government's ability to establish civilian institutions to provide unimpeded guidance and direction to the military.¹³¹ Pinochet's initial ability to retain

¹²⁸ Jewellord T Nem Singh, "Reconstituting the Neostructuralist State: The Political Economy of Continuity and Change in Chilean Mining Policy," *Third World Quarterly* 31, no. 8 (2010): 1420, <http://www.jstor.org.libproxy.nps.edu/stable/41059760>.

¹²⁹ Maxwell A. Cameron and Eric Hershberg, *Latin America's Left Turns: Politics, Policies, and Trajectories of Change* (Boulder, Colorado: Lynne Rienner Publishers, 2010), 36.

¹³⁰ After transition, Chilean democrats were able to make changes to the role and power of the NSC and tribunal, but not eliminate them. For more, see Ensalaco, "Military Prerogatives and the Stalemate of Chilean Civil–Military Relations," 263–69.

¹³¹ Ensalaco, 261; Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 211.

these constitutional prerogatives allowed the military to maintain autonomy and a strong presence within the Chilean political system even after he left the presidency.¹³²

Pinochet's return to his role as the Commander-in-Chief of the army hindered the civilian MOD's ability to act as a link between elected civilian policymakers and military officers. Aylwin filled defense subsecretary positions with civilians as opposed to the traditional military chiefs. In exchange, he allowed the military to veto his choices for these positions.¹³³ Consequently, Pinochet vetoed all experienced nominees and eventually allowed the appointment of a subsecretary with no experience in defense policies or issues.¹³⁴ Furthermore, due to Pinochet's political influence, Congress rejected many proposed reforms related to diminishing military autonomy, investigating human rights abuses, and reforming the military justice system during the Aylwin and Eduardo Frei (1995-2000) administrations.¹³⁵ This continuity within the political environment negatively affected control mechanisms as the new government faced an "institutional framework that [favored] military involvement in politics, a strong right-wing sector in Congress that [supported] the military, and the military's high levels of professional and financial autonomy, which [allowed] it to plan its own activities."¹³⁶ This framework limited the government's ability to secure democratic civilian control of the military.

2. On Oversight

The Chilean military's relatively high negotiation power translated to a low degree of civilian oversight over the military directly after democratic transition. The Organic Constitutional and Copper Laws "allowed the military to remain insulated from civilian

¹³² Sergio Bitar, Juan Pablo Cárdenas, and Roger Burbach, "Chile's Transition," *World Policy Journal* 6, no. 1 (1988): 169, <http://www.jstor.org.libproxy.nps.edu/stable/40209103>.

¹³³ Weeks, "Democratic Institutions and Civil-Military Relations: The Case of Chile," 70.

¹³⁴ Weeks, 70.

¹³⁵ Weeks, 74-75.

¹³⁶ Fuentes, "After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy," 112.

economic pressures.”¹³⁷ These laws provided greater autonomy to the armed forces and virtually no civilian oversight in the military’s budget by denying the government the ability to decrease military spending at the democratic government’s discretion.

Constitutional assurances for the military, such as the president’s inability to freely dismiss military commanders, also highlight the degraded level of oversight mechanisms. The newly elected government, however, eventually identified constitutionally legal options to elect top officers. Though constitutional reforms blocked the president’s ability to appoint, promote, or remove high-ranking officers without a presidential decree and recommendation by the military, the president could also decide not to issue the decree.¹³⁸ This power gave the president the ability to indirectly organize the structure of the military’s high-ranking officers by obstructing promotion selections via presidential veto, especially for those officers implicated in human rights violations.¹³⁹ As these attempts were indirect and not based on a legal framework to limit the military’s autonomy, however, the assessment for oversight directly after transition remains low.

High negotiation power, along with the democratic government’s actions to increase executive powers after transition, caused a decrease in legislative oversight of the military. As a result, defense committees in the Chilean congress and senate displayed a “low capability – legally and technically – to exercise effective control of the Armed Forces”¹⁴⁰ within the first decades of democratic rule. This demonstrated a low level of expertise and political will for defense-related issues.¹⁴¹ This is observed in the legislator’s inability to create a viable alternative to the Copper Law directly after transition, the lack of security clearances in Congress to access classified information, and willingness to allow

¹³⁷ Hunter, “Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru,” 459.

¹³⁸ Heiss and Navia, “You Win Some, You Lose Some,” 183.

¹³⁹ Heiss and Navia, 183; Hunter, “Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru,” 458.

¹⁴⁰ Matei and Robledo, “Democratic Civilian Control and Military Effectiveness: Chile,” 289.

¹⁴¹ Matei and Robledo, 289.

the Executive to determine pertinent defense issues to be debated by the legislature.¹⁴² In the first decades of democratic rule, Congress was only included in defense-related policy upon the request of the Defense Minister and only in the capacity to make observations. The Defense Minister, still enduring the unremovable presence of Pinochet and his supporters, was the final decision maker pertaining to defense policy.¹⁴³

The democratic government also lacked the ability to ensure oversight mechanisms via the judicial system. In 1995, the Supreme Court sentenced General Manuel Contreras, a retired Intelligence Chief who was found responsible for the 1976 murder of Orlando Letelier in Washington, D.C., to seven years in prison. Following this sentence, the army and the navy helped Contreras avoid prison for four months until the government made concessions to increase the army's pay, end corruption investigations against Pinochet, allow mixed prison custody, and end the active pursuit of human rights violations against the military.¹⁴⁴ Though the court decision was a major turning point for CMR, the government's compromise is evidence of their inability to ensure the armed forces follow the democratic government's direction and judicial process.

3. On Professional Norms

The military's strong negotiating stance resulted in a low level of democratically influenced professional norms directly after transition. Though the military was strong, hierarchical, and professional prior to democratic transition,¹⁴⁵ it was also independent and autonomous due to constitutional assurances and protections. The composition of the legal institutions and budgetary laws that favored military autonomy prevented the democratically elected government's ability to establish necessary and transparent policies that would provide requisite institutions committed to training, recruitment, and education

¹⁴² Matei and Robledo, 289–90.

¹⁴³ Matei and Robledo, 289.

¹⁴⁴ Fuentes, "After Pinochet: Civilian Policies Toward the Military in the 1990s Chilean Democracy," 129; Weeks, "Democratic Institutions and Civil–Military Relations: The Case of Chile," 77; Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 286.

¹⁴⁵ Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 69, 211.

for the military. Due to this high level of autonomy, professional norms were not established, managed, and controlled by democratically elected leadership.

D. DIMINISHED EFFECTS OF MILITARY NEGOTIATION POWER

Though the military's strong negotiation powers allowed it to enjoy a high level of autonomy directly following democratic transition, these powers diminished over time due to social effects, specifically the lasting effects of human rights violations, Pinochet's decreased influence in the political environment, and the military's increased trust in civilian capabilities to determine defense policy. These catalysts helped increase democratic civilian control of the military and allowed the Chilean democratic government to ultimately enact sweeping reforms in 2010 via the Law on the Organization and Functioning of the MOD.

1. Social Factors over Time

Lingering social effects helped trigger a gradual evolution of CMR over time as the Rettig and Valech reports—and subsequent legal actions via human rights trials—minimized the legitimacy and support of the Pinochet regime. Due to these longer-lasting social factors, political and economic factors that were previously paramount to the military's autonomy were eventually weakened. Politically, the Concertación “went on to win the presidency in 1989 (with 55 percent), 1993 (with 58 percent), and 1999–2000 (with 51 percent) and capture and hold the majority in the Chamber of Deputies after 1989.”¹⁴⁶ Economically, the democratically elected governments would reduce the concerns of the economic elites as they maintained most of Pinochet's economic principles and achieved high growth rates throughout the first decade of democratic rule.¹⁴⁷

Eventually, the political and economic success of the democratic governments caused the military to understand that “democracy is the ‘only game in town’ in Chile and

¹⁴⁶ Peeler, *Building Democracy in Latin America*, 104.

¹⁴⁷ Barany, *The Soldier and the Changing State*, 147; Armendáriz and Larraín, *The Economics of Contemporary Latin America*, 248.

therefore civilian guidance and oversight are part of the game.”¹⁴⁸ The success of the human rights reports and trials highlighted the diminishing role of the military in the government and as an influencing factor in the judicial system.¹⁴⁹ This declining role in the political environment helped garner the democratic government’s ability to implement legislative and institutional reforms.

2. Pinochet’s Diminishing Support and Arrest

The military’s strong negotiation power and preserved prerogatives diminished over time due to legislative actions of the democratic government and limitations within the constitution. Within the first decade of democratic rule, the Aylwin administration was able to negotiate with the military to implement reforms that increased the number of members in the Senate, thus reducing the political strength of Pinochet’s designated Senate members. His government was also able to limit COSENA’s power by diminishing the military’s majority within the council and assigning the council an advisory role to the executive.¹⁵⁰ Additionally, as the 1980 constitution set eight-year term limits for senators,¹⁵¹ those strategically placed by Pinochet would eventually depart at the end of their term, allowing them to eventually be replaced by democratic administrations until 2006 constitutional reforms were able to ultimately eliminate Senate seats held by officers.¹⁵²

Pinochet’s 1998 arrest in London strongly diminished the strength of the military’s negotiation and political power. After Pinochet’s arrest, General Ricardo Izurieta, President Frei’s newly appointed head of the Armed Forces, was willing to work with the

¹⁴⁸ *The Routledge Handbook of Civil–Military Relations*, Civil–Military Relations (New York: Routledge, 2012), 283.

¹⁴⁹ Jonathan R. Barton and Laura Tedesco, *The State of Democracy in Latin America: Post-Transitional Conflicts in Argentina and Chile* (New York: Routledge, 2004), 365, <https://doi.org/10.4324/9780203339039>.

¹⁵⁰ Hunter, “Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru,” 457.

¹⁵¹ Chilean Const. Of 1980 Art. 45 XLV. <https://www.bcn.cl/obtienearchivo?id=documentos/10221.1/60446/3/132632.pdf>

¹⁵² *The Routledge Handbook of Civil–Military Relations*, 287.

Edmundo Pérez Yoma, Frei's Minister of Defense, in order to put an end to the military's contestation of human rights trials and work toward modernizing and professionalizing the military as an institution.¹⁵³ Administrations following this point of departure were also able to work toward diminishing military prerogatives and increasing civilian control of the military.¹⁵⁴

3. Increased Trust over Time

President Frei's actions to increase civilian expertise in security and defense policy also helped increase the military's trust in the civilian government over time. This trust helped improve relations between the military and the government and diminish the military's desire to maintain strong prerogatives pertaining to autonomy. Striving to work closer with the military in a more professional manner, Pérez Yoma made attempts to improve the civilian's ability to develop defense policy by creating a MOD advisory committee consisting of military officers.¹⁵⁵ The military's increased trust in the democratic government's ability to determine policy "brought about positive changes (and even acceptance) in the Armed Forces' attitudes toward constitutional reforms, civilian decisions, democracy, and human rights."¹⁵⁶ This modified mindset diminished the military's determination to maintain prerogatives over time as they preferred to work with the government as opposed to resisting it.

In sum, social factors, Pinochet's diminished support, and the military's increased trust in the democratic government helped facilitate democratic efforts to improve CMR by increasing civilian control over the military. As a result, the military did not publicly reject later legislative reforms that drastically reduced the military's role in politics.¹⁵⁷ As the military's negotiation powers and ability to maintain prerogatives were diminished by

¹⁵³ Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 286.

¹⁵⁴ Matei and Robledo, 287.

¹⁵⁵ Weeks, "Democratic Institutions and Civil–Military Relations: The Case of Chile," 71; Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 286.

¹⁵⁶ Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 287.

¹⁵⁷ Matei and Robledo, 287.

2010, President Michelle Bachelet (2006-2010) was able to reform the MOD by passing the MOD Law in February 2010.¹⁵⁸ This law gave the civilian-led Defense Ministry the power to determine force structure and develop all aspects of defense policy, planning, and professional military education.¹⁵⁹

E. NEGOTIATION POWER’S EFFECT ON CMR OVER TIME (2010 – PRESENT)

Due to Chile’s improved CMR since 2010, many post-MOD law analyses of Chilean CMR exhibit a higher evaluation of overall civilian democratic control of the Chilean military. Using their framework, Matei and Bruneau evaluate democratic control of the Chilean military as medium/high and conclude that Chile has a “robust [mechanism] of democratic civilian control.”¹⁶⁰ Specifically, this analysis notes that Chile successfully fulfills all three requirements for democratic control as elected governments worked to reduce the gap between democratic civilian control and military autonomy.¹⁶¹ As seen in Table 1, efforts to increase civilian control over time resulted in a substantial difference in CMR between transition and 2019.

Table 1. Comparison of Democratic Civilian Requirements in Chile 1990–2010 and 2010–2019.

Requirements for Civilian Control	1990-2010	2010-2019
Institutional Control Mechanisms	Low	High
Oversight	Low	Medium
Professional Norms	Low	Medium/ High

¹⁵⁸ Estatuto Orgánico Del Ministerio De Defensa Nacional, Pub. L. No. 20424 (2010), <https://www.leychile.cl/Navegar?idNorma=1010682&buscar=20424>.

¹⁵⁹ Matei and Robledo, “Democratic Civilian Control and Military Effectiveness: Chile,” 283.

¹⁶⁰ Bruneau and Matei, *The Routledge Handbook of Civil–Military Relations*, 344–45.

¹⁶¹ *The Routledge Handbook of Civil–Military Relations*, 283, 344.

1. On Institutional Control Mechanisms

Changes in institutional control mechanisms show that civilian governments have increased the ability to provide direction through civilian-led institutions to high. Though constitutional reforms were strongly contested by the military, President Aylwin was able to redefine the military's role in internal security by bringing the Carabineros,¹⁶² "back into the Interior Ministry, but also by subordinating military intelligence to a new legislation and civilian-led intelligence community."¹⁶³ Additionally, he was able to lower the restrictions needed to amend the 1980 constitution.¹⁶⁴ These were necessary efforts to begin the process of increasing civilian institutional control and reducing military autonomy.

The MOD law increased the role of the civilian government and decreased the military's autonomy. This was done by increasing the civilian MOD's power by giving managerial, planning, and advisory roles to the ministry.¹⁶⁵ The law also transformed the legal institutional framework as it granted the MOD the power to formulate public policy and lead the military with the advice of the Chilean Joint Chiefs of Staff, service chiefs, Undersecretary of Defense, and Undersecretary of the Armed forces.¹⁶⁶ Soon after, President Sebastian Piñera (2010-2014) passed a law that clearly distinguished the difference between national defense and national security, providing further clarification of the constitution's definition of the terms and the military's role in the defense of the nation as opposed to the internal security of the nation.¹⁶⁷ The codification of these roles

¹⁶² Carabineros are Chile's militarized, national police force charged to guarantee public order and internal security with the Chilean Republic. "Carabineros de Chile: Misión y Visión," Carabineros de Chile, accessed September 16, 2019, <https://www.carabineros.cl/secciones/misionVision>; Wendy Hunter, "Negotiating Civil–Military Relations in Post-Authoritarian Argentina and Chile," *International Studies Quarterly* 42, no. 2 (1998): 309.

¹⁶³ *The Routledge Handbook of Civil–Military Relations*, 285–86.

¹⁶⁴ Hunter, "Continuity or Change? Civil–Military Relations in Democratic Argentina, Chile, and Peru," 457.

¹⁶⁵ Solar, "Defence Ministers and the Politics of Civil–Military Labour in Chile: A Dialogue with Huntington's the Soldier and the State," 9.

¹⁶⁶ Solar, 5; Matei and Robledo, "Democratic Civilian Control and Military Effectiveness: Chile," 283.

¹⁶⁷ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 153.

into law shows the civilian's increased ability to establish institutional control mechanisms over the armed forces and the acceptance of these controls by the military.

Notably, changes to the Copper Law over time have shown the civilian's capability to decrease the military's autonomy through institutional control mechanisms. As details pertaining to the amount of money given to the military was restricted to the public and placed in secret accounts,¹⁶⁸ President Bachelet later approved modifications to the law in 2016, reversing the secret status of the accounts.¹⁶⁹ In 2019, civilian lawmakers passed a measure to abolish the Copper Law, establish a budget to fund the armed forces, and establish congressional oversight over this fund.¹⁷⁰ The civilian government's ability to acquire the power of the purse shows a high level of institutional control mechanisms as these laws have allowed civilian leadership to decrease military autonomy and increase democratic control of the government.

2. On Oversight

Oversight by civilian over the military increased to medium in Chile due to the changes in institutional control mechanisms. By 2006, a new constitution was adopted that provided clear external roles for the military, reduced the military's involvement in politics, and eliminated Senate seats held by officers.¹⁷¹ By 2010, all military officers, non-commissioned officers, and chiefs of the secret police during the Pinochet regime who participated in human rights offenses were in jail or on trial.¹⁷² By eliminating the presence of the military in the higher levels of the government, civilian leaders were able to exercise

¹⁶⁸ Presidential Decree Law No. 1530/1976 (1976), <https://www.leychile.cl/Navegar?idNorma=1098358>.

¹⁶⁹ According to the law, amount was to be published in the Chilean government's Official Gazette, owned by the Minister of Interior and Public Security. Ministerio de Hacienda: Exige La Publicación en el Diario Oficial De La Ley N° 13.196, Reservada Del Cobre, Pub. L. No. 20977 (2016), <https://www.leychile.cl/Navegar?idNorma=1098152>.

¹⁷⁰ "Chilean Lawmakers Abolish Law Requiring CODELCO to Finance Military," *Reuters*, July 24, 2019, <https://www.reuters.com/article/us-chile-copper-codelco-idUSKCN1UJ2UN>.

¹⁷¹ *The Routledge Handbook of Civil–Military Relations*, 287.

¹⁷² *The Routledge Handbook of Civil–Military Relations*, 288.

oversight by establishing legal parameters to redefine military roles and missions and by establishing civilian supervisory roles to ensure these tasks were fulfilled.¹⁷³

The capabilities of Chile's defense commissions have also increased over time. Though previously incapable of providing oversight of the military, the defense commissions "approve and reject defense related bills it receives [and] has charge of the budget items corresponding to defense. Furthermore, they audit the ministry and the services that make up the armed forces and plays a crucial role in the development of defense policy."¹⁷⁴ This shows democratic governing bodies accountable for oversight of the armed forces that did not exist, or were weaker directly after democratic transition.

After passage of the MOD law, further increase in the capabilities of the MOD can be seen over time as well. Prior to the MOD law, "the MOD had fewer powers than the military chiefs."¹⁷⁵ This changed, however, as the MOD law gave greater powers to the defense ministers. The selected defense ministers, in turn were capable of leading the MOD based on their high level of expertise and experience in public policy. As Solar notes, from 2000 – 2018, Chile has staffed the MOD position with highly experienced individuals that have had experience in both policy-making and defense matters serving in previous governments in congressional, ambassadorial, and economic policy roles.¹⁷⁶ The increased roles for the MOD now allows these capable individuals to implement defense policies without the need to rely solely on the advice of military leaders.

The grade for oversight is not higher, however, due to the lack of civilian expertise in the congressional defense commissions and the number of military personnel within the MOD. Despite the increased capabilities of the Chilean defense committees over time, limited expertise in congress remains. Due to the strong executive branch, Chile's congress

¹⁷³ Solar, "Defence Ministers and the Politics of Civil–Military Labour in Chile: A Dialogue with Huntington's the Soldier and the State," 8.

¹⁷⁴ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 154.

¹⁷⁵ Pion-Berlin and Martínez, 191.

¹⁷⁶ Solar, "Defence Ministers and the Politics of Civil–Military Labour in Chile: A Dialogue with Huntington's the Soldier and the State," 11.

has been reactionary to presidential initiatives to defense and military policies.¹⁷⁷ This diminishes Chile's ability to exert legislative oversight as legislators and members of defense commissions lack knowledge on defense related matters and interest without first considering the executive branch's initiatives.¹⁷⁸

Within the MOD, the sizeable number of military personnel advising the ministry also brought the grade down to medium. As Pion-Berlin and Martínez note, the presence of both civilian and military within the ministry can be beneficial.¹⁷⁹ However, as “three of the five departmental directors within the Subsecretariat of Defense were military men, and 21 percent of its professional staff were from the armed forces,”¹⁸⁰ military presence at all levels of planning may affect democratic and strategic priorities if they are not consistent with those of the armed forces.

3. On Professional Norms

Professional norms set through policies enacted by democratically elected governments also increased to a medium/ high grade over time. This is mainly due to the evolution of the previous two mechanisms that allowed CMR to mature.¹⁸¹ As democracy has established itself, and both formal and informal channels of dialogue have been created over time, “generals can more easily reach and persuade ministers to resource the force, that is, due to the idea that a strong military is better placed to serve the country's national security strategy.”¹⁸² The establishment of professional military education (PME) focused

¹⁷⁷ Matei and Robledo, “Democratic Civilian Control and Military Effectiveness: Chile,” 289; Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 196.

¹⁷⁸ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 197.

¹⁷⁹ Pion-Berlin and Martínez, 192.

¹⁸⁰ Pion-Berlin and Martínez, 192.

¹⁸¹ Solar, “Defence Ministers and the Politics of Civil–Military Labour in Chile: A Dialogue with Huntington's the Soldier and the State,” 8.

¹⁸² Solar, 8.

on the strategic goals of civilian leadership also shows that democratically influenced professional norms have developed over time.¹⁸³

The Chilean government was also able to enact the Law on the Organization and Functioning of the MOD in 2010. This law enabled the civilians to increase institutionalized professional norms by allowing the MOD “to formulate public policy over all spectrums of defense policy as well as strategic planning, force structure, military policy, and professional military education.”¹⁸⁴ These changes increased PME and civilian defense education (CDE) as both the military and civilians have recognized the importance of maintaining a clear understanding of defense and security.¹⁸⁵ The military has also become more active in post-natural disaster internal security, military exercises with regional partners, and international operations with the UN, NATO, and international partners. This increased role has motivated both the military and civilians to invest a greater amount of time and resources in professional norms to ensure military effectiveness and credibility among the population and with international partners.¹⁸⁶

The assessment for professional norms of the Chilean military is not high, however, due to recently uncovered instances of corruption within the Chilean military by senior officers. In 2019, two former Commander-in-Chiefs of the Chilean Army, Retired Army Generals Humberto Oveido (2014-2018), and his predecessor Juan Miguel Fuente-Alba (2014-2010) were investigated and detained for the embezzlement of over \$6.75 million and \$5.1 million, respectively, originally reserved for the army during their time in command.¹⁸⁷ The generals not only used this money for personal luxuries, but also to provide gifts to politicians and monthly endowments to previous Commanders in Chiefs

¹⁸³ For more information on Chilean service academies and PME, see Matei and Robledo, “Democratic Civilian Control and Military Effectiveness: Chile.”

¹⁸⁴ Matei and Robledo, 283.

¹⁸⁵ Matei and Robledo, 292.

¹⁸⁶ *The Routledge Handbook of Civil–Military Relations*, 347.

¹⁸⁷ “Chile Procesa a Dos Ex-Jefes del Ejército por Corrupción,” *ABC International*, June 30, 2019, https://www.abc.es/internacional/abci-chile-procesa-exjefes-ejercito-corrupcion-201906301852_noticia.html; “Un Segundo Ex-Jefe Del Ejército Chileno es Detenido en un Caso de Corrupción,” *Agencia EFE*, June 25, 2019, <https://www.efe.com/efe/america/economia/un-segundo-exjefe-del-ejercito-chileno-es-detenido-en-caso-de-corrupcion/20000011-4009140>.

of the Army.¹⁸⁸ These investigations stemmed from a scandal known as “Milicogate,”¹⁸⁹ where, “a case in which CLP \$6 billion (about U.S. \$8.45 million) was stolen from Copper Reserve Law funds”¹⁹⁰ between 2010 and 2014. During investigations in the Milicogate scandal, it was revealed that military “officers issued invoices associated with fake deals for goods and services that were never supplied, siphoning off the proceeds for their personal benefit, and potentially to pay off higher-ups in the military as well.”¹⁹¹ Another corruption scandal within the Chilean military involved numerous high ranking military officers improperly using official funds for personal reasons. This investigation uncovered instances in which officers, including the Chilean Army Chief of Staff, took over 1,500 personal airplane trips between 2009 and 2014 with money intended for the military.¹⁹²

The assessment is between medium and high and not lower due to the government response to these corruption scandals. Internal and federal investigations toward the ex-Commander-in-Chiefs provide evidence that civilian institutional control and oversight, though not present directly after transition, currently exist. The response to Milicogate included an internal investigation in 2014 and a “parliamentary commission of inquiry in October 2015.”¹⁹³ Soon after the investigation and subsequent arrests, the secrecy of the Copper Law, as noted previously, was modified and eventually abolished to increase oversight on the military’s use of funds. In response to the airplane tickets scandal, “President Sebastián Piñera... announced a reform of the Chilean armed forces”¹⁹⁴ and a

¹⁸⁸ “Ex-Comandante En Jefe Preso por Corrupción en el Ejército,” *La Izquierda Diario - Red Internacional*, February 23, 2019, <http://www.laizquierdadiario.cl/Ex-comandante-en-jefe-presos-por-corrupcion-en-el-ejercito>.

¹⁸⁹ “Chile’s Milicogate Scandal – Compendium of Arms Trade Corruption,” *World Peace Foundation*, Compendium of Arms Trade Corruption edition, accessed September 6, 2019, <https://sites.tufts.edu/corruptarmsdeals/chiles-milicogate-scandal/>; “Minuta Milicogate” Transparency International Chile Briefing, May 3, 2016, http://www.chiletransparente.cl/wp-content/files_mf/1463167588Minutamilicogate.pdf.

¹⁹⁰ “Chile’s Milicogate Scandal – Compendium of Arms Trade Corruption.”

¹⁹¹ “Chile’s Milicogate Scandal – Compendium of Arms Trade Corruption.”

¹⁹² Boris van der Spek, “Piñera Announces Reform of Armed Forces Over Corruption Scandal,” *Chile Today*, October 22, 2018, <https://chiletoday.cl/site/pinera-announces-reform-of-armed-forces-over-corruption-scandal/>.

¹⁹³ “Chile’s Milicogate Scandal – Compendium of Arms Trade Corruption.”

¹⁹⁴ Spek, “Piñera Announces Ref of Armed Forces Over Corruption Scandal.”

review of all senior officers selected for promotion in 2019 to ensure they are not tied to ongoing or upcoming corruption cases. These actions show the civilian government's ability to provide oversight despite the clear lack of professionalism of many high ranking officers that decreased the Chilean military's professional norms.

F. CONCLUSION

The Chilean case shows that the military's ability to negotiate prerogatives favorable to its autonomy had a negative effect on CMR directly after democratic transition. The Chilean case also shows social factors had the larger effect on negotiation power and military prerogatives over time in comparison to economic and political factors. The persistence of the human rights movement and arrests of high ranking military and intelligence officers previously protected under the amnesty law shows that social factors, which appeared to have a relatively minor effect on the early development of CMR, tended to outlast the political and economic factors of the previous regime. Although political and economic effects of the previous authoritarian regime may be significant to CMR in the short term, social effects may remain and eventually result in improved CMR in the long term.

IV. EFFECTS OF NEGOTIATION POWER ON ARGENTINE CIVIL–MILITARY RELATIONS

Historically, CMR in Argentina have been greatly influenced by the military's involvement in politics. Since the 1930s, Argentina has experienced a multitude of internal armed interventions that have resulted in decades of repressive, military-run governments until its final democratic transition in 1983.¹⁹⁵ The last dictatorship (1976-1983), which was by a military junta, exhibited a low amount negotiation power during democratic transition due to considerable economic, political, and social failures that included a deep economic downturn, a humiliating defeat in the Falklands/Malvinas war, and a substantial number of human rights violations. With the return of democratic rule, these failures also influenced politicians to punish the military by exerting a high level of civilian control over the military.¹⁹⁶

This chapter discusses the last military junta's failures and the effect of these failures on the military's negotiation power. It argues that the factors that led to a low level of negotiation power during democratic transition resulted in a high level of civilian control over the military. This high level of control resulted in the redefinition of the military's roles, political actions to punish the military, political disinterest in increasing the professionalism and capabilities of both the military and the civilian-led MOD.

A. EFFECTS ON NEGOTIATION POWER

Economic, political, and social failures of the Argentine military dictatorship helped prompt democratic transition in Argentina. These failures caused the outgoing military to lose support from the economic elites, politicians, and most of the population.

¹⁹⁵ Since 1930, Argentina has elected nine civilian presidents and six have been overthrown via military coup d'état (1930, 1943, 1955, 1962, 1966, 1976). There have also been nine military heads of state, or military-selected civilian heads of state within this timeframe. "Galería de Presidentes," Casa Rosada, <https://www.casarosada.gob.ar/nuestro-pais/galeria-de-presidentes>; Bruneau, Thomas and Matei, Florina Cristiana, "Asserting Civilian Control: Argentina," in *The Routledge Handbook of Civil–Military Relations* (Routledge, 2013), 151–57; Herbert C. Huser, *Argentine Civil–Military Relations : From Alfonsín to Menem* (Washington, D.C: National Defense University Press, 2002), 36.

¹⁹⁶ Barany, *The Soldier and the Changing State*, 153.

1. Economic Effects

The junta's mismanagement of the economy decreased the military's negotiation power upon democratic transition. As noted by Karen Remmer, prior to the 1976 coup d'état, "Argentina was experiencing negative economic growth, capital flight, and a more than 300 percent rate of inflation"¹⁹⁷ due to María Estela Martínez (Isabel) Perón's (1974–1976) failing protectionist-focused economic programs.¹⁹⁸ After taking control of the government, the commander-in-chief of the army and eventual president, Lieutenant General Jorge Rafael Videla (1976–1981), named poor economic conditions as one of the reasons for military intervention and pledged to revitalize the economy during military rule.¹⁹⁹

The military junta, however, failed to properly implement these promised economic reforms. As Armendariz and Larraín note, though Videla originally vowed to begin a series of reforms focused on privatization and deregulation in order to, "reduce inflation, liberalize trade, and decrease state intervention in the production processes,"²⁰⁰ policy implementation was inconsistent, timid, and uncoordinated.²⁰¹ Despite early efforts to privatize previously state-owned firms and deregulate the economy, the state's role in the economy actually increased over the years as it froze wages and prices in fear that the resulting increase in unemployment may cause social grievances that may influence popular support of guerilla activities.²⁰² The junta also resisted cuts in government

¹⁹⁷ Karen L. Remmer, *Military Rule in Latin America* (Boston: Unwin Hyman, 1989), 77.

¹⁹⁸ Beatriz Armendariz and Felipe Larraín, *The Economics of Contemporary Latin America* (Cambridge, MA: MIT Press, 2017), 73–85; "Argentina" Official memorandum. The National Declassification Center Releases Records Relating to Human Rights Abuses in Argentina, <https://www.archives.gov/files/argentina/data/docid-32732648.pdf>.

¹⁹⁹ Rafael Videla. *A Time for Fundamental Reorganization of the Nation*, speech quoted in Brian Loveman and Thomas M. Davies, *The Politics of Antipolitics: The Military in Latin America* (Rowman & Littlefield, 1997), 160-161.

²⁰⁰ Armendariz and Larraín, *The Economics of Contemporary Latin America*, 79.

²⁰¹ Armendariz and Larraín, 79; Remmer, *Military Rule in Latin America*, 175.

²⁰² Under Isabel Perón's direction, the military government launched an anti-subversive campaign against armed guerrilla groups on both the left (the youth group known as the *Montoneros* and the People's Revolutionary Army (ERP, Ejército Revolucionario del Pueblo) and the right (Argentine Anti-Communist Alliance) starting in 1974. Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 39.

investment for military industries while increasing government spending on the armed forces.²⁰³

By the end of military rule, Argentina was heavily in debt, experiencing extremely high interest rates, and a fiscal deficit higher than the years preceding the military coup.²⁰⁴ These deteriorating conditions caused “disgruntled civilians and even considerable portions of the military... to question the continued presence of a pervasive, repressive military regime.”²⁰⁵ These grievances resulted in diminished public and elite support due to the perception of the military’s inability to rule and its loss of prestige. The lack of support would later have a negative effect on the military’s negotiation power upon transition, as the military would not be able to rely on political support from policymakers or public support to influence these policymakers.

2. Political Effects

Political actions of the military junta also decreased its negotiation powers during democratic transition. Motivated by their disdain for the Peronist government’s populist policies and their focus on crushing political violence stemming from Marxist organizations,²⁰⁶ the military junta used existing laws and executive orders²⁰⁷ to justify the overthrow of the Isabel Perón government. Specifically, the 1853 constitution,²⁰⁸ the

²⁰³ Remmer, *Military Rule in Latin America*, 176, 179; Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 76.

²⁰⁴ Armendáriz and Larraín, *The Economics of Contemporary Latin America*, 93; Remmer, *Military Rule in Latin America*, 174; Michael Adamson, “The International Debt Problem: The Case of Argentina,” *Foundation for Economic Education*, December 1, 1985, <https://fee.org/articles/the-international-debt-problem-the-case-of-argentina/>.

²⁰⁵ Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 42.

²⁰⁶ Barany, *The Soldier and the Changing State*, 145; Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 11.

²⁰⁷ Spanish text and legislative documents for Argentina refer to decrees, or *decretos*, for executive orders passed by both democratic and authoritarian heads of state. As the term “decree is not used much in the U.S. when describing the executive actions of a democratically elected president to mandate legislation, I will use the term “executive order” or “order” as a replacement.

²⁰⁸ Specifically, article 23, which suspends constitutional guarantees during a state of siege. Frederick E. Snyder, “State of Siege and Rule of Law in Argentina: The Politics and Rhetoric of Vindication,” *Lawyer of the Americas* 15, no. 3 (1984): 503–20, <http://www.jstor.org.libproxy.nps.edu/stable/40176037>.

1966 National Defense Law (NDL),²⁰⁹ and Perón's declared state of siege in 1974²¹⁰ gave the military legal context to begin an anti-subversion campaign in the interest of protecting the nation from internal disorder. The military later overthrew the Perón government as it viewed the government as inept and inefficient in its response to economic and social turmoil.²¹¹

These laws and orders gave the military, along with many in the population, the perception that the government overthrow was necessary to save the nation from the dangers of political violence and Perón's mismanagement. Prior to the coup, popular and political support for military intervention was high.²¹² In a speech directly following Perón's overthrow, Videla stated that the military would respect constitutional powers and that assuming control of the government was solely to benefit the people of Argentina and "was in response to the demands of an indispensable obligation emanating from the armed forces' specific mission to safeguard the highest interests of the nation."²¹³ This shows that many had the perception that the military needed to act as guardians of the nation in defense of the constitution.

The military junta, however, ushered in a period of brutal rule during what was called the *Proceso de Reorganización Nacional* (National Reorganization Process – also known as the *Proceso*), in which the military junta led "almost all government bureaucracies, state governments, and security services."²¹⁴ The military dissolved the Congress, gave legislative authority to the junta, enacted harsher laws, extended the state of siege, banned many leftist political parties, and increased the use of force against

²⁰⁹ Specifically, this law allotted an internal role for the military in which it was charge to reestablish order in the event of an internal conflict. "Ley De Defensa Nacional [1966] (Arg.)," Pub. L. No. 16970 (1966), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/45000-49999/46836/norma.htm>.

²¹⁰ "Presidential Decree 1368/1974: Estado de Sitio [1974] (Arg.)" (1974), <http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=259879>.

²¹¹ Snyder, "State of Siege and Rule of Law in Argentina: The Politics and Rhetoric of Vindication," 506–7.

²¹² Barany, *The Soldier and the Changing State*, 146–47.

²¹³ Loveman and Davies, *The Politics of Antipolitics*, 161–62.

²¹⁴ Pion-Berlin, *Civil–Military Relations in Latin America*, 177.

subversives as well as economic and political opponents.²¹⁵ These actions resulted in further political and social unrest as they “severely restricted the individual rights and liberties of Argentine citizens.”²¹⁶ Additionally, as Linz notes, policy disagreements among military leaders and between different services “led to abrupt changes in tentative political alliances and actual economic policies.”²¹⁷ As a result, the military government lost a substantial amount of the public and political support it enjoyed directly preceding the coup. This lack of support resulted in a lack of legitimacy and trust toward the military government, which negatively affected the military’s negotiation power upon transition due to unfulfilled promises and heavy-handed methods of enforcing the law.

In addition to the failure to implement policies committed to improving the physical and economic security of the country, the military junta showed its inability to properly manage foreign policy. These failures were accentuated following failed attempts to claim territory in the Beagle Channel and the disgraceful loss to Great Britain in the Falklands/Malvinas War. Following the political and diplomatic loss of territorial and maritime boundaries in the Beagle Channel to Chile due to papal mediation in 1979,²¹⁸ the military junta, led by Army General Leopold Galtieri (1981-1982) attempted to claim the Falklands/ Malvinas Islands in a “bid to create a new base for military rule.”²¹⁹ Due to the “lack of logistical and technical preparation... [and] a faulty strategy on the part of the Junta,”²²⁰ this campaign ended in the military’s surrender to the British in 1982, negatively

²¹⁵ Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 41; Snyder, “State of Siege and Rule of Law in Argentina: The Politics and Rhetoric of Vindication,” 509–11; Amnesty International, *Argentina: The Full Stop and Due Obedience Laws and International Law*, Index number: AMR 13/004/2003 (Mexico City, Mexico, 2003), 2, <https://www.amnesty.org/en/documents/document/?indexNumber=amr13%2f004%2f2003&language=en>; Brigitte F.P. Lhoëst, “Constitutional Reform in Argentina,” *Verfassung in Recht Und Übersee* 28, no. 2 (1995): 157, <https://doi.org/10.5771/0506-7286-1995-2-155>.

²¹⁶ Snyder, “State of Siege and Rule of Law in Argentina: The Politics and Rhetoric of Vindication,” 509.

²¹⁷ Juan J. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore: Johns Hopkins University Press, 1978), 190.

²¹⁸ Barany, *The Soldier and the Changing State*, 148.

²¹⁹ Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*, 190.

²²⁰ Alejandro Dabat and Luis Lorenzano, *Argentina: The Malvinas and the End of Military Rule* (London: Verso, 1984), 101.

impacting the Argentine military's image.²²¹ For the military, this loss further highlighted its professional deficiencies and caused the military to be seen as incompetent and unreliable by many in Argentine civil and political society.²²² Furthermore, after the loss, "internal military dissension, recriminations, and lack of discipline reached such unprecedented levels that some officers worried about intramilitary armed conflict and the dissolution of the military as an organization."²²³ The military's defeat not only pressured the military junta to return democracy to Argentina²²⁴ but it also sharply decreased the military's negotiation power upon transition.

3. Social Effects

Social effects during the *Proceso* also decreased the military's negotiation power upon democratic transition. The military maintained Isabel Perón's declared 1974 state of siege and began what became known to many as the Dirty War, in which the military regime exhibited the "most repressive and brutal of several military dictatorships in the region, with 5,000 deaths at the hands of the regime as well as 30,000 disappeared."²²⁵ These actions were acknowledged upon transition by the outgoing military regime itself in a 1983 document addressing the nation. This document described the military's actions during the *Proceso* as a "painful, yet still near, past... [that] the nation must never repeat."²²⁶ They further describe Argentina as a "victim of aggression it did not deserve."²²⁷ These actions and acknowledgments helped increase the incoming democratic government's leverage and negotiation powers as political and, most significantly, popular

²²¹ Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*, 191.

²²² Linz, 191.

²²³ Linz, 191.

²²⁴ The public disgrace of the Argentine military after their defeat in war helped lead to the end of military government due to pressures both within the military and political opponents. Linz, 192.

²²⁵ Bruneau and Matei, "Asserting Civilian Control: Argentina," 151.

²²⁶ Loveman and Davies, *The Politics of Antipolitics*, 163.

²²⁷ Loveman and Davies, 163.

support for the outgoing military government, and its leaders, sharply diminished due to the military's negative stigma.²²⁸

B. DEGREE OF ARGENTINE MILITARY NEGOTIATION POWER

The failures of the outgoing military regime had a direct effect on its ability to negotiate prerogatives favorable to its autonomy. This is mainly due to the discredited military, lack of support, and factions within the military ranks.

1. Due to Economic Effects

Failed economic policies during the *Proceso* dictatorship gave the military a low degree of negotiating power. The mismanagement of the economy gave economic elites “incentive to abandon [the] dictatorship altogether and instead support democratization [as] their expected payoff from dictatorship [were] sufficiently low.”²²⁹ As the transition occurred during the economic crisis, the incoming government was able to make “institutional choices with little input from the outgoing government and returned to constitutions that predated authoritarian rule.”²³⁰ These institutional choices focused on immediate changes to military autonomy by increasing government control of the military while punishing the military and the *Proceso* leadership.²³¹

2. Due to Political Effects

Political actions of the military junta also gave the military a low degree of negotiation power during Argentina's democratic transition. After the collapse of the *Proceso* dictatorship, retired army General Reynaldo Bignone was sworn in as president (1982-1983) and formally initiated the transition to democracy. Upon calling for elections, Bignone detached the unpopular military from the political environment. In doing this, “the

²²⁸ Bruneau and Matei, “Asserting Civilian Control: Argentina,” 151.

²²⁹ Albertus and Gay, “Unlikely Democrats: Economic Elite Uncertainty under Dictatorship and Support for Democratization,” 625; Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 51.

²³⁰ Haggard and Kaufman, “The Political Economy of Democratic Transitions,” 270.

²³¹ Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 53.

military was to make no deals with any party to share power... [and] no arrangements were made to accommodate the corporate entities in Argentina, such as the labor unions and the economic elite, in the quest for political power.”²³² This action showed the incoming democratic government that the military had fully accepted constitutional democracy as the “only game in town.”²³³

The military government’s failure to maintain political support throughout Argentina’s democratic transition can be seen in Bignone’s failed attempt to secure amnesty for the military’s human rights abuses. In September 1983, Bignone attempted to pass the National Pacification Law, which attempted to grant amnesty to military members who committed human rights crimes in the attempts to extinguish terrorism and subversive acts between May 1973 and June 1982.²³⁴ This law, however, was repealed only one month after the democratic election of President Raúl Alfonsín (1983-1989), citing the unconstitutionality of the law.²³⁵ President Alfonsín would later bring all the high-ranking officers who ruled during the *Proceso* period to justice in what became known as the Trial of the Juntas.²³⁶ This shows political failures that discredited the outgoing military “limited their ability to extract institutional safeguards during the hurried regime transition.”²³⁷ Bignone’s failed effort to pass an amnesty law also illustrates the military’s failed attempt to increase its own negotiation power by increasing autonomy. The military, however, did not have the public or political support to maintain laws granting the military’s autonomy. Low negotiation power as a result of political failures would later have a strong effect on CMR, as the incoming government was able to exert a substantial level of institutional control over the military directly after democratic transition.

²³² Huser, 46.

²³³ As defined in chapter 1. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*, 5.

²³⁴ Ley De Pacificación Nacional, Pub. L. 23924 (1983).
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/70000-74999/73271/norma.htm>.

²³⁵ Ley De Pacificación Nacional - Su Derogación, Pub. L. 23040 (1983),
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/28166/norma.htm>.

²³⁶ Barany, *The Soldier and the Changing State*, 154.

²³⁷ Wendy Hunter, *State and Soldier in Latin America: Redefining the Military’s Role in Argentina, Brazil, and Chile*, Peaceworks; No. 10 (Washington, D.C.: United States Institute of Peace, 1996), 455.

3. Due to Social Effects

Social effects during the *Proceso* dictatorship also led to the military's low negotiation powers during the period of democratic transition. Internal and external political pressure as a result of the Dirty War "left the outgoing military in a demoralized and defeated state, unable to exert sufficient political power to stop the judicial process."²³⁸ Similar to the negative effects attributable to economic and political actions, social effects limited the military's ability to "rely on support from the societal interest groups as a counterweight to 'unfriendly' forces inside the state."²³⁹ This lack of support contributed to its low negotiation power and the high political interest to strip the military of its autonomy after democratic transition.

The military did, however, attempt to improve its negotiating powers by alleviating social effects. Prior to democratic transition, Bignone passed a law to offer government compensation to citizens who suffered damages and losses caused by crimes and actions covered by the amnesty law enacted by his administration only two months earlier.²⁴⁰ Contrary to his objectives, this did not seem to improve the military regime's relationship with the public or with political entities. Instead, the military transitioned with no legal guarantees favorable to its autonomy or legal protections for outgoing military leadership.²⁴¹ As deeply embedded social effects caused public and political groups to distance themselves from the military, "reemerging political parties refused to openly bargain with an unpopular regime that, in any event, was falling apart."²⁴² This loss of support from most segments of the population limited the military's negotiation power. This limited power, in turn, affected the course of CMR development as incoming

²³⁸ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 86.

²³⁹ Pion-Berlin, *Civil–Military Relations in Latin America*, 136.

²⁴⁰ Indemizaciones, Pub. L. No. 22962 (1983), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/230000-234999/233265/norma.htm>.

²⁴¹ Pion-Berlin, *Civil–Military Relations in Latin America*, 214; Barany, *The Soldier and the Changing State*, 150.

²⁴² Barany, *The Soldier and the Changing State*, 150.

democratic governments passed laws in favor of punishing the military institution and stripping its autonomy due to its human rights abuses.

4. Overall Grade for the Argentine Military's Negotiation Power

Economic, political, and social effects of the outgoing military regime resulted in its overall low negotiation power during the period of democratic transition. Due to the regime's failures, association and support for the military became a political liability and support for the outgoing military regime's prerogatives had depleted.²⁴³ This lack of support resulted in the outgoing military regime's inability to negotiate pacts with the incoming government. The inability to negotiate pacts, in turn, allowed the incoming democratic government to obtain prerogatives centered on controlling the military without much public or political objection.²⁴⁴ These efforts to exert assertive civilian control had a long-lasting effect on Argentine CMR in that the civilians passed laws and established oversight mechanisms that "amounted to a virtual vendetta against the military as an institution and, in the process, seriously impaired its ability to protect and project Argentine national interests."²⁴⁵ These actions, particularly those implemented directly after democratic transition, ensured the punishment of military officers, the departure of the military in politics, and the decrease of the military's autonomy.

5. Attempts to Increase Negotiation Power

With little political opposition, the newly elected civilian government was able to punish the military early by implementing control mechanisms and calling for legal action against many military officers. After the 1983 repeal of the amnesty bill, the 1985 Trial of the Juntas, and additional constitutionally sanctioned steps to dismantle military prerogatives, a number of middle-ranking officers in the military known as the *carapintadas* violently "revolted against what they regarded as an assault on the integrity

²⁴³ George Philip, "The Fall of the Argentine Military," *Third World Quarterly* 6, no. 3 (1984): 632, <http://www.jstor.org.libproxy.nps.edu/stable/3992066>.

²⁴⁴ O'Donnell and Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions About Uncertain Democracies*, 45; Barany, *The Soldier and the Changing State*, 153.

²⁴⁵ Barany, *The Soldier and the Changing State*, 143.

of the military institution.”²⁴⁶ In order to appease these groups and bring a stop to these rebellions, Alfonsín passed a series of laws. The first was called the *Punto Final*, or Full Stop Law (1986), which called for a stop to investigations and criminal proceedings for those accused of human rights violations and political violence during the military regime.²⁴⁷ Afterward, he passed the *Ley de Obediencia Debida*, or Law of Due Obedience (1987), which declared that subordinate military personnel were exempt from responsibility as they were ordered to conduct these crimes by their superiors.²⁴⁸ Additionally, President Carlos Raúl Menem (1989-1999) granted a pardon to the many *Proceso* era military officers and former leftist guerillas responsible for the Alfonsín era military uprisings.²⁴⁹

Though the passing of these laws and pardons seem to indicate an increase in military negotiation power over time, they did not amount to a higher degree of military autonomy or a lower amount of civilian control over the military. After Alfonsín’s laws were enacted, many human rights organizations and Argentine citizens were able to “use the courts to pursue their own strategy of ‘unlimited’ sanctions... and the groups were highly successful in expanding the scope of human rights trials.”²⁵⁰ Though Menem pardoned many in the military, “the military was decimated and brought under a degree of democratic control heretofore unknown to Argentina.”²⁵¹ Additionally, the military uprisings were conducted by mid-level officers in a fractured military who did not represent the military-as-institution.²⁵² These uprisings ultimately failed to provide the military with

²⁴⁶ Hunter, “Negotiating Civil–Military Relations in Post-Authoritarian Argentina and Chile,” 306. Four uprisings by factions within the military occurred between April 1987 and Dec 1990. Bruneau and Matei, “Asserting Civilian Control: Argentina,” 153.

²⁴⁷ Justicia: Ley 23492, Pub. L. No. 23492 (1986), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/21864/norma.htm>.

²⁴⁸ Justicia Militar: Ley de Obediencia Debida, Pub. L. No. 23521 (1987), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/21746/norma.htm>.

²⁴⁹ Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*, 194; Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 126.

²⁵⁰ Pion-Berlin, *Civil–Military Relations in Latin America*, 179.

²⁵¹ Pion-Berlin, 235.

²⁵² Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 106.

additional prerogatives and would eventually result in more military subordination. This shows that the military's negotiation powers were not increased due to the military rebels or the government's response, but that Alfonsín and Menem's appeasement policies may have been attempts to further subordinate the military under democratic rule.²⁵³ Alfonsín's laws were later repealed in 1998, reopening trials against high-ranking officers serving during the dictatorship.²⁵⁴

C. NEGOTIATION POWER'S EFFECT ON ARGENTINE CMR

The military's low degree of negotiation power had a direct effect on the development of CMR after democratic transition. With this low level of negotiation power, the subsequent democratic governments were able to institute reforms unfavorable to the military's autonomy and focused on punishing the military and its leaders.

1. On Institutional Control Mechanisms

The military's low negotiation power resulted in a high level of institutional control mechanisms after democratic transition. With high leverage and influence, the incoming democratic government quickly worked to "counter the dominant legacy of military predominance."²⁵⁵ In addition to the swift repeal of Bignone's amnesty law two months after transition, Alfonsín was also able to repeal many of the authoritarian penal codes and laws that increased the military's jurisdiction in domestic affairs.²⁵⁶ Later, civilians were able to implement major institutional reforms and implement laws highlighting the distinction between national defense and national security, essentially separating the military from acting on internal threats unless specifically ordered by civilian powers.

²⁵³ Pion-Berlin, *Civil–Military Relations in Latin America*, 178.

²⁵⁴ Justicia, Pub. L. No. 24952 (1998), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/50000-54999/50364/norma.htm>.

²⁵⁵ Bruneau and Matei, "Asserting Civilian Control: Argentina," 153.

²⁵⁶ Repealed articles in Law 20840 (1974): Penalties Against Subversion, articles in Law 21264 (1976): Crimes Against National Security, articles in Law 21267 (1976): Application of Military Jurisdiction, among others. Código Penal: Modificación. Derogación De Leyes De Facto, Pub. L. No. 23077 (1984), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/28066/norma.htm>.

Alfonsín made major changes to the military's mission and roles by passing the 1988 NDL. This law, which repealed the 1966 NDL, highlighted the difference between internal security, which would be assigned to the national police and border patrol and eventually become its own law in 1992,²⁵⁷ and security from external sources, which was ultimately defined as the military's central mission.²⁵⁸ With this, internal security institutions, such as the "coast guard, gendarmerie (police), federal police, airport, and prison security units—were taken away from the armed forces and eventually transferred to the ministry of justice."²⁵⁹ This change was to ensure that mobilization of the military within the country was solely focused on defense against an external threat, prepared by the civilian minister of defense, and approved by the president.²⁶⁰

Additionally, the laws formed civilian-led institutions that would preside over the military. The law "created the National Defense Council (NDC) consisting of the vice president, cabinet ministers, and the head of intelligence, whose purpose it was to provide the president with advice on defense and security matters."²⁶¹ Notably, the law also removed the military from the NDC and established greater roles for the civilian-led MOD. This allowed democratic governments the ability to define military roles and missions based on the priorities of the civilian government.²⁶²

The Menem government later enacted constitutional reforms to further increase institutional control over the military. With these reforms, the civilian government inserted certain constitutional provisions that would help prevent future military coup d'états. To

²⁵⁷ This 1992 Internal Security Law was further affirmation that internal security was not a military role, as it assigned this responsibility to the civilian-led Ministry of Interior. Seguridad Interior, Pub. L. No. 24059 (1992), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/458/norma.htm>.

²⁵⁸ Ley De Defensa Nacional, Pub. L. No. 23554, Art. 4 (1988), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20988/texact.htm>.

²⁵⁹ Barany, *The Soldier and the Changing State*, 153.

²⁶⁰ Articles 30, 32. Ley De Defensa Nacional (1988).

²⁶¹ Ley De Defensa Nacional [1988] (Arg.); Pion-Berlin, *Civil–Military Relations in Latin America*, 142.

²⁶² Article 12 of 1966 law stated that Commander in Chiefs of Armed Forces were permanent members of NDC; 1988 law determines the VP as chair and allows Joint Chief of Staff (also selected by the president) to accompany civilian MOD if they are requested. Article 12, Ley de Defensa Nacional (1966); Article 14, Ley De Defensa Nacional (1988).

accomplish this, an article was introduced that ensured the “supremacy of the Constitution even if it is forcefully suspended or annulled by means of an armed intervention against the institutional order and the democratic system. Furthermore, it declares all acts by the offenders which are contrary to the Constitution null and void.”²⁶³ These provisions were included to reserve the power of the constitution and consequently prevent the dissolution of the civilian-led executive, legislative, and judicial branches.

Prior to completing his term, Menem also passed the 1998 Armed Forces Restructuring Law. As many of the NDL’s provisions were still not implemented a decade later, this law reemphasized the military’s external mission and roles in support of the U.N. and external peacekeeping operations (PKO). It also modified the alignment and structure of the armed forces under the civilian-led MOD.²⁶⁴ Furthermore, the law “set ceilings for the numbers of military and civilian personnel in the defense sector, but the armed forces were encouraged to substitute civilian administrative personnel for military personnel.”²⁶⁵ This law did not only move to punish the military, however, as it also contained articles aimed at increasing the military’s joint capacity, place equipment procurement and supervision under the MOD, and increase the budget over the next five years.²⁶⁶ These provisions attempted to motivate the military to accept civilian control and provide necessary inputs to the MOD in order to further procure equipment and funds.²⁶⁷

President Néstor Kirchner (2003-2007) made changes to the National Defense and Restructuring Laws via a 2006 executive order to further assert civilian control over the armed forces. The order reemphasized the military’s role of combatting external aggression, stating that this role was specifically limited to combatting states that endangered Argentine sovereignty. It also charged the MOD to provide strategic,

²⁶³ Lhoëst, “Constitutional Reform in Argentina,” 161; Ch. II, Sec. 36, “Constitution of the Argentine Nation” (1994), <http://www.biblioteca.jus.gov.ar/argentina-constitution.pdf>.

²⁶⁴ Fuerzas Armadas, Pub. L. No. 24948 (1998), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/50000-54999/50229/norma.htm>.

²⁶⁵ Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 187.

²⁶⁶ Huser, 187–88.

²⁶⁷ Huser, 188.

organizational, resource, logistical, and doctrinal plans for such missions.²⁶⁸ This limited the military's roles by specifying that the military's mission was to respond to state threats and not internal criminals, organizations, or ideologies that may have originated from other states.

Institutional control mechanisms remained high over time as President Macri increased internal military roles via a 2018 executive order. Repealing Kirchner's executive order, he enabled the military to respond to internal matters originating from outside the country, such as international terrorism and drug trafficking. This executive order not only expanded the role of the military, but it was also intended to decrease what the order called "exceso reglamentario" or "regulatory excess" by past governments in their control over the military.²⁶⁹ Soon afterward, Macri issued an executive order allowing the MOD to "formulate strategies against organized crime and international terrorism."²⁷⁰ These executive orders were also aimed at changing the structure of the armed forces in order to increase the military's performance and cost-effectiveness.²⁷¹

These changes, however, have increased the concerns of many civilians, politicians, and human rights organizations. As thousands of civilians protested the order,²⁷² and political opposition groups attempted to block and repeal its implementation,²⁷³ many have denounced Macri's decision. Human rights organizations and protesters within Argentina have stated that they fear these changes "could contribute to the Armed Forces being used

²⁶⁸ Presidential Decree No. 727/2006, Art. 1, 2, (2006), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/115000-119999/116997/norma.htm>.

²⁶⁹ Presidential Decree No. 683/2018 (2018), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/312581/norma.htm>.

²⁷⁰ Livia Peres Milani, "Remilitarizing Argentina?," *North American Congress on Latin America (NACLA)*, January 3, 2019, <https://nacla.org/news/2019/01/03/remilitarizing-argentina>.

²⁷¹ Daniel Wasserbly and Diego Gonzalez, "Argentina Mulls Major Armed Forces Re-Organisation," *Jane's* by IHS Markit, January 11, 2018, https://janes.ihs.com/Janes/Display/FG_713625-JDW.

²⁷² "Macri Sparks Controversy with Move to Expand Role of Armed Forces," *Buenos Aires Times*, July 28, 2018, <https://www.batimes.com.ar/news/argentina/macri-sparks-controversy-with-move-to-expand-role-of-armed-forces.phtml>; "July 23rd-28th: What We Learned This Week," *Buenos Aires Times*, July 28, 2018, <https://www.batimes.com.ar/news/argentina/july-23rd-28th-what-we-learned-this-week.phtml>.

²⁷³ "July 23rd-28th: What We Learned This Week"; "Argentine Congress Looks To Repeal Macri's Military Decree," *Telesur*, July 25, 2018, <https://www.telesurenglish.net/news/Argentine-Congress-Looks-To-Repeal-Macris-Military-Decree-20180725-0026.html>.

against social mobilizations.”²⁷⁴ These internal fears – along with strong political opposition to increasing the military’s roles – demonstrate the continuous effect of the previous military regime’s social actions.

In sum, the result of the military’s lack of negotiation power gave the elected democratic governments the ability to exert a significant amount of institutional controls over the military. This resulted in the incoming democratic government’s ability to bring legal actions against the leaders of the *Proceso* dictatorship, repeal many of the *Proceso*-era laws and executive orders that increased military autonomy, and redefine the military’s role and mission to ensure this civilian control.

2. On Oversight

The military’s low negotiation power resulted in a medium/ low level of oversight both directly after transition and over time. Upon democratization, the newly formed Argentine government showed its ability to exercise judicial oversight via truth commissions. Five days after President Alfonsín took office, he ordered the National Commission on the Disappearance of Persons (CONADEP, Comisión Nacional Sobre la Desaparición de Personas) in order to clarify the acts related to the disappearance of people during the military’s rule.²⁷⁵ The results of the report, named *Nunca Más* (Never Again), “recorded 8,960 cases of disappearance but pointed out that the true figure could be even higher. It listed 340 secret detention centres in Argentina and concluded that the armed forces had violated human rights in an organized fashion by making use of state machinery.”²⁷⁶ Within the two decades following this report, “2,541 people had been charged, 723 convicted, and 76 acquitted of crimes allegedly committed by Argentina’s military junta during the country’s ‘Dirty War.’”²⁷⁷ These included Videla and Bignone,

²⁷⁴ Milani, “Remilitarizing Argentina?”; “Macri Sparks Controversy with Move to Expand Role of Armed Forces.”

²⁷⁵ Presidential Decree No. 187/1983 (1983), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/260000-264999/263505/norma.htm>.

²⁷⁶ Amnesty International, *Argentina: The Full Stop and Due Obedience Laws and International Law*, 3.

²⁷⁷ “World Report 2017: Rights Trends in Argentina,” Human Rights Watch, January 12, 2017, <https://www.hrw.org/world-report/2017/country-chapters/argentina>.

who died in prison and house arrest, respectively, due to their leadership during the Dirty War.²⁷⁸

The civilian government also showed their ability to exert judicial oversight through modifications to the Argentine Code of Military Justice in 1984. These reforms were implemented to bring an end to military legal autonomy. Repealed sections of the code allowed military personnel, previously judged by the Supreme Council of the Armed Forces for crimes committed during the *Proceso* dictatorship, to appeal their sentence at civilian Federal Appeals Courts. With this reform, appeals by civilians previously convicted by military courts could be filed in federal courts as well.²⁷⁹

Democratically elected governments also increased oversight in the military's industrial complex. Upon democratization, the civilian government was able to take over the previously military-run industrial complex Military Manufacturing (FM, Fabricaciones Militares) and placed it under the MOD. Today, Argentina's defense industrial assets include four principal organizations currently run by the state.²⁸⁰ This oversight allows the government to enjoy an increased level of civilian oversight as it controls the production and delivery of military resources.

Civilian oversight of the military was also enhanced as the MOD was given the control to plan and execute the military budget.²⁸¹ This ability to control the budget resulted in massive cuts in troop size and a gradual decrease of military expenditures as a percent of GDP from 2.74% in 1983 to 0.86% in 2018 – far from the 4.72% the military

²⁷⁸ *Argentina: Background and U.S. Relations* (Washington, D.C, 2017), https://www.everycrsreport.com/reports/R43816.html#_Toc485389590; “Reynaldo Bignone, Argentina’s Last Military Dictator, Dies at 90,” accessed June 28, 2019, <https://www.nytimes.com/2018/03/09/obituaries/reynaldo-bignone-argentinas-last-military-dictator-dies-at-90.html>.

²⁷⁹ *Código De Justicia Militar: Modificaciones*, Pub. L. No. 23049, Arts. 4, 9, 11, (1984), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/28157/norma.htm>.

²⁸⁰ These industrial assets are the Institute of Technical and Scientific Investigations for Defense (CITEDEF, Instituto de Investigaciones Científicas y Técnicas para la Defensa, Argentina Aircraft Factory (FAdeA, Fabrica Argentina de Aviones), Argentine Naval Industrial Complex (CINAR, Complejo Industrial Naval Argentino), and Fabricaciones Militares (FM) “Argentina Market Report: Defence Industrial Capabilities,” *Janes* by IHS Markit, July 16, 2019, https://janes.ihs.com/Janes/Display/FG_1621519-JIQ.

²⁸¹ *Ley De Defensa Nacional* [1988] (Arg.); *Fuerzas Armadas: Ley* 24948.

enjoyed in 1978.²⁸² This resulted in the military's inability to secure and ensure its own modernization.

Oversight is rated between medium and low, however, because these early modifications were mainly focused on punishing the military as opposed to strengthening the civilian-led MOD. As a result, the MOD's early inefficiencies and lack of professionalism have had a negative effect on the generation and implementation of military policy over time.²⁸³ In addition to placing the MOD between the president and the armed forces, Alfonsín also granted the minister the "power to supervise joint military activities and discipline high-ranking officers."²⁸⁴ He also eliminated military committees from advisory roles and downgraded the "heads of each service from commanders to chiefs of staff, forcing them to answer to the Defense Ministry and relegating them to mainly administrative functions within their services."²⁸⁵ Civilians also took control of military budgets, spending, and planning and ended all military influence in politics and the formulation of public policy.²⁸⁶ These institutional control and oversight mechanisms were in the interest of controlling the military directly after the democratic transition.²⁸⁷

Placing a large emphasis on asserting civilian control and removing the military committee from advisory roles and policy-making decisions resulted in a ministry that lacked defense specialization and experience in defense policy.²⁸⁸ As a result, the 1988 NDL was still not fully implemented after more than a decade of its enactment "in that the

²⁸² "Argentina: Military Expenditure (% of GDP): Data," The World Bank, 2019, <https://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS?locations=AR>; Marcela Donadio and Samantha Kussrow, "A Comparative Atlas of Defence in Latin America and Caribbean: 2016 Edition" (Buenos Aires, Argentina: RESDAL: Red de Seguridad y Defensa de America Latina (Latin American Security and Defence Network), 2016), 113, <https://www.resdal.org/ing/atlas-2016.html>.

²⁸³ Bruneau and Matei, "Asserting Civilian Control: Argentina," 153.

²⁸⁴ Pion-Berlin, *Civil–Military Relations in Latin America*, 185.

²⁸⁵ David Pion-Berlin, "Defense Organization and Civil - Military Relations in Latin America," *Armed Forces & Society* 35, no. 3 (April 3, 2008): 568, <https://doi.org/10.1177/0095327X08322565>.

²⁸⁶ Pion-Berlin, 567–68.

²⁸⁷ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 47.

²⁸⁸ Barany, *The Soldier and the Changing State*, 152; Pion-Berlin, *Civil–Military Relations in Latin America*, 185.

efforts to strengthen the Joint General Staff (*Estado Mayor Conjunto*), under a civilian-led MOD, was never implemented; [and] the MOD was neither strengthened nor was power taken away from the chiefs of the three individual military services.”²⁸⁹ Though laws were in place granting the MOD oversight powers, the incompetence of the ministry required civilian leaders to depend on military commanders for their input and recommendations.²⁹⁰ In other words, despite the best efforts of the civilian government, not all its reforms were enacted due to low levels of institutional knowledge within the newly formed MOD.

The failure to effectively implement many of the 1988 NDL’s provisions show a lack of influence of Argentina’s congressional defense committees. Directly following democratic transition, defense committees were able to pass their own bills. These bills, however, were highly influenced by the executive branch and were not generated due to the committee’s capacity.²⁹¹ After a few decades, their level of influence decreased. This can be seen when they are not able to ask hard and pointed questions when military officers are called to testify on defense matters due to their lack of sufficient knowledge.²⁹² In addition to the lack of defense expertise, the defense committees were not able to influence the transformation of the military establishment, as they were not empowered to examine, control, or rewrite the military budget.²⁹³

Later presidents also failed to increase the professionalism and expertise within the MOD. After forcibly retiring over forty senior military officers,²⁹⁴ President Néstor Kirchner, in his 2006 executive order, made an effort to assert the military’s limited role by ensuring compliance of the 1988 NDL. Specifically, it mandated the MOD to “define defense policies, make appointments, promote personnel, and open the door to civilians,

²⁸⁹ Bruneau and Matei, “Asserting Civilian Control: Argentina,” 153.

²⁹⁰ Pion-Berlin, *Civil–Military Relations in Latin America*, 142.

²⁹¹ Barany, *The Soldier and the Changing State*, 165.

²⁹² Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 209.

²⁹³ Barany, *The Soldier and the Changing State*, 165.

²⁹⁴ Barany, 156.

and took power away from the chiefs of the services.”²⁹⁵ He, along with his wife, President Cristina Kirchner (2007-2015), who succeeded him after his death, expanded the organizational design from two secretariats to twenty-four, which included undersecretariats, and additional departments by 2010.²⁹⁶ Sudden personnel changes and increased responsibility, however, overwhelmed the ill-prepared MOD, as it was not adequately equipped to fulfill these responsibilities.

In an effort to increase both MOD and military proficiency, Cristina Kirchner mandated the creation of the National Defense University (UNDEF, Universidad de la Defensa Nacional). This university was charged with developing and educating military and civilian professional in the national defense discipline.²⁹⁷ Though this is focused on increasing the education and training level and development of training requirements, the amount of defense experts remains small, there is no focused career path for these defense educated civilians, and the timeframe they are hired for is relatively short.²⁹⁸

Attempts to institute professional development and Macri’s 2018 executive order to increase autonomy have influenced the given grade. In addition to this, the recent defense minister, Oscar Aguad, seems to support this modernization as, in a 2019 speech given on Argentina’s Navy Day, he maintained that the ministry’s focus is to recover the capabilities of the armed forces.²⁹⁹ However, the outcome of these plans would need to be studied further while Argentine civilians continue to develop defense expertise and are placed in decision-making or advisory levels within the MOD.

²⁹⁵ Bruneau and Matei, “Asserting Civilian Control: Argentina,” 154.

²⁹⁶ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 177.

²⁹⁷ Universidades: Creación de La Universidad de La Defensa Nacional, Pub. L. No. 27015 (2014), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/239499/norma.htm>.

²⁹⁸ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 122; Bruneau and Matei, “Asserting Civilian Control: Argentina,” 151.

²⁹⁹ “El Ministro Aguad Encabezó El Acto Por El Día De La Armada Y Dijo Que ‘Es Esencial Recuperar Las Capacidades Navales Y Aéreas,’” [Argentina.gob.ar](http://www.argentina.gob.ar) - Ministerio de Defensa, accessed July 18, 2019, <https://www.argentina.gob.ar/noticias/el-ministro-aguad-encabezo-el-acto-por-el-dia-de-la-armada-y-dijo-que-es-esencial-recuperar>.

3. On Professional Norms

Low negotiation powers by the military resulted in a low grade for professional norms in the early years of Argentina's new democracy. This was due to the high degree of factionalism within the military and immediate civilian efforts to exert control, which had a negative effect on recruitment, promotion, and military education directly after transition. These results are also attributed to Alfonsín's decrease in the Argentine military's manpower and budget as well as the MOD's failure to make changes in the military education system in accordance with the goals of the newly elected democratic government.³⁰⁰

Over time, however, the Argentine military reached a medium level of professional norms due to reforms in military education and increased proficiency in their secondary mission. As Menem moved the military from a conscript force to a voluntary force in 1995, efforts to recruit, educate, and retain forces were soon transformed as well. After further reforms in 2005, Argentina's military education system eventually became one of the "most complete in Latin America."³⁰¹ These reforms organized each service institute under the MOD's Secretariat for Education, providing a "clear chain of educational command running from the minister to his secretary of strategy and military affairs to the subsecretary of education."³⁰² With legally mandated oversight over each service's academic institutes and the National Defense School (EDENA, Escuela de Defensa Nacional), the secretariat can implement changes in support of democratic principles and interests. The reform also ensured that military officers took courses in non-military subjects taught by civilians and focusing on law, human rights, international relations, and history in order to integrate military training with broader, professional education.³⁰³

³⁰⁰ Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 76, 79–81, 87.

³⁰¹ Servicio Militar Voluntario, 24429 (1995), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/802/norma.htm>; David Pion-Berlin and Rafael Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 317; Huser, *Argentine Civil–Military Relations: From Alfonsín to Menem*, 87, 155.

³⁰² Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 218.

³⁰³ Pion-Berlin and Martínez, 220.

The secondary mission of the armed forces is to assist external PKO and multinational activities in support of the United Nations (U.N.).³⁰⁴ Committed to this mission, the Argentine military has been able to professionalize based on these external roles. Argentina's Joint Training Center for Peace Operations (CAECOPAZ, Centro Argentino de Entrenamiento Conjunto para Operaciones de Paz) has successfully trained many armed forces personnel to deploy and aid in peacekeeping operations.³⁰⁵ The center, working closely with the U.N.-sanctioned Peace Operations Training Institute (POTI)³⁰⁶ was praised in 2011 by U.N. Secretary-General Ban Ki-Moon who called CAECOPAZ a highly capable "symbol of Argentina's commitment to peace."³⁰⁷ Argentina's increased professionalism abroad can also be seen in the desire and willingness by other nations to work with the Argentine armed forces. The Argentine armed forces regularly work with regional and international militaries in multiple exercises and operations, such as maritime search and rescue (SAR) exercises with Chile,³⁰⁸ UNITAS with American partner nations,³⁰⁹ and U.N. stabilization missions in Haiti.³¹⁰ Argentine armed forces both led and supported these exercises and operations, showing their professional capabilities to regional and international counterparts.

³⁰⁴ Donadio and Kussrow, "A Comparative Atlas of Defence in Latin America and Caribbean: 2016 Edition," 114.

³⁰⁵ Pion-Berlin and Martínez, *Soldiers, Politicians, and Civilians: Reforming Civil–Military Relations in Democratic Latin America*, 316.

³⁰⁶ "Centro Argentino de Entrenamiento Conjunto Para Operaciones de Paz (CAECOPAZ)," Peace Operations Training Institute (POTI), 2019, <https://www.peaceopstraining.org/programs/ntcelp/latin-america/caecopaz/>.

³⁰⁷ "Remarks at Joint Training Centre for Peacekeeping Operations (CAECOPAZ) [as Prepared for Delivery]," United Nations Secretary-General, June 14, 2011, <https://www.un.org/sg/en/content/sg/speeches/2011-06-14/remarks-joint-training-centre-peacekeeping-operations-caecopaz>.

³⁰⁸ Carolina Contreras, "Viekaren XVI, a Tradition of Cooperation Between Argentina and Chile," *Dialogo Americas*, October 3, 2016, <https://dialogo-americas.com/en/articles/viekaren-xvi-tradition-cooperation-between-argentina-and-chile>.

³⁰⁹ "La Armada Argentina Se Prepara Para Participar Del Ejercicio Multinacional De Ayuda Humanitaria Unitas LX En Brasil," *Argentina.gob.ar - Ministerio de Defensa*, July 4, 2019, <https://www.argentina.gob.ar/noticias/la-armada-argentina-se-prepara-para-participar-del-ejercicio-multinacional-de-ayuda>.

³¹⁰ "Argentina - Air Force," *Jane's by IHS Markit*, April 25, 2019, <https://janes.ihs.com/Janes/Display/jwafa006-jwaf#>.

In 2016, President Macri issued an executive order that further increased professional norms by allowing the Argentine military Joint Staff (*Estado Mayor Conjunto*, EMC) to designate retired military officers to earn degrees and serve as teachers in joint training military institutes.³¹¹ This allows experienced military members to educate both military and civilians in efforts to increase professional knowledge in defense matters. These actions have helped increase military professional norms and establish patterns of military socialization within the military educational system. As this change is recent, however, many are still going through the process and the determination of the results are for future analysis.

The assessment for professional norms within the Argentine military is medium, however, due to the military's low morale and the negative view of the Argentine military by civilians and politicians due to the lingering effects of the military's past failures and human rights violations. Due to the regime's past failures, there is a low level of morale and pride within the Argentine military as many "officers are still embarrassed about the military's performance in the Falklands/ Malvinas War, the outcome of which... could have easily been very different had it not been for the high command's easily avoidable mistakes."³¹² These failures can have a negative effect on recruitment and the implementation of policies to increase professionalism and effectiveness.

D. OVERALL DEMOCRATIC CONTROL OF THE ARMED FORCES

A review of Argentine CMR shows that the civilian government maintains an overall medium/ high level of control of the armed forces (Table 2). This is influenced by the lack of the military's negotiation power upon democratic transition.

³¹¹ Presidential Decree No. 721/2016, Art. 3 (2016), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/260000-264999/261952/norma.htm>.

³¹² Barany, *The Soldier and the Changing State*, 167.

Table 2. Democratic Control Requirements in Argentina after Democratic Transition

Requirements for Civilian Control	1983	2019
Institutional Control Mechanisms	High	High
Oversight	Medium/ Low	Medium/ Low
Professional Norms	Low	Medium

Though institutional control mechanisms and oversight remain the same over time, professional norms have increased over time. This increase is due to the establishment of defense institutions and educational norms over the past two decades that have helped increase, or in the case of UNDEF, intend to increase professionalism and generate knowledge over time.

E. CONCLUSION

An analysis of the previous military regime’s effects on negotiation power and the resulting negotiation power’s effects of CMR in Argentina shows that economic, political, and social failures of the military regime contributed to a high level of civilian control over the military. The military’s low negotiation power as a result of its failures decreased support for the regime and allowed the newly democratic government to place strong institutional control mechanisms with little political or public opposition. Designed to punish the military, these mechanisms failed to address the professionalism and need to form a highly specialized MOD. The lack of a highly capable MOD slightly lowered the assessment of military oversight, though this is mainly due to the inability of the civilian government to professionalize the MOD and not due to the military’s strength or increase of military negotiation power. Low negotiation power also resulted in a high assessment for both institutional control mechanisms and professional norms, though professional norms increased over time. Despite earlier counterproductive and antimilitary policies,

recent attempts to reform the defense ministry's professionalization and specialization process may benefit Argentine CMR in years to come.

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V. ASSESSMENT AND CONCLUSION

The Chilean and Argentine cases indicate that there is a strong tie between a previous military regime's traits, transition-era negotiation powers, and CMR after democratic transition. Specifically, these cases show that the economic, political, and social actions of the previous military regime can directly affect the military's negotiation power during democratic transition. This negotiation power, in turn, can also affect the ability of the newly elected government to exert democratic civilian control over the military after transition.

A. ANALYSIS OF DIVERGENCE AFTER DEMOCRATIC TRANSITION

Chile and Argentina present major differences in democratic civilian control. As seen in Table 3, a comparative analysis of the cases demonstrates that the greatest divergence, or difference between Chilean and Argentine CMR, occurred directly after democratic transition. This difference is mostly attributed to the actions and effects of the past military regime and each military's negotiation power during democratic transition. In comparing the cases over time, the economic and political links between the past military regime, negotiation power, and CMR tend to diminish and the social links continued to affect the military as an institution. This decline in the military regime's power is especially observed in Chile's case as democratic civilian control greatly increased over time due to these social effects. In Argentina, though there was a high degree of democratic civilian control from the beginning, elected officials continued to make decisions and implement policies based on the actions of the previous military regime.

Table 3. Democratic Civilian Control of the Military in Chile and Argentina Directly after Transition and Over Time

Requirements for Civilian Control	Directly after Transition		Over Time	
Case	Chile	Argentina	Chile	Argentina
Institutional Control Mechanisms	Low	High	High	High
Oversight	Low	Medium/ Low	Medium	Medium/ Low
Professional Norms	Low	Low	Medium/ High	Medium

1. The Link to Institutional Control Mechanisms

An analysis of the cases shows that the greatest amount of divergence between Chilean and Argentine CMR is found in institutional control mechanisms directly after democratic transition. Of note, one of the lowest amounts of divergence between the cases is also found in institutional control mechanisms over time. In Chile, the early effect on CMR is strongly correlated to the economic and political actions of the outgoing military and its relatively high negotiation power that resulted in the continuity of military officers and politicians loyal to the previous regime. The ability of the outgoing military to prevent early democratic governments from implementing reforms and establishing civilian control over the military early shows the effect of the outgoing military's economic and political actions on the development of CMR. Over time, however, social effects decreased the military's legitimacy and began to take precedence over the regime's economic and political successes. This decrease in the military's legitimacy and support – along with the military's increased trust in the civilian governments over time – allowed the democratically elected civilian governments to legally establish institutions and legal reforms committed to providing the armed forces with direction and guidance.

In Argentina, institutional control mechanisms were greatly affected by the economic, political, and social failures of the past military regime. Each of these failures

caused the military to lose support, not only from economic and political elites but also from most of the population as a result of the recession and the Dirty War. Over time, these institutional controls evolved from laws and policies strictly focused on punishing the military to civilian control in favor of increasing the professionalization and capabilities of both the MOD and the military. Though these new policies are still debated in Argentina, the early passage of the national defense and internal security laws have allowed civilians to maintain institutional control over the military. The continuous debate in Argentina concerning the military's role in national defense and internal security, however, shows the lingering social effects of the last military regime. Civilians, politicians, and human rights groups who oppose the new laws have presented concern over the military's new internal roles and the potential for human rights violations.

Both cases show that there is a tie between regime actions, negotiation power, and the new government's ability to implement institutional control mechanisms. In Chile, higher negotiation power corresponded to lower institutional control mechanisms directly after transition. Conversely, lower negotiation power in Argentina correlated to higher control mechanisms. Additionally, both cases show social effects, which remained a concern for civilians and politicians over a longer period of time, increased institutional control mechanisms in Chile and maintained these mechanisms at a high level in Argentina.

2. The Link to Oversight

Table 3 shows that there is a minimal difference in oversight between Chile and Argentina both directly after transition and over time. This small amount of divergence still shows that there is a link between previous regime actions, negotiation power, and CMR development. In Chile, economic and political actions of the previous regime and the military's strong negotiation power had a significant effect on the new democratically elected government's ability to establish a legal basis of civilian oversight directly after transition. Similar to the regime's effect on institutional control mechanisms, this is mainly due to the continuity of high ranking military officers and economic and political elites who supported the regime. Over time, these economic and political effects diminished and social effects remained. In addition, corruption scandals by high-ranking military officers

were linked to the Copper Law and the lack of budget oversight. As a result of the abuses of power and the lingering social effects, Chilean politicians were able to gradually increase oversight over the military.

In Argentina, the lack of civilian oversight is also linked to the military's low negotiation power. In this case, the link is mainly due to the harsh civilian reaction to the military's economic, political, and social failures. This reaction resulted in a lack of civilian interest and diminished support for the military. It also brought about the civilian's inability to provide the necessary professional and legal guidance and oversight to the military as their focus was to punish the military as opposed to establishing professional and effective oversight within the MOD. This lack of civilian defense experience and expertise in the MOD continues as policymaking and oversight is highly influenced by the objectives of the executive office. Additionally, civilians show little interest in developing these new defense policies as the military is under their control and there are low numbers of civilians within the MOD.

Despite the low level of divergence between the two cases directly after transition and over time, the development of oversight mechanisms is strongly influenced by the traits of the previous military regime in both cases. Negotiation power is also a factor in both cases as it caused a barrier to reform in the case of Chile and an overabundance of inefficient reform in the case of Argentina. The effect of these reforms had a negative effect on civilian oversight directly after transition in both cases. Social effects over time are more prevalent in the Chilean case as civilians were able to establish more oversight mechanisms due to the loss of influence by the Chilean military within the government. Social effects in Argentina, nevertheless, are seen in the lack of civilian interest to establish and continue long-lasting careers in defense-related matters.

3. The Link to Professional Norms

There is a strong link between the traits of the military regime and professional norms. In Chile's case, strong negotiation power due to political and economic effects of the outgoing military regime prevented the newly democratic government from institutionally implementing transparent policies and professional norms in accordance

with the goals of the democratic government. As social effects reduced the military's political influence, the policies and goals of the Chilean military began to align with those of the democratically elected government. Recent corruption cases by military officers further diminished the military's autonomy and allowed the civilian government to abolish the Copper Law. The military's decreased influence and inability to maintain budget autonomy shows that social effects were a major influence on professional norms over time.

The Argentine military also increased professional norms over time. The failures of the Proceso regime caused politicians to enact policies centered on punishing the military as opposed to implementing policies to aid in professional education, military recruitment, and training. Over time, social factors remained as the military's low morale, and the continued low regard for the military by many politicians and civilians, has had a negative impact on recruitment and the implementation of policies committed to improving the military's prestige and professionalism.

Both cases show that the economic, political, and social actions of the previous ruling military can have a strong effect on professional norms directly after transition and over time. Though there is minimal divergence between the two cases in some areas, there is an increase in civilian control over time in each case. This change shows that the lingering social effects in both cases had a greater impact on professional norms over time in comparison to the economic and political effects that diminished over time.

B. FINDINGS

A comparative study of the Chilean and Argentine cases shows that the traits of the previous regimes in Chile and Argentina directly affect the outgoing military regime's negotiation powers. In turn, these negotiation powers can have a significant influence on the development of CMR in each country. The Chilean case shows that a military that is relatively successful in its economic and political actions may exert a higher level of negotiation power upon democratic transition, despite its harsh actions against many in the population during the regime's time in power. This high degree of negotiation power may also translate into the outgoing military's ability to negotiate prerogatives beneficial to its

autonomy and significantly decrease the level of democratic civilian control and oversight of the military after transition. The Chilean case also shows that the economic and political successes that contribute to a military's high degree of negotiation power tend to diminish over time. In turn, the social effects of the military regime persist over time and decrease the military's autonomy. If leveraged, these lingering social effects may lead to increased democratic civilian control over time.

In contrast, the Argentine case shows that a military that is relatively unsuccessful in its economic and political actions may exhibit a relatively lower degree of negotiation power upon democratic transition. This low degree of negotiation power restricts the outgoing military's ability to negotiate prerogatives beneficial to its autonomy. Similar to Chile, the Argentine military regime exhibited crimes against its society which led to negative social effects. These failed economic, political, and social effects negatively impacted the military's negotiation power and decreased its support after democratic transition. Social effects also persisted over time as the civilian governments established and maintained a high level of control mechanisms in efforts to punish the military for its social actions.

These cases show the significance and impact of the previous regime's traits during transition era negotiations and the development of CMR over time. In analyzing these cases, the development of civilian democratic control seems to be contingent upon the success and the continuity of power of the military's prior nondemocratic rulers. The economic, political, and social actions and the effect of these actions over time explain the similarities and variances of CMR after democratic transition.

Based on the cases analyzed, it is evident that the traits of the previous regime are highly significant to the development of CMR. As politicians typically do not have much influence in the actions of military regime, civilians are not able to significantly affect the successes and failures of the military. With this notion, the negotiation process is immensely significant for civilians for the foundation and development of democratic civilian control over the military. The Chilean case shows that if a newly elected government wants to firmly establish democratic civilian control over the military and minimize its autonomy, then it must not allow the military to obtain and maintain a high

number of prerogatives directly after transition despite the its power and support. If the military maintains its autonomy, it may continue its role within the economic and political environment for a long period of time. Instead, to the best of the ability of the new government, concessions should not be given that increase the military's autonomy and negotiations should highlight a legitimate transition to democracy and the will of the people and politicians to depart from the influence of the previous regime. The Argentine case demonstrates that if a new democratic government obtains a high level of civilian control, civilians should strive to increase their understanding of defense related in order to effectively guide the military.

C. SUGGESTED RESEARCH

This thesis is centered on the development of democratic civilian control of the military and the development of this control based on the outgoing military's traits and negotiation powers. There are certain aspects of this topic that require further study: specifically, a study of how the previous regime's actions and negotiation powers are correlated to the military's effectiveness will provide significant information to researchers and decision-makers who aim to study or increase their military's capabilities and success after a democratic transition. This study of effectiveness may focus on the requirements detailed by Matei, which highlight the civilian and military leadership's ability to formulate plans, ensure that structures have the ability to execute these plans, and commit resources to ensure these plans are executed and successful.³¹³

Additionally, this thesis is highly focused on the domestic, or state, level of analysis. Further study is suggested to analyze the interstate level of analysis and its effect on negotiation powers and CMR development in each case. This level of analysis will provide a greater level of understanding of the international pressures leaders in each country faced that effected negotiation power and the development of CMR. This additional level of analysis may provide scholars and decision-makers with supplemental information on the development of CMR after democratic transition.

³¹³ Matei, "A New Conceptualization of Civil–Military Relations," 32.

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