

Autonomy without Discussion

The legislature's involvement in the future of the Armed Forces is still marginal

Carlos Haag

Two decades ago, during the Rio 92 Conference, the Armed Forces occupied the city with the approval of the President; he alone was authorized to summon the troops to deal with domestic matters. The people and Congress applauded. In June, the tanks were back in the streets for Rio+20. “Armored vehicles will be used; we will enlist aircraft and over 10,000 men and women. We will have sharpshooters, special forces, an antiterrorist group, and helicopters. Will the people notice? That’s another story,” said Colonel Saulo Chaves of the Eastern Military Command. But will the people’s representatives notice? “Under the Constitution, Congress does not have to be consulted, but the legislative branch must be involved in the process of considering National Defense as of strategic importance to democracy. Otherwise, the Armed Forces will always be a secondary power,” cautioned political scientist Eliézer Rizzo de Oliveira, a full professor at the State University of Campinas (Unicamp). In 2000, he coordinated the research project entitled *The Armed Forces and Democracy: the role of the Legislative Branch* with FAPESP support.

Over the last twelve years, the military has changed greatly, and the Ministry of Defense, led by a civilian, today possesses broader authority over the Armed Forces, a noteworthy step toward modernization in the years since President Fernando Henrique Cardoso created the ministry in 1999. “Unfortunately, there has been no significant change in the legislature’s political responsibility and the findings from our research are still

1. Governments still call up military troops to enforce laws, for example, in February, in Bahia, during the police strike

2. Troops used to invade a *favela* in Rio in 2011

valid. The parties are not interested in National Defense, and few legislators specialize in this subject. Legislators may always treat the military with reverence, but there is little real commitment to National Defense. And the presidential structure continues in that the president has the final say over the Armed Forces, which fall under the chief of the executive branch through the Ministry of Defense, Oliveira said. According to Oliveira, legislators believe that the Armed Forces should fight crime, drug trafficking, and maintain “law and order.”

“In Congress, no one is aware of or is interested in discussing a National Defense policy. The politicians are mistaken in that they see no threats to the country—neither at the borders nor elsewhere in the world—and prefer to address issues that pay dividends immediately. This is narrow-minded and is based on the premise that ‘soldiers don’t have enough votes to matter;’ it is electoral realism without a vision of the future,” Oliveira observed. To date, he continued, the legislature analyzes the issue only from the standpoint of the domestic environment, placing no importance on key international issues or matters beyond national borders. “The work of the Armed Forces in public safety has become more routine. In the end, the central problem remains the ineffectiveness or the insufficiency of governmental public safety policies,” he said. “Crime spills over borders between the states and becomes national. Thus, the Federal Police, the National Security Force, and



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Brazil does not need a palpable risk to keep its military trained

Heavy tanks on their way up the Rocinha favela in Rio de Janeiro in 2011

a fundamental fact in any democracy. But legislators merely answer yes or no to the demands of the Armed Forces, without asking why or for what, as they should be asking. Doing so would be an essential step toward improving relations between civilians and the military in this country.” This linkage, Oliveira believes, is important in order for a democracy to be a genuine democracy. Oliveira explained: “In addition, Brazil does not need a palpable risk to keep its military ready and adequately trained. Just look at our map and look at the future of the world.”

“Legislators need to be involved in decisions on using the military for the public safety of the states, and in the revision of the National Defense policy. They should also take a stand on

presidential decisions to use the Armed Forces for public safety and peacekeeping forces, as in Haiti. Furthermore, they should pressure the Ministry of Defense to produce a “National Defense Paper,” which establishes guidelines and parameters for the operation of the military,” he observed. Oliveira remembers that, from 1988 to 1991, in the period between the adoption of the Constitution and the publication of the first supplemental law regulating military matters, there was a loophole in the law that gave any member of the three branches the authority to call up troops to ensure “law and order.” And this is what happened in 1988, when a judge called up soldiers to control a strike at Companhia Siderúrgica Nacional, the national steel company in Volta Redonda, city in the state of Rio de Janeiro, resulting in the death of three workers.

Oliveira noted: “Even though the executive branch has exclusive control over the Armed Forces, Congress can become a co-author of policy guidelines. In the end, political management transcends administrative management to

the Armed Forces are dealing more and more with serious crime.”

The process of pacifying the hillsides of Rio de Janeiro is the most obvious example of the old adage that the solution to the problems is “troops in the streets.” “The military are functioning like police officers. The severity of the situation is leading to the militarization of public safety, which I believe is a mistake,” according to Oliveira’s analysis. The same is true for using the Armed Forces at the borders to fight drug trafficking. “The Federal Police and the state police forces do the fighting. Those who advocate the idea of militarizing the borders forget that the borders are 13,000 km long, with 7,000 km of forest. Expectations of the Army’s capabilities are high. The military, by contrast, have their feet on the ground.”

SO WHAT PURPOSE DO THEY SERVE?

When legislators and the people see these comments, they ask themselves what purpose the Armed Forces serve and why so few consider it important to discuss this function in detail. This is

paradoxical in a country in which 75% of Brazilians have confidence in the military, as shown in the recently published research paper entitled *Democracy and trust: why do citizens mistrust public institutions?* (2010), organized by political scientist José Álvaro Moisés with FAPESP support. For Oliveira, there are several reasons. The authoritarian past has not been entirely overcome, and so a well-defined group of people reject the Armed Forces. This leads to a disparagement of National Defense functions. In addition, our politicians generally believe that we have no security programs; this is a fallacy,” Oliveira said. “Today’s threats are different: drug trafficking, organized crime, the inefficient government presence in rural areas, human trafficking, and the despotic power of criminal elements where the government has no presence. This is part of the issue of defense.”

Oliveira considers that “the relationship between the legislature and defense issues is unclear despite the heightened interaction between the military and the political system after redemocratization,



the extent that it highlights the future goals, the desirable strategic profile for the country, and the effective resources to be allocated.” This also implies close relations with the Ministry of Defense, initially created to subordinate the military to a civilian government, but now it works to ensure that Brazil has modern military institutions, capable of dealing with Brazil’s challenges, both domestic and foreign.

A key step was the approval of the National Defense Strategy in 2008. Its goal was precisely to modernize National Defense by reorganizing the Armed Forces, restructuring the Brazilian defense equipment industry, and implementing a policy on troop strength. Oliveira noted: “The idea is that the National Defense Industry Policy and the Science, Technology and Innovation Policy for National Defense should be updated continually.” “A defense and security consulting agency was also created on the South American level. This is the role of UNASUL, which may develop into an entity for joint action by armed forces from various countries. In a way, Haiti serves as a laboratory for this approach, since Brazil is in charge of commanding the military operations, and various neighbors are also represented there,” he said.

This is the point where the Armed Forces and the Ministry of External Relations converge, and it is sensitive. When the creation of the Ministry of Defense was being considered, one of the names put forward was Ambassador Ronaldo Mota Sardenberg, but the military was uncomfortable with the

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SCIENTIFIC ARTICLES

1. OLIVEIRA, E. R. Democracia: passado e presente. Como as democracias incorporam temas. *Nossa América*. Revista do Memorial da América Latina. São Paulo, SP. v. 22, p. 38-41, 2005.
 2. OLIVEIRA, E. R. Política de Defesa Nacional e relações civil-militares no governo do presidente Fernando Henrique Cardoso. *Caderno Premissas* (Núcleo de Estudos Estratégicos). Campinas, No. 17-18, p. 37-68, 1998.
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FROM OUR ARCHIVES

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A little understood rule
Edition No. 65 – June 2001

idea of being run by someone from the Ministry of External Relations. “These two institutions are deeply entrenched in the government, with distinguished traditions and their own ways of thinking. Relations between them have always been difficult. The Armed Forces used to say: Can anyone imagine a general serving as Foreign Minister? Even today, in the Ministry of External Relations, people are uneasy when the president appoints someone who is not from the diplomatic corps,” Oliveira noted. In fact, this was one of the factors that led to the fall of Minister Viegas, a diplomat, from the helm of the Ministry of Defense. Oddly, today again, an ambassador holds this office. Fortunately, Oliveira noted, the Armed Forces are now much more tolerant of a civilian leader.

However, recent crises, such as the one that occurred in 2009 with the strike of the military air traffic controllers, when the president intervened in favor of the striking sergeants, demonstrating clear sympathy for demilitarizing the agency, are a warning that the future is still fraught with problems and demands, as Oliveira noted, a growing appreciation for the Ministry of Defense. “However, we are on the right track with the efforts to equip the Armed Forces, but first there must be a process of transformation that empowers them to adequately defend Brazil. It is clear that this includes a policy to integrate the defense equipment industry with that of our neighbors.” ■

Brazilian troops that are leading the so-called “Peacekeeping Mission” in Haiti are on patrol as food was being distributed