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Argentina ¿bastión regional de la separación entre Seguridad y Defensa?
La lucha contra el narcotráfico en la frontera norte

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ABSTRACT. Within the context of a debate on the division between public security and national defense, this article is focused on determining whether Argentina remains a regional bastion concerning the separation of these two areas. Through this qualitative study, developed mainly by the analysis of primary sources, the courses of action launched during the governments of Cristina Fernández de Kirchner and the mandate of Mauricio Macri in the fight against drug trafficking are examined. It is argued that, from a factual perspective, Argentina has ceased to be the regional bastion of the separation between security and defense, given the continuous erosion that impacts the implementation of the current regulatory scheme.

KEYWORDS: Argentina; armed forces; defense; drug trafficking; Kirchnerism; Macrism; state security

RESUMEN. En un contexto de debate sobre la separación entre la seguridad pública y la defensa nacional, el presente artículo tiene como objetivo responder al interrogante acerca de si Argentina continúa siendo un bastión regional en lo que respecta a la separación de tales ámbitos. Mediante un estudio cualitativo, desarrollado especialmente a través del análisis de fuentes primarias, el escrito examina los cursos de acción desplegados durante los gobiernos de Cristina Fernández de Kirchner y el mandato de Mauricio Macri en cuanto al combate del narcotráfico. Se argumenta que, desde una perspectiva fáctica, Argentina dejó de ser el bastión regional de la separación entre seguridad y defensa, dada la situación de erosión continua que impacta en la implementación del esquema normativo vigente.

PALABRAS CLAVE: Argentina; defensa; fuerzas armadas; kirchnerismo; narcotráfico; macrismo; seguridad del Estado

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Introduction

Since the return of democracy, in 1983, a multiparty consensus was formed in Argentina that enabled the promulgation of the 23554 National Defense (1988), 24059 Internal Security (1992), and 25520 National Intelligence (2001) laws; which legally defined the demilitarization of the approach to the public security agenda. As a result, the security and defense areas in Argentina were severely differentiated and split, as well as the actors in charge of executing the actions in each one of them. Thus, the Armed Forces' participation in internal security was contemplated legally in only three exceptional and well-defined situations. Meanwhile, different specialized areas within the Federal Police system were determined to combat threats, such as drug trafficking; that is, different sections that respond to a multiplicity of agencies (the Argentine Federal Police, the National Gendarmerie, the Argentine Naval Prefecture, and the Airport Security Police). This normative framework, favorable to the differentiation between national defense and public security, is also supported internationally by Argentina in forums on issues of peace and international security.

However—and especially following the presidential debate at the end of 2015, when the best-positioned candidates presaged the need to at least rethink the role of the Armed Forces in the fight against drug trafficking—a large part of the specialized national academy began to discuss the dangers of the Armed Forces' participation in this combat. These discussions intensified, while the statements of both, recently elected President Mauricio Macri and Defense Minister Julio Martínez pointed out the need to review the role of the Armed Forces and give them their deserved place in the democracy, without discounting the importance of combating drug trafficking as one of government's three most essential work axes (Argentina, Ministerio de Defensa, 2016f, 2016g).

Consequently, for some time, there has been a climate of debate in academic circles regarding the separation of public security and national defense, interwoven with the fragility of the defense sector in Argentina and inserted in a regional context marked by the militarization of public security—and at a global level, marked by the complexity of the logic of international conflicts. Among the foremost exponents of this debate are Juan Gabriel Tokatlian, Marcelo Sain, Ruth Diamint, Germán Montenegro, Juan Battaleme, Héctor Luis Saint-Pierre, Mariano Bartolomé, Ángel Tello, Germán Soprano, Manuel Ugarte, Sergio Eissa, and Luciano Anzelini, whose production is found in different national and foreign specialized journals. Among these authors, it is worth highlighting the works of Sain (2001, 2018) and Anzelini (2019).

Similarly, there is a proliferation of editorial and opinion notes on the subject, as well as the tables and panels devoted to addressing this problem in the national congresses on political science and international relations. More recently, this climate of controversy has reached the citizenship in a more generalized manner.

In keeping with this outlook, this article's central objective is to establish whether Argentina continues to be a regional bastion concerning the separation between security and defense. To this end, it examines the courses of action deployed during the governments of Cristina Fernández de Kirchner and Mauricio Macri related to the fight against drug trafficking.¹ The premise sustained is that there is a situation of continuous erosion, with different levels of intensity and connotations regarding the implementation of the normative scheme that separates the areas of public security and national defense. The decisions taken during *amabas gestiones* has propitiated this erosion. This article argues that from a factual perspective, Argentina has ceased to be the regional bastion of the separation of these areas.²

Finally, it is important to point out that from a methodological point of view, this paper proposes a qualitative study, which uses bibliographic and documentary appointments of primary and secondary written sources as data collection techniques, worked by content analysis. This work is organized into three major sections. The first two focus on explaining the courses of action followed by the efforts of Kirchner and Macrismo, and the third presents an analytical view on them.

Kirchnerism and the participation of the Armed Forces in the fight against drug trafficking

The North Shield Plan, established through Decree 1091 (Argentina, National Executive Branch, 2011a) during the government of Cristina Fernández, in 2011, is often considered the milestone in the intervention of the Armed Forces countering drug trafficking in Argentina. However, considering that the Air Force is in charge of the surveillance and aerospace control of drug trafficking-related unlawful flights, the beginning of its military participation in this fight, despite what is legally allowed by the regulations in force, can be chronologically positioned around 1998 with the Vigía I, II, and III operatives that, since 2001, were called Pulqui.

1 The Front for Victory came to power with Néstor Kirchner, in May 2003. Then, in 2007, with President Cristina Fernández de Kirchner who was re-elected in 2011 and finished her term in December 2015. The Cambiemos party won the elections of December 2015, headed by Mauricio Macri, who governs the country at the time of writing this work. His mandate ends in December 2019.

2 It is important to clarify that the argumentation sustained in this work is based empirically in the existing normative national framework and, therefore, it excludes any reference to the valuations, criteria or opinions of the political actors involved directly or indirectly with the decision-making process carried out by the Kirchner and Macrista governments. In the same sense, although it is understood that the debate on the separation between public security and national defense is based on different theoretical-conceptual approaches expressed by academic referents about the problem of international security in the 21st century. In particular, concerning the role of the Armed Forces, the type of conflict, among others, this article does not seek to reproduce these approaches, nor build one of its own, given that the vision to be developed is, as stated, factual.

According to assertions of the then Chief of Staff of the Operations Command of the Armed Forces Carlos E. Perona, the Pulqui Operation was aimed at the detection, identification, and interception of illegal air traffic (IAT) in the northwest and center of the country (Perona, 2005). Perona also stated that this operative provided information about flight routes, clandestine landing areas, and access to the national territory. All of this data, susceptible of being used for the preparation of statistics, as well as its exchange with neighboring countries and cooperative actions with the Federal Justice and the Security Forces (Perona, 2005).

Like this, the control and surveillance of the national airspace are presented as a primary responsibility of the Air Force, in charge of the comprehensive protection of the aerospace in times of peace, independently of the nature of the raider. The latter is also evident in the topics of the combined military exercises carried out with bordering countries to favor cooperative practices related to the detection and control of IAT, especially those linked to drug trafficking. Without intentions of exhaustiveness, we can mention the military exercises carried out with Brazil, Tamba I (1997), Plata II (2004), and V (2007); Uruguay, Río III (2010), Río IV (2011), Río V (2012), Río VI (2014), and Tanque (2017); Paraguay, Arpa I (2011); Bolivia, Arbol (2012); and Chile, Viekarem X (2009).

Later, in 2004, as a result of the implementation of the *Sistema de Vigilancia y Control Aeroespacial* (SINZYCA, Aerospace Monitoring and Control System) through Decree 1407 (Argentina, Poder Ejecutivo Nacional, 2004), the control and surveillance of air traffic became the Air Force's responsibility. The articulation of aerospace defense and the air traffic justified the SINZYCA by reason of the "(...) increase of illicit flight activity worldwide, particularly at the regional level, related to contraband and the use of the air environment as a terrorist element (...)" (Argentina, Poder Ejecutivo Nacional, 2004). However, it is from 2011 that the Force, through the new General Directorate of Air Traffic Control, became responsible for the control and surveillance of civil aviation through Decree 1840 (Argentina, Poder Ejecutivo Nacional, 2011b), a Force that, until then, had been under the jurisdiction of the *Administración Nacional de la Aviación Civil* (ANAC, National Administration of Civil Aviation). This body, created in 2007 by Decree 239, centralized all the functions inherent to civil aviation. In 2011 –although it continued to be solely responsible for its regulation, supervision, and oversight– it was exempted from its control and surveillance, which, according to the provisions of the SINZYCA, are part of the Air Force's responsibilities concerning the articulation of aerospace defense and air traffic.

The interregnum 2004-2011 in the effective exercise of the functions of the Air Force regarding civil aviation –as part of air traffic– within the framework of the implementation of the SINZYCA, can be understood in the light of political will that characterized the Kirchner governments in favor of strengthening the civil defense management (which

implied removing the responsibilities that could be addressed from the civil sphere from the military jurisdiction). In this sense, there are ministerial resolutions seemingly guiding the SINVYCA exclusively to the surveillance of the airspace from the military point of view (Resolution No. 480/06), and even focusing towards the Northeast and Northwest Air Defense Zone (Resolution No. 206/07), as well as establishing criteria to promote radar aerospace surveillance, considering the “(...) complex and changing regional and global strategic juncture in matters of National Defense and International Security (...)” (Resolution No. 1539/08). Similar cases are the Airport Security Police, created by Decree 145 of 2005 (Argentina, Poder Ejecutivo Nacional, 2005), under the Ministry of Justice, Security, and Human Rights (after the overriding of the National Aeronautical Police established by the Air Force in 1977) and, as already mentioned, the establishment of the ANAC together with the issuance of Decree 1770, which transferred it the command of air regions.

A third milestone in the participation of the military institution in the fight against drug trafficking was reached in 2007 with the start-up of Operation Fortín I, through the Ministry of Defense’s Resolution 206, which integrated the means available to the Army and the Air Force to carry out this task in the northwest and northeast of the country. This operation, led by the *Comando Operacional del Estado Mayor Conjunto* (EMCO, Operational Command of the Joint Chiefs of Staff), deployed the Joint Task Force Fortín through Directive No. 01/07. In this framework, airspace control maneuvers were carried out by the Air Force, and information obtained on irregular flights was provided to the affected Security Forces. Thus, the Armed Forces were limited to logistical support, following the provisions of national defense and internal security laws.

Years later, Operation Northern Shield was implemented (from July 2011 to December 2015), through the systematic extensions of Decree 1019, to increase the surveillance and control of the land, river, and air space of national jurisdiction in the northeast and northwest borders against drug and human trafficking, and the contraband of goods. The Security Forces, under the Ministry of Security, headed the operation. Through joint Resolutions 821 and 905, the Inter-ministerial Protocol was issued for the transfer of Neutral Data of Earth Movements to these Forces. In this framework, airspace control maneuvers were carried out by the Air Force, and information obtained on irregular flights was provided to the affected Security Forces. Consequently, the Armed Forces continued to be limited to logistical support, meeting the provisions of national defense and internal security laws.

Decree 1019 instructed the Ministry of Defense to adopt the corresponding measures. Thus, Operation Fortin II was established through Resolution 590 of 2011. With variations in equipment and deployments, EMCO increased the capabilities of aerospace surveillance in the northern border, developing logistics and intelligence missions. As a result, 90 Air Force and 180 Army troops were added to the troops already mobilized

within the framework of Fortín I to manage the air and ground radars under the command of 16 officers of both Forces. However, as of 2013, the development of Operation Northern Shield began to be an issue of concern because of the deployment of military forces that this implied.

In August of that year, Operation Northern Shield added 4500 Army infantry among its ranks, replacing 5,000 gendarmes who were moving to the province of Buenos Aires as part of a security operation in the suburbs. Organized into three groups that had a monthly rotation, they were distributed in units made up of 12 soldiers and three gendarmes for patrolling efforts that unified the tasks of Operation Northern Shield and Operation Fortín II (Gallo, 2013a). These patrols were conducted in rural areas, far from the cities, where it was understood that drug trafficking was predominantly carried out individually, with shipments in backpacks or small vehicles. Therefore, it was considered that a patrol with 15 assault rifles was sufficient to face this movement without resistance. In this regard, former Defense Minister, Agustín Rossi, pointed out that the order given to the soldiers was to communicate the possible crimes to the security forces and asserted that once the security unit took charge of the situation, the military would cease to have contact with the potential smugglers. Despite this limitation to these search missions in depopulated areas in the first months, the military also collaborated with the security forces on roads and, although the gendarmes and prefects requested the documentation from people and vehicles, checkpoints, where military uniforms were seen as fire support.

Thus far, only the facts related to the participation of the Armed Forces in the fight against drug trafficking during the Kirchnerist governments have been reviewed. In the following section, we review the data related to the evolution of this situation in the (almost) three and a half years of the present government of Mauricio Macri.

Macrismo and the continuity of the military intervention in the fight against drug trafficking

By the end of 2015, drug trafficking was advancing steadily, threatening public safety with an increase in crime and levels of violence. During the presidential campaign, the forerunning candidates spoke in favor of involving the Forces Armed in the fight. Although it had not been the first time that the need to rethink the role of the Forces had been postulated, as well as assigning them responsibilities regarding the assumption of the domestic security agenda³, the earlier murmurs were evident during the first televised presidential candidate debate.

3 See Sain M. (2001) to recognize the different moments, actors, and arguments that sustained the proposals during the last decades regarding the internal role that the Armed Forces should play.

For the Victory Front, Daniel Scioli warned of the need to review the role of the military institution at some point and proposed to “(...) implement a defense of our 2,500 kilometers of borders. We will do it with troops from the security forces and Armed Forces that are already there acting on the North and Northwest shields” (“Promesa de campaña,” 2015). From the Renovador Front, Sergio Massa spoke of “(...) taking the Armed Forces to the neighborhoods that today are taken over by drug traffickers. We are going to use the Armed Forces to stop our border in terms of armoring against drug trafficking. We are going to have a leveling law” (“En Rosario,” 2015). Finally, on behalf of Cambiemos, Mauricio Macri insisted on reviewing the role of the Forces because they “(...) have to fulfill a role (...) they have to help recover the territory that is in the hands of the drug traffickers” (“Promesa de campaña,” 2015).

Although the candidates Margarita Stolvizer and Nicolás del Caño were adamantly opposed to any modification in the functions of the Armed Forces, linking them with internal security outside the exceptional instances contemplated in the current legislation, these affirmations from the mouth of the best positioned electoral candidates made it clear that the political airs concerning this issue had changed.

Consequently, at the beginning of Mauricio Macri's term and upon the expiration of Decree 1091 that established Operation Northern Shield, Decree 228 was issued (Argentina, Poder Ejecutivo Nacional, 2016), which declared a one-year Public Safety Emergency in the national territory, to confront different problems, among them, the production, trafficking, and commercialization of narcotics. Its substantiation was the need to reverse the situation of collective danger created by complex crime, emphasizing the protection of the border. Decree 228 reformulates Operation Northern Shield under the name of Operative Frontiers (article 3) and proposes it as permanent.

The government of Cambiemos thus raises the need to immediately adopt measures to equip the border area with the material, technical, and technological devices, to complete the radarization of the airspace throughout the national territory and make it effective 24 hours a day (Argentina, Ministerio de Defensa, 2016e)⁴. To this end, modernization works were launched at the Resistance Area Control Center, and investments were designated to update and install new radars, as well as to acquire additional equipment. Meanwhile, the joint patrols of the Army, Gendarmerie, and Prefecture troops, in place since August 2013, were deactivated. Decree 228 also ratified the Aerospace Protection Rules (article 9) and authorized the Armed Forces to identify, warn, intimidate, and make use of force (as a last resort) to vectors incurring in the airspace and declared hostile when deemed to be disturbing, placing at risk, or causing damage in the

4 During the Kirchner administration, the national territory had 17% coverage everyday between 6 and 8 hours.

national territory. At the same time, the military secret of the rules of Engagement for Aerospace Defense (Article 10), which governed since 2014, was lifted.

Similarly, in July 2018, within the framework of the Northern Integration Operation led by the EMCO Operational Command, the Government ordered the mobilization of 500 Army personnel to the northern border to provide logistical and communication support to the security forces involved in the Secure Border Operations, through Executive Resolution 860 (Argentina, Ministerio de Defensa, 2018b). The effort included the area from the northern border, from La Quiaca in the province of Jujuy to Puerto Iguazú in the province of Misiones, covering a geographical area of more than 51,600 km². The support occurred in the form of means and equipment (helicopters, radars, communications equipment, and drones), specific training (Argentina, Ministerio de Defensa, 2018a), and community assistance undertakings (health and food campaigns, repairs in educational establishments, trenching of roads, maintenance of structures and roads, among others). However, the Army's main axes of action to strengthen the presence of the State and achieve a dissuasive effect against illegal activities in vulnerable or poorly protected areas was the fulfillment of the standard operational training, provided in the training programs of the units deployed between the town of San Antonio de los Cobres in Salta and Puerto Iguazú, in Misiones. Thus, as explained by the head of the Army, Lieutenant General Claudio Ernesto Pasqualini, activities related to military training are carried out, for example, for combat in the specific geographic environment, for the operation of radars, the execution of patrols, and shooting exercises ("El jefe del Ejército", 2019).

It should also be noted that the Northern Integration Operation, aimed at anticipating, deterring, and overcoming possible threats affecting national security, is part of what the Macri government calls the restructuring process of the National Defense System. This process was kicked off with the expedition of Decree 683 (Argentina, Ministerio de Defensa, 2018c), which repealed 727/06 and 1691/06, and mainly deals with the role of the Armed Forces.⁵

Returning to the articles related to the central theme of this writing, Decree 683 acknowledges that threats to State security can emerge and materialize in diverse actors, regardless of the state nature characteristic of the Westphalian paradigm of international security. Likewise, although the role of the Armed Forces remains linked to national defense, the scheme of subsidiary tasks foreseen in Decree 1691 is changed by the enunciation of four types of military operations, without identifying a relationship of pre-em-

5 During Kirchnerism, Decree 727 determined that the actions of the military institution as an instrument of defense, aimed at combating external aggressions –as specified in the National Defense Law of 1988– should be limited to those coming from the Forces Armed women from other states (Argentina, Ministerio de Defensa, 2006a). In keeping with this, Decree 1691 specified that support for internal security was one of the four subsidiary tasks of the military institution and that this should not affect the doctrine, training, strategy, or equipment of the Forces (Argentina, Ministerio de Defensa, 2006b).

inence between them. Also, unlike the Decree of 2006, such operations are allowed to influence issues inherent to the military instrument, such as the definition of its doctrine, training, strategy, and equipment.

Shortly afterward, the government issued Decree 703 (Argentina, Ministerio de Defensa, 2018d), which produces the National Defense Policy Directive. This directive recognizes the transcendence of the Forces' subsidiary tasks in the development of their regular activities (among them, the fight against drug trafficking on the northern border) and affirms their complementarity with the primary mission (Argentina, Ministerio de Defensa, 2018d). It also recognizes the management of drug trafficking as one of the government's axes, directly linked to one of the six operations identified for the military instrument in the Support to the Internal Security System, which includes, specifically, the provision of logistic support in the border area.

In line with this policy, which gives continuity to the intervention of the Armed Forces in the fight against drug trafficking –although not as a subsidiary task, but as one of the operations planned for the Forces (Argentina, Ministerio de Defensa, 2018c)– it is also important to bear in mind the Ministry of Security's management of this fight in the border area. The reason for this lies, on the one hand, in the macrista political rhetoric that, from its earliest days, enabled the joint work between the ministries of Defense and Security to deal with the problem of drug trafficking in the border area. In this sense, the then Minister of Defense Julio Martínez, in countless opportunities, said that, among the new challenges that the Armed Forces had in times of peace, was the "(...) need to protect our northern border, our rivers and maritime zones" (Argentina, Ministerio de Defensa 2016c) and "(...) working together, giving assistance to the operation of the North Shield." In line with the latter "(...) helping with radars, airplanes, and also with the Army's presence" (Argentina, Ministerio de Defensa, 2016h).

In this way, Martínez maintained that "(...) the role of the Armed Forces is to assist the Security Forces (...)" (Argentina, Ministerio de Defensa, 2016a) as allowed by law, and indirectly as allowed in the past of Kirchnerism (Telam, 2016). Similarly, several meetings between the defense portfolio and the Ministry of Security, led by Patricia Bullrich, were recorded during the first months of the government, during which Martínez emphasized that "We are achieving a higher level of joint work and operation, in line with what was proposed by the president" (Argentina, Ministerio de Defensa, 2016d).

On the other hand, the concrete actions implemented by the Ministry of Security must be considered, such as the implementation of the Operativo Conjunto Abierto de Frontera (OCAF, Joint Open Border Operation) (Argentina, Ministerio de Defensa, 2017). The first of its operations took place in Misiones, in July 2016, and was then replicated in March 2017 in Corrientes and, as of May of that year, in Entre Ríos. These operatives were finally framed by a body created at the request of the Ministry of Security,

which had the same name and was intended to manage inter-agency coordination in international steps to counter drug trafficking.

The OCAFs were also deployed in the so-called Border Security Zones, which, extended by Decree 253 (Argentina, Ministerio de Seguridad, 2018), reached a range between 100 and 150 km from the outer border limit towards the interior of the national territory. Although these operations, were carried out by the Ministry of Security and affected the Security Forces strictly, the first occurrence, on July 26 and 27, 2016 in Misiones, between the towns of Eldorado and Montecarlo, had the participation of members of the Army, Navy, and Air Force, and 600 additional men from the Gendarmerie, Prefecture, and the Missions Police.

The Armed Forces provided logistical support for air, land, and fluvial patrol efforts, by way of a multipurpose ship and a helicopter. They also provided Eureka software to perform encrypted satellite communications and transmit data to the security forces (Dinatale, 2016). Also, the Foreign Ministry confirmed the assistance of other countries in the exchange of data and the contribution of equipment. Although the OCAF did not register the participation of the Armed Forces again –given the subsequent decisions adopted by the National Executive on the need to create a Rapid Deployment Force of approximately 10,000 men, formed by the three Forces, to provide logistic support in Security Forces' operations that require them (Dinatale, 2018b)– OCAF participation cannot be ruled out in the future. This presumption is reinforced, if one considers that several of the combined military exercises carried out by the Armed Forces, as during the Kirchnerism, continue to include cooperative practices related to the detection and control of IAT. For instance, in the *Árbol* (with Bolivia, in 2016) and *Río* (with Uruguay, in 2018) operatives.

Lastly, it is worth mentioning that the North American perspective on the relevance of militarizing the countering of drug trafficking as a problem of national security has become a variable that affects the future of the separation between the defense and security spheres in Argentina. This has been the case in terms of the change prompted by the government of Cambiemos in the strategy of international insertion, which places the focus on the priority of the association with the United States. The first step in this direction was given through the commitment made in March 2016 by Obama and Macri to work jointly against organized crime and drug trafficking, which the latter deemed problematic on the bilateral agenda; it led to the restoration of cooperation and information exchange programs (Calderón, 2018a)⁶.

6 For more details, see White House, "Fact sheet: relationship between the United States and Argentina." Available at <https://www.whitehouse.gov/the-press-office/2016/03/23/hoja-informativa-relaci%C3%B3n-entre-estados-unidos-y-argentina>

This first milestone in the bilateral relationship concerning international security issues was reached through multiple meetings held by the defense portfolio. For instance, during the first year of management, with Ambassador Noah Mamet met with the secretary of the Air Force (Deborah Lee James), the Undersecretary of State for Arms Control and International Security Affairs (Rose Gottemoeller) with the Assistant Secretary of State for International Narcotics Affairs (William Brownfield), and the commander of the Southern Command (Admiral Kurt Tidd), among the most relevant.

In the case of the meeting with Gottemoeller, then Minister of Defense Martínez affirmed that progress was being made “(...) in a series of topics that include (...) the fight against drug trafficking” (Argentina, Ministerio de Defensa, 2016b). This line of action has been sustained over time and is reaffirmed in the management of Óscar Aguad as defense minister, who in August 2018 met with the secretary of the State Department, James Mattis; drug trafficking was included among the items on the agenda (Dinatale, 2018a).

In this way, the North American interest to be involved in the fight against drugs that is deployed at the national level is concrete and clear, as well as the conviction of the Macrist government on the need to maintain a close and cooperative connection with Washington in this regard. In the words of the Argentine ambassador in the northern country, Fernando Oris de Roa, “EE. UU has a political interest towards us (...) EE. UU is interested in the issue of security, international support, and the fight against terrorism and drug trafficking (...)” (Niebieskikwiat, 2018). In 2018, Argentine officials even called for putting the country and the Southern Cone on center stage for the fight against drugs. “We want a plan that involves us,” said Security Minister Patricia Bullrich, before announcing the inauguration of a task force in the city of Posadas to fight drug trafficking in the Argentine northeast (Lugones, 2018).

Having reviewed the facts related to the participation of the Armed Forces in the fight against drug trafficking during the almost three and a half years of Macrismo leadership, and to have a clearer picture of what happened with the separation between security and defense in 21st century Argentina, a comparative analysis concerning what is managed by both governments is advanced.

Similarities and differences between Kirchner and Macrist management of military intervention in the northern border

As seen in the previous sections, the political decisions taken during the efforts of both Kirchnerism and Macrismo delineate a tendency concerning the approach to drug trafficking in the border areas, specifically, in the northern region of the country. This pattern denotes continuous participation that has been increased by the Ministry of Defense and

the EMCO through the Armed Forces, regarding the assistance of the security forces that questions Argentina's condition as a regional bastion of the separation between security and defense.

When analyzing the actions of the Kirchnerist governments in the fight against drug trafficking in the northern border, it is seen that, in the beginning, continuity was granted to the legal practice of monitoring and controlling the airspace using the Air Force as the univocal executing actor. This practice combined the respect of the existing normative scheme –concurrent with the separation of the areas of security and defense– with the consideration of the physical capabilities inherent to the Security and Defense Forces of the State. Then, the creation of the SINVYCA, beyond the delays in its implementation, implied the acknowledgment of the need to articulate aerospace defense with air traffic vigilance and control driven by the increase of illicit flights and, in turn, the compulsory role of the military institution through its Air Force. Finally, with Operation Fortín, the Army is added to the control and surveillance efforts of a specific portion of the national territory, and the EMCO goes on to coordinate the tasks that are deployed in coordination with the Security Forces. With the North Shield Plan and the launching of Fortín II, this military presence is strengthened from the perspective of the capacities employed, as well as their extension over time.

This state of affairs is subject to some misgivings, although, apparently and broadly, the provisions of the National Defense and Internal Security laws have been met, as well as the requirements of decrees 727/06 and 1691/06, in full force at that time. These hesitations respond to the fact that the control and surveillance measures of the northern border, which are defined as a secondary task of the Armed Forces, have extended for eight years, concatenated with the duration of the Fortín I and II operations and the North Shield Plan. In this sense, although Internal Security Law does not require a definite period for the assistance of the Forces, its wording does not follow from the idea that it has a duration so extended that it resembles a permanent task. On the contrary, it is expected that the State will implement a planned public policy based on the problems that, in a provisional manner and with an imprint of support activities, was being partially addressed by the Armed Forces.

The implementation of joint patrols, as of August 2013, exacerbated the apprehensions towards this scenario. Given that the Internal Security and National Defense laws prevent the operational action of military forces such as sections with weapons for patrolling, including of borders, and limit the assistance to logistical tasks. It seems that these requirements on the internal use of the military instrument in specific cases were not fulfilled during the validity of the decisions adopted in 2013. In this sense, if a military unit is deployed in operations other than exercises, Article 30 of the National Defense

Law must be invoked and a military surveillance zone determined; this requires the approval of Congress.

Three other considerations can be made based on the establishment of this clearly problematic context. On the one hand, unlike the case of the security forces, the military personnel involved in the patrols do not have rules of engagement that legally protect them from possible criminal actions that may arise if they use their weapons in a situation of armed aggression against them or in defense of a patrol person (Gallo, 2013b). On the other hand, the scale in which the territorial deployment has been planned since 2013, regardless of whether it takes place in sparsely populated areas, could produce a militarization of the social environment. Finally, the judicial value of the results obtained in the drug trafficking countering operations can be questioned when they are obtained through such joint patrols of the intermediate security forces and military personnel because of the legal fragility of the situational picture raised from the perspective of the distinction between security and defense. As explained by several federal judges, these patrols are in the limit of legality; meanwhile, the files for infractions of the drug law in the north multiply (Gallo, 2013b). Consequently, according to the head of the EMCO, General Bari del Valle Sosa, the actions deployed by Kirchner in the framework of the North Shield Operation “(...) were a patrol system to find drug traffickers, which could be interpreted as a violation of the Defense Law” (Reymundo, 2018).

Thus, the Fortin I and II operations and the North Shield Plan occurred in such a way that blurs the differentiation between security and defense and digresses from the integral compliance of the current national legislation in this region of the national territory.⁷ The evolution of the policy to counter drug trafficking in the border area contrasts with the political will to strengthen the division between security and defense that Kirchnerism awarded itself since its arrival into power in 2003, which, also, was in tune to reinforce civil supremacy over the military institution.⁸ Such an intention to strengthen

7 It must be noted that the objective of this article is to respond, from a factual perspective framed in the current legal regulations, to the question of whether Argentina continues to be the regional bastion of the separation between security and defense. To do so, it examines the courses of action deployed during the governments of Fernández and Macri concerning the fight against drug trafficking. Therefore, it is not pertinent to divert the analysis to the different circumstantial variables that explain such decisions, for example, those related to the distribution of security forces in the national territory and their connection with the decision to mobilize troops in significant numbers, mainly towards the northern border, or the interests of certain military sectors to expand the budget participation of the sector through a modification of the Armed Forces' mission. An analysis of this nature can be consulted in Calderón (2018a).

8 The intention to reinforce the civil supremacy over the military institution during the Kirchnerism was evidenced in a multiplicity of decisions, some with a merely symbolic impact and others that brought changes in the management of the defense sector in general. By way of illustration, we can mention the sanction of Law 26,394 that repealed the Code of Military Justice and created the Armed Forces Discipline Code and the Joint Justice Service, the establishment of the Training Undersecretary as an organic body at the political level for the conduction of the educational subsystem of the defense and the demilitarization of the organisms dependent on the forces that passed to the Ministry of Defense and the Ministry of Federal Planning, Public Investment and Services (Calderón, 2016).

the demarcation between security and defense was made explicit by including the precept of distinction between both spheres in the context of the addition of the idea of civil defense government as a fundamental principle of the National Defense System (Argentina, Ministerio de Defensa, 2010). One of the most illustrative decisions of the previous is perhaps the split of the Ministry of Security in 2010 from what was the Ministry of Justice, Security, and Human Rights, to whose jurisdiction was transferred, as decentralized agencies, the Naval Prefecture, the National Gendarmerie, and the Directorate National Civil Defense.

Considering what was stated in the previous section, the fight against drug trafficking in the northern border of the country, managed by the Macrismo, allows us to infer a significant degree of continuity with Kirchnerism regarding the strategy implemented, which involves the deployment of the Armed Forces. In this sense, the Safe Borders Operation, with the exception of the revocation of the joint patrols carried out by the Gendarmerie in coordination with the Army personnel, supports activities and tasks for the military that are of the same tenor as those entrusted to the framework of the North Shield Plan and Fort I and II. However, it should also be noted that the way in which such activities and tasks were developed seems to have been adjusted to project a more complete airspace radarization scheme, from the perspective of the kilometers of covered territory and the operating time provided for the devices, as well as the protocol for the interception of furtive flights.

These adjustments can be corroborated, in part, by the results obtained concerning the number of IAT detected, which, according to the Security Minister, Patricia Bullrich, “In the first four months of 2017, more than 200 suspicious flights were detected, three times more than in the same period last year” (“Detectan más de 200 narcovuelos ilegales,” 2017). Similarly, the possibility of creating a Rapid Deployment Force represents a new way of implementing military assistance to the security forces, and it should be noted to what extent its implementation can mean the modification of these assigned activities and tasks which, up to now, are consistent with the concept of logistical support.

Finally, the Cambiemos Government’s continuity of the strategy on the northern border could infer that the involvement of the Ministry of Defense and EMCO, through the Armed Forces, has been maintained with the same features as during the previous administration. However, two variables intensify this involvement or give it another turn. First, the relationship with the United States is determinant, given that the strategic shift propitiated by the macrismo in favor of Washington is articulated with the North American interest to influence the development of the drug trafficking countering policy as part of a regional scheme that allows it to spearhead the management of international security issues in the continent. Consequently, the Macri government behaves receptively in the face of the perspective professed by the Department of State and Defense regarding

the approach of transnational threats and that, specifically in the case of drug trafficking, favors the involvement of the military institution.

The second variable that intensifies or modifies military participation in the policy for the northern border is the way of understanding military assistance from Decree 683, that is, identifying it with a military operation capable of modifying the doctrine, training, equipment, and military strategy. In this way, this decree establishes the legal and political basis so that, in the future, the Armed Forces can extend their level of participation beyond the apparent continuity that exists when observing the type of activities and tasks that are carried out in the field. Indeed, this increase can occur while the operational separation between national defense and public security is respected, but it would be reflected in the impact that these activities and tasks would have on the organization, operation, and planning of the military institution, as well as its possibilities to complete its primary mission.

Conclusion

This work intended to thoroughly approach a process that has been taking place in Argentina for a few years. This approach was conducted exclusively based on the decisions taken by the different controlling governments, sidestepping any assessments on these decisions, their suitability or degree of effectiveness. Based on the data collected and according to the analysis of its correspondence with the current regulatory framework, it is maintained that Argentina, concerning the fight against drug trafficking, can hardly continue to be recognized as a regional bastion of separation of security and defense.

From a factual perspective, although the activities and tasks assigned to the Armed Forces by Kirchnerism and Macrismo can be framed –in general, and basic terms– within the normative scheme in force at the time of its implementation, the latter has been eroded continuously, however with different levels of intensity and connotations.

Twelve years after the establishment of the Fortín I Operation and the North Integration Operation in progress, it can be argued that Argentina is moving through a new reality, which was shaped by the decisions taken by governments of a different political character and ideological imprint and that, therefore, is here to stay. The vigor of this assertion is anchored not only in the empirical base previously exposed but in consideration of the impact of a set of variables that provide a favorable environment for the Armed Forces to participate in the fight against drug trafficking on the northern border. Although its explanation is not part of the object of this work, it is necessary to mention them broadly.⁹

The first variable, at the micro level of analysis, is the national context, which is marked by the extreme fragility of the National Defense System and the hierarchy of the

9 For a more detailed analysis of the national, regional, and hemispheric context, see Calderón (2018b).

public security agenda. A second variable, at a regional level of analysis, is the detection of the conditioning of two tendencies that are preponderant in Latin America. On the one hand, the change of priorities of the defense agenda driven by the low probability of warlike confrontation, in traditional terms, between the states of the region. On the other hand, the displacement of the primary defense role of the Armed Forces in favor of its compliance with secondary tasks related to the implementation of internal security agendas. Lastly, we must also consider that the promotion by the hemispheric hegemonic power of this displacement through a policy of systematic support for the participation of the military institution, especially in the fight against drug trafficking, functions as a relevant variable in the configuration of the new reality in question.

This being the case, and given the international security context of the 21st century, it may be pertinent and more practical to inquire about the implications and challenges involved in the articulation between public security and national defense against specific transnational problems in certain parts of the national territory. The previous, to find a middle ground between the general and unrestricted premise of protecting the areas of responsibility of the military as executors of national defense and the security forces as guarantors of internal order. Moreover, the need to generate scenarios of articulation between security and defense to face specific challenges that reconsider the idea of state security in a regional and global context in which non-traditional threats prevail. Thus, there is no doubt that the separation between public security and national defense must be upheld as a basic premise of the Argentine defense system, which should not disregard the security requirements of the State in the border areas.

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