

# The Armed Forces as Security Agency And the Civil-Military Relationship in Brazil

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## 1 INTRODUCTION

Brazil is facing a high level of violence that is particularly linked to urban spaces where statehood is not completed and state authorities do not provide protection from crime. Particularly in Rio de Janeiro, violence originating in *favelas* has spilled out to other parts of the city. As a result, the outside population increasingly supports a security-first approach in order to solve this problem (GAY, 2009, p. 37). The growing “securitization of the city” (MUGGAH; SAVAGE, 2012, p. 3) and the perception of these localities by the outside world is best illustrated by WILLIAMS (2010, p. 40): “In thinking about spaces and security (...), the danger flows out of its origin or locus in zones characterized by turbulence (...) to zones of order and stability”. As the country is going to host major sports events like the Football World Cup and Olympic Games in the coming years, federal and state governments are desperately seeking solutions for the security situation in order to be able to guarantee safety for citizens as well as visitors. For this, the deployment of Armed Forces in public security appears to be an efficient solution. Brazilian Armed Forces therefore engage in neighbourhoods that are “outside the de facto control of public security forces” (MUGGAH; SAVAGE 2012: 6) with the task of transforming them into spaces where the sovereignty of the state, especially the monopoly on violence, is valid. Nevertheless, this implies a trade-off between efficient governing in the short term and legitimate governing in the long run. The country faces the paradoxical situation that the democratic government delegates power to “authoritarian enclaves” (ZAVERRUCHA, 2008, p. 130, own translation) who may prevent a further consolidation of the country’s democracy in order to conquer ‘exclaves’ of statehood. As a consequence, this also raises concerns about the civil-military

paradox, which means that an institution that is per se organized in an undemocratic way is used to protect democratic institutions (CROISSANT; KÜHN, 2011, p. 4).

The constant struggle for civilian supremacy might be undermined by a regained significance of the military in domestic politics, as the influence of the Armed Forces on the transition and the new democratic constitution has obstructed fully democratized civil-military relations until today. This resilience of autocratic rule is a particular problem when the democratic government has to rely on the military for guaranteeing central functions of the state, e.g. the provision of security. In order to assess whether the use of military forces can be deemed a “democratic means of exercising authority” (ESTEVEES, 2010, p. 619). I aim at taking a closer look on the development of civil-military relations from the transition to democracy until today.

## **2 METHODOLOGICAL APPROACH**

In order to achieve this, I will use the model of fully-fledged civilian control over the military developed by CROISSANT et al. (2011, p. 78). Drawing upon assumptions of historical institutionalism and strategic action, this approach works out five decision-making areas in civil-military relations. Only if public administrations enjoy uncontested decision-making power in every field, complete civilian control is attained. Relying mainly on a qualitative evaluation of secondary sources, I will try to give an overview of the developments within these following dimensions since the end of military rule.

Elite recruitment:

Civilian control in this dimension means, that there ought to be an open political competition and that political leadership shall be exercised solely by civilian authorities. Civilian supremacy is restricted, if the Armed Forces retain the right of nomination for positions in the public administration, if the leadership of certain ministries is reserved for members of the Armed Forces, or if they either systematically or selectively try to influence the appointment of the head of state.

Public policy:

This dimension refers to any policies that are not directly linked to defence or security, e.g. economic or social policies. The whole process of policy-making, from agenda-setting to policy implementation, shall be free from military influence. In this sense, annual budgeting is deemed especially important for civilian supremacy. For countries formerly ruled by military governments, it is further helpful to have a look at the state of transitional justice, since this area not only serves as a means to assess the rule of law, but also the power of civilian authorities to impose policies that might have negative consequences for the Armed Forces. The degree of civilian control in transitional justice does not only depend on the actual punishment of crimes committed during military rule. It is best measured by the way military elites try to influence or to resist the decisions of civilian institutions concerning transitional justice.

Internal security:

When Armed Forces are used for police action, civilian control especially depends on the degree of authority over the military during these assignments. The decisive measurement is whether the civilian institutions decide on frequency, duration, and range of these missions and whether they are able to control them effectively.

External defence:

Since external defence is the main task of Armed Forces, a certain degree of military autonomy does not pose a problem for civilian control. In this dimension, civilian supremacy can be assessed by the degree of civilian authorities' ability to oversee the implementation of security policies. The crucial factor is decision-making power. Furthermore, civilian authorities shall be able to stop and punish a possible inappropriate behaviour by the Armed Forces. Ideally, the agenda-setting in security policy should be carried out only by civilian institutions.

Military organization:

Military organization relates to decision-making on military equipment. This implies financial and technological resources, the regulations of the military doctrine and training, as well as the number of personnel. The extent of civilian control depends on the capability of limiting the necessary degree of military's autonomy in these issues.

### 3 THE FIVE DIMENSIONS OF CIVILIAN SUPREMACY

#### 3.1 ELITE RECRUITMENT

In the early stages of democratization, elite recruitment used to be heavily influenced by the Armed Forces. During the controlled transition, not even a mass movement like the campaign for direct presidential elections (*Diretas Já*) was able to achieve its goals when facing strong military opposition. As a result, indirect presidential elections were held in 1985 with a *Colegio Eleitoral* that consisted of representatives of federal states and members of Congress. Therein, one third of the senators were appointed directly by the Armed Forces (SANTOS, 2004, p. 118). Hence, the political competition has not been open during the beginning of the Brazilian democratization process. After the death of designated president Tancredo Neves, José Sarney (both *Partido do Movimento Democrático Brasileiro*, PMDB) took over as head of government. Since Sarney used to be chairman of *Aliança Renovadora Nacional* (ARENA), the party loyal to the military government, it was not surprising that the first president of the new democracy had little interest in extending civilian supremacy. Sarney did not see the Armed Forces as rivals, but rather as political power base. Shortly after the majority in congress refused allegiance to him, Sarney reacted by using the Armed Forces as a means of exerting pressure on congressmen (AGÜERO, 1997, p. 194). Another demonstration of this alliance has been the vehement opposition of the military against the shortening of Sarney's presidential term (SOARES; LOYOLLA KUHLMANN, 2005, p. 502). Six out of 22 members of the first democratic cabinet have been active officers of the Armed Forces (HAGOPIAN, 1990, p. 156), the three military branches Army, Marine, and Air Force had their own ministries. Furthermore, presidential and governmental administrations consisted of a large number of military members (AGÜERO, 1997, p. 185).

The first directly elected president after military rule, Fernando Collor de Mello (*Partido de Reconstrução Nacional*, PRN) halved the number of military positions in his cabinet. Yet, it was not only principles of civilian supremacy that led his actions, but also a certain rivalry with some members of the Armed Forces, that had tried to influence the election campaign by leaking rumours about Collor's private life to the press (ZAUERUCHA; DA CUNHA REZENDE, 2009, p. 413). The military intelligence service and the corresponding ministry were dissolved and replaced by a civilian intelligence apparatus without ministerial representation (SANTOS, 2004, p. 121). Nevertheless, Collor's further attempts of cutting back the military's influence were blocked by effective military lobbying. Their *assessores parlamentares* managed to win enough congressmen to their side and convinced them of refusing Collor's proposal of creating a unified Ministry of

Defence (SAINT-PIERRE; WINAND, 2008, p. 53). Finally, Collor's term ended with an impeachment due to suspicions of corruption. The Armed Forces kept a low profile during this process and refrained from influencing the members of parliament. Some observers were surprised by the passive stance of the military and its break with the habit of interfering in politics during times of crises (AGÜERO, 1997, p. 186) and see this as an adjustment to democratic norms (SANTOS, 2004, p. 124; SOARES; LOYOLLA KUHLMANN, 2005, p. 502; LINZ; STEPAN, 1996, p. 179). Still, one needs to question the military's motivation: Why should they have interfered in the impeachment of a presumably corrupt president that had tried to cut their prerogatives? A real test for the Armed Forces' democratic convictions would have been an impeachment of a more attached president like Sarney. Furthermore, the designated successor Itamar Franco (PMDB) posed no threat to the Armed Forces' prerogatives. After becoming president, Franco even raised the number of military cabinet members again to the number of nine (ZAVERRUCHA; DA CUNHA REZENDE, 2009, p. 414). Henceforth, the Armed Forces actually stopped influencing the appointment of presidents and gave free rein to democratic mechanisms. An indicator of the growing democratic consolidation in this respect was the presidency of a former opponent of the military regime, Luíz Inácio Lula da Silva (*Partido dos Trabalhadores*, PT). Having been imprisoned during authoritarian rule, he finally became president without major military opposition. Yet, Lula's rather defensive attitude which prevented conflicts helped the Armed Forces to accept a former adversary as commander-in-chief (SOARES; LOYOLLA KUHLMANN, 2005, p. 503).

Thus, the most visible representation of the former authoritarian rulers in politics has been the military-led ministries. Before dissolving the military branches' ministries, Brazil used to be the last South American country without unified Ministry of Defence. Only in 1999, during the second term of Fernando Henrique Cardoso (*Partido da Social Democracia Brasileira*, PSDB), the unification of the three military ministries was realized. Yet, the personnel of the officially civilian-led Ministry of Defence consist mainly of military members. Except for the minister and his *chefe de gabinete*, only few high-ranking members of the ministry are civilians (LÓPEZ, 2008, p. 310). In addition, the appointment of the minister of defence depends on the informal approval by the Armed Forces (SAINT-PIERRE; WINAND, 2008, p. 57). With currently one military member of government (the head of the presidents' *Gabinete de Segurança Institucional*), the numerical representation of the Armed Forces in the political elite has been reduced significantly. Nevertheless, informal contacts to ministries that are engaged with policies that affect the military's interests help the Armed Forces

to bring their agenda into policy-making (SANTOS, 2004, p. 138). To summarize, the civilian supremacy in this dimension has been formally achieved, yet is curtailed by the military's informal exertion of influence.

### 3.2 PUBLIC POLICY

The Armed Forces' self-perception and their habit to engage in economic and political affairs are based on the key role they played during the country's historical development (HUNTER, 1998, p. 311; SAINT-PIERRE; WINAND, 2008, p. 59). Thus, the Armed Forces significantly limited the civilian government's political leverage right after the end of military rule, especially in reforms concerning economic and social policies. Striking examples are the agrarian reform, the creation of a common market with Argentina, and the right to strike. After the announcement of an agrarian reform by José Sarney, the military-led intelligence service took care of a massive personnel restructuring of the entrusted administrations because of an alleged leftist infiltration. The common market with Argentina was originally supposed to comprise a broad technological co-operation, even in the strategically relevant sector of nuclear technology. As the Armed Forces then were still pursuing the plan of building an atomic bomb and were seeing a possible collaboration with the former arch enemy as a threat to the strategic position of the country, they denied their consent (AGÜERO, 1997, p. 186). The most visible interference during the early stages of democratization took place in questions of workers' rights. Following the announcement of a general strike, the Armed Forces occupied steel mills and train stations (STEPAN, 1988, p. 108ff.) without any approval by civilian authorities (AGÜERO, 1997, p. 185). This substantial resistance is considered to be the major reason for the delay in passing the bill on the redesign of the right to strike (HAGOPIAN, 1990, p. 156).

During military rule, the Armed Forces had constantly expanded their share in Brazil's economy, particularly in technological and scientific areas. Hence, a large part of these sectors was still owned by the Armed Forces during and after the transition. When its regime came to an ending, the military was responsible for approximately one quarter of the expenses in these economic branches (CONCA, 1992, p. 146). Among other things, the Armed Forces had decisive influence on the economic success of aircraft manufacturer EMBRAER. As there has neither been a public debate on this issue nor any pressure by civil society or political elites (MANI, 2011, p. 40), the Armed Forces have largely managed to maintain their crucial role in the country's economy. Even though formal participation in economic policies may have diminished, strategically important

branches like the armaments industry and especially the high-tech sector remain to be heavily influenced by the Armed Forces (ALBRECHT, 2011, p. 22). Other areas of the federal economy also continue to be controlled by the Armed Forces, e.g. the ports that are led by the Navy, or the supervision of airports that is exercised by the Air Force (CONCA, 1992, p. 151). Due to the power of military personnel to obstruct reforms, even the planned demilitarization of the aviation sector has been blocked (SAINT-PIERRE; WINAND, 2008, p. 75).

During the military regime, the defence expenditures' share in the federal budget shrank constantly. From 1972 until 1983 and measured against Brazil's gross domestic product, the amount fell from 1.4 percent to 0.7 percent (STEPAN, 1988, p. 72). Yet, due to the average economic growth of 5.22% in this time, this decline did not mean a significant reduction of actual figures (ZAVERUCHA; DA CUNHA REZENDE, 2009, p. 411). Today, Brazil disposes of the largest military budget in South America, yet only a minor share of this budget actually flows into defence investments. Still, it is planned to spend 2.5 percent of the annual GDP on military equipment (FLEMES, 2008, p. 4). In terms of civil-military relations, the share of defence spending is not as important as the procedure of planning the federal budget. A major obstacle for civilian supremacy is the lack of an actual budgetary sovereignty of the parliament. The implementation of the budget that is passed in Congress is not binding for the government, but merely optional. The members of parliament are not involved in the process of designing the military budget. They only vote on the draft prepared by the president, the Ministry of Defence and the commanders of the military branches. Furthermore, the Congress is deprived of essential information regarding the expenditures within the military budget. Hence, the Armed Forces are able to exert significant informal influence on budget-making, as – unlike the budget of other sectors – the military budget is usually shielded from veto by the legislative branch (FLEMES, 2004, p. 17). After the return to democracy, the military-led ministries regularly accounted for more than ten percent of overall expenditures for all ministries (ZAVERUCHA, 2005, p. 96). At the same time, the Armed Forces know how to take advantage of the congressmen's lack of interest in military affairs. The members of parliament cannot expect an electoral payoff by specialized knowledge of these issues and therefore do not use their potential influence on policy- and budget-making (HARIG; ZILLA, 2010, p. 3). The actual extent of military's influence on the parliamentary process is hard to measure, since its informal character limits the possibilities of scientific inquiries (PION-BERLIN, 2010, p. 528). Although it is certain that the Armed Forces possess considerable privileges in the

competition of ministries for financial resources (ZAVERRUCHA; DA CUNHA REZENDE, 2009, p. 414).

Considering the situation of transitional justice, the amnesty law of 1979 – originally designed to protect members of guerrilla organizations from prosecution – is still hampering the clarification of crimes committed by the military regime. As a condition for their consent to the return to democracy, the Armed Forces were able to extend the scope of this law on themselves (HEINZ, 1999, p. 468; SANTOS, 2004, p. 119). With the first president José Sarney as a strong advocate of military's interests, little was done in the early stages of the New Republic to clarify crimes of the military rulers. The following years saw an avoidance of conflict in the sensitive issue of coping with the past. The strong military lobby in Congress intervened especially often in this domain and managed to protect its own interests (FLEMES, 2004, p. 19). Even a former opponent of the military regime like Lula was not willing and able to win out over a broad coalition of high-ranking members of the Armed Forces and congressmen. Especially in the beginning of his first term, Lula did not seek any confrontation with the Armed Forces, although the constituency of his party showed interest in clarifying the past. After a scandal concerning the Armed Forces defending the torture of “subversives” during the military regime, civil society organizations demanded the opening of secret files and the clarification of disappeared people's fate (SANTOS, 2004, p. 137). Yet, this initially did not change the restraint of Lula and the PT (SOARES, 2004, p. 96). Only towards the end of his second presidential term, Lula tried to create a truth commission by decree and to abolish the amnesty law. Due to the threat of resignation by the commanders of the three military branches as well as by the Minister of Defence, Nelson Jobim (PMDB), this project failed. In his role as commander-in-chief, Lula would have been allowed to fill these positions immediately, but nevertheless shied away from further confrontation. No debate in Congress took place, but the conservative majority probably would have refused to follow Lula (HART, 2010, 35).

A subsequently developed, more moderate proposal by Lulas successor Dilma Rousseff (PT) has been accepted by both chambers of Congress in autumn 2011. Rousseff, who used to be a militant opponent of the military regime and allegedly suffered torture in prison, let the heads of the Armed Forces approve the bill before handing it over to Congress (MAGALHÃES; FALCÃO, 2011). Consequently, the amnesty law remains to be valid and the truth commission does not have the authority for criminal prosecution. Several members of parliament expressed their resentment about this way of clarifying the past (BRESCIANI, 2011; FALCÃO, 2011). Yet, there was no real debate in Congress concerning this bill. De facto, the parliamentary decision-making process was bypassed. Transitional justice seems to have become a matter of negotiation between the executive



branch and the Armed Forces, therefore eliminating civilian possibilities of influence. Overall, there is little political will and/or ability to take on a strong stance against the Armed Forces in this issue.

### 3.3 INTERNAL SECURITY

The beginning of a significant military deployment in public security issues after the transition dates back to 1992, when the Armed Forces patrolled the streets of Rio de Janeiro during the United Nations Earth Summit (HUNTER, 1998, p. 311). With major events like the Football World Cup 2014 and the Olympic Games 2016 approaching, Rio de Janeiro remains to be a focal point of military action in internal security. *Favelas* that are de facto controlled by non-state violent actors (PION-BERLIN; TRINKUNAS, 2011, p. 43) are increasingly seized with the help of troops. Nevertheless, following CROISSANT et al., the decisive factor for civilian control in this respect is not the kind of military deployment but the civilian influence on scope, duration and frequency of these actions.

Due to its constitutional role, the Armed Forces are endowed with significant autonomy in matters of internal security. Article 142 assigns the Armed Forces the guarantee of constitutional powers and under circumstances of law and order, which supports the military's self-perception of being the real guardian of the country (FLEMES, 2008, p. 4). Since terms like order can be interpreted in manifold ways, the military's leeway in domestic security is high (SOARES; LOYOLLA KUHLMANN, 2005, p. 479). In this sense, the Armed Forces see themselves as guarantor of the constitutional bodies, not in reverse. This follows the logic of the Doctrine of National Security inherited from the times of Cold War, where the military was supposed to be crucial in the country's defence against "subversive" powers. After Cold War, the focus of this doctrine switched from external enemies to internal security (DE OLIVEIRA; SOARES, 2000, p. 103). This means that today's enemy is not political any more. The enemies to be fought are criminals, which often operate in poor regions of Brazil (PEARCE, 2010, p. 296). Yet, military training does not prepare for police actions (ZAVERRUCHA, 2008, p. 128).

Since Brazilian police forces are not able to cope with criminality, the federal and state governments increasingly rely on military effectiveness in fighting crime. With a presidential decree issued in August 2001, Fernando Henrique Cardoso authorized the Armed Forces to take action in "Operations for Guaranteeing Law and Order", which originally was the *Polícia Militar's* sphere of responsibility (ZAVERRUCHA, 2008, p. 139). This regulation allows for an intervention of

federal military forces in the Brazilian states when the president decreed this action after the public security agencies of the concerned state proved to be not capable of solving the problem. Even then, the Armed Forces' action shall be limited until the exceptional issue that caused the military deployment has been resolved (GARCIA, 2008, p. 16). However, the reality does not match this regulation. One example is the military seizure of Rio de Janeiro's *favela Complexo do Alemão* beginning in November 2010. The newly elected president Dilma Rousseff soon had to deny rumours that she and the governor of Rio de Janeiro had informally agreed upon a military deployment until after the World Cup 2014 (HARIG; ZILLA, 2010, p. 2). The point of time when especially trained police forces were finally supposed to take over was delayed from October 2011 to June 2012 (EL ESPECTADOR, 2011).

The civilian authorities use to interpret this regulation for the benefit of prolonged military actions of their own accord and therefore obtain a certain degree of influence on scope, duration and frequency. Nevertheless, an effective civilian control of the military operations usually does not exist. An example from 2006 illustrates this lack of oversight: Several armed men attacked an army unit in Rio de Janeiro and stole a number of firearms. The Armed Forces reacted quite disproportionately by occupying seven *favelas* with 1600 troops and heavy military equipment. This operation was justified by military law, after which robbing arms is considered a military crime and therefore might entail a military operation. The Armed Forces extended their deployment in an arbitrary way by imposing curfews without legal authorization. Inhabitants of the affected *favelas* complained about human rights violations committed by military units. Among other accusations, the public prosecutor's office started to investigate the death of a 16-year-old youth, just to stop any inquiries by order of the government. Afterwards, the defence minister José Alencar (*Partido Republicano Brasileiro*, PRB) denied any excessive behaviour of the Armed Forces (ZAVERUCHA, 2008, p. 141). To sum this up, an effective control of this deployment did not take place. Quite the contrary, the civilian authorities intentionally waived their right to sanction the military's misbehaviour.

### 3.4 EXTERNAL DEFENCE

As Latin America in general faces little danger of interstate wars, the public interest in security policy is not very high (FLEMES, 2004, p. 7). Brazil is a prominent example of this situation, since there has been no significant threat to its borders for more than 140 years and the largest South American state is in no menacing confrontation with any country of the world

(ZILLA, 2011, p. 7). Against this background, it is hard for Brazilian members of parliament to gain profit from detailed knowledge of security and defence issues. The Armed Forces therefore enjoy a considerable information advantage compared to a central civilian supervision authority. Additionally, public support for parliamentary initiatives concerning external defence can be expected to be low: No other Latin American country shows such high levels of positive attitudes towards military interventions in politics (LATINOBARÓMETRO, 2009, p. 15; LATINOBARÓMETRO, 2010, p. 73) accompanied by significant scepticism towards the parliament. Only 45 percent of Brazilians think that there can be no democracy without a congress (LATINOBARÓMETRO, 2011, p. 42). This illustrates why the Brazilian presidents usually managed to retain the decisions on external defence for themselves or rather negotiated them directly with the Armed Forces than taking the Congress into account. However, the “*alijamento*” (DE OLIVEIRA; SOARES, 2000, p. 122) of parliamentary supervision does not provoke any negative public opinion, which in return does not pressure congressmen to change this situation. As a result, Congress is left out from the decision-making process in external defence, which is a major setback for gaining civilian supremacy.

Due to the fragmented institutional architecture of three military ministries, agenda-setting in matters of security policy has been divided until the middle of the 1990s. Diverging interests of the respective ministries did not allow the Armed Forces to develop a coherent strategic approach towards external defence. Moreover, this hampered the influence of the executive branch, as there was no point of single contact in the Armed Forces that would have helped to facilitate negotiations. Even before the creation of a single Ministry of Defence, the Cardoso government managed to create the *Política de Defesa Nacional* (PDN) in 1996. With this document, standard guidelines for the future Armed Forces’ strategy were issued for the first time (SANTOS, 2004, p. 130). It especially referred to the so-called new threats like transnational terrorism and drug trade (BERTAZZO, 2007, p. 34) and established the co-operation with neighbouring states in matters of security policy. Yet, resistance of the single military branches towards the PDN’s aims blocked its implementation (FLEMES, 2008, p. 2). Only with the unified ministry, the military branches started to accept common strategic goals.

In default of a White Book on external defence, the *Estratégia Nacional de Defesa* (END) from 2008 represents the most recent document on strategic orientation for the Brazilian Armed Forces. It was jointly developed by the Ministry of Defence and the commanders of the military branches. A clear division of responsibilities between civilian institutions and the Armed Forces

was established: civilians shall define the hypothetical conflicts, while the military's task is to assess the probability of these scenarios. Besides the already mentioned new threats, the END sees the insufficient military presence in regions of strategic importance (the Amazon basin, or the Brazilian sea area, called *Amazônia Azul*) as main dangers. Hence, the protection of natural resources constitutes the major contemporary task of external defence. This bears special importance for the Navy that so far has not been significantly involved in issues concerning foreign or security policy (BERTAZZO, 2007, p. 37). While Armed Forces and civilian institutions seem to agree upon possible conflict scenarios, the assessment of their probability is rather disputed. As an example, the Navy sees a threat in the exploitation of Brazil's oil reserves by foreign powers, even though the states that would be technically able to do this have already been given contractual shares and therefore do not pose a risk (ALBRECHT, 2011, p. 6). The same applies to a possible US-intervention in the Amazon region. Even though the probability of such a foreign involvement falls almost to zero, the Armed Forces are preparing special defence tactics, which are partially based on guerrilla warfare (PIGNOTTI, 2008, p. 88). As will be shown in the chapter on military organization, the Armed Forces and particularly the Navy seem to be able to take advantage of these diverging interpretations for pushing through their requests for military equipment.

Overall, one discovers a shared agenda-setting capability in the dimension of external defence, which does not include a significant parliamentary involvement. This is actually a progress compared to the situation a few years ago. The development of a foreign policy strategy with military components finally forced the civilian government members to gain a minimum of knowledge in this policy field. Far into the 2000s, the structural information asymmetry between Armed Forces and government has been so huge, that the Armed Forces were able to partially exercise political steering in matters of external defence (FLEMES, 2004, p. 22). While the parliamentary knowledge of external defence remains low, the executive branch seems to have developed certain awareness. This was largely influenced by the increasing participation of Brazilian troops in UN-peacekeeping missions, most prominently MINUSTAH. The deployment in Haiti is not only an expression of Brazil's rising responsibility as an emerging power, it also serves as a training ground for future military actions in fighting crime inside the country, as has been admitted by former Minister of Defence José Viegas (ZAVERRUCHA, 2008, p. 140). This might actually be a setback for gaining civilian supremacy, since a prominent military role in fighting crime could further deepen the Armed Forces' significance in domestic affairs.

### 3.5 MILITARY ORGANIZATION

This dimension is closely intertwined with external defence, especially in issues concerning the Navy. As laid down in the END, the Brazilian Navy's future main operational area is to be found in the Southern Atlantic Ocean (FLEMES, 2008, p. 6). Right after the END's publication, the Navy issued a procurement plan that budgets for a doubling in the number of battleships until 2030 (ALBRECHT, 2011, p. 5). While there certainly is a certain degree of civilian control in the planning of these acquisitions, the Armed Forces still prevail in the interpretation of strategies and the consequential equipment.

It seems to be a general pattern that the Armed Forces present the civilian institutions with a *fait accompli*. Already the PDN has been used by the Brazilian Army to justify the purchase of a large number of tanks, even though this heavy armament was not suitable for fighting the threats that were mentioned in the PDN, like drug trade and terrorism. The Navy decided in 1997 to buy several combat aircrafts from Kuwait without prior permission. Afterwards, president Cardoso approved this purchase without consulting the cabinet or the parliamentary defence committee. Furthermore, the Navy used these planes in lobbying for the acquisition of a prestigious yet unnecessary air craft carrier (FLEMES, 2004, p. 18). The END foresaw the purchase of several submarines. The Navy though is again creating facts before the civilian institutions can make their final approval: A French-Brazilian contract provides for the construction of several conventional submarines and a new submarine base. Even though Congress had not approved of this deal yet, the Navy was already pre-financing the construction (ALBRECHT, 2011, p. 9). An also scheduled construction of a nuclear-powered submarine is without much practical military value but very prestigious. Seen merely militarily, there is doubt that nuclear submarines are suitable for deployments defined by the END. For the same amount of money, the Brazilian Navy would be able to buy a larger number of conventionally driven submarines that would serve for the same operational objectives. Hence, the approval of the nuclear submarine's purchase depends to a large extent on successful lobbying, e.g. by the Navy's supreme commander. Despite the doubts about its usefulness, high-ranking members of the Armed Forces seem to consider the acquisition right (ALBRECHT, 2011, p. 13; p. 22-24).

It seems reasonable to suppose that this course of action has its roots in the END's objective of resorting to the mastery of nuclear technology in order to guarantee for the national independence and to safeguard foreign policy interests (RÜHLE, 2010, p. 2). The Armed Forces would be a profiteer of the use of nuclear energy, since it controls the necessary technology. Many

important facilities, e.g. a uranium conversion plant, are situated in military sites (ALBRECHT, 2011, p. 22). It is thanks to many years of Armed Forces' lobbying that Lula resumed the project on a nuclear submarine, which had already been halted by Cardoso in 1996. Before Lula's decision, the Navy has been displeased with the strictly civilian usage of nuclear energy and finally managed to bring back the military option by constant lobbying. Despite the constitutional prohibition on using nuclear technology for military means, Lula's minister of defence José Alencar even advocated nuclear arming (RÜHLE, 2010, p. 6ff.). In sum, there are certain shared interests of civilian governments and the Armed Forces in matters of nuclear energy.

While the civilian institutions seem to be heavily influenced by the Armed Forces' professional lobbying, civilian supremacy in the dimension of military organization is further hampered by the constitution. The Congress' task is to define the personnel strength of the Armed Forces, to give its assent before the President declares war and to announce the state of emergency (CONSTITUIÇÃO DA REPÚBLICA FEDERATIVA DO BRASIL, 1988, TÍTULO IV, CAPÍTULO I, SEÇÃO II). Both chambers of Congress have established committees that are not exclusively responsible for matters of defence but also have to cope with other issues concerning foreign policy. Due to the already mentioned lack of knowledge in military affairs, the committee's work is not effective. Especially the senate's committee is considered to be a "complete failure" (FLEMES, 2004, p. 21, own translation), which rarely employs its already weak control instruments. Moreover, there are no parliamentary powers in central issues like the oversight on military intelligence, the promotion of officers or the Armed Forces' educational system (SOARES, 2004, p. 95). Military education is still determined by the Armed Forces themselves, the Ministry of Defence is only in charge of the curriculum at the *Escola Superior de Guerra*, the highest military academy (SAINT-PIERRE; WINAND, 2008, p. 59). Since the ministry's apparatus is mainly staffed by members of the Armed Forces, no effective civilian control is achieved in this respect.

#### 4 CONCLUSION

Some dimensions have seen a considerable increase in civilian supremacy, while others have seen a transformation from formal to rather informal ways of military influence. CROISSANT et al.'s central dimension, elite recruitment, probably represents the most positive development for civilian supremacy. Here, the Armed Forces have accepted democratic rules, especially in relation to the presidency. It is a sign for civilian supremacy that the military even accepts former opponents

as president and commander-in-chief. Yet, the Armed Forces still obtain considerable informal influence on the appointment of the minister of defence. Furthermore, the ministry's staffs consist mainly of members of the Armed Forces. Hence, the minister tends to be more loyal to the military than to the civilian institutions in times of crises.

The Armed Forces have withdrawn from their open influence on the dimension of Public Policy but maintain their clout on areas of high interest. Large parts of strategically relevant economic branches are still under military control. Combined with informal influence on Congress and weak parliamentary oversight, the Armed Forces possess significant budgetary powers. Transitional justice is hampered by the military's power to block civilian decision-making in this regard. At the same time, civilian agencies do not dare to withstand the military resistance. As the government increasingly relies on the Armed Forces in matters of internal security, the military's bargaining power is going to remain high.

The dimension of internal security, particularly important for the current military deployments in public security, shows a great weakness of the democratic state. Here, the military's significance has been rising since transition. With civilian institutions that exercise their right to control the Armed Forces, this would only be a minor problem. Since the government depends on the deployment of troops for fighting crime, it defends the Armed Forces against criticism relating to human rights' violations and neglects its duty to oversee the military actions. Initially, this problem derives from the weakness of civilian security institutions. If police forces were able to protect citizens from crime and violence, there would be no need of sending troops. With civilian institutions relying on the effectiveness of military units for guaranteeing security before and during major events like the Olympic Games, a long-term problem for the legitimacy of democratic rule might arise. The civilian state transfers basic principles of modern statehood, the provision of security as well as rule of law (SCHNECKENER, 2007, p. 105), into the Armed Forces' responsibility. To word it as a deliberative provocation, one might ask whether there is a need of civilian institutions, if essential functions of the state are carried out by the military.

In matters of external defence, at least the executive branch has developed a certain degree of civilian expertise, which allows for political steering of foreign security policy. The Armed Forces significantly influence the agenda-setting processes but there are no major conflicts with civilian governments, as the status of Brazil as an emerging power has brought a rise in military's significance for foreign policy. The Armed Forces well understood to seize this opportunity for modernizing their equipment.

The dimension of military organization shows co-operation between Armed Forces and civilian agencies. Still, the military manages to take advantage of the executive branch's benevolence. A problematical aspect is the lack of parliamentary oversight. The influence of the legislative branch is absent because members of Congress do not use their competences and let themselves be bypassed by the government.

Overall, significant steps towards civilian supremacy have been made, even though the Armed Forces retain a high degree of informal influence on civil-military relations. The lack of institutionalized civilian control mainly derives from the weak role of the parliament. This allows for members of governments and presidents to jointly decide issues of relevance for the civil-military relationship by circumventing the legislative branch. As a consequence of this personalized control mechanisms, institutionalized civilian control is hard to achieve. Would the Congress take on a stronger stance in this issue, this problem could be resolved. Yet, if members of parliament neglect their duties, civilian supremacy will continue to be a matter of president's personal authority. This could well pose problems to the Brazilian democracy. As the Armed Forces' self-perception of being the true guardian of the country's fate will likely not change, the lack of institutionalized civilian supremacy might pave the way for a military comeback in politics in times of serious crisis. Hence, the question whether the deployment of Armed Forces may be a democratic means of exercising authority is put at the mercy of the military itself.

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## **As Forças Armadas como Agência de Segurança e as Relações Entre Civis e Militares no Brasil**

### **Resumo**

Na fase de preparação para grandes eventos esportivos, o Brasil depende cada vez mais do apoio das Forças Armadas na prestação de segurança pública. Tendo em conta o passado autoritário do país, isto levanta preocupações sobre o estado atual da supremacia civil sobre os militares. Aplicando um modelo que divide a relação civil-militar nas cinco dimensões de recrutamento da elite, políticas públicas, segurança interna, defesa externa, bem como organização militar, este artigo tem como objetivo avaliar o desenvolvimento da supremacia civil da transição para a democracia até hoje. O artigo descobre que as prerrogativas militares foram consideravelmente reduzidas, embora a supremacia civil ainda carece de uma institucionalização adequada. No longo prazo, as formas informais de manter as Forças Armadas fora da política podem não ser suficientemente eficiente.

**Palavras-chave:** Segurança pública, relações civil-militares, democratização

## **The Armed Forces as Security Agency and the Civil-military Relationship in Brazil**

### **Abstract**

In the run-up to major sports events, Brazil increasingly relies on the support of Armed Forces in the provision of public security. Given the country's authoritarian past, this raises concerns about the current state of civilian supremacy over the military. Applying a model that subdivides the civil-military relationship into the five dimensions of elite recruitment, public policy, internal security, external defence as well as military organization, this article aims at assessing the development of civilian supremacy from the transition to democracy until today. It finds out that military prerogatives have been considerably reduced, even though the civilian supremacy still lacks a proper institutionalization. In the long run, informal ways of keeping the Armed Forces out of politics might not be efficient enough.

**Keywords:** Public security, civil-military relations, democratization.

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