

Civil-Military Relations and Military Missions in Contemporary Latin America: Argentina's Sinuous Path Towards a Democratic Defense Policy (2011-2016)*

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After three decades of democratic reforms, the literature on Latin American civil-military relations has shifted its focus from the military towards civilian elites. Following this trend, this article offers a contribution to the study of the 'civilian variable' by examining two controversial decisions taken by Argentina since 2011: the empowerment of an army official who gained influence over key areas of national defense; and the involvement of the armed forces in anti-drug operations. While the literature often relates setbacks in the deepening of democratic control to the autonomy of the armed forces and right-wing ideologies, and the assignment of public security missions based on practical necessity, we argue that the case of contemporary Argentina confounds such interpretations. First, we claim that both decisions are better understood as the products of instrumental political strategies. That is to say, these decisions are taken in pursuit of short-term goals with the objective of maintaining particular civilian elites in power, and are often unrelated to questions of the effectiveness or otherwise of democratic defense policy. Second, against widespread acceptance in the literature of the trend towards greater involvement of the armed forces in the fight against crime, we argue that shifts in military missions in the region have alarming implications for democracy.

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A new phase of representative democracies was initiated in the early 1980s, when Latin American countries started to transition away from authoritarian regimes led by the armed forces. Among the various challenges faced by these new regimes was how to configure the relationship between military and civilian authorities politically and institutionally in a way that was consistent with key democratic principles: majority rule, minority rights, and the rule of law (FITCH, 2001, p. 79). Subsequently, these concerns have been explored through a prolific academic research agenda on civil-military relations. Central to this agenda have been debates over the requirements for ensuring democratic civilian control over the armed forces, such as the elimination of military prerogatives, the building of robust defense ministries, and the end of military tutelage over the political system. In short, the challenge identified by both scholars and political leaders was to put the armed forces back in their barracks and for civilian actors to build institutional capacity and take charge of defense policy.

Despite facing great difficulties, most countries in the region have managed to hold regular elections and overcome political and socio-economic crisis while following institutional procedures that excluded the military from its previous role of ultimate political arbiter. Certainly, as scholars have shown (BRUNEAU, 2013), the degree of democratic control achieved over the armed forces by civilians varies across different countries. Nonetheless, in comparison with the pre-transition era, coups led by the armed forces do not represent an imminent threat to democracy in Latin America today (DUBÉ and PINZÓN, 2012, p. 128). Thus, in general terms, it can be argued that the 'uniformed' variable is subject to considerable control.

Current debates – particularly with regard to countries where there is stronger evidence of democratic control – reflect this shift of attention from the military to the civilian factor. They focus on questions like the lack of incentives civilian elites have to invest in defense policy (PION-BERLIN and TRINKUNAS, 2007), the need to evaluate not only democratic control but also effectiveness of defense policies under civilian supervision (BRUNEAU, 2013), and the influence of new ideologies on the civil-military relation (MARES and MARTINEZ, 2013). In sum, civilian political elites, rather than military actors, are now identified as a key variable when assessing to what extent democratic civil-military relations have been achieved, as well as the nature of Latin American defense policies.

In a somewhat similar vein, this article takes Argentina as a case study to offer a contribution to the debate on contemporary Latin American civil-military relations that stresses issues more dependent on the role of civilian elites than their military counterparts. However, contrary to the volumes mentioned above, we relativize the ideological component. While there have been analyses of the impact of supposedly leftist governments in re-politizing the military (BATTAGLINO, 2015) and of a tendency among right-wing politicians to militarize the fight against crime (SALAZAR, 2009), we underline the way in which instrumental political

decisions, meaning those taken in pursuit of short-term goals, often unrelated to the effectiveness of a democratic defense policy and focused mainly on maintaining particular civilian elites in power, may put democracy at risk through inappropriate use of the armed forces. Furthermore, in contrast to the effectiveness approach, we highlight that the decision taken by democratic authorities to deploy the armed forces for public security purposes – following the instrumental logic described above – has implications for democracy that have not yet been properly articulated by the literature on civil-military relations.

The Argentinian case is interesting in both respects. Firstly, the country has made considerable progress in subordinating the military, leading some to see it as exemplary (BATTAGLINO, 2013b; MANI, 2017), even if others are more skeptical (BRUNEAU, 2013). Some of the boldest reforms have been implemented during the past fifteen years, encompassing the presidencies of Nestor Kirchner (2003-2006) and Cristina Fernández de Kirchner (2007-2015), though at the same time, and particularly since 2011, some controversial decisions have been interpreted as backward steps in terms of consolidating civilian control. Secondly, although the principle of separation between defense and security has been embraced both normatively and discursively, Fernández de Kirchner later decided to commission the armed forces to play an allegedly supporting role in the fight against drug-trafficking, a domestic security mission. In short, we pose the question of how was it possible for an administration politically aligned with the principle of excluding the armed forces from domestic activity to have made the first, albeit limited, move towards assigning them a public security mission.

In addressing the points already raised, this paper examines recent Argentinian defense policy in order to highlight a series of subtle indicators concerning the 'civilian variable' that may signpost problems regarding the wider role of the armed forces in Latin American democracies. We argue that, where the military neither rebels nor imposes its corporate interests, we should look to the attitudes and behavior of political elites. Among these we may find an instrumental, short-term attitude towards matters of national defense, including decisions on the organizational structure of defense ministries and, particularly, the assignment of internal security missions for the military. While acknowledging that politicians from across the ideological spectrum may take recourse to political pragmatism, we believe this element can account for puzzling cases where the decision manifestly contradicts decision-makers' ideological alignment. Most importantly, we claim that this is also a key variable for explaining the general acquiescence in the academic literature with the recent involvement of the armed forces against organized crime.

The remainder of this article presents these ideas in greater depth and is organized in four sections. First, we present current debates on contemporary Latin American civil-military relations in greater detail, emphasizing links with the discussion on whether the armed forces

should participate in public security operations. The second section offers a brief summary of Argentina's civilian control policies devised after the last dictatorship (1976-1983), for which the country has been portrayed as an exemplar of democratic control and which show the intimate link between democratic reforms and the principle of separating external defense from internal security: the 'demarcation principle'. In the third section, we analyze one of the most controversial decisions taken by Cristina Kirchner in terms of civilian control: the empowerment of General Cesar Milani, the chief of the army's intelligence division, who was later appointed chief of the army. We emphasize motives of 'realpolitik' lying behind the President's decision to ally herself with a military actor. The fourth section replicates this analysis for the question of internal missions, discussing the political calculations that account for the deployment of the armed forces in anti-crime border operations, representing a shift away from the demarcation principle. Finally, the conclusion discusses the ways in which the militarization of the drug-trafficking problem represents a serious threat to democracy, a risk that the literature on civil-military relations has not yet linked with the issue of military missions.

The debate on civil-military relations and military missions

Following the progress made in subordinating the military to democratic authorities, the rich literature on Latin American civil-military relations has recently focused on the role played by civilians in defining defense policy. For instance, Pion-Berlin and Trinkunas (2007) have asked why civilian authorities in Latin America have not evolved from the stage of crafting norms and processes necessary to prevent military coups to what would be a logical next step: the implementation of civilian-led defense policy, meaning "the development of plans and processes designed to provide for the oversight, organization, training, deployment, and funding of the armed forces" (PION-BERLIN AND TRINKUNAS 2007, p. 77). The authors provide a compelling account of the historical, structural, and practical factors that explain the lack of incentives for political actors to invest financial resources and political capital on defense. However, such factors may not apply to the case of contemporary Argentina, where politicians took considerable political risks – though, admittedly, invested far fewer economic resources – to advance ambitious reforms (even if other decisions have been considered regressive).

Also calling for the research agenda on civil-military relations to go beyond the democratic control issue, and stressing the role of civilians, Bruneau (2013) has argued for focusing on the question of effectiveness, that is, to what extent civilians are capable of successfully deploying the armed forces. In other words, it is not enough for democratic authorities to prevent the armed forces from acting against democracy; civil-military relations also concern the capacity of the armed forces to fulfil the roles and carry out the missions that elected authorities assign

to them. After laying out an analytical framework, he assesses Chile, Colombia, Argentina and Brazil in terms of defense policy effectiveness. He reaches the conclusion that the first two countries rank more highly, in that their civilian elites have identified clear roles for the military and, thus, had incentives to invest financial and political resources in the realm of defense. While the Chilean case relates to traditional defense missions, the Colombian one is centered on the deployment of the armed forces in the fight against insurgency and drug trafficking.

In fact, the use of non-traditional military missions – those not related to the defense of territorial integrity and national sovereignty – has been an important theme in recent works on civil-military relations. This is especially the case where armed forces have been used in the fight against organized crime, a measure for which there are both supporters and detractors. Explicitly endorsing the use of armed forces for public security missions in Latin America, Pion-Berlin (2016) has argued in favor of a pragmatic approach: where the urgency of the situation and the unavailability of other means necessitates the deployment of the military, civilian authorities should not hesitate to do so, provided that they take necessary precautions such as ensuring there is adequate training and strict supervision. Also, other scholars have highlighted the legitimacy underpinning such missions: the fact that Latin American citizens trust their armed forces more than any other institution. Polls not only show a preference for the armed forces over political parties and the press, they also indicate explicit demands to deploy the armed forces to halt the surge in crime rates (PION-BERLIN and CARRERAS, 2017; SOTOMAYOR, 2013, p. 48).

Supporters of involving the armed forces in the fight against crime have acknowledged the apprehension shown by critics, but ultimately tend to dismiss such concerns. Firstly, military deployment is said to be carried out under strict democratic criteria, including political supervision, the rule of law, training on how to avoid human rights abuses, and punishment in the event of such abuses. Furthermore, it is argued that the military's acceptance of missions assigned by civilian authorities and execution of these under democratic norms and procedures are evidence that the armed forces are fully subordinated to civilian authorities, particularly in countries where the former are reluctant to take part in such missions. Additionally, both the magnitude of the challenge presented by organized crime and the lack of any non-military forces equal to this challenge make the recourse to military deployment virtually unavoidable (PION-BERLIN and TRINKUNAS, 2011).

In short, some scholars of civil-military relations have claimed that employing the armed forces to combat crime is legitimate, innocuous and, in some cases, indispensable. In contrast, others have dissented from this view. Critics have alerted against the corrupting effect of organized crime and the tendency of military institutions to fall short on human right stan-

dards (DIAMINT, 2015b). Within this perspective, there is a general tendency to suggest that the policy represents a submission to US security interests, often as a condition for receiving military aid or even preferential terms of trade (ROMANO and DELGADO RAMOS, 2012). Additionally, critics often claim that conservative ideologies are fueling a militaristic outlook in the fight against crime (SALAZAR, 2009), thus protecting the contradictory security policies of progressive governments from serious scrutiny. A notable exception is the work of scholars who have analyzed recent policies in Brazil to strengthen 'law and order' and operations to fight crime in 'favelas' under the governments of the Partido dos Trabalhadores (Workers' Party, PT) (MATHIAS, CAMPOS and SANTOS, 2016; RODRIGUES, 2016). Despite presenting a compelling case of leftist administrations reinforcing the role of the military in domestic missions, Brazil is one of the region's weakest cases of progress in civilians gaining control over the armed forces. As such, the 'military variable' may be more relevant than the civilian one in explaining the endurance of domestic security missions.

Others have examined how the left turn in Latin American politics raised new issues for militarism and civil-military relations (BATTAGLINO, 2015; DIAMINT, 2015b; MARES and MARTINEZ, 2013), often resulting in greater politicization of the armed forces. What remains unaddressed, however, are cases where political actors who showed considerable interest in continuing democratic reforms of defense – even achieving major successes in some areas in the face of fierce opposition from the military – at the same time seemed to go backwards in other areas such as organizational reform, and maintaining the separation between internal security and external defense. Furthermore, while the wellbeing of democracy often appears as a concern in scholarly analyses of the militarization of public security, we believe that further articulation of this dilemma is needed. Considering that militarized strategies against drug trafficking have been criticized as undermining human rights while failing to eliminate crime or reduce violence, we believe it is also necessary to ask what the implications are for civilian administrations of persisting with such strategies in response to one of the greatest and most urgent threats facing Latin American democracies. This question is a corollary to the one we asked earlier: why have supposedly progressive leaders adopted an approach that shows so little evidence of success, and that, in some cases, has further increased violence, corruption, and human rights abuses?

In attempting to respond to this conundrum, we will address two separate but related questions. On the one hand, we argue for instrumentality as the key to understanding reversals in the development of civil-military relations and the militarization of public security in ways that seem to diverge from government ideology. On the other hand, we argue that, even where the decision is made by democratic authorities, the participation of the armed forces in anti-crime operations may endanger democracy in ways that so far have not been sufficiently

discussed by scholars of civil-military relations.

Both of these points will be elaborated based on empirical analysis of the Argentinian case. We identify political instrumentality as a factor that endangers progress in democratizing civil-military relations along two dimensions featured in the literature: 01. organizational capacity in the management of defense policy; and 02. the assignment of military missions. The case was selected based on three criteria. First, between 2003 and 2015 Argentina's armed forces neither rebelled nor successfully imposed their corporate interests, meaning the case is consistent with the broadly observed trend in the region of relative success in subordinating the military, in a way that indicates that the military variable is under considerable control. Second, the incongruities listed above cannot be fully accounted for by the 'attention deficit' dynamic described by Pion-Berlin and Trinkunas (2007). As other scholars have argued (BATTAGLINO, 2013a; MANI, 2017), political authorities in Argentina did devise new reforms to strengthen democratic control, particularly in sectorial policies, such as in the areas of justice and education. Argentina between 2003 and 2015 is thus a case of engaged civilian leaders who, nonetheless, ceded authority to the military in certain cases (some of which even had illegal aspects, as we will show). Third, in spite of being implemented by political actors adhering to the belief in a strict separation between external defense and internal security, the administrations flexibilized this criterion. These three elements make Argentina a puzzling case for understanding the role of civilians in contemporary civil-military relations. Additionally, given that assigning missions is one of the main features of this relationship, it is also a useful case for exploring what potential risks the widespread regional trend of deploying the military against organized crime may have for democracy, lying at the very heart of concerns about civil-military relations.

Linking democracy with the separation between defense and security

Independently of the discussions regarding the success of reforms of civil-military relations in Argentina since the return of democracy, experts agree that the country succeeded in crafting a set of norms and policies that has set the tone for national defense for almost thirty years. Some have called it "a basic consensus on the defense realm" (SAÍN, 2000), "an agreement over the fundamentals" (TOKATLIÁN, 2016), an even a "true state policy" (ANZELINI, 2016). One of the most praised features of these policies is that they were the result of a bipartisan consensus reached in congress in the 1980s between part of the governing Unión Cívica Radical and a wing of the Partido Justicialista, known as Peronismo Renovador. The political accord served as the main political force behind the new defense policy.

We have argued elsewhere that Argentina's main decisions on defense policy since the return of democracy were greatly influenced by an epistemic community of defense experts

that originated in the negotiations in Congress over the National Defense Law, passed in 1988. Congressional aides joined academic experts and retired military personnel in a series of discussions over how to create a democratic and peace-oriented defense policy, taking part in numerous academic and political events over more than three decades (SOARES and VITELLI, 2016; VITELLI 2016).

Beginning in 1988, with the aim of establishing democratic civilian control over the armed forces, a set of laws specifying the role of the military in the new democracy were drafted, discussed, and negotiated by a diverse range of political groupings. The result was the so-called 'normative framework' for defense policy in democracy, consisting of the National Defense Law (1988), Interior Security Law (1991), Restructuring of the Armed Forces Law (1998) and the Intelligence Law (2001). These four pieces of legislation established an organizational design for defense institutions that put civilian authorities in charge, embodying a strategy of securing civilian control through institutionalization. The laws established the main mission of the Argentinian armed forces as defending the country from an external armed attack, and that only in strictly specified cases would they be allowed to intervene in internal security matters, and only on the basis of decisions taken by a democratically elected government and under strict congressional supervision. Additionally, and in contrast with Brazil, neither the constitution nor the National Defense Law allows the military to protect 'law and order' or 'the constitution', provisions that may indicate a certain guardianship role for the armed forces (FITCH, 2001).

In sum, the epistemic community lobbied in favor of a democratic – and cooperative (VITELLI, 2015) – defense policy that had the support of the majority of political sectors, while excluding the views of a minority who preferred to retain a more autonomous and active role for the armed forces in the new democracy. Every now and then, this smaller group would express its dissent in relation to laws being passed under this consensus, tailored to achieve civilian control and political leadership of defense policy. In particular, it voiced opposition during discussions in the late 1990s regarding whether the country should involve the military in the fight against terrorism and the war on drugs (SAÍN, 2002). For the epistemic community, the assignment of roles and missions for the military by civilian authorities was a central feature of democratic control and, as such, was not open for negotiation.

Thus, the main goal of what became known as 'the demarcation principle', separating external defense and internal security, was to prevent the military from carrying out surveillance on political parties and other legitimate political actors under the guise of counterinsurgency measures, and to remove them from the role of ultimate guardians of the constitution. Similarly, the Intelligence Law prohibited any kind of surveillance of and data collection on domestic actors. Its chief concern was to eliminate the National Security Doctrine that had allowed

for military repression of political and social opposition. Only later was the demarcation principle invoked to oppose the deployment of the military to confront drug-trafficking and terrorism, both on grounds of the threats this posed to civil-military relations and because of doubts regarding the strategy of militarizing the fight against organized crime and terrorist organizations.

While Argentina had been able to pass a defense law in Congress, a series of obstacles prevented the legislation from being regulated by the executive power, which was a necessary step towards its full implementation. According to Horacio J. Verbistky (2015), who was twice minister of Defense (1986-1989 and 2001-2003), had always opposed the law – specifically its demarcation principle – and consequently had always tried to prevent it being regulated by the president. It was not until 2006, during Nestor Kirchner’s administration, that the executive order regulating the law was signed, partly as a result of sustained pressure from the epistemic community. As a result, a new generation of measures of civilian control was put into practice, including the organizational design of both defense institutions and military missions.

Previous works have praised two reforms in particular as indicators of increased civilian control during this period. Firstly, the elimination of the Military Justice Code, together with the modification of the Penal and Process Codes, created new disciplinary norms and a joint justice service for the armed forces (SOPRANO, 2016a). Additionally, the government supported judicial efforts to prosecute those who committed human rights violations during the last dictatorship, as a result of which, up to March 2016, 669 people had been found guilty (ARGENTINA, 2016). Secondly, a comprehensive transformation of military education, focused on democracy and human rights (SOPRANO, 2016b), a reform that scholars have identified as another requirement for the achievement of civilian control (BRUNEAU, 2013). This unparalleled success in key areas pertaining to military autonomy was undoubtedly the result of strong political will behind bringing civil-military relations up to democratic standards.

Another key area in which civilian authorities could exert control over the armed forces is in the organizational design of defense institutions, a realm where Nestor Kirchner’s presidency also made considerable progress. Following Pion-Berlin (2009), we understand that civilian control is achieved through organizational design when democratic authorities: 01. foster civilian presence in key defense institutions; 02. empower defense ministries; 03. lower the military’s vertical authority along the chain of command; and 04. unify civilian power while dividing military power. These indicators can be supplemented with the criteria identified by Montenegro for political leadership of defense policy: 01. political will to lead the process of crafting and implementing policies; 02. possession of technical-professional knowledge; and 03. ability to implement those policies (MONTENEGRO, 2011).

Nestor Kirchner's decisions as regards the organizational design of defense institutions have been praised on various grounds, particularly his appointment of Nilda Garré as second minister of defense. Among other reforms implemented while in office, she restructured the Defense Ministry prioritizing political capacities. While other such structural reforms had been tried before, Garré's was explicitly intended to reinforce the political dimension of defense policy. For example, in 2007, two first- and second-level departments were created, both headed by civilians: the International Affairs Secretariat and the Education Sub-secretariat, respectively. The first of these had important implications by carrying out a realignment between defense and foreign policy, and curtailing traditional military autonomy with regard to the foreign activities of each branch of the armed forces. This department was also a centerpiece of a continued efforts to increase diplomatic initiatives following the concept of cooperative security that had been developed previously. The second new department, dealing with military education, also sought to reduce military autonomy in another traditional niche and was a necessary institutional reconfiguration for completing the aforementioned educational reform. Finally, assisted by midlevel civilian officials and aides, Garré's administration drafted the presidential executive order that regulated the National Defense Law, a legal requisite for the full implementation of the law, which we will analyze later.

This account of developments in defense policy under the Kirchner administrations – including Nestor's presidency and Cristina's first term – is certainly incomplete. But our intention was not to provide a comprehensive picture or debate of other scholars' assessments of how the administration's defense policies score in terms of civilian control (BRUNEAU, 2013; MANI, 2017). Instead we hoped, on the one hand, to show continuity between what has been presented as an innovative agenda on civilian control and political leadership during the Kirchners' administrations, and a broader legacy that had been constructed since the return of democracy, and, on the other hand, as we show in the next section, to point to a set of decisions that contradict dominant understandings of that legacy. This presents an interesting puzzle: how can we understand why the same leadership that invested political capital and – to a lesser extent – financial resources in advancing democratic control over the armed forces, later adopted instrumental decisions resulting in less rather than more political control?

Going backwards on civilian control: the Milani affair

Among the most controversial actions taken by Cristina Fernández de Kirchner regarding organizational design and civil-military relations was the set of decisions that empowered the intelligence sector of the army in defense policy from 2013 onwards. Intelligence organizations inside each military service have been regarded as a niche in which autonomy persists,

in spite of the reforms undertaken. As we shall argue, this evident setback in the fostering of civilian control over defense institutions was rooted in instrumental political motives.

As Poczynok (2017) has shown, in spite of the progress made in ensuring democratic control over the military in other areas, in the intelligence sector of the armed forces the influence of military authorities has remained unchecked. The author lists a series of events involving the disclosure of illegal internal espionage operations conducted by military intelligence officers from all three services during the 1980s, 1990s and early 2000s, showing the resistance of this sector to civilian command, particularly regarding the banning of surveillance activity over political actors. In most of the cases listed in the article, illegal operations were conducted autonomously by military authorities, though some were at the behest of civilian actors seeking to spy on or even blackmail political rivals, a practice that has become commonplace in modern Argentinian politics.

Following one of those scandals, in 2006, the Defense Ministry passed a resolution removing all three intelligence divisions from the Joint Military Command and placing them under the defense ministry. Whereas this decision could fit into the category of indicators signaling the empowerment of defense ministries and the lowering of the military's vertical authority along the chain of command, Poczynok (2017, p. 50) argues that the decision had dubious actual results. More importantly, after Nestor Kirchner dismissed the head of army intelligence, who was suspected of conspiring against Garré, in late 2007, instead of subordinating the sector to democratic norms and institutions, the administration preferred to empower Milani, a military officer supposedly aligned with the government, though on personal and political grounds rather than institutional ones.

The ousting of his former superior ensured Milani's power over the army's intelligence division, which, according to local analysts, later became a powerful influence over defense policy as a whole. On July 3th 2011, President Cristina Kirchner appointed Milani as the army's Chief of Staff and requested Congress to promote him to the rank of Lieutenant General. His nomination had two consequences that went against the previous steps taken towards a democratic defense policy. First, it increased the importance of the army's intelligence sector – under Milani's command – within the armed forces, a branch that, as previously mentioned, had been gathering domestic intelligence during the democratic period. Second, it challenged the existing policy on human rights, since Milani was suspected of having covered up the disappearance of an army recruit during the last dictatorship. Following the formalization of the accusation, and the submission of a request to Congress to reject the promotion signed by one of the main human rights NGO – the Centro de Estudios Legales y Sociales – the government decided to postpone the vote. His promotion – finally approved by Congress in December 2013 due to the votes of the ruling party – was severely criticized by NGOs and was even fea-

ture in Human Rights Watch report as a major setback in Argentina's human rights policies (HUMAN RIGHTS WATCH, 2014). Haunted by persistent suspicion – including allegations of corruption for which he was imprisoned in 2016 – Milani requested retirement in June 2015.

Both issues had deep implications for civilian control and political leadership of defense policy. They raised serious concerns about the perils of empowering the intelligence branch of the army, particularly because Milani's promotion was one among a series of decisions that gave greater power to the sector. This included, for example, the appointment of one of his subordinates as head of the division in charge of the president's security, the Casa Militar, the promotion to General of other high ranking officers from the same division, and a massive increase in the sector's budget, under the category of classified expenses (DE VEDIA, 2011). Together, such actions point to the excessive empowerment of a part of the service that had proved to be highly untrustworthy. Even when these decisions were taken legally and legitimately by democratically elected authorities, experts raised their concerns over their impacts in terms of healthy democratic relations between civilians and the military. For instance, Diamint (2015a) analyzed the decision to promote Milani by referring to the classical 'Huntingtonian' concept of subjective control. As the relationship between certain officers and political authorities becomes closer, the risk is that civilian control comes to depend more on political and personalistic relationships, and less on impersonal institutions and norms. The analyst also points out that after democratization Argentinian citizens were no longer familiar with the names of the chiefs of the armed forces, seeing this as a sign of demilitarization. After the Milani Affair, by contrast, the head of the army's name went back into the headlines, representing another symbolic setback (DIAMINT, 2015a).

In sum, Cristina Kirchner's decisions regarding the army intelligence sector brought her closer to this shadowy actor, contradicting the need to lower the military's vertical authority along the chain of command. As Pion-Berlin (2009) states, when political leaders do not have a civilian official acting as a buffer to military influence, there is a risk of political leadership ceding to the military's corporate needs, which is even more pressing in the context of an enduring identity crisis within the Argentinian military. If we consider that both Kirchners were known for antagonizing rather than adhering to the interests of the armed forces, how can we account for this shift in policy? As stated in previous sections, this type of case has not yet been accounted for in the literature: civilian control weakened neither due to pressure exerted by the armed forces, nor by civilian authorities believing in the need for a more autonomous military, nor by the decision of a democratic leader to assign a new mission to the military. Instead, these setbacks appear to have been caused by a *realpolitik* strategy, an instrumental approach to defense policy as one more means at the disposal of authorities to secure domestic political power.

Indeed, some analysts reported that the motivation behind empowering the army's intelligence sector during Cristina Kirchner's second presidency was a dispute between the executive power and the intelligence community. Analysts claimed that the president started to distrust the former Secretary of Intelligence (SIDE) – a non-military agency – after they failed to deliver accurate evidence on whether Sergio Massa, an opposition politician, would run for the House of Representatives in 2013. Allegedly, the spies had deliberately given her false information as retaliation for the signing of an agreement with Iran to prosecute Iranian citizens suspected of having taking part in the AMIA bombing, in 1994. This deal supposedly favored Iran, a sworn enemy of Argentina's historic intelligence chief, Jaime Stiuso. No longer trusting the SIDE, Kirchner moved to empower Milani's group and entrust them with a very sensitive – and illegal – task routinely performed by the SIDE: that of spying on and blackmailing political adversaries (TELLO and SPOTA, 2015).

Indeed, as experts have claimed (SAÍN, 2016), the Argentinian intelligence sector has been used by different political parties as an instrument of extortion against political rivals, and as a means of influencing the federal justice system, which has jurisdiction over federal crimes such as drug-trafficking and corruption. During the Kirchners' presidencies, this unlawful practice empowered a group of spies – led by Stiuso – who later turned against the authorities. In other words, an organism meant to serve national security is recurrently employed by elected authorities to advance their own power-seeking agendas, even by illicit actions. That politicians regularly use the SIDE to pursue their own self-interest should not obscure the fact that an important sector of the espionage community has gained significant autonomy from elected authorities. These groups represent a significant part of a broader network of criminal actors which has been referred to as the 'crypto-state' (BONASSO, 2014), a structure that is fundamentally incompatible with democracy.

Internal security missions as a threat to democracy

Nestor Kirchner's most important piece of legislation on matters of defense – the executive order that regulates the National Defense Law – did not only seek to strengthen the democratic organizational design of defense institutions. It also reinforced the demarcation principle, since it went even further than the 1988 law in restricting military missions by establishing that the type of aggression that called for the use of the military was of an 'armed and state nature'. Moreover, it explicitly mentioned the 'new threats' of drug trafficking and terrorism as not being legitimate cases for the deployment of the armed forces. In other words, it ruled out conflicts involving non-state actors as a basis for the development of military doctrine, planning, resources and training. This demonstrates how a normative concept thought to be essential to shielding democracy from military political power in a context of the end of

the 'dirty war' was transformed into a principle for opposing the re-purposing of the military in the post-Cold War period, in a direction in which the United States was insistently trying to push Latin American countries.

Even though no substantial change in national legislation or doctrine was decided, during Cristina Kirchner's second period as president (2011-2015) a series of decisions constituted a modest but significant shift away from the prevailing policy of preventing military participation in the fight against organized crime. In July 2011, the president signed an executive order implementing 'Operation North Shield', under the jurisdiction of the ministry of Internal Security, and including, in article 05, the collaboration of the Defense ministry. The Operation's main goal was to increase surveillance and control over the country's earth, water and air space in the north-eastern and north-western borders, as well as the arrest of subjects operating illegally in those regions. In spite of the general nature of the wording, it is known that the main concern was with drug trafficking, since it is suspected that traffickers and their supplies enter the country from Paraguay and Bolivia. The Operation has been repeated every year since its creation, even during the administration of Cristina Kirchner's successor, Mauricio Macri (2015-2019), who represents the other end of the ideological spectrum.

Government authorities insisted that no part of the operation jeopardized the 'demarcation principle', since the three services were supposed to play strictly supporting roles, neither being involved in direct combat, nor gathering information on domestic or foreign non-state actors. In effect, according to the terms of the order, the armed forces' participation – under the name of 'Operation Fort II' – amounts to assisting surveillance activities by lending its radar system, including equipment, the necessary personnel to operate them and data processing capabilities. Army personnel are supposed to inform civilian authorities whenever surveillance activities identify a positive lead, and under no circumstance are they allowed to intervene in the arrest of suspects. In contrast, some have stated that, what the government understands as 'supporting role' exceeds what military manuals describe as such (SAÍN, 2017b).

The issue goes beyond a matter of potential mission creep or human rights abuses, involving a deeper question, namely, the various controversies over the strategy of militarization for confronting drug-trafficking. As mentioned earlier, the debate over the deployment of the armed forces in domestic roles includes a perspective which maintains that, as long as it is the decision of democratically elected authorities, respects human rights standards, and has the support of public opinion, there should be no reason to question the use of the military to combat crime. Regarding the requirement of legitimacy, it is interesting to point out that there is increasing support for the involvement of the armed forces in anti-drugs border operations among Argentinian political leaders. For the first time in many years, voices calling for

the involvement of the armed forces against crime appear to outnumber those against it, indicating that what the previous consensus vocalized by the epistemic community of defense no longer enjoys the same appeal. In fact, during the 2015 presidential campaign all three main candidates were in favor of some kind of transformation of military missions that involved the armed forces in anticrime operations (ANZELINI, 2017), which is somewhat surprising since the armed forces are seldom referred to during electoral speeches.

In November 2015, the governing party candidate – Daniel Scioli – lost the election to his ideological rival: Mauricio Macri, the leader of the 'Cambiamos' alliance. While, as we have said, all three leading candidates for the presidency expressed reservations regarding the demarcation principle, Macri represents the political sector that had always criticized defense reforms, which they understood as excessive, retaliatory actions that had only alienated the armed forces (CELS, 2016). During his presidential campaign, Macri assured voters that, once elected president, the fight against drug trafficking would be a top priority for his administration. Accordingly, within the first month of his presidency, he signed executive order N° 228/2016, which established the Public Security State of Emergency, including the extension of Operation Fort II until March 31st 2017. This piece of legislation has been interpreted by critics as a step further in the militarization process as it allowed the Air Force to shoot down civilian airplanes which failed to prove their operations were legal. Some have considered it as a turning point since the country had always been reluctant to pass a 'Ley de derribo', resisting pressure from the United States, who insisted that Latin American countries implement this practice as part of their contribution to the war on drugs. Another sign that combating drug trafficking is increasingly framed as a concern of the armed forces is the instruction received by Argentinian military attachés to gather information on the issue in the countries where they have been posted (CELS, 2016).

The change in style and emphasis, however, should not obscure the fact that the previous administration – ideologically and discursively opposed to 'the militarization of security' – had already devised this strategy. This convergence in approach should be understood as a general tendency among Latin American civilian authorities to take decisions on military missions – a decisive part of defense policy – on the basis of short-term needs. The impacts of this on civil-military relations should be assessed in comparison to pressure arising from the military, as is was the case in previous eras and remains so today in some other countries or regions. Similarly to the empowerment of army intelligence, pragmatic, short-term motivations at the expense of thorough, cautious redefinitions of military roles and security demands, account for changes in the involvement of the armed forces in internal security during Cristina Kirchner's time in power.

After several years of a relative decline in criminal activity, particularly kidnappings, the

crime rate began to deteriorate again, especially in the peripheries of major cities. This trend is typically attributed to drug-trafficking. In light of both the complexity of this situation and high levels of police corruption, in December 2010, the government decided to deploy officers from the Gendarmeria – an intermediate force in charge of patrolling the borders – to help police forces solve the public security crisis. Initially, the government created Operation 'Centinela', which involved the deployment of gendarmes in the region known as the 'conurbano bonaerense', a set of highly populated towns adjacent to the city of Buenos Aires. In July 2011, a similar program was implemented in the southern part of the city, under the name of Operation Cinturón Sur. Also, in April 2014, the national government signed an agreement with authorities from the province of Santa Fe to send Gendarmería to certain neighborhoods in Rosario, the most important city in the province and the third most populous in the country, which was experiencing a sharp increase in crime rates. The Centinela and Cinturón Sur Operations continued until 2017, indicating that the deployment of Gendarmeria was more than a temporary measure.

Despite not being among the Latin American countries with the worst crime rates, public security has become a genuine problem in Argentina. More importantly, it has become a top concern for public opinion, thus impacting on the political agenda, particularly during electoral years. But while in countries such as Colombia and Mexico results are difficult to obtain due to the complexity and lethality of criminal groups and the lack of adequately trained and equipped police forces, the Argentinian case has not yet reached such levels. In fact, a good part of the literature that supports the deployment of the military for public security purposes does so on the basis that elsewhere security challenges have proliferated where states lack effective sovereignty over considerable parts of the national territory. These ungovernable, no-go zones for state officials are instead dominated by criminals who impose their authority by force and violence, while also replacing the state in the provision of public goods (BAR-TOLOMÉ, 2013; PION-BERLIN and TRINKUNAS, 2011).

Argentinian experts have depicted a somewhat different state of affairs in the country, a situation that can be extended to other countries in the Southern Cone and that reveals the instrumental dynamic that reaches from the internal security realm to defense. For example, Saín (2017a, 2015) argues that since the return of democracy, political authorities have delegated important decisions regarding public security to the heads of police institutions, resulting in what he calls a double pact. On the one hand, there is an agreement between politicians and senior police authorities whereby the former delegate to the latter the role of both formulating and implementing public security policy, meaning they may run their own institutions autonomously, with almost no political direction or oversight. On the other hand, there is a pact between police chiefs and criminal groups whereby the former regulate crime to guar-

antee that violence is kept at an acceptable rate which will not cause major social unrest, a situation which political authorities wish to avoid. This "illegal police regulation of crime" is conducted both through direct participation of police forces as partners in criminal activities, and as mediators between rival criminal groups, to make sure their competition takes place in the context of acceptable levels of violence thus serving the interests of political authorities (SAÍN, 2017a, 2015). Thus, in the Argentinian case, the notion of a state overpowered by criminal forces is a fiction, a mere pretext to implement militarized policies with doubtful prospects of success.

In other words, as Saín and others (2017) show, the public security problem in Argentina is not so much that police forces are overwhelmed but rather that there is a perverse deal that serves politicians' short-term interests and corrupt police officers' greed (DEWEY, MÍGUEZ and SAÍN, 2017). In this context, if limited criminal control of some territories is agreed upon by police authorities rather than conquered by illegal organizations with exceptional fire power, the recapturing of those areas is not a matter of bringing in an actor with greater military capabilities and fewer corrupt individuals. Rather, it looks as if politicians were, once again, only calling on the military for short-term reasons, knowing that it would not solve the problem, but might improve their chances of winning the next election.

Concluding remarks

The two setbacks identified by analysts concerned about the democratic standards of Argentina's defense policy are better explained by reference to Cristina Kirchner's instrumental political interests than as a deliberate reformulation of the previous outlook on civilian control. In the case of Milani's empowerment, allowing the army's intelligence sector to further encroach on defense policy was instrumental to both replace and contain the espionage community, which had turned against the elected authorities, representing a menace to democracy in its own right. In the second case, the decision to deploy military troops in border regions was neither the result of a considered decision to abandon the demarcation principle and assign a clearer mission to the armed forces, nor of a careful evaluation of the rise in drug-trafficking and increasing complexity security challenges, that necessitated the involvement of a more powerful and less corruptible force. Rather, the decision was taken to fill the void left in border patrolling after a considerable number of gendarmes had been sent to the peripheries of major cities. In other words, the deployment of soldiers in border areas was an instrumental attempt to solve a problem caused by another instrumental decision: that of the need to increase police presence in peripheral areas – where drug-related violence actually happens. However, even here there was no serious intention of solving the real issue, namely, that crime thrives under the alliance between criminals and the police, and between the police

and political authorities. It might not even be the case of a 'criminal state', since authorities do not necessarily take part in criminal endeavors by being associates or receiving bribes. What they do profit from is a pact whereby a reduction in violence allows them to be re-elected, without having to risk their political capital, or even their lives, in a real fight against criminal organizations.

While there is little debate regarding the negative implications of the deterioration of civilian control due to reversals in the organizational design of defense institutions, as we showed in section one, the adoption of public security missions by the armed forces has caused greater controversy. Critics' resistance to this shift in missions has been countered by those who question whether, after three decades of democratic civilian control policies, it is now time to entrust the armed forces with internal missions, particularly amidst the current surge in criminal violence. We have shown that in the Argentinian case, and possibly in others with similar conditions, the question is not whether the military is now a trustworthy actor, but whether the policy in general is adequate or not. If decisions by political authorities to involve the military in public security is rooted in political calculations based on short-term interests, if it is known that it will not solve the issue because it will do nothing to undermine the underlying double pact, can we still call it a legitimate decision with no major repercussions for democracy? Apart from the pertinent points habitually raised by critics of the war on drugs, such as the impact on human rights, mass incarceration, and a rise in violence, we believe there are two important ways, insufficiently addressed by the literature of civil-military relations, in which the militarization of drug-trafficking places stress on democracy.

First, whereas the militarization of the fight against organized crime might, under certain conditions, make sense as an inescapable measure in countries with heavily armed, violent criminal groups, which exert control over extensive parts of the territory, in Argentina, drug organizations are much smaller, less complex, and have, so far, negotiated with state actors rather than confronting them militarily. The existence of *de facto* collusion between political authorities and traffickers suggests that the deployment of the armed forces may be nothing more than a strategy 'to change so that everything stays the same'. While this approach may work for ambitious politicians, it certainly poses serious risks for democracy: as they continue to suffer from the violence and insecurity generated by crime, Latin American citizens will likely lose the little confidence they have in political parties, the courts, and the free press. In other words, the insistence on a militarized strategy against drug-trafficking threatens democracy not only by what it achieves – increase violence, corruption, and human rights violations – but also by what it fails to accomplish: to solve one of Latin American democracies' most urgent challenges.

Secondly, the revival of military tutelage itself should not be discarded as a potential reper-

cussion of sustaining a bound-to-fail strategy against organized crime. As said before, the armed forces have been subordinated to civilian authorities in such a way that makes military coups seem highly improbable. Latin American democracies have, however, new enemies: organized crime and corruption. Considering the increasing power of criminal actors to co-opt governmental and judicial authorities, and the persistence of ill-suited strategies to fight against those threats, how long until the military develops the idea that, in the context of a rotten democracy, they are called to their duty as guardians of the Patria to restore moral order? Democracy is under strain worldwide, with liberal institutions being delegitimized even in countries where they were supposedly consolidated. While in Europe and the United States terrorism and migration crises have acted as a justification for the implementation of exceptional measures, in Latin America that role has been played by organised crime.

Similarly to the argument we made about civilian authorities, there certainly is an aspect of instrumentality in the current acquiescence of some armed forces regarding their involvement in public security missions. After resisting it for years, the Argentinian military has only recently become more willing to participate in the fight against crime. Their former reluctance, as well as the weak conceptual grounds on which their involvement is justified, makes one wonder whether this change relates to their persistent identity crisis and not to careful judgments about the situation itself. Ever since the national security doctrine was abolished and the conflict hypothesis with neighboring countries eliminated, the armed forces have struggled to find a mission that can justify their relatively large size. Considering that the country does not face a clearly defined potential state enemy, certain political actors and even the public may one day decide to significantly reduce their size, cutting their budget and staff numbers. Readjusting to domestic missions is, thus, better than no mission at all. While there is a clear corporate and thus self-interested motivation behind such reasoning, we shall ask whether it does not also reflect a failure by civilian authorities to establish for them a clear external, state mission. We believe that these normative and analytical concerns, among others, demonstrate the need to reanimate the national debate that once fostered important legislation for democracy, and important influence of the academic community over defense and security issues.

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