

DEMOCRATIC POLITICS IN BRAZIL  
ADVANCES IN ACCOUNTABILITY MECHANISMS  
AND REGRESSION IN CIVIL – MILITARY RELATIONS

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Introduction

The doyen of democratization studies and American policies in support of democratization globally, Professor Larry Diamond, recently published an article in *The American Interest* with the title “The Liberal Democratic Order in Crisis” in which the header correctly states the main message of the article. “We are at a tipping point. Around the world, many democracies are hanging by a thread and autocrats are preparing more savage assaults on what remains of freedom.”<sup>2</sup> The focus in this chapter is on Brazil, and mainly on how democratic politics ironically has led to vast improvements in accountability mechanisms while leading to regression in civil – military relations. It is important to emphasize from the beginning of this chapter that the regression in civil-military relations, with implications for democracy, is due mainly to the dynamics of democratic politics and not the supposed nefarious plans and plots of the Brazilian Armed Forces.<sup>3</sup>

The Constitution of 1988

To understand the current political situation in Brazil, including accountability mechanisms and civil-military relations, one must begin with the Constitution of 1988 that marked the formal consolidation of democracy following twenty-one years (1964-85) under a military regime. Scholars who study the process whereby the Constitution of 1988 was formulated and the resulting document are extremely critical. In my writing I argue that the Constitution did not represent an “elite settlement” ensuring democratic consolidation, as was the case in Spain, for example.<sup>4</sup> Law professor, Keith S. Rosenn, states the following: “The process by which Brazil’s 1988 Constitution was adopted practically assured that the end product would be a hodgepodge of inconsistent and convoluted provisions.”

<sup>5</sup> Despite 3 years of work resulting in a document of 245 articles and 70 transitional provisions, the 559 framers were unable to resolve whether Brazil would be a monarchy or republic, and if the latter, a presidential or parliamentary regime. These fundamental decisions were left for a referendum in 1993 that favored a presidential republic. The framers of the constitution, which were the 559 members of the Brazilian Congress, maintained intact both the institutional defects of the political system and the extensive prerogatives of the armed forces that governed Brazil between 1964 and 1985. Whereas the institutional defects of the political system continue until the present the accountability institutions have become robust and active. And, the prerogatives of the armed forces were diminished, but most recently increased depending on the political situation that is dominated by civilians.

Although the Constitution of 1988 included a great many items that could lead to an improved socio – economic situation for Brazilians, it changed nothing regarding the political institutions that put those 559 politicians into the position of writing the constitution, and have made only most minimal changes in the intervening 28 years. As Rosenn states “The constituent assembly also did nothing to reform the malfunctioning of the political party system, which is one of the world’s worst.” <sup>6</sup> They did not establish a minimum number of votes for a party to be recognized, resulting in the current situation with 35 political parties at the national level with 19 having deputies in the lower house, the Câmara. They did not change the open – list system of proportional representation in which each state is a single, and at – large multi – member district. They did not change the gross misrepresentation whereby all states, and the federal district, have three senators or the provision stipulating that all states, regardless of population, would have a minimum of eight and a maximum of seventy deputies in the Câmara.

There was supposed to be a wholesale revision of the Constitution in 1993 that would require only an absolute majority of the deputies. That revision never happened. Instead, there have been piecemeal revisions. In reviewing the various initiatives to revise the constitution between 1988 and today, they amount to very little. This is the consensus view of recognized experts on the issue including David

Fleischer, Alfredo Montero, Timothy Power, and Keith Rosenn. The Constitution of 1988 was full of contradictions. The issue of parliamentary vs. presidential form of government was never fully resolved, neither in the constituent assembly nor after. On the one hand the constitution gave the congress a role in approving annual budgets and allowed them to overrule presidential vetoes with absolute majorities rather than a two-thirds vote. On the other hand, it gave the presidency the exclusive right to initiate and execute annual budgets and to force 45 – day limits on the congress to review bills defined as “urgent” by the president, the power to appoint a cabinet, subject to Senate approval, and the power to issue executive decrees (*medidas provisórias*) which had the force of law while congress had 30 days to review the measure.<sup>7</sup> Post – 1990 presidents utilized these measures, and others, to govern.

#### Politics as Usual

Even with these gimmicks, the need to assemble a coalition, since no president since the first directly elected, President Collor, in 1989, has belonged to a party with a majority in either house of congress, all presidents would have to obtain the support of other parties. Brazil has one of, if not the most fractured, party system of any democracy. This form of government, commonly called coalitional presidentialism (*presidencialismo de coalizão*), could, and did, easily evolve into corruption. The most famous, but not the only, corruption scandal of the President Luis Inácio Lula da Silva –Lula (2002 – 2010) administration was the “big monthly” (as in big monthly payments to members of congress to support his government’s policies in the congress), *mensalão* scandal. Alfred Montero has this to say on this topic. “The need to engage in vote – buying emerged from the limited options the Lula administration had for composing the same kind of legislative coalition that Cardoso [President, 1995-2003] enjoyed.”<sup>8</sup> Several top Workers’ Party (PT) officials were implicated in this vote – buying scheme. The scandal ultimately led to the convictions of twenty-five people, including Lula’s former chief of staff, José Dirceu de Oliveira e Silva, who has more recently been sentenced to 23 years in jail in the *Lava Jato* corruption scheme. There are so many corruption scandals currently in play in the investigation and sentencing phases, that only the experts

can keep straight the modalities of *Mensalão*, *Lava Jato*, *Petrolão*, *Zelotes*, and *Operation Aequalis* to mention only the biggest and most recent. So far the wave of illegal, extralegal, and simply corrupt practices have resulted in the impeachment of President Rousseff, the conviction of ex-President Lula, the conviction of 84 persons for crimes associated with *Lava Jato*, and dozens more in other corruption scandals. While not all of the crimes involve politicians, most of them do, and virtually all of them involve sources of funds, as in *Petrobras*, under the control of the Brazilian State, and thus of necessity involve politicians.<sup>9</sup>

It must be acknowledged that corruption is nothing new in Brazil. In fact, according to the late Samuel Huntington in his influential *Political Order in Changing Societies* corruption was seen in positive terms in the process of modernization, and Huntington called specific, and positive, attention to Brazil. Further, there is a very influential article published in 1990 in the important *Revista de Administração Pública* of the Fundação Getúlio Vargas by Anna Maria Campos that argues in great detail why there is no concept or meaning for the term “accountability” in Portuguese. Most Brazilian and foreign authors refer to the Brazilian propensity to use “angles” or “gimmicks”, *jeitinhos*, to get around laws. Or, as was said in positive terms of a mayor of São Paulo, he robs but he accomplishes things. *Rouba mas faz*.

#### Accountability Mechanisms to the Fore

And, while politics has not changed, including the use of corruption to govern, what is now permissible in politics and business in general in Brazil is changing. There is no single cause for the change, and I have identified at least five.

First, the 1988 Constitution created, or recreated, a large spectrum of oversight and investigation mechanisms, and these have been expanded in number during the intervening 29 years. Today they include the Comptroller General, the Accounting Tribunal, the Federal Police, the Public Ministry, and the courts. There is a huge literature on these institutions in both Portuguese and English, and the approach that I find most convincing to explain their increasing influence, culminating in the current wave of imprisonments, is that of Sérgio Praça and Matthew M. Taylor who demonstrate that the capacity of these institutions increases not by a single event or factor, but through bureaucratic interaction.<sup>10</sup> The

increase in capacity is thus contingent and interactive. In short, these oversight, investigatory, and punishment institutions can only be understood in a specific national and international context, which is why I include the following four factors.

Second, whereas in the past, the main weakness of the accountability mechanisms was the inability or unwillingness of the courts, and especially the Supreme Court, to process and convict individuals, today this is changing due to personalities and the gradual modification of processes similar to those noted in the prior paragraph. This change is best highlighted by the actions of Judge Sérgio Moro of Curitiba who has taken the lead in the *Lava Jato* scandal. He is extremely active not only in pursuing corruption, but also in writing on the importance of plea - bargaining and the Italian experience in countering the mafia. He is also something of a hero in Brazil today as described in Watts' article. In addition to the changes in this point, the addition of plea bargaining is also a key mechanism for accountability.

Third, much of the momentum to impeach President Rousseff is related to allegation of corruption involving the Workers' Party, and was established by the information provided by Senator Delcídio do Amaral, who was the leader of the party in the Senate. He was arrested, and in plea - bargaining (*delação premiada*) he provided information on the spread of corruption throughout the Brazilian government. Those familiar with criminal law in the United States emphasize that plea - bargaining is the single most important mechanism for gathering evidence on white - collar crime. Plea- bargaining was established in Brazil only in 2013 with law 12,850/2013. I have been informed by Brazilian lawyers involved in the introduction of plea - bargaining that it was one of several laws that were required for Brazil to reach OECD standards. Since June 2015 there was a *Co-Operation Agreement* in place between Brazil and the OECD, which has been followed by an OECD-Brazil Programme of Work. Ironically enough it was implemented by President Rousseff who was later impeached. <sup>11</sup>

Fourth, Brazil's population of over 200 million is increasingly invested in the system. An important indicator of this vesting is their paying taxes. According to one source, in 2013 over 50% of those who declared income, paid income tax, whereas a decade earlier only 36% paid income tax. <sup>12</sup> Just as important, according to data

analyzed by the *Instituto Brasileiro de Planejamento e Tributação*, of the thirty countries where taxes are the highest, Brazil is the worst in terms of return to the population in investments in the quality of life.

Fifth, Brazilians are today are keenly aware of the low return on investment for their high taxes. Indeed, the huge anti – government demonstrations in June 2013 were mainly caused by this awareness of high taxes, mediocre public services in health, education, and transportation, while the government invested massively in stadiums and other infrastructure for the world prestige sporting events, the World Cup in soccer in 2014 and the Olympics in 2016. In addition to all – pervasive radio and television stations there is today extremely high penetration by social media. According to *comScore*, which claims to be the global leader in digital analysis, Brazil leads the world with a 99.9% reach of social media. And, with 8.8 hours of use in the month of June 2015, Brazil is the world leader in that similar data for Europe, for example, is 6.1 hours, and the U.S. 5.2 hours. <sup>13</sup>

In sum, traditional politics, in which the lubricant is public funds, has now encountered a wide spectrum of accountability mechanisms, supported by processes and attitudes, which no longer tolerate the traditional lackadaisical approach to ethics in politics. While the incentives to reform politics are not as obvious they are nevertheless present in the expectations of the Brazilian population and international organizations.

#### Prerogatives of the Brazilian Armed Forces

Both Rosenn and I detail the extensive prerogatives of the armed forces that resulted from the very long and negotiated transition from military to civilian rule and the reliance of President Sarney on the armed forces during his five year tenure (1985 – 90). The most extensive work on this topic, however, is found in Alfred Stepan's *Rethinking Military Politics: Brazil and the Southern Cone* where he demonstrates, by describing 11 prerogatives, that Brazil had little progressed between military and civilian rule. <sup>14</sup> More recently, twenty – six years after Stepan published his book, my colleague, Scott D. Tollefson and I, demonstrate that the prerogatives that were mainly high when Stepan wrote became either low or moderate. Some of the main developments of the process whereby the prerogatives

were diminished or eliminated include the creation of a civilian – led ministry of defense in June 1999, which resulted in the decrease of military – led ministries from six to zero, and a large package of laws in 2011 which further delimited and restricted the autonomy of the armed forces. Illustrative of the change from the military regime was the elimination of the National Information Service, (*Serviço Nacional de Informações SNI*), which was the intelligence arm of the military regime, by President Collor in 1990, and the creation, only after nine years, of the Brazilian Intelligence Agency (*Agência Brasileira de Inteligência ABIN*). ABIN is prohibited from conducting intercepts, has a minimal budget, and lacks a direct link to decision – makers. In short, the politicians had incentives to diminish the influence and roles of the armed forces, thereby increasing their own. We describe the progress on these prerogative in Table 1 below.

Table 1  
 “Selected Prerogatives of Military as Institution in a Democratic Regime, Brazil from 1946 to 2014”

	Prerogative	Stepan 1946-1964 (Civilian rule)	Stepan 1969-1972 (Intense Repression)	Stepan 1974-1979 (Controlled Opening)	Stepan 1985-87 (Democratic Transition)	Authors 2014 (Democratic Consolidation)
1	Constitutionally sanctioned independent role of the military in political system	High	High	High	High	Low

2	Military relationship to the chief executive	Moderate	High	Moderate	Moderate	Low
3	Coordination of defense sector	High	High	High	High	Moderate
4	Active-duty military participation in the Cabinet	High	High	High	High	Low
5	Role of military vis a vis legislature	Moderate	High	High	High	Low
6	Role of senior career civil servants or civilian political appointees	High	High	High	High	Moderate
7	Role in intelligence	Moderate	High	High	High	Moderate
8	Role in police	Moderate	High	High	Moderate	Moderate
9	Role in military promotions	Moderate	High	Moderate	High	Moderate
10	Role in state enterprises	Moderate	High	High	Moderate	Low
11	Role in legal system	Moderate	High	High	High	Low



Source: Adapted from Alfred Stepan, Rethinking Military Politics: Brazil and the Southern Cone (Princeton University Press, 1988): pages 93-114, especially table 7.1 and page 103. “Close to high” for 1969-1972 is interpreted as “high”. For 1985-1987, variables 8 and 10 “were reduced” (page 103) according to Stepan, and are placed here in the moderate category. Authors’ update based on documents and interviews in Brazil with civilians and military officers in 2012 and 2013, and by e-mail in 2014.

Utilizing a conceptual framework that includes not only democratic civilian control, as exemplified by the prerogatives listed above, but also military effectiveness, Scott D. Tollefson and I document how control had been asserted, by diminishing the prerogatives. Military effectiveness, however, had not been achieved.<sup>15</sup> We demonstrate that Brazil lacks a national security strategy, does not have a functioning joint staff that could interface with the civilian led ministry of defense, and the country invests only 1.29% of GDP in defense, 73% of which goes to salaries and pensions. This minimal military effectiveness is not a popular or political issue, however, since Brazil is situated in a “zone of peace” with no obvious enemies. For example, the National Defense Strategy of 2008 states in the Introduction “Brazil is a peaceful country, by tradition and conviction. It lives in peace with its neighbors.” And, in the same defense strategy, in the guidelines section, “Presently, Brazil does not have any enemies.”<sup>16</sup>

The lack of effectiveness would not matter if Brazil did not harbor aspirations to be recognized as a global power. It is commonplace to state, as President Lula did in 2003, that Brazil is ready to “assume its greatness”. There is a huge outpouring of reports and documents giving evidence of Brazil as a regional, if not global, actor, a BRIC (Brazil, Russia, India, and China), an important interlocutor with the United States, and more. For example, the then U.S. Secretary of Defense, Robert Gates and Brazilian Minister of Defense, Nelson Jobin, signed a Security of Military Information Agreement on November 21, 2010. Significant and recent U.S. government documents highlight Brazil’s importance. As President Barack Obama’s *National Security Strategy* stated, “We welcome Brazil’s leadership and seek to move beyond dated North-South divisions to pursue progress on bilateral, hemispheric, and global

issues”<sup>17</sup> In their most recent twenty-year prospective, the U.S. National Intelligence Council states, “Brazil will play an outsized role on the region’s future. Its resources and scale could offer benefits and insulation others lack”<sup>18</sup> In addition to the Congressional Research Service, which issues periodic reports on Brazil, many important U.S. and European think tanks and non-governmental organizations publish reports heralding Brazil’s emergence into greatness. The issue that any country, even Brazil with the 5<sup>th</sup> largest population and 5<sup>th</sup> largest area, can realistically aspire to global status without credible “hard power” is responded to in the negative by many observers.<sup>19</sup>

#### Regression in Military Prerogatives

Currently, nothing has changed regarding military effectiveness. If anything, with the economic crisis the armed forces have fewer resources that results in fewer ships, airplanes, and tanks available for deployments.<sup>20</sup> What has changed, however, is regression concerning the prerogatives, or democratic civilian control. Today, for the first time since its founding in June 1999, the Ministry of Defense is headed by an army general. The Secretariat for Institutional Security, GSI (Gabinete de Segurança Institucional) has been recreated, and is also headed by an army general, and the Brazilian Intelligence Agency, ABIN (Agência Brasileira de Inteligência) is under the GSI. Another army general heads the Civilian Household (Casa Civil) of the President of Brazil. And, another army general is the president of the Indian Foundation (FUNAI). In addition to these important changes in leadership of key security and domestic policy institutions are changes in the legislation whereby military personnel accused of crimes that occur in pacification programs will be judged by military justice rather than normal, civilian justice. These are all major changes, for the worse, in terms of military prerogatives, and thus civilian control of the armed forces. These might be short-term changes in that with another president after the elections in October 2018, these important security positions could again be filled by civilians. However, the MOD was never really staffed by civilians, and the GSI, until it was disbanded between 2014 and 2016, was always under the leadership of a general, and the precedent of staffing of what were civilian positions by senior military officers is very serious.

What is very unlikely to change, and can have an ongoing impact is both the creation of the Ministry of Security, (Ministério Extraordinário da Segurança Pública) now headed by Raul Jungmann, who was previously the Minister of Defense, and the federal intervention in Rio de Janeiro. The *interventor*, [one who intervenes] designated by President Michel Temer, is an army general and essentially the Brazilian army is now in charge of security, including control over the Polícia Militar, or state police, and the prisons, in Rio de Janeiro. The media reports that this military intervention may be extended to other cities and states. <sup>21</sup>

Utilizing the same table of prerogatives, and updating those changed by recent decisions by President Michel Temer regarding the Brazilian military, will better document the regression in democratic civil-military relations. The most relevant ones, while all to a great or lesser degree regress, are 2, 4, 6, 7, 8, and 11.

Prerogative #2: Military relationship to the chief executive. Stepan writes that this prerogative is low when “The Chief executive (president, prime minister, or constitutional monarch) is de jure and de facto commander-in-chief.” (Stepan 1988:94) This was Low in Brazil in 2014. Since 1985 all of the presidents of Brazil have been civilians. Since 1989 the presidents have been elected by the population in national elections every four years. However, President Rousseff was impeached in August 2016, and vice-president Michel Temer, also accused of corruption, assumed the presidency. The Ministry of Defense, was headed by a civilian between its creation in 1999 and February 2018 when General Silva e Luna was appointed as MOD by President Temer. Today this prerogative would be High.

Prerogative #4: Active duty military participation in the Cabinet. This prerogative is low, in Stepan’s analysis, when there is normally no active duty military participation in the Cabinet. This rating was Low in Brazil in 2014. None of the 27 members of the cabinet, were military. Today the Minister of Defense is a general. Of the fourteen officials in the expanded cabinet, the head of the Secretariat for Institutional Security, GSI, is a member of the military, as is the National Secretary of Public Security, and the Chief Secretary of the Civil Cabinet (Casa Civil). Today this prerogative is High.

Prerogative #6: Role of senior career civil servants or civilian political appointees. To Stepan, this prerogative is low when a “Professional cadre of highly informed civil

servants or policy-making civilian political appointees play a major role in assisting [the] executive branch in designing and implementing defense and national security policy.” In 2014 this prerogative was Moderate. The civilian bureaucracy in Brazil is unequivocally strong. However, as there is no civilian career, nor the required *concurso* [public academic competition], in the MOD---and with the paucity of civilians with expertise---the military fills a vacuum and thereby assumes larger roles in the MOD itself. The Planning Ministry is the entity that could create civilian career positions, but it has not done so to date, alleging the lack of funds. From what we have been able to determine, the issue is mostly financial, and not political. Today, with the Minister himself a general, and with other generals in key positions – GSI, FUNAI, Casa Civil, and Public Security, this prerogative is High.

Prerogative #7: Role in intelligence. For Stepan, this prerogative is low when “Peak intelligence agencies [are] de jure and defacto controlled by civilian chains of command.” In addition, there are “Strong civilian review boards.” This prerogative is was Moderate in 2014. The *Serviço Nacional de Informações* (SNI) National Information Service, which was the military regime’s intelligence service, was abolished by President Collor in 1990. The *Agência Brasileira de Inteligência* (ABIN), the Brazilian Intelligence Agency, which is led by a civilian who is nominated by the President and confirmed by the Senate, replaced it, in 1999. In 2015 & 2016 ABIN reported directly to the president. Today, the GSI has been recreated, ABIN reports to the Minister Chief of the GSI, who is a general officer in the Brazilian Army. Then too, the Brazilian Military Intelligence system is generally intact. Today this prerogative is high.

Prerogative #8: Role in police. This prerogative is low when, according to Stepan, “Police [are] under control of nonmilitary ministry or local officials”, and there are “No active-duty military allowed to command a police unit.” In 2014 this prerogative was Moderate. The control of the *Polícia Militar* (PM), or Military Police, is a state responsibility, under the democratically elected civilian governors of the states. The *Polícia Federal* (PF), or Federal Police, is under the Ministry of Justice. The domestic roles of the armed forces in Brazil are defined in the Constitution of 1988, in Article 142, and in subsequent laws. The conditions are very precisely defined in Complementary

Law 97 of June 9, 1999. Specifically, a state governor, who is responsible for security in the state, can request of the President of the Republic that the armed forces be used to support the police. In February of 2018 President Temer named General Braga Netto as interventor for security in the State of Rio de Janeiro. This is the first intervention under the constitution of 1988, and President Temer could have named a civilian. The intervention is distinct from, and far more serious, than the frequent deployment of the Brazilian armed forces under Article 142, of the 1988 Constitution, which provides for the military to guarantee law and order (GLO).

In addition, the Brazilian armed forces have police powers along the border, to a distance of 150 kilometers from the border. This police power is exercised especially in the Amazon, where the Brazilian Army is often the sole representative of the State along the porous borders. The total amount of land that corresponds to the 150-kilometer corridor is actually larger than any other single country in South America, with the exception of Argentina. This prerogative is High today.

Prerogative #11: Role in legal system. According to Stepan, this prerogative is low when the “Military have almost no legal jurisdiction outside of narrowly defined internal offenses against military discipline. In all areas outside this domain, civilians and military are subject to civil laws and civil courts. In 2014 this rating was Low as the as the military’s legal system was changing. Today, however, the military still have their own legal system, and in October of 2017 President Temer decreed the law that transferred from civil law to military law crimes committed by military personnel during public security operations. Consequently, this prerogative is Moderate today.

Whereas in 2014, the ratings on the 11 prerogatives were 6 low and 5 moderate, with no highs, today, in early 2018 it is 3 low, 3 moderate, and 5 high.

These presidential decisions, illustrated by these 11 prerogatives, can have very serious and long-lasting negative consequences. They must be seen in terms of political dynamics. As stated by ex-president and famous political sociologist, Fernando Henrique Cardoso, “it is mainly weak governments that end up appealing for military [support]”<sup>22</sup> President Michel Temer apparently wants to run for election for the presidency in October 2018. Public security is his platform for these

elections. President Tamer has suffered a major political setback in his inability to reform the pension system, and one of the leading candidates for the presidency is Jair Bolsonaro who is very conservative and retired military officer. Furthermore, in a recent survey, when asked to evaluate the administration of President Temer, whereas in July 2016 14% said good or excellent, in January 2018 this figure was 6%; on the other hand, whereas in July 2016 31% said bad or terrible in January 2018 this was 70%. <sup>23</sup> In the most recent poll for the October presidential elctions, including simulations, and illustrated below of 11 potential candidates, Temer had the third from the bottom support at 0.9%, and by far the highest rejection rate, at 88%. <sup>24</sup>

#### First Round <sup>25</sup>

<u>Candidate/Party</u>	<u>(A)</u>	<u>(B)</u>	<u>Rejection</u>
Lula (PT)	33.4%	--	46.7%
Haddad (PT)	--	2.3%	
Bolsonaro (PSC)	16.8%	20.0%	50.4%
Marina (Rede)	7.8%	12.8%	53.9%
Alckmin (PSDB)	6.4%	8.6%	50.7%
C. Gomes (PDT)	4.3%	8.1%	47.8%
A. Dias (Podemos)	3.3%	4.0%	
Collor (PTC)	1.2%	2.1%	
Temer (MDB)	0.9%	1.3%	88.0%
M. D'Ávila (PCdoB)	0.7%	1.3%	

<b>R. Maia (DEM)</b>	0.6%	0.8%	55.8%
<b>Blank/Null</b>	<b>18.2%</b>	<b>28.2%</b>	
<b>DK/NR</b>	<b>6.4%</b>	<b>10.5%</b>	

Michel Temer is, in short, a VERY unpopular president who also carries a huge amount of baggage for graft and corruption. He, like all politicians in Brazil, is aware that public security is by far the most important issue concerning the population. In addition, according to all public opinion polls, the military, in steep contrast to politicians, is highly regarded. Even before the most recent, since 2016, scandals, whereas in 2014 44% of the population trusted the president and 43% the federal government, 62% trusted the military. And, in a World Values Survey whereas 58.6% stated they had confidence in the armed forces 41% had confidence in the government.<sup>26</sup> Further, according to a very credible poll by IPEA, when asked about using the military for public security, whereas 92% said always or in some situations (47% + 45%) only 8% said never.<sup>27</sup>

#### Conclusion

The 1988 Constitution in Brazil was formulated by politicians who sought to guarantee their own welfare. In the intervening decades the prerogatives of the Brazilian military were gradually reduced, thereby increasing the control of civilians over the military. The strategic landscape and domestic politics have never required military effectiveness, and the civilian politicians, while utilizing rhetoric to the contrary, never provided strategy, institutions, nor resources that could result in military effectiveness. The nature of the political institutions, in combination with a culture of impunity, resulted in massive graft and corruption. Due to a series domestic and international factors, however, a robust set of accountability mechanisms emerged which has resulted in massive penalties for corrupt politicians, bureaucrats, and prominent businessmen. In this context, when even the current president, who took office on the impeachment of the elected president

in August 2016, defined public security as the main issue of concern to the Brazilian population, he turned to the only security institution with its reputation intact, the Brazilian military, to take on important roles in all levels of government in attempting to achieve public security. The challenge will be, in view of the lack of a demand for an external role, and the weakness of the institutions of civilian control of the military, whether civilian control can be reasserted in a future political context.

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<sup>1</sup> The views expressed here are the author's alone and do not necessarily represent those of the U.S. Navy or Department of Defense.

<sup>2</sup> Available at <https://www.the-american-interest.com/2018/02/16/liberal-democratic-order-crisis/> Accessed March 6, 2018.

<sup>3</sup> The dynamics, and resistance, of senior Brazilian Army officers to some of the political decisions described in this chapter are vividly captured in Fabio Victor, "Mal-estar na Caserna," *Piauí*. Edição 138 March 2018 Available at <http://piaui.folha.uol.com.br/materia/mal-estar-na-caserna/> Accessed March 12, 2018.

<sup>4</sup> Thomas Bruneau, "Brazil's political transition," in John Higley and Richard Gunther, eds. *Elites and Democratic Consolidation in Latin America and Southern Europe* (Cambridge: Cambridge University Press, 1992), pp. 257-81.

<sup>5</sup> Keith S. Rosenn, "Conflict Resolution and Constitutionalism: The Making of the Brazilian Constitution of 1988," in Laurel E. Miller, editor, with Louis Aucoin *Framing the State in Times of Transition: Case Studies in Constitution Making* (Washington, D.C. United States Institute of Peace, 2010), p. 458.

<sup>6</sup> *Ibid*, p. 458.

<sup>7</sup> In 2001 this was changed to 60 days.

<sup>8</sup> Alfred P. Montero, *Brazil: Reversal of Fortune* (Cambridge, Mass: Polity Press, 2014), p. 43

<sup>9</sup> For a very thorough, if somewhat sensational, review of this issue see Jonathan Watts, "Operation Car Wash: Is this the biggest corruption scandal in history?" *The Guardian* June 1, 2017. Available at <https://www.theguardian.com/world/2017/jun/01/brazil-operation-car-wash-is-this-the-biggest-corruption-scandal-in-history>. Accessed March 9, 2018.

<sup>10</sup> Sérgio Praça and Matthew M. Taylor, "Inching Toward Accountability: The Evolution of Brazil's Anticorruption Institutions, 1985 – 2010," *Latin American Politics and Society*, (2014) pp. 28 – 48.

<sup>11</sup> According to Jonathan Watts, 1 June 2017, President Rousseff implemented it in an attempt to placate an angry public in the wake of nationwide anti-corruption demonstrations in June 2013.

<sup>12</sup> *Pulsamérica* available at <http://www.pulsamerica.co.uk/2013/02/25/brazil-over-12-million-currently-pay-income-tax/> accessed June 2, 2016.



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<sup>13</sup> ComScore & Shareablee (2015) “The State of Social in Brazil” available at <https://www.comscore.com> Accessed June 2, 2016.

<sup>14</sup> Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988).

<sup>15</sup> For the conceptual framework see Florina Cristiana Matei, “A new conceptualization of civil-military relations,” in Thomas Bruneau and Florina Cristiana Matei, eds. *The Routledge Handbook of Civil-Military Relations* (New York: Routledge Publishers, 2013), pp. 28 -38.

<sup>16</sup> For the argument on control and effectiveness, see Thomas Charles Bruneau and Scott D. Tollefson, “Civil-Military Relations in Brazil: A Reassessment,” *Journal of Politics in Latin America* 2/2014, pp. 107-38. See also our conceptual framework.

<sup>17</sup> Barack Obama, Barack, *National Security Strategy*, (Washington, DC: The White House, 2010), p. 44.

<sup>18</sup>National Intelligence Council, *Global Trends 2030: Alternative Worlds*, (Washington, D.C.: National Intelligence Council, 2012), p. 82.

<sup>19</sup> For the most balanced and credible negative assessment see David R. Mares and Harold A. Trinkunas, *Aspirational Power: Brazil on the Long Road to Global Influence* (Washington, D.C.: Brookings Institution Press, 2016.)

<sup>20</sup> For concrete data on this see Juliano da Silva Cortinhas, “Brazil and the Construction of Its Power to Defend the South Atlantic,” in Erico Esteves Duarte, ed, *The Global South in the South Atlantic* (New York: Routledge, 2019, forthcoming) According to a media report on information provided by Professor Octavio Amorim Neto, in 2011 only 48% of Brazilian Navy ships were operational, as were 55% of Brazilian Army tanks, and 41% of Brazilian Air Force planes. See *Valor Econômico* June 9, 2015.

<sup>21</sup> As David Pion-Berlin and Rafael Martínez state in their recent book “A military (Brazil) that exploits its constitutional right to enforce internal law and order and can, under certain conditions, exert command authority over the police is not one consistent with a mature polyarchy.” *Soldiers, Politicians, and Civilians: Reforming Civil-Military Relations in Democratic Latin America* (Cambridge: Cambridge University Press, 2017), p. 381.

<sup>22</sup> Rubens Valente & Gustavo Uribe, “Temer dá a militares controle sobre áreas sensíveis do governo,” *Folha de São Paulo* 5 March 2018.

<sup>23</sup> *Brazil Report* of David Fleischer Jan 27-Feb 2, 2018.

<sup>24</sup> Information provided March 6, 2018 in e-mail from David Fleischer.

<sup>25</sup> Information provided by David Fleischer, March 7, 2018 drawn from a 6 March, 2018 CNT-National Transportation Confederation release of the results of a poll that the CNT commissioned with the MDA polling organization. This poll was between 28<sup>th</sup> February and 3<sup>rd</sup> March among 2,002 voters in 137 *municípios* in 25 states with 2.2 points margin of error. The A and B are different scenarios; different simulations.

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<sup>26</sup> IBOPE *Após queda acentuada em 2013, Índice de Confiança Social se estabiliza*. IBOPE September 1, 2014. And, World Value Survey, *WVS Database 2014*.

<sup>27</sup> Instituto de Pesquisa Econômica Aplicada, *Sistema de Indicadores de Percepção Social: Defesa Nacional 29 January 2012* (Brasília: Secretaria de Assuntos Estratégicos da Presidência da República, 2012), p. 6.