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The Military and Twenty Years of the Concertación

Gregory Weeks

The relationship between elected civilian officials and the armed forces in Chile changed considerably from the beginning to the end of the Concertación's twenty years in power. In 1990, civilian-military relations were antagonistic and marked by a high level of distrust. Chile experienced a unique situation since former dictator and president Augusto Pinochet retained his position in the army along with a high public profile. By 2010, the context was quite different, with more positive interaction. This chapter traces the development of the civil-military relationship from the administrations of Patricio Aylwin to Michelle Bachelet, arguing that the Concertación was more successful in reforming political rather than economic aspects of civil-military relations. Overall, the practical effects of the enclaves of the transition discussed in Chapter 1 made reform slow and difficult. In particular, there was some trepidation regarding rapid and far-reaching reform. This chapter analyzes the difficulties of enacting reforms, and the ways important areas of military autonomy still exist.

The chapter divides the twenty years into three distinct time periods, each characterized by changes in reform opportunities and concluding with a decrease in power for important veto players. The first, 1990–1998, corresponds to General Augusto Pinochet as commander in chief of the army. His retirement paved the way for younger leaders to slowly change the institution's political course. The second, 1999–2005, begins with a new commander in chief and concludes with important constitutional reforms undertaken by President Ricardo Lagos. As the Concertación demonstrated that it would not alter the status quo significantly, the military and the Right accepted democratizing the constitution. The last period, 2006–2010, involves

the aftermath of the reforms. The chapter concludes with an analysis of the legacies inherited by Sebastián Piñera when he assumed office in 2010. The Concertación's efforts ultimately made it possible for a president on the Right to extend civil-military reform.

In each period, the Concertación had certain opportunities and constraints that allowed it to advance more in some areas and less in others, yet the transitional enclaves noted in this volume prevented deep reform until 2005. Despite important progress, by the end of President Michelle Bachelet's term in March 2010 limitations remained on the complete exercise of civilian authority. As Table 5.1 illustrates, reform was uneven throughout the entire period of Concertación rule. There were clearly different levels of progress made politically over time, but in areas related to economic policy the military successfully resisted the efforts of all Concertación administrations.

General Pinochet and Democracy, 1990–1998

After nearly seventeen years in power, in 1990 General Augusto Pinochet ceded the presidency to democratically elected Patricio Aylwin. This was a transformational moment in Chilean history, since it marked the end of an especially violent and divisive period in a country that had experienced far less of such tumult than other Latin American countries. However, the balance of civilian-military relations still weighed heavily in favor of the armed forces. The restraints on the new democratic government were strong and imposed precisely because Pinochet and other military leaders did not trust civilians to govern responsibly. The 1980 constitution granted broad authority to the armed forces, and between 1988 and 1990 civilian and military leaders negotiated the extent of those and other authoritarian legacies. In addition, the transitional enclaves noted earlier in this volume provided a model for reform through extra-institutional negotiations with veto players. Although some of the more extreme laws were revoked or diluted, many others remained as the military regime's price of democratization.

There were numerous and serious constraints on the new elected leaders. The incoming president had limited, or in some instances zero, power over the military budget, promotions, the National Security Council (which the military leadership could force the president to convoke), military intelligence, the autonomy of military courts, and prosecuting human rights abuses (Weeks 2003). Each branch of the military—army, navy, air force, and national police—even had an appointed seat reserved in the Senate for a retired commander in chief. All of these formal links between civilian authorities and the armed forces were dysfunctional and antidemocratic.

Table 5.1 Military Reforms During Concertación Rule, 1990–2010

Extent of Reform	Political Policy	Economic Policy
Full	Designated senators Constitutional role Firing commanders in chief National Security Council	n/a
Partial	Intelligence oversight Pursuing human rights cases	n/a
None	Revoking 1978 amnesty Military justice system	Copper law Military budget floor law Legislative oversight

Source: Author compilation from Biblioteca del Congreso.

For example, the armed forces could (and did) force the president to convoke the National Security Council (though they generally told the president ahead of time as a courtesy so that he could claim he was doing so himself) for any reason even if the president did not deem it necessary—or even desirable at all—himself. Aylwin held five such meetings during his four-year term. Further, the president did not have the authority either to name or to fire commanders in chief (though the executive did have the right to block promotions of more junior officers). Since General Pinochet was still army commander, this meant that he could say or do anything and the executive was powerless to rebuke him formally or to force his resignation. At that point, the military leadership believed firmly that it had saved the country from destruction in 1973, that all its actions were justified, and that civilians had not yet proven themselves trustworthy to govern. It was, as Pinochet himself said, democracy that was “tied, and well tied” (for a complete review of constitutional constraints, see Chapter 4 in this volume; Loveman 2005: 309).

An important, though generally less examined, element in civilian-military relations is economic policy. Maintaining the military government's economic model was an explicit part of the transition, and the Concertación agreed with the military and the Right that the market model would remain largely unaltered. Pinochet considered the economic model to be an essential aspect of his legacy, one that was diametrically opposed to Marxism and therefore optimal. Ironically, however, Pinochet also ensured that the market would not be able to infringe upon the military budget. Indeed, protecting the military's budget was an important part of the regime's economic calculus. The political and economic legacies of the dictatorship

were intended to foster consensus in the post-authoritarian era. The binomial system would—in theory—protect the Right and create incentives to form coalitions (see Chapter 2 in this volume). Meanwhile, market-oriented policies would eliminate or at least reduce what the Right believed was the class war mentality of the Left. The Right, meanwhile, was set against any economic reform and, given the binomial system (and until 2006 the designated senators as well), consistently enjoyed veto power.

The Concertación itself was forged in the spirit of consensus, as parties from the Center and Left set aside long-standing and sometimes bitter policy differences to defeat Pinochet in the 1988 referendum and then win the presidential election. It came to power with the goal of proving to the Right (and to the armed forces) that it could govern from the Center, and would not engage in any aggressive measures intended to weaken or antagonize the military (which included economic policy). For that reason, there were strong political incentives to offer virtually no challenge to the civilian-military status quo in the immediate post-authoritarian period.

This did not mean the Concertación did nothing, but rather it worked very cautiously. Not surprisingly, the issue of human rights violations was immediately a source of friction. President Aylwin quickly established what became known as the Rettig Commission (named after Raúl Rettig, the well-respected former politician who led it) to investigate political murders. Aylwin had to strike a balance between what many members of the Concertación wanted, namely, truth and justice, and what he felt was politically feasible, which was partial truth—for example, withholding the names of accused—and very limited justice. In particular, the military government had decreed an amnesty in 1978, and since the lion's share of repression had taken place within a few years of the 1973 coup, it meant that many cases simply could not be prosecuted. In Aylwin's oft-repeated phrase, this was "justice to the extent possible."

The 1991 Rettig Report did not include any names of those who committed crimes, though some of the information was sent to courts trying specific cases. Eventually, however, Aylwin publicly called for a *ley de punto final*, referring to a law that would specify a date beyond which human rights cases would no longer be pursued. The military was strongly in favor of such a law, since it would limit the number of prosecutions and ensure they did not drag out over time. Given strong resistance from within the Concertación, however, Aylwin backed off. Judges did not change their dictator-era interpretation of the amnesty, which was that it blocked even beginning investigation of cases. For most of the 1990s, human rights cases would be sporadically tried, which angered the armed forces since they never seemed to stop, but also exasperated human rights advocates who felt too few prosecutions were taking place. This was democracy within the possible.

Friction surfaced frequently during the Aylwin presidency (1990–1994). For example, congress launched an investigation into a check fraud scheme involving Pinochet's son. That, plus Pinochet's belief that the government was trying to force his resignation, led him in late 1990 to call every soldier to the barracks, an action often associated with military rebellion. This so-called *ejercicio de enlace* was peacefully resolved in Pinochet's favor as the government agreed to quash the investigations. The weakness of formal points of civilian-military contacts was also evident with what became known as the *boinazo*, when the guards outside army headquarters wore camouflage and war paint. This was a symbolic move, obviously intended to send a message to the government that Pinochet wanted investigations to end and had the army behind him in support. At that point there was little civilian concern about an authoritarian reversion, but such actions were highly distracting and embarrassing for the government, since the demonstrations of force made clear the military's success in bullying the elected government.

Thus, while Pinochet remained as commander in chief the Aylwin and Frei administrations (1994–2000) often walked on eggshells, not knowing precisely when the mercurial general would make his demands known through informal channels. Their tentative approach to policies reflects that tension. Within a short time, few believed there would be an authoritarian reversion, but civilian-military tension, especially when it spilled into the streets, served as a severe distraction for governments intent on addressing important socioeconomic challenges.

Because of restrictive laws, military budgeting was very difficult to change. Although hampered by restrictive defense spending laws, civilian authorities continued to cut budgets. Defense spending fell from 2.98 percent in 1990 to 1.65 percent in 2005 (Huneus 2007: 437).¹ Yet congress was prohibited from cutting spending below 1989 levels, adjusted for inflation. Debates over budgets reflected the strength of the Chilean executive, since congress could not modify the president's proposed defense budget and could not call for additional cuts. The almost total lack of influence over resources undercut congressional power and made it even more peripheral to civilian-military relations. The budgetary process primarily involved negotiation between the president and the commanders in chief.

The copper law, however, ensured that civilian governments would be unable to block the transfer of state funds into military coffers. In 1973, the military government expanded an already existing law tying part of the military budget to copper earnings, the *Ley Reservada del Cobre*. The revised law granted 10 percent gross sales—instead of net earnings—to the military budget for equipment, with a floor to ensure it could not fall too low. The law was deemed too sensitive to address seriously while Pinochet was commander in chief, and for many on the Right it was a symbol of protection

for those who in turn protected la Patria from internal or external threats. In practice it meant that budget cuts could only go so far. Billions of dollars still flowed toward munitions.

Nonetheless, the Aylwin and Frei governments made steps toward normalization, which required demonstrated civilian interest and expertise in defense. To that end, months of meetings led to the 1997 Libro de Defensa Nacional, a narrative of the state of Chile's national defense. The document was quite vague and general, but its purpose was less a firm blueprint than an avenue for more interaction. The process was repeated in 2002, with more agreement on specifics that reflected a greater level of trust. The most recent version, from 2010, also acknowledged the constitutional reform enacted in 2005, discussed below. Overall, the process of creating these defense documents was much more important than their details. By the third iteration, the participants were comfortable with their respective roles, which was not the case in the early 1990s.

Pinochet finally retired from the army in 1998, and passed the baton to General Ricardo Izurieta. Not only did this represent an obviously important symbolic moment, but it also reflected generational change. Pinochet was born in 1915, and Izurieta in 1943. By 1993, officers at the rank of lieutenant colonel were only about twenty years old at the time of the coup, and Izurieta was part of a new generation with less emotional attachment to the military regime and less direct connection to repression than its older counterparts (Atria 2002). In fact, Izurieta and his successors were specifically interested in maintaining the army's prestige, which meant gradually distancing the institution from the legacies of the military government. Pinochet's retirement further opened the door to improved relations.

Nonetheless, according to his own constitution, as a former president Pinochet immediately became a lifetime appointed member of the Senate and so retained a relatively high political profile. Fatefully, soon after becoming a senator he traveled to Great Britain in late 1998 for back surgery. Spanish judge Baltasar Garzón had issued a warrant for his arrest, charging him with torture and conspiracy to commit torture against Spanish citizens. Pinochet obviously felt he was untouchable in Britain, a country to which he felt great personal and diplomatic attachment. Instead, Scotland Yard complied with the Spanish request to arrest him in the hospital. As Chileans started thinking about their third democratic election in 1999, the nondemocratic past remained in the spotlight.

For most of the 1990s, then, substantial reforms of the constitution or military-related laws were extraordinarily difficult. Civilians were able to chip away at human rights abuse cases, though even these were fraught with political risk because of the immense backlash they produced. Pinochet was consistently successful in mobilizing the army (and to a lesser extent, the navy, air force, and national police) and the two main

parties of the Right in the legislature to effectively veto any proposal deemed too radical.

Once Pinochet hobbled home, however, he retreated from the public eye and his political strength fell dramatically, a process that accelerated when news of financial improprieties emerged. Since his entire defense centered on his ill health, he had no choice but to retire from the Senate as well. However, as a way to facilitate his departure, congress approved an official status as "ex-president" that granted him immunity.

Civil-Military Normalization, 1999–2005

General Pinochet's detention in Great Britain put a tremendous strain on the Frei government. In response, President Frei was forced to hold multiple National Security Council meetings of an indignant military leadership. They considered the arrest not only an affront to the general, but also an assault on Chilean sovereignty, which enjoyed broad agreement even among many members of the Concertación. During the fifteen months Pinochet was in London, Frei convoked the NSC four times, and did so eight times total during his six-year presidency. He was put in the unusual position of agreeing vehemently (to the extent that Frei was capable of being vehement) with Pinochet, asserting that the general should be returned to his homeland.

At the same time, the crisis also allowed Commander in Chief Ricardo Izurieta to stake out a more pro-democracy position for the army, as he resisted retired officers as well as the Pinochet family, who felt he was not exerting nearly enough pressure on civilians and was therefore being disloyal to his former commander (Huneus 2003). He was caught between needing to support a former commander in chief while also demonstrating that the army was no longer perfectly aligned with its authoritarian past. Those months were tense, and ultimately the British government released the general, claiming humanitarian reasons based on his poor health.

Pinochet's arrest did have the salutary effect of opening sufficient political space to hold discussions about human rights. The painful legacies of the military government were once again making headlines, and the government took the opportunity to engage the armed forces. As noted in Chapter 1, the Concertación's maintenance of the political and economic status quo meant that the military was willing to accept dialogue (as long as it entailed no punitive measures). In 1999, Defense Minister Edmundo Pérez-Yoma launched the Mesa de Diálogo, a series of meetings with military officers, academics, politicians, lawyers, journalists, Catholic Church officials, and even psychologists to discuss the issue of the detained and disappeared and to establish guidelines for moving forward with dialogue.

In its official declaration, the Mesa emphasized the importance of a "re-encounter" between civilians and members of the armed forces as a means of coming to terms with the past and addressing human rights more frankly.² It was important largely for its symbolic value, but it also established a precedent for opening lines of civilian-military communication.

Human rights cases also advanced, though primarily through the persistence of private actors rather than elected officials. First the Catholic Church Vicariate of Solidarity, then later a number of national and international nongovernmental organizations, assisted Chileans in bringing cases to the courts. Though the Vicariate closed once the transition began, these organizations, and eventually Chilean-based lawyers themselves, picked up the slack. Lawyers found innovative ways to deal with the amnesty with regard to the detained and disappeared. If an individual had never been found, then they were not technically deemed deceased. So cases could be investigated and witnesses called to testify, although if a body were eventually found, no prosecution could move forward. By 2009, 554 agents of the dictatorship were under active investigation, while an additional 276 had been sentenced (Collins 2010a).

There is no consensus about precisely why the courts accelerated the human rights cases so much after Pinochet's detention. At least in the post-authoritarian era there had never been so much international attention focused on Chilean human rights, so international factors were critical. It may have been judicial guilt about their complicity with the dictatorship that motivated the courts to restore their positive image (A. Huneeus 2010). Judges even accepted cases that presidents argued should be set aside. But Pinochet's detention itself could have been a key catalyst for the government more so than the courts themselves, speeding up official support for a process that was already under way but very slow until European courts stepped in (Hilbink 2007; Pion-Berlin 2004). Judicial reforms were part of the domestic shifts in 1997 and 1999 that both modernized the Supreme Court and created the equivalent of an attorney general. All of this also coincided with generational changes already taking place, as a conservative court stuffed with Pinochet appointees began to change in the 1990s (J. Correa 1999: 281–315). For all of these reasons, the Chilean Supreme Court was a different institution by the time Eduardo Frei left office.

President Ricardo Lagos (2000–2006) came to office just after Pinochet returned to Chile. He argued that Chilean courts, rather than foreign courts, should become more active and put the general on trial (Lira 2006: 3–25). In 2003 he supported reparations legislation for former political prisoners. As Aylwin and Frei had done, he expressed interest in completing the process of democratic transition. Although rumors periodically surfaced that he would support a *ley de punto final* (full stop law—one barring further investigations and prosecutions), ultimately he did not. Lagos

wanted his legacy to be that he ended the transition by modifying authoritarian elements of the constitution.

Lagos initiated the National Commission on Political Imprisonment and Torture, which issued the Valech Report on torture (named after the bishop who headed it).³ It catalogued 27,255 people who were detained and tortured, and who were held an average of 180 days in prison. As with the Rettig Report, the intent was not to facilitate prosecutions, as the testimonies were kept secret for fifty years. Instead, President Lagos viewed it as a vehicle for reparations, which slowly were being made. The military's response was not unified, and the army revealed generational splits. The Circle of Retired Generals and Admirals criticized the report, but army commander Juan Emilio Cheyre publicly accepted institutional responsibility for abuses that occurred. Such a declaration was important because it recognized that orders were coming in an organized manner from above, and so torture and murder were not merely the work of a few bad apples, which had previously been the official stance of the army.

Chilean courts also advanced against Pinochet himself. His arrest seemed to puncture the sense of invincibility that had always surrounded him. By the time of his death in 2006, he had been named in hundreds of cases, some of which—such as his role in the 1973 Caravan of Death and the 1974 murder of former army commander in chief Carlos Prats—even led to interrogations and house arrest in 2004. The Supreme Court ruled in these cases that his immunity be stripped. Meanwhile, authorities in the United States revealed in 2004 that Pinochet had laundered upward of US\$30 million and stashed it in foreign banks. This tarnished his image even more than human rights abuses, since his allies had long insisted that he was no dictator because he never benefited personally from being in power. While his funeral did generate a large crowd of admirers, a majority of Chileans were more disillusioned. A 2004 poll found that two-thirds did not believe the story that the money came just from savings and investments, and 59 percent believed he stole it from the treasury. Further, 63 percent rejected the statement that he was "a man with good intentions who did not know what his collaborators were doing."⁴ This was very damaging since it brought him down to the level of a common autocrat, using the state for his own personal gain.

In 2005, President Lagos was finally successful in passing constitutional reform that changed the balance of civilian-military power. Designated senators (including one former commander in chief from each branch) were abolished, the president was given the right to fire commanders in chief and full authority over the National Security Council, and the constitutional wording itself was changed to remove the military's duty to protect "institutional order." These reforms had important practical and symbolic effects. Since 1990, for example, presidents had resented the fact

that the armed forces could force them to convoke meetings of the National Security Council, and indeed they had done so with regularity. Symbolically, they demonstrated a commitment on the part of the Right and the military to accept greater democratic civilian prerogatives, thus showing greater civilian-military trust. The army in particular had repositioned itself away from the dictatorship's institutions and accepted a more democratic defense structure (Agüero 2006). Generational change was critical in this regard. In the wake of controversies surrounding Pinochet, younger army commanders such as Izurieta and Cheyre consciously worked to modernize the army and depoliticize it. Knowing that practical limitations prevented civilians from making "rash" decisions (such as slashing military budgets) created confidence that otherwise might have been lacking.

Indeed, the acquiescence of the Right was essential to the reforms, because the Concertación otherwise could not muster the supermajorities required to get them passed. Organic constitutional laws like the copper law require four-sevenths majorities in both houses to pass. Fifteen years had convinced the Right that the Concertación could govern "responsibly" and therefore that reducing military prerogatives would not threaten the system itself. That recognition on the part of conservative politicians is part of the double-edged sword of the Chilean political transition, because trust came at the expense of many potential changes

Normalized and Incomplete, 2006–2010

The passage of the constitutional reforms prompted President Lagos to proclaim the transition to be over (Weeks 2010). Yet these changes concentrated almost exclusively on political issues related to the executive branch. In particular, the legislative branch continues to play virtually no role in providing horizontal accountability to either the armed forces or the executive branch. The absence of knowledgeable congressional staff, a constant in Chilean (and Latin American more broadly) legislative history, still poses a challenge. Overall, there remains a striking absence of horizontal accountability, as decisions about the military are made almost entirely in the executive branch.

President Michelle Bachelet (2006–2010) seemed an ideal candidate to categorically leave the transitional model of civil-military relations behind. She had suffered tremendously at the hands of the dictatorship, as her father (an air force general) was detained and died of a heart attack in prison, and then she was also detained and tortured in Villa Grimaldi, a Santiago torture center. Yet after 1990, she worked to become an expert in defense, including earning a master's degree at the Army War College and taking courses at the United States Inter-American Defense College. She already had

cabinet-level experience as minister of health (2000–2002). With that pedigree, Lagos named her minister of defense, where she won the respect of the military leadership.

Ultimately, though, Bachelet's policies toward human rights were very close to those of her predecessors. She emphasized the importance of memory, which included funding museums dedicated to the detained and disappeared, and she spoke frequently about the topic. She did not support a *ley de punto final* but neither did she call for more prosecutions. In 2008, the Agrupación de Familiares de Detenidos Desaparecidos (the Association of Relatives of the Detained-Disappeared, a nongovernmental organization that allows for coordination of those seeking information about and justice for their family members) criticized her for not being more of an advocate for human rights.

Further, the 1978 amnesty was untouchable and still remains untouched. That sets Chile apart from other cases where the issue is at least on the table. For example, the Argentine Supreme Court overturned the dictatorship's amnesty in 2005. In 2009 Uruguayan voters voted no on repealing the amnesty, while in 2010 the Brazilian Supreme Court upheld the country's amnesty. Even when the amnesty remained in force, there was political debate about its legality and purpose. In Chile that discussion took place largely within the confines of human rights organizations, and was too controversial to get a broader public airing. Even for Bachelet, who had suffered personally at the hands of security forces, the amnesty was too divisive to become a priority. For both the military and the Right, the amnesty was a security-building measure that prevented politically motivated witch hunts. This did not mean no prosecutions took place. The law does not cover crimes committed after its implementation, and Chilean judges have interpreted disappearances in ways that allow prosecutions, for example, by labeling them as "permanent crimes," which are exempt from the amnesty.

She was also not successful in making changes to military courts, which had been a powerful instrument of repression for the military government. The military believed the status quo was important for maintaining order, and there were far too few legislators who disagreed to make reform viable. The Code of Military Justice dates to 1925, but retains many features of both the colonial justice system and the immediate post-independence period. It allows for broad jurisdiction, with the ability to try civilians in military courts, where their rights are limited. That was even utilized by the Concertación itself. The Lagos government used Pinochet-era antiterrorism statutes for military courts during land disputes with the Mapuche in southern Chile, which resulted in ten-year sentences for arson, which was defined as terrorism (Human Rights Watch 2004). Others were held by military authorities for up to a year before being released. The purpose of the Chilean military justice system is "less the administration of

justice than the protection of the armed forces' interests in hierarchy, discipline, and order" (Pereira and Zaverucha 2005: 115). Bachelet created a commission in 2007 to study the issue (a strategy that she repeatedly employed) and it released a report the following year proposing reforms, but these were not enacted before she left office.

Her efforts at civil-military reform were lower profile and more professional in nature. In defense, she supported creation of a Joint Chiefs of Staff structure—with the head chosen by the president—and rationalization of the Ministry of Defense, which were introduced in 2005 and then passed in 2008. These would be useful for improving lines of communication and reducing redundant positions in the ministry. They also emphasized civilian leadership in the formation of military doctrine, which historically had been abdicated by civilians and therefore determined almost entirely by the armed forces themselves.

Intelligence, which was so highly controversial during the military government, has been changed only cosmetically. The infamous Dirección Nacional de Inteligencia (DINA) was replaced in 1977 by the Centro Nacional de Inteligencia (CNI), which in turn was dismantled in 1990. Once intelligence was no longer wielded as a tool of repression, popular support for reform evaporated. As a result, politicians lacked incentive to address highly complex questions of intelligence organizations and instead deferred to the armed forces (Weeks 2008). After years of inaction, the Lagos administration did create a new organization, the Agencia Nacional de Inteligencia (ANI), in 2004. The law creating it, however, explicitly made it only a coordinating and information-sharing body. The intelligence services of each military branch would still maintain full control over its own activities. Further, each could undertake covert operations such as wire-tapping and surveillance, and was required only to obtain the permission of a military—not civilian—court to do so. This had important implications, particularly in the context of various intelligence scandals involving spying on both politicians and on a foreign consulate (Argentina).

The Concertación was also never able to convince the Right to make changes to the military budgeting process, despite offering proposal after proposal in the legislature. Between 2005 and 2009, with high copper prices, the military budget exceeded US\$1 billion a year. That money has been spent on fighter planes, tanks, frigates, submarines, and other equipment in addition to upgrades on existing equipment. The law was revised in 2004 to grant the Ministry of Defense discretion to use funds in excess of the minimum amount (Ruiz-Dana 2007). The "reserved" nature of the law means its full text was literally secret and accessible to relatively few officials. As a result, accountability was virtually impossible (though it increased through a 2011 reform, discussed later in the chapter). Such a reform has been a topic of both executive and legislative discussion since

1990, and as of October 2012 a reform had passed the lower house and was being debated in the Senate. The military and its political allies have always viewed it as an important obstacle to indiscriminate budget cutting, and so feel great reluctance to dismantle it until an acceptable alternative has been devised.

Oddly enough, reform of the copper law became more likely under a Center-Right government. Some have argued that politicians would erode military prerogatives because these would conflict with politicians' self-interest. In other words, politicians would want to dole out those resources themselves (Hunter 1997). The Chilean case, however, did not evolve in that manner. There was definitely both political and economic interest on the part of the Concertación, but it was blocked at every turn. With the Right in power, however, fiscal conservatism has facilitated more discussion about access to hitherto untouchable sources of revenue. Reducing military expenditures could give President Sebastián Piñera more resources to address economic difficulties without affecting the current budget. As noted above, reforms are imminent.

The memory of the dictatorship does, however, still loom. When a major earthquake hit Chile in 2010, President Bachelet deployed only the police for the first two days, choosing not to send other armed forces. Article 41 of the reformed constitution granted the president power to designate a head of national defense (Jefe de la Defensa Nacional) to take charge of any area designated a state of catastrophe. Only when looting and crime were obviously a serious problem did she sign an order allowing military control. Although she denied it, the immediate perception was that her administration was reluctant to bring the army into the streets because of its past history. She denied the claim, but there is no doubt that the legacies of the dictatorship cast a long shadow.

That episode once again raised a conundrum that is central to Latin American civil-military relations more generally, namely, how to define a military role in the absence of an external enemy. Although there was a serious conflict with Argentina in 1978 that threatened the use of arms, the War of the Pacific (1879–1884) is the last example of a Chilean war. In the context of a history of internal repression, the Concertación sought to steer the military away from domestic policing and instead moved toward international peacekeeping, combating drug trafficking, preserving the environment (particularly by the navy), and other similar missions.

From a generational perspective, just the length of time in power helped the Concertación stabilize civilian-military relations and establish more trust. The last army commander in chief of the Concertación era, General Oscar Izurieta, was only twenty-three at the time of the coup. This does not mean that younger officers were not deeply involved in the regime's repressive apparatus, but for most their long-term commitment to protecting

the status quo—as well as protecting retired officers facing charges—has been weaker.

By the end of the Concertación's years in power, what did Chileans think about democracy and civil-military relations? The Chilean military left power roughly a generation ago and there is no longer support for military intervention as a way to mediate political disputes. Chileans are not necessarily happy with their elected representatives, but they view them as the only political game in town. According to the 2010 Latinobarómetro poll, only 15 percent of Chileans have a positive impression of the military government. Sixty-three percent of Chileans believed democracy was preferable to any other type of system, which has remained more or less stable since the question was first asked in 1995, while 56 percent were satisfied with democracy. At the same time, 69 percent would not accept an authoritarian government under any circumstances. Meanwhile, 11 percent preferred an authoritarian government, which was the lowest percentage since 1995 (though, oddly enough, it had shot up to 21 percent in 2007).

Conclusion: The End of a Civil-Military Era

After twenty years in power, the relationship between Concertación governments and the armed forces improved notably. Saber rattling in the early 1990s gave way to sustained dialogue, and a number of substantive constitutional reforms were put in place. The end of each period laid out in this chapter was marked by veto players seeing their power gradually decline. The reasons for this include Augusto Pinochet's retiring and then becoming enmeshed in scandal; generational change in the armed forces; and increased trust in the Concertación as it proved it would not pursue radical civil-military reform. Civilian-military relations in 2010 were utterly different, as they were routinized and channeled through formal institutions. Nonetheless, successive presidents had extreme difficulties enacting political reforms, and were wholly unsuccessful at making economic changes that affected the armed forces. Human rights violations kept hitting national headlines, which made activists and many officers indignant for different reasons.

It is noteworthy that the administration of Sebastián Piñera rather quickly made some important strides in civilian-military relations, both rhetorically and concretely. Although during the campaign Piñera promised to limit prosecutions and to expedite those that did occur, his government continued to pursue human rights violators, to the point that the association of retired generals expressed its displeasure. The Chilean Conference of Bishops asked him to grant amnesties, in the spirit of the 2010 Bicentennial, to members of the military who showed repentance and Piñera re-

fused. He fired his ambassador to Argentina when he praised the military government, and then publicly argued that ex-members of the CNI should not be in the military. From an economic perspective, he moved control of the copper revenues from the Defense Ministry to the Finance Ministry, and promised to abrogate the copper law entirely. Clearly, Piñera was committed to protecting the economic model inherited from the military government, but he saw no political benefit from defending the armed forces' economic privileges.

These positive steps are possible only because the Concertación laid the initial groundwork by very slowly making reforms while maintaining political and economic stability, thus accepting many of the restraints placed on the political system by the outgoing military regime. Particularly after Pinochet's arrest, the military gradually became less overtly political, and its allies in congress were less concerned about protecting its prerogatives. The pace of reform, however, has been very slow and in some areas virtually nonexistent. Piñera's latitude to make public statements and to successfully push for reform of the copper law highlights the legacy of fear that the Concertación governments were compelled to accept. Bachelet had made the copper law a priority, yet was never able to garner the necessary legislative support from the Right.

A final appraisal of progress in civilian-military relations during the 1990–2010 period may well have to wait until the Right has been in power longer. That will shed more light on whether there are certain transformations that the Right can successfully foster that were impossible for the Concertación. It will also offer more insight into whether there are any reforms that are impossible to pass, either because of resistance or lack of interest, regardless of the type of government in power. The road to civilian control over the armed forces in Chile has been a very long and winding one.

Notes

1. It should also be noted, however, that the Pinochet government had also been gradually reducing the defense budget since the final agreement about the end of hostilities with Argentina in 1979.

2. See *Declaración de la Mesa de Diálogo sobre derechos humanos*, www.ddhh.gov.cl/filesapp/Declaracion_Acuerdo_Final.pdf.

3. *Informe de la Comisión Nacional sobre Política y Tortura*, www.comisionvalech.gov.cl/InformeValech.html.

4. Quoted in "Pinochet's Secret Millions Tarnish His Image," *Reuters*, October 19, 2004.