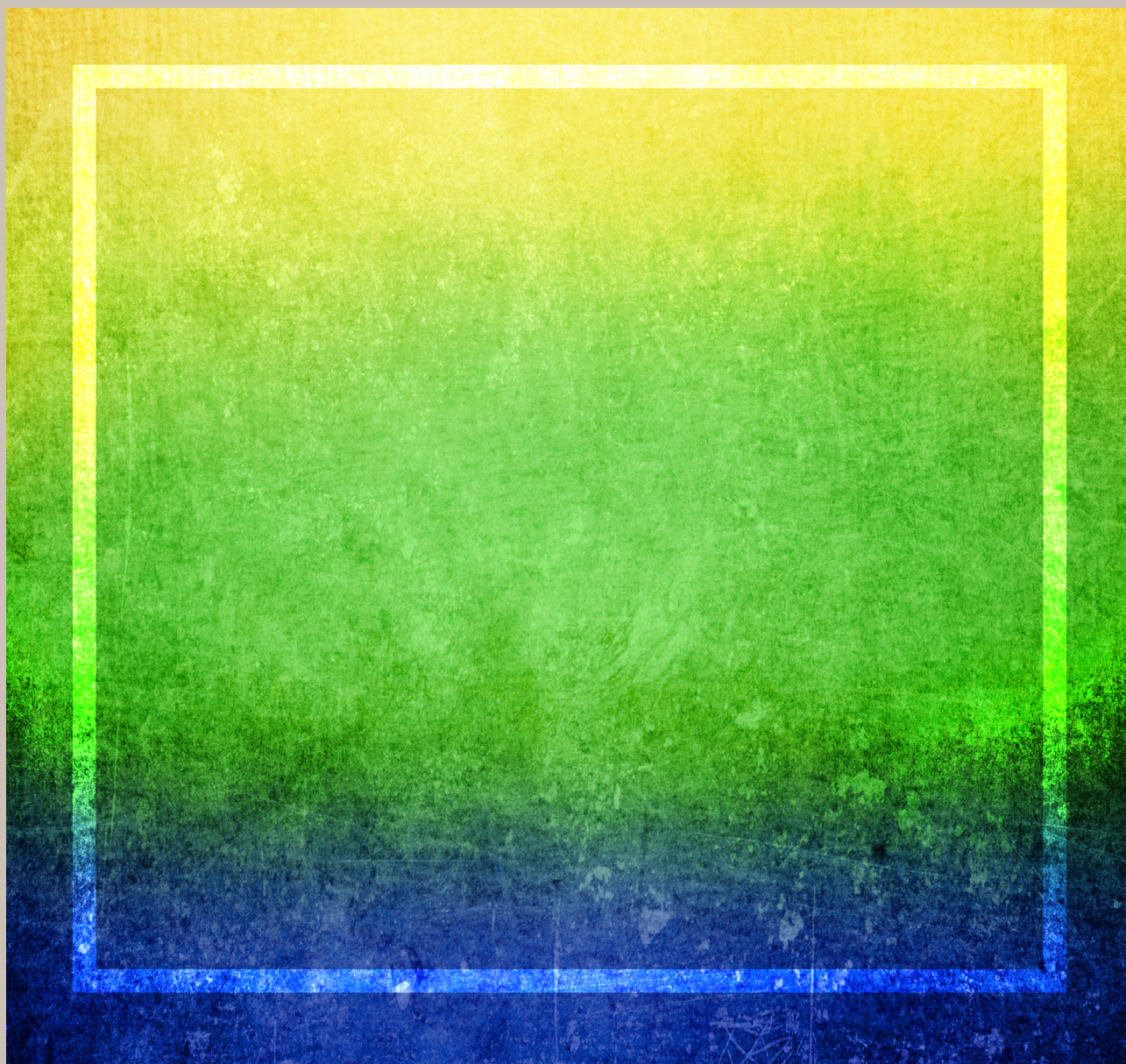


Defence and security in Brazil: what role for Parliament?

**Vinicius Mariano de Carvalho (ed.), Eleonora Natale, Raphael Lima, Anthony Pereira,
Anaís Medeiros Passos, Eduardo Svartman and Charlotte Bascaule**



Acknowledgements

This policy paper was produced by

King's Observatory of Democracy in Latin America
(KODLA)

And co-sponsored by

Faculty of Social Science & Public Policy Research Fund.
Military in Politics in Brazil Research Network.

Transnational Law Institute, King's College London

Regional Security & Development Research Theme,
School of Security Studies, King's College London

For more details, contact kodla@kcl.ac.uk

King's College London

ISBN 978-1-908951-44-1

Introduction

Democracy should be not taken for granted. Especially in the context of Latin America. The tumultuous history shared by countries in the region dates back to their independences from the European colonial powers and continues until today. Their trajectory is marked by alternations between authoritarian and democratic regimes and the struggle for democracy is a constant one.

This is the first policy paper to be published by King's Observatory of Democracy in Latin America – KODLA. This new initiative from King's College London provides a multidisciplinary and diverse platform, composed of academics from both King's and from our Latin American partners, and focuses on multiple topics relating to democracy in the region. KODLA has six areas of focus: Elections; the military in politics; women in democratic leadership; corruption; indigenous leadership; and human rights. The objective of KODLA is to impact policy makers, through research, events, and publications, contributing to the development of democracy in the Latin America. KODLA is a collaborative endeavour – as is democracy itself.

This policy paper is the result of a workshop on the role of the Parliament in Defence and Security issues carried out at the National Congress of Brazil in May 2022, with the support of the Parliamentary Friendship Group Brazil – UK (thanks to Deputy Vinicius de Carvalho and to Eduardo Granzotto). It was organized and conducted by the Military in Politics in Brazil Research Network. This research network created at King's in 2021, aims to unite scholars interested in producing an interdisciplinary understanding of the

evolution of the Brazilian military through the development of new conceptual and methodological tools. In particular, the network is concerned with how the military in Brazil has come to hold such a contentious position in the country's socio-political history, as well as the broader implications this has for military-state-civilian relations.

This policy paper aims to support capacity-building among key parliamentary stakeholders. During the aforementioned workshop, we dissected the role of the Parliament in defence affairs, discussing critical tasks relating to this activity, and presenting an overview of the main challenges for the Brazilian parliament in matters of Defence and Security.

We believe that this policy paper makes an important contribution to a healthier civil-military relations and democratic governance of the defence sector in Brazil and an example of impactful work done by an international network of policy-oriented researchers on Brazilian defence affairs.

Dr Vinicius Mariano de Carvalho

Vice-Dean (International), Faculty of Social Science & Public Policy

Director, King's Brazil Institute

Reader in Brazilian & Latin American Studies, Department of War Studies

Parliaments and defence

Since the beginning of the twenty-first century, studies on parliamentary activities and expertise in security and defence policy has increased considerably¹. The majority of the scholarship on civil-military relations reinforces the fundamental premise of there being civilian control/oversight over the military.

In this context, the role of the parliament is fundamental. In democratic contexts, parliaments are the institution of the civilian power par excellence. Their role in defence and security policy is to protect democracy, by assuring a balance of powers in military matters.

In many countries, parliaments have limited capacities to oversee defence and security². Some countries, even those with dedicated defence and security committees in the parliament, still face limitations in overseeing policies related to these topics. One of the main reasons for this is the lack of expertise amongst politicians and civilian personnel on the core technical aspects of defence. This is reinforced, in most cases, by a lack of understating that defence is not something restricted to the military context.

This policy paper focuses on the particular case of the Brazilian Parliament and its role on defence and security issues. It is the result of a workshop carried out at the National Congress of Brazil on the 18th and 19th of May 2022 with the support of the Parliamentary Friendship Groups Brazil-U.K. Both, the workshop and resulting policy paper aim to contribute to improving the Congress's role in defence policy. Our target audience consisted of clerks and civil servants, local think tanks, NGOs, and academics, all of which were in some way engaged in studying or working with defence in a legislative context.

Although the scholarship on democratic governance in the defence sector highlights the crucial role that Parliaments plays in defence and security policymaking, not all Legislative branches worldwide fulfils its expected role. Despite having the necessary legislative, budgetary, oversight, and representative functions in democracies, several states still neglect their parliamentary responsibility to shape policy goals, prioritise budgets, and establish oversight over the armed forces as well as the wider defence and security sector, resulting in severe democratic deficits. This is the case of Brazil, where scholarship points out that society and legislators alike tend to neglect defence and security policymaking when it comes to defence and security issues. This phenomenon

can be explained by structural, regional, domestic, and organisational factors such as (1) Brazil's limited capacity to use military force as a foreign policy tool and its enduring domestic security problems, (2) South America's low-intensity military threat environment, (3) the lack of electoral incentives to address defence policy in the political system, (4) the military's bargaining power and institutional capacity to defend its interests and affect decisions on defence issues.

This policy paper addresses these areas by using the expertise of an international research network based at King's College London; the Military in Politics in Brazil Research Network³. In partnership with the National Congress of Brazil, we aim to support capacity-building among key parliamentary stakeholders. In doing so, we hope to contribute to healthier civil-military relations and democratic governance of the defence sector in Brazil, as well as to support an international network of policy-oriented researchers on Brazilian defence affairs.

The workshop

This workshop was an initiative of the Military in Politics in Brazil Research Network, and sponsored by the SSPP Faculty Research Fund; the Transnational Law Institute; the Regional Security & Development Research Theme of the School of Security Studies; and the King's Observatory of Democracy in Latin America (KODLA), all based at King's College London (King's). The initiative united a diverse team led by Dr Vinicius Mariano de Carvalho, consisting of an undergraduate student (Charlotte Bascaule), a doctoral candidate (Raphael Lima), researchers and professors at King's (Dr Eleonora Natale and Professor Anthony Pereira) and other Brazilian universities (Dr Eduardo Svartman and Dr Anais Medeiros), all members of the Military in Politics in Brazil Research Network.

The workshop was attended by 30 people, staff from the National Congress and military personnel (half of civilians and half of military). Its activities were designed to generate a collective diagnosis of the current understanding of parliamentary terms and roles regarding defence policy and security, as well as to stimulate a conversation about unclear points and areas for improvement. The workshop employed a participatory pedagogical approach, which involved a series of practical activities with participants, who critically and constructively built up a diagnosis of the situation and proposed elements for improvement. The workshop leaders introduced the discussion not

1 See: Mello, P.A. and Peters, D., 2018. Parliaments in security policy: involvement, politicisation, and influence. *British journal of politics and international relations*, 20 (1), 3–18. doi:10.1177/1369148117745684.

2 For details, see: Born, H. and Hänggi, H., 2005. The use of force under international auspices: strengthening parliamentary accountability. Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF)., Dieterich, S., Hummel, H., and Marschall, S., 2015. Bringing democracy back in: the democratic peace, parliamentary war powers and European participation in the 2003 Iraq War. *Cooperation and conflict*, 50 (1), 87–106. doi:10.1177/0010836714545687. And Peters, D. and Wagner, W., 2011. Between military efficiency and democratic legitimacy: mapping parliamentary war powers in contemporary democracies, 1989–2004. *Parliamentary affairs*, 64 (1), 175–192. doi:10.1093/pa/gsq041.

3 brazilinstitute.org/military-in-politics-in-brazil-network

from a position of superior or better knowledge, but as facilitators of a collective exchange that considered all participants' expertise as equally relevant. The workshop was structured around five presentations that provided historical, institutional, and international perspectives on the armed forces, defence policy and the function of Parliament. In this way, the activities invited participants to discuss the strengths and weaknesses of different approaches to national defence and motivated a productive debate to collectively challenge one another's mindsets. Working with small groups, participants were guided to present potential avenues for strengthening mechanisms of parliamentary oversight and participation in shaping defence policy.

The workshops also provided an opportunity to conduct a small-scale survey as a way of exploring participant's understanding of national defence, the role of the Brazilian armed forces, and the role of the Parliament in defence matters. While the number of participants only allowed for a small-scale survey, they constituted a highly representative sample. As part of the personnel in charge of drafting bills before their debate in Parliament, this audience represented an important component of the parliamentary process in defence issues. In this way, the survey results offer significant insights into the nature of Brazilian parliamentarians' engrained conceptualisations of defence and security, their understanding of constitutional prescriptions, and their perceptions of practical experiences regarding the role that ought to be played by the armed forces and Parliament itself.

The formulation of the National Defense Policy in Brazil and the Legislative Power

Issues relating to national defence in Brazil are rarely the object of great political interest. Few parliamentarians specialize in this area and rarely ever has a presidential candidate been asked about what their government's national defence policy would look like. This phenomenon reinforces the tendency to delegate the design of national defence policy to the Armed Forces, which are the bureaucracies responsible for its execution. In addition, it recalls the age-old questions behind the study of civil-military relations: how do we ensure that the Armed Forces are at the same time strong and subordinated to democratic civilian leadership? In other words, who guards the guardians? Answering these questions and demarcating the role of the Legislative Power on the matter involves understanding the historical evolution of civil-military relations and the characteristics of political institutions in contemporary Brazil.

The military, politics and national defence

For a long time, national defence policy in Brazil was military policy. Not only because the military had the



necessary expertise and autonomy over this specific sector of state affairs, but also because they repeatedly interfered in politics, since the Proclamation of the Republic to the promulgation of the Federal Constitution of 1988. During the Cold War, they formulated a security doctrine that tended to subordinate all public policies to the imperatives of national security. Over the course of the twentieth century, they led multiple insurrections and often participated in elections as candidates. They even governed the country during the dictatorship from 1964 to 1985. When the dictatorship ended, the military played a leading role in the transition to democracy and influenced the drafting of the new Constitution of 1988, ensuring the maintenance of Military Justice in times of peace, the attribution of acting internally to guarantee of constitutional powers, law and order, as well as the subordination of the state-level police departments to the Army. In addition, they managed to push back on the creation of a Ministry of Defence for over a decade, maintaining the ministerial prerogatives of the forces' commanders.

The slow reconstruction of the National Defence Policy

Even so, redemocratisation and the end of the Cold War brought important institutional advances to civil-military relations in Brazil. The introduction of external controls across public services, especially in the legal and financial spheres, enabled an important dimension of democratic civilian supervision over the Armed Forces. The withdrawal of the status of Ministry of the General Staff of the Armed Forces and the extinction of the National Information Service (SNI) and the National Security Council gave a more contemporary appearance to the national defence apparatus. Although it was only in 1999 that the Ministry of Defence (MD) was created. However, the MD is still a process under construction,

The National Congress of Brazil and the National Defence Policy

Survey activities and results

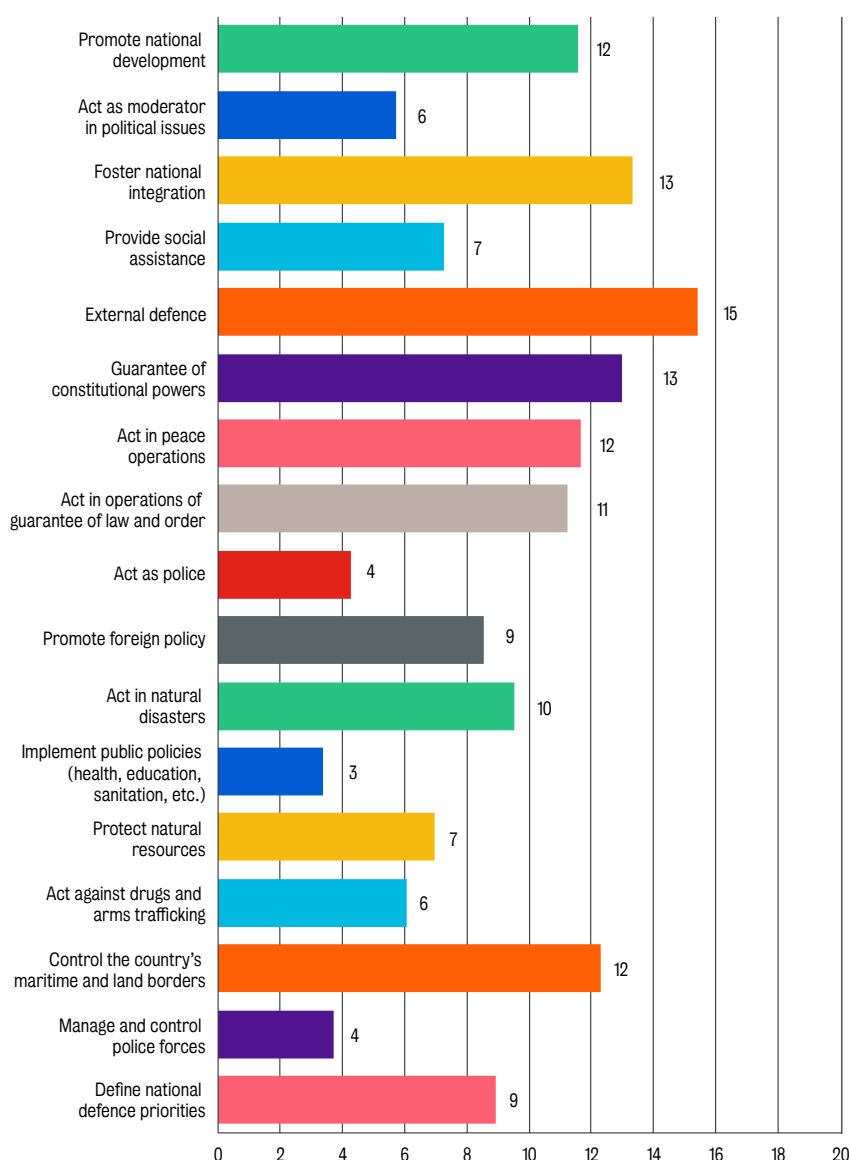
Perceptions on the role of Parliament in defence

Defence

[illegible]

Security

When asked about 'Security', the emphasis was on the concepts of 'protection' (six times) and 'stability' (four times), stressing its 'multilateral' and 'multidimensional' nature (four times). Interestingly, participants repeatedly associated concepts of 'perception' (five times), 'sensation' (three times), and 'emotion' (once) to the notion of 'Security'. The same way participants associated 'Security' to 'Defence', they also mentioned 'Defence' (though only three times) when asked about 'Security'.



Graph 1. Rank the functions of the Armed Forces in order of priority

Participants were then asked to rank the functions of the armed forces in order of priority. (Graph 1)

- The results showed consensus on placing external defence among the armed forces' top priorities and tended to consider their roles in controlling borders, fostering national integration, and in Peace Operations as central objectives.
- Participants appeared to agree that the armed forces are not well suited to acting as police, and showed low support for military involvement in social assistance and in the 'implementation of public policies'.
- The results revealed a certain degree of uncertainty among participants on whether promoting domestic development, operations for the 'Guarantee of Law and Order' (GLOs), responding to natural disasters, or managing natural resources should be part of the armed forces' key functions. There also seemed to be some confusion as to whether the armed forces should play a role in defining defence policy.

1 | Guarantee of Law and Order operations Dr Anaís Medeiros Passos

Since the 1990s, Brazilian politicians have relied on the armed forces to fight drug gangs as a response to mounting insecurity and violence. Operations for the Guarantee of Law and Order (GLO operations) might stabilize violence in the short-term by means of dissuasion, however, crime is likely to return to its earlier levels once the military intervention ends if broad police reforms are not introduced. Considering the limitations that derive from an extensive use of the military in security, there are certain implications regarding the policy that are in place, when addressing the role of the Legislative on this matter.

1. A crucial instance to ensure a lawful behaviour of the military on the ground. Governments will improve if they restrain the role of the Armed Forces to limited police duties, avoiding missions such as detaining, interrogating, and holding suspects in custody, as well as conducting house searches without the supervision of a civilian-led agency.
2. Society will benefit from extending the oversight from the start of operations by autonomous and fully-funded agencies that are integrated into the political system and can prevent irregularities and infractions.
3. GLO operations should have a clear timeline and geographical frame, in order to avoid the exposing soldiers to corruption and violations on the ground. Military presence in the *favelas* is not enough to

undermine the power of the gangs, but it has proven that coordinated action from other state bodies is needed to provide basic public services. Additionally, such a solution should not be 'overused' by politicians, since military operations might lose their 'surprise factor' and stimulate retaliation from criminal groups in the long term.

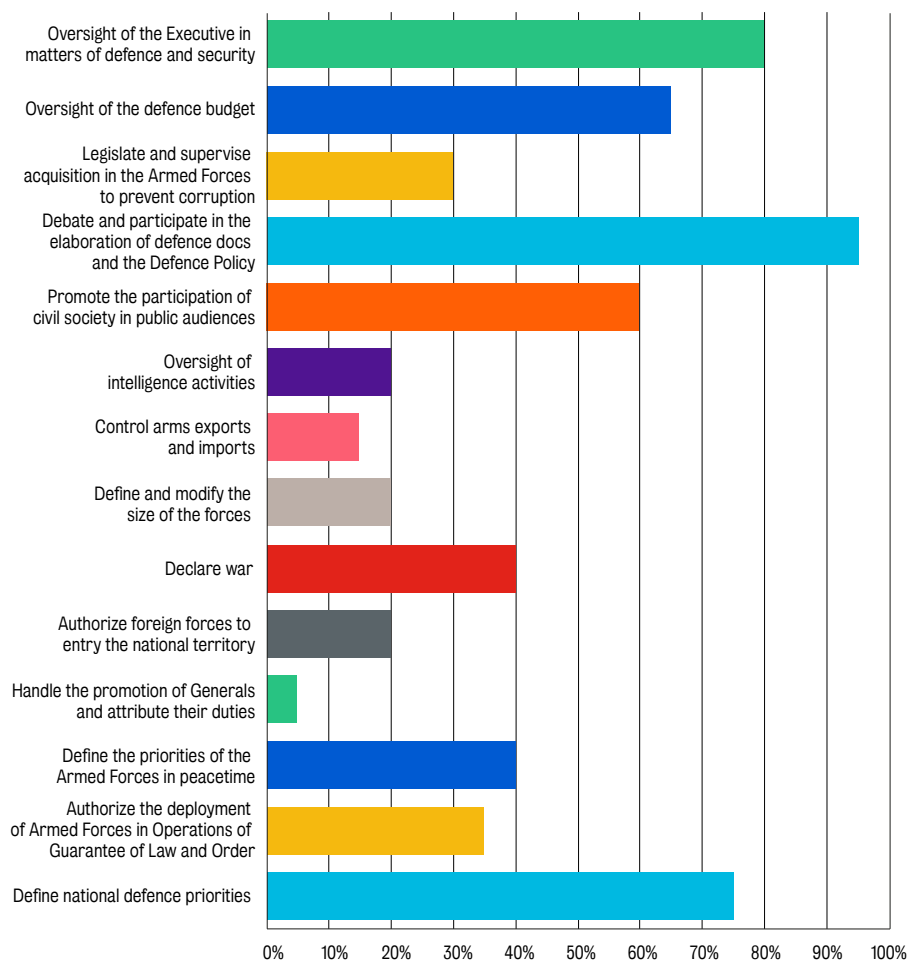
4. Designing robust checks and balances over the military should take into consideration the contexts of poverty and social exclusion in which military interventions in security takes place. As civil society organizations struggle with socio-economic exclusion, grassroots initiatives entail limited consequences in terms of rendering the military accountable for abuses and violations.

In sum, an active and autonomous legislative is key for ensuring the accountability of GLO Operations. Brazil's parliament has two committees for defence, one in the Senate (Committee of International Relations) and one in the Deputy's chamber (Committee of Defence and International Relations). For public security there are also two committees: the Committee of Public Security, in the Senate, and the Committee of Public Security and Combatting Crime, in the Deputy's chamber. In the case of deployment of Armed Forces in GLO Operations, it is paramount to define under which of these committees should rely on the scrutiny of the parliament over these operations.

Federal Constitution

Article 142. The Armed Forces, comprised of the Navy, the Army and the Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the President of the Republic, and are intended for the defense of the Country, for the guarantee of the constitutional powers, and, on the initiative of any of these, of law and order.

‘The press, academia and civil society organizations play important roles in scrutinising, debating, researching, and providing relevant training for the human resources and proposing inputs for national defence policy.’



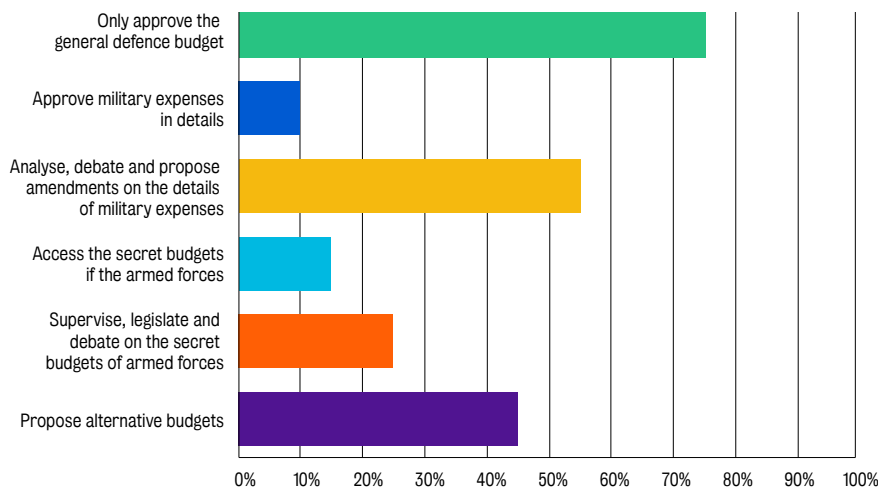
Graph 2. What are the functions of the Parliament in matters of defence and security?

When asked about the armed forces' role in national politics, 65 per cent of the participants asserted they should not hold any role in the country's politics.

Among those who considered politics to be part of the armed forces' range of functions, most explained their answer by referring to Art. 142 of the Federal Constitution, which ascribes to the armed forces the role of 'guaranteeing the constitutional powers'. Others highlighted their responsibilities in ensuring stability and protecting citizens' constitutional rights.

Participants were then asked about the functions of Parliament in matters of defence and security. (Graph 2)

- The results show consensus among participants that Parliament's should play a role in debating and participating in the elaboration of defence policies; supervising the executive; and defining national defence priorities. To an extent, participants also agreed on Parliament's role in supervising the defence budget and stimulating civil society's participation.
- Participants also appeared to agree that Parliament's functions should not include: handling military promotions, attribution of duties, managing military effectiveness, controlling arms exports and imports, and supervising intelligence activities.
- The results revealed doubts surrounding Parliament's role in GLO operations, in defining the role of the military during times of peace, declaring war, and regarding military acquisitions and corruption risk management.



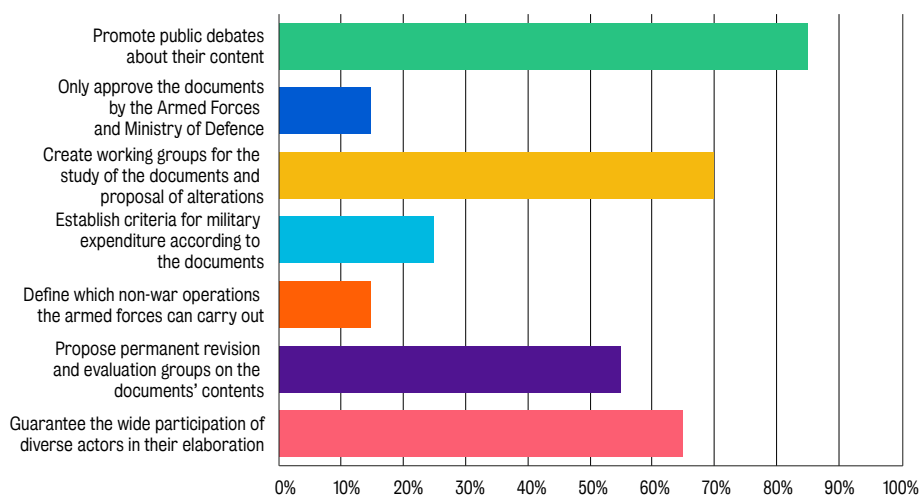
Graph 3. Rank the functions of the Armed Forces in order of priority

Participants were also asked to identify the scope of duties they considered relevant to Parliament's supervision of the defence budget. (Graph 3)

- 75 per cent of participants indicated that Parliament's role should be limited to approving of the general defence budget, while a minority considering the finer details of military expenditure should also be part of Parliament's supervision scope.
- Over half of the participants included parliamentary analysis, debate, and proposals of amendments to the budget as part of parliamentary functions. 45 per cent also indicated that Parliament should be able to recommend alternative budgets.
- Only a minority of respondents included Parliament's right to access, supervise, legislate and debate on the armed forces' secret budgets.



VINICIUS MARIANO DE CARVALHO



Graph 4. What are the functions of the Parliament in matters of defence and security?

As part of Parliament's role in the defining defence policies, that is, in elaborating defence documents (National Policy of Defence – PND; National Strategy of Defence – EDN; and White Paper of National Defence – LBDN), participants were asked to indicate what Parliament's responsibilities should entail. (Graph 4)

- 85 per cent of respondents asserted that Parliament's key role should be to promote public debates on the contents of policy documents.
- While only a minority stated that Parliament's responsibility should be limited to merely approving the documents upon submission, over two thirds of participants indicated that its role was to create working groups to study the documents and offering alterations.
- Over half of the participants emphasized Parliament's role in ensuring the wider participation of diverse actors in the elaboration of policy documents, as well as proposing permanent revision groups on the documents' contents.



‘As the security challenges grow in complexity, defence policy – the public policy that regulates the use of military force – becomes just a small part of a larger and more complex system: the security sector.’

Survey conclusions

While the survey was conducted with only a small sample of parliamentary professionals, it provides a useful overview of their current understanding of policies and practices surrounding national defence and security, as well as of Parliament’s role in defence. Most importantly, it points to areas in need of further investigation regarding the implications of participants’ perceptions on military accountability, corruption, fraud risks, civil-military relations, and democracy overall.

It was also clear that the concept of Security is the most complex in terms of participants’ perceptions. Words such as ‘perception’, and ‘feeling’, were common in the discussions, and on many occasions security and safety were semantically taken as synonymous (In Portuguese there is a single word for both meanings: *segurança*). The question regarding the internal roles of Armed Forces, for instance in GLO operations, demonstrated the lack of consensus around whether or not this should be a fundamental function of the Armed Forces.

In terms of oversight on defence budgets and procurement/acquisition processes, a study by the Transparency International UK’s Defence and Security Programme (TI-DSP) – based on the 2013 Government Anti-Corruption Index (GI) – found that, while Brazil’s Parliament and legislature realize effective controls and oversight that lower overall corruption risk in the Ministry of Defence and the Armed Forces, its performance in terms of oversight and audit over secret budgets is weak⁴. Indeed, the survey found that only a minority of the participants considered it to be Parliament’s right and role to access, supervise, legislate, and debate on the armed forces’ secret budgets.

As previously stated, this survey was a simple pedagogical exercise designed to accompany the workshop, however, it indicates several areas in need of further debate around Brazilian parliamentary expertise and roles in defence.

Building a national security strategy: the role of the Parliament in providing political guidance in security and defence in Brazil

As discussed so far, national parliaments play a key role in defence policy. However, while discussing defence-related topics, politicians, clerks, and civil society actors should also consider other interrelated elements. Nowadays, the armed forces very rarely operate alone. Public safety in megacities, transnational organised crime, cyber threats, and environmental crimes are just a few examples of security challenges that cannot be tackled by military force alone. Even in war or peacekeeping operations nowadays, the armed forces tend to operate in complex environments alongside with other security agencies, non-governmental organisations, civil society, and other government agencies – eg, development and security assistance agencies. The perceptions revealed in the survey illustrate how the Brazilian society sees the topic.

As the security challenges grow in complexity, defence policy – the public policy that regulates the use of military force – becomes just a small part of a larger and more complex system: the security sector⁵ (figure 5). Nonetheless, each policy definitions at every level influence one another, either horizontally or vertically, meaning that this is not an ordinary hierarchy but rather a ‘tangled hierarchy’⁶. Police, military and gendarmery forces, intelligence agencies, and their related ministries and government agencies are key actors within the sector. Yet, they are not the only ones. These actors should share space with other important ones, such as the President, the Parliament, relevant ministries – such as Ministries of Defence and Ministries of Interior – , and civil society (figure 6).

‘Increasing the capacity of the Parliament to contribute more effectively to the construction of a national defence policy within the framework of the republican spirit also increases the sharing of responsibilities on defence issues, what is desirable in a democracy.’

⁴ See: Cover, O. and Meran, S., 2013. Watchdogs? The quality of legislative oversight of defence in 82 countries. Transparency International UK, Defence & Security Programme (TI-DSP).

⁵ See: Dorman, Andrew, and Joyce Kaufman. 2014. Providing for National Security: A Comparative Analysis. Stanford University Press; Cleary, Laura R., and Roger Darby. 2021. Managing Security: Concepts and Challenges. Routledge.

⁶ Concept from: Chuter, David. 2011. Governing & Managing the Defence Sector. Institute for Security Studies. issat.dcaf.ch/Learn/Resource-Library/Policy-and-Research-Papers/Governing-Managing-the-Defence-Sector.

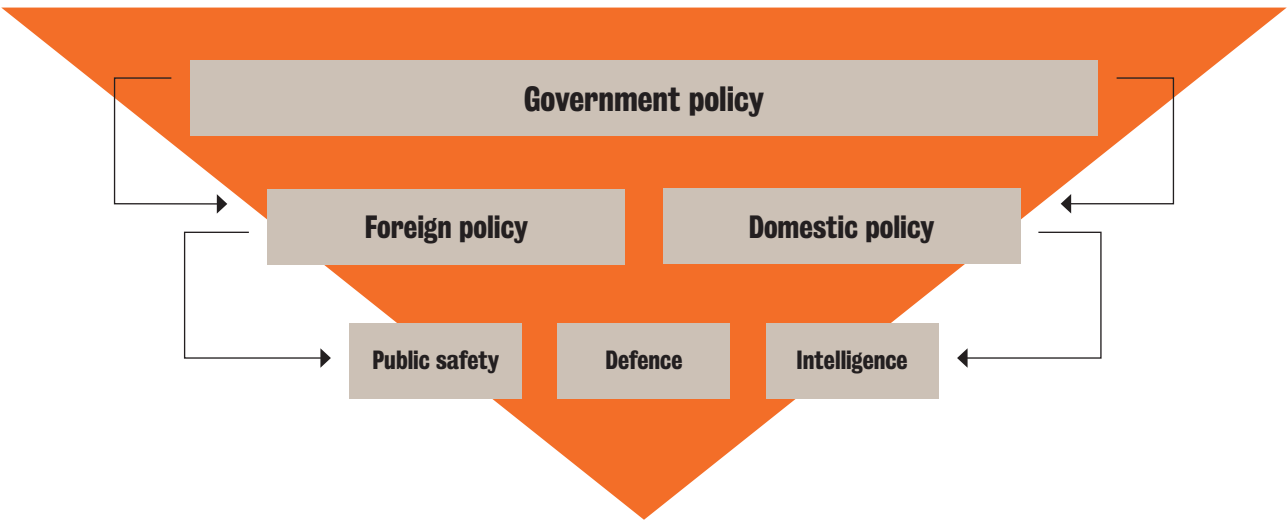


Figure 5 The security sector and its policies⁷

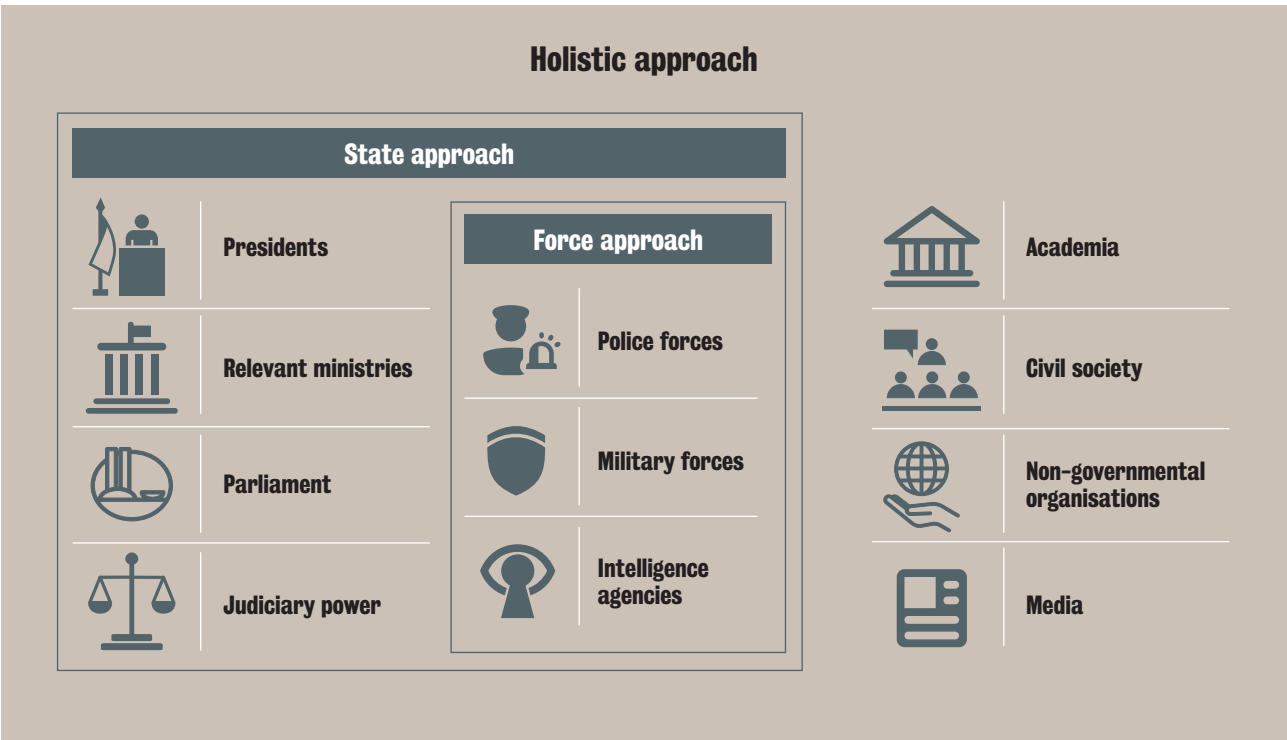


Figure 6 Security sector actors

⁷ Diagram from: Lima, Raphael C., Peterson F. Silva, and Gunther Rudzit. 2021. 'No Power Vacuum: National Security Neglect and the Defence Sector in Brazil'. *Defence Studies* 21 (1): 84–106.

2 | International Experiences 1: Italy Dr Eleonora Natale

Since 2012, Italy's Parliament and Government have legislated to reduce the size and costs of the military. According to Law 244/2012, this reform aims to create a smaller but more synergic and efficient military apparatus, fully integrated within the context of the European Union and the North Atlantic Treaty Organization (NATO).

The 2015 *White Book for International Security and Defence* established the objectives of the legislative intervention: the new military apparatus is to be based on three pillars: 1) Euro-Atlantic cohesion; 2) European integration; and 3) global relations. According to the White Book, Italy's geostrategic priority is the security of the Euro-Atlantic region, which cannot be separated from the security of the Euro-Mediterranean region where the peninsula lies. The document clearly explains that this objective can only be achieved through Italy's participation in NATO and its integration in the EU defence framework.

Italy's recent legislation on matter of international security and defence has thus focused largely on the regional and global scenario. Brazilian defence policies are instead closely tied to issues of national security, as they aim to tackle domestic problems rather than international issues.

During the workshop, the audience was asked to discuss: 1) which elements of the Italian experience could be useful to rethink Brazil's defence policy and the role of

the Parliament in it; 2) what challenges should be kept in mind when applying and adapting these elements into the Brazilian context. The exercise drew three key lessons from the Italian experience:

- Brazil could focus more on the regional and global context, to rethink security as 'international security'. This would enable the country to identify challenges to tackle through a more flexible defence policy, as well as providing opportunities for military cooperation with other countries. Importantly, these would involve not only the military, but also other sectors of society, such as the industry and the academia.
- Brazil's legislative power is not as tied down by directives determined through alliances and organisations as Italy is, due largely to its membership in NATO and the European Union. This implies that the National Congress of Brazil may have more agency and space for intervention in matters of defence and international security than Italy does.
- Following the Italian example, Congress could improve transparency and communication with civil society, the Ministry of Defence, and the military, to regulate and monitor the democratic decision-making process in matters of defence and security, especially concerning budget, missions, and priorities.

Therefore, a holistic approach to the security sector is key to achieving effective security governance. Effective governance demands cooperation, coordination, and integration between several distinct actors. A key component of this kind of governance is having a national security strategy. That is, a policy that defines a clear whole-of-government political guidance to security agencies, establishes the boundaries and rules of interagency cooperation, and defines roles and oversight mechanisms (Figure 7). This policy also provides direction on how security agencies can contribute to other policies that, despite not being completely involved in security – such as environmental agencies, civil defence, infrastructure, science and technology, education, and development etc – contributes to achieving security. This does not mean that these policies should be securitised but rather that they have a security dimension that should be in line with a larger national strategy.



VINCULUS MARIANO DE CARVALHO

3 | International experiences 2: USA Professor Anthony Pereira

In the United States, Congress has three key powers: to pass laws, to enact an annual budget, and to oversee the enforcement of the laws and the implementation of the budgets. The US Congress has two committees, the House Armed Services Committee and the Senate Armed Services Committee (SASC), both of which oversee the funding and activities of the Department of Defense (DoD), the Armed Forces, and matters relating to defence and security issues more broadly. Notably, the House Armed Services Committee produces an annual Defense Authorization Act, a detailed budget for the DoD and the Department of Energy's national security programmes, on which the Senate Armed Services Committee also votes. The SASC also has the power to consider about 50,000 nominations each year for civilian and military posts in the DoD and Armed Forces, including military promotions.

Both the House and Senate Armed Services Committees, which are well staffed and with members closely connected to the defence industry, benefit from a varied ecosystem of resources, including internal audit institutions (eg Government Accountability Office) and other independent bodies (interest groups, think tanks, etc.). Together, they produce and provide extensive information on the armed forces and defence and security issues, enabling successful oversight of the armed forces and informed deliberations on all matters relating to national security and defence (Bruneau 2022: 6-7).

PROCUREMENT – However, beyond monitoring and oversight, parliamentary committees cannot necessarily ensure the *accountability* of the armed forces to other branches of the state or to the democratic public, as visible with the US defence procurement system.

- National security concerns sometimes make competitive bidding for contracts difficult. In an environment defined by lobbying and special interests, this frequently opens the door to conflicts of interest, fraud, and 'pork barrel politics'. (Bruneau 2022: 14)
- There is a 'revolving door' between Washington DC and private sector contractors, as civilian and military officials in the Department of Defense retire and join the companies that they previously dealt with as civil servants.

- To realize economies of scale, defence contractors often want to sell to foreign, as well as their own, governments. This often leads them to support aggressive foreign policies involving arms sales to allied countries (eg US arms sales to Saudi Arabia).

These characteristics of the defence contracting system decrease both military effectiveness and accountability by the parliamentary committees (Bruneau 2022: 12). Moreover, parliamentary committees' members' short terms (six years in the Senate, two years in the House of Representatives) prevents the issue from being effectively addressed¹.

CIVIL-MILITARY RELATIONS – Civil-military relations in the USA have recently been shaken by the attempt of an incumbent president, Donald J. Trump, to engage in an auto-coup and to persuade the military to support him in this endeavour, which culminated in large numbers of his supporters storming the Capitol building on 6th January 2021. Following the incident, the top brass of the U.S. armed forces issued a 'Memorandum for the Joint Force' that pledged allegiance to the US Constitution and vowed to respect the results of the presidential election². In this instance, the armed forces displayed what Samuel P. Huntington called 'objective' civilian control over the armed forces, or civilian control which was primarily the result of the military's own sense that its professional ethics required a commitment to constitutionalism³.

Nevertheless, the role of parliamentary committees in influencing civil-military relations is limited. While investigating incidents like 6th January can uncover new information and influence public opinion, it cannot necessarily change patterns of interaction between militaries and governments and the general public, at least not in the short term.

1 See: Bruneau, Thomas C. 2022. Oversight, Accountability and Effectiveness. Monterey: chapter draft for a forthcoming book.

2 See: Pion-Berlin, D. Bruneau, T. and Goetze, R. 2022. The Trump Self-Coup Attempt: Comparisons and Civil-Military Relations. Government and Opposition, 1-18.

3 See: Huntington, Samuel P. 1957. The Soldier and the State: The Theory and Politics of Civil-Military Relations. Cambridge: Harvard University Press

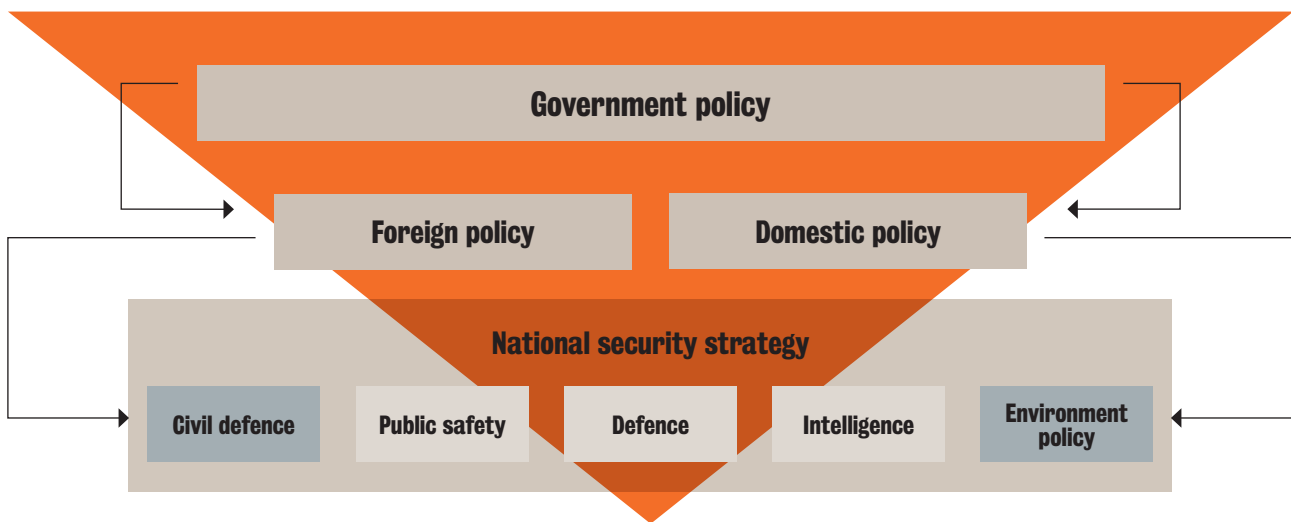


Figure 7 The realm of a national security strategy⁸

Building a national security policy and achieving effective security sector governance is a very challenging process. Parliament, as the branch of power that hosts distinct societal views, is a chief actor in coordinating debates, proposing legislation, contributing to building the strategy, and hosting national debates. Parliaments can evaluate documents, participate in their formulation, or even propose new bills that are key to defence and security governance. Without the effective oversight, and engagement of the Parliament, there is no effective security governance.

As part of the workshop *Parliamentary capacities* on defence, one of the activities was designed around the notion of national security strategy. Participants were asked to engage in role play as a working group tasked with building a national security strategy. They were divided into five groups, each one responsible for one policy contributing to the security sector – *defence*, *public safety*, *intelligence*, and *environmental policy*, and *civil defence*.

Each group was asked to conduct three activities:

- (1) prioritise one security challenge relating to their policy area;
- (2) suggest one possible solution; and,
- (3) explain one limitation of their proposed solution.

The activity aimed to illustrate how difficult it is to prioritise and integrate distinct agencies, and how complex

are contemporary security problems are. The results of the activity are showed in Table 1. All five of the identified challenges (force design improvement; border control; intelligence integration; mitigating deforestation; natural disasters response) demand a *high level of interagency cooperation* and *joint planning* to be addressed. They require rethink processes, transforming organisations, and better integrating existing systems. Most groups also pointed out the difficulty of managing the limited budgets and other shortcomings of each security agency's institutional capability. Hence, participants highlighted the need to find extrabudgetary resources, share burdens between organisations, and find a common direction for security agencies. Participants, however, did not point out towards *shared missions* or *threats* for the security sector. This might be explained by the fact that defining missions, identifying organisations' shortcomings, proposing solutions, and recognising complex systems is tough and always requires trade-offs.

Yet, this very short exercise conducted with key government elites, helped to provide a broader idea of the challenges involved in prioritising and making tough decisions within the security sector. A state's resources are always limited, and choices need to be made in terms of what to finance, which operations to engage in, and how to better direct the security sector. In the debate and management of budgets, Parliament is, by its very nature, a key decisionmaker.

⁸ Elaborated by the authors based on Lima et al (2021)

Table Workshop results: Elements of a Brazilian national security strategy

	Problem	Solution	Limitation
Defence	Ineffective force design	Implement capability-based planning in the MoD and the armed forces	The Joint Chiefs of Staff is not hierarchically superior to the force commanders and hence it is difficult to enforce change.
Public Safety	Ineffective border control	Permanent exchange of information and integration between the military and the public security agencies	<p>Budget limitations.</p> <p>Distinct geographies of the Brazilian borders.</p> <p>Organisational culture of the armed forces and the security forces.</p> <p>Mission overlap between the military and the security forces.</p> <p>Government priorities change.</p>
Intelligence	Disintegration of intelligence systems from each Brazilian state	Create control, transparency and oversight mechanisms that do not affect effectiveness	Each state's intelligence agencies have different structures, organisation, and hierarchies.
Environmental policy	Deforestation	Create specialised working groups to define priorities, mission areas and cooperation strategies	<p>Achieving consensus within a multidisciplinary working group.</p> <p>Size of the Brazilian territory.</p> <p>Budget limitations</p>
Civil defence	Natural disasters	Acquire means that can be used for both military and civil defence purposes using 'extra-budgetary resources'	The armed forces do not have the capability to be deployed in all natural disasters it is requested

4 | International Experiences 3: UK Professor Anthony Pereira

In the United Kingdom, the key parliamentary institutions in charge of overseeing defence and security policy are the Defence Committee in the House of Commons and the International Relations and Defence Committee in the House of Lords. The Defence Committee is authorised to 'examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies', and is able 'to send for persons, papers and records, to appoint specialist advisors, to establish a subcommittee, and to meet and report from time to time'.¹ Meanwhile, the International Relations and Defence Committee engages in specific inquiries, currently on defence concepts and capabilities; on the United Nations Convention on the Law of the Sea; and the UK's security and trade relationship with China.²

Neither Committee benefits from an abundance of staff, and their reliance on the Ministry of Defence for information is not significantly supplemented by independent bodies. Moreover, the House of Lords' International Relations and Defence Committee is less influential, as the House of Lords cannot usually prevent the passing of legislation that is supported by a majority in the House of Commons, making it a weaker decision-making body.³

PROCUREMENT – A form of 'entryism' based on a 'conspiracy of optimism' permeates the procurement process in the UK. Politicians initially accept the optimistic estimates projected by the military, and then feel obliged to stick with the programme when the inevitable cost overruns and delays occur. From their point of view, abandoning the purchase would get them into worse trouble with the public than quietly agreeing to foot the bill for the extra cost. Senior decision makers in the military, who are rotated to different positions every two or three years, are never held accountable. The long-term time frame of many acquisitions means that officers who made the original decisions are rarely in the same post to accept criticisms. This is not only a problem of gathering information and monitoring the defence procurement process, but of achieving accountability.⁴ It is unclear that parliamentary committees, whose members (with the exception of the House of Lords) have short terms (up to five years in the Commons), can effectively surmount this problem.

CIVIL-MILITARY RELATIONS – In the United Kingdom, civil-military relations are relatively stable. While there was some concern in the armed forces about alleged 'subversion' in the Labour Party in the 1970s, during the Cold War, there now seems to be some consensus that the multiparty oversight of the armed forces by Parliament is sufficient to guarantee that the armed forces will serve the state and not the political interests of any particular government.

¹ From committees.parliament.uk/committee/24/defence-committee accessed on 15 May 2022.

² From committees.parliament.uk/committee/360/international-relations-and-defencecommittee/membership accessed on 15 May 2022.

³ Although it can delay and modify bills, the House of Lords usually cannot prevent the passage of legislation that is supported by a majority in the House of Commons. That being said, the quality of debate in the House of Lords can often be superior to debate in the House of Commons, given its larger number of members who are independent of the two major political parties.

⁴ Interview with Professor Matt Uttley, 6 May 2022.

Conclusions

Civil-military relations constitute an important element of democracy. Defining boundaries between military and civilian areas of expertise, inculcating respect for constitutional norms in the armed forces and the wider society, and establishing effective civilian control over the military can strengthen democratic institutions and lend stability to democratic regimes.

Civil-military relations in a democracy are not simple or easy to define. There is no single way of defining what they are or how civil-military relations should be established and consolidated⁹. A critical approach is necessary to understanding how societies, like that of Brazil, have constructed their armed forces and defence mentality.

One thing is important to keep in mind; in this relation, at least three actors should be involved: an elected government; the armed forces; and the citizenry.

As this paper has demonstrated, in the case of Brazil, defence and security issues have been historically understood as a matter for the armed forces. However, more recent developments have shown that parliamentary and citizen engagement in these matters can reinforce democratic practices.

Parliament committees can play a fundamental role in changing patterns of interaction between militaries and governments and militaries and the general public. Perhaps this will not happen in the short term. Parliamentary committees can gather information and successfully oversee the armed forces, thereby contributing to the formulation and implementation of defence and security policy.

Both, the accountability of the armed forces to civilian state managers publics, and the effective engagement of civilians in the shaping of defence and security policy, is probably something that can be achieved by parliamentary committees only in tandem with many other organisations, and with strong public support.

Democratic societies should base defence policy on consent. The *raison d'être* of the armed forces, to defend the citizenry from foreign aggressors, should be based on a rational, realistic, and prudent assessments of what the risks from those potential aggressors actually are. And for this assessment to be realistic and rational, it needs the participation of several actors in a society. It cannot be solely based on the input of military professionals.

Increasing the capacity of the Parliament to contribute more effectively to the construction of a national defence policy within the framework of the republican spirit also increases the sharing of responsibilities on defence issues, what is desirable in a democracy.

It is desirable that parliamentarians, advisors, and legislative analysts alike fully 'understand the matter'

at hand, which would reduce the asymmetry of expertise between civilians and the military. Civil actors, especially politicians, must remember that it is not resorting to the military to implement any and all public policies that this will contribute to a democratic civil-military relationship. Likewise, military implementation of public policies does not necessarily demonstrate efficiency in the management of defence and security issues. Military professionalism – essential in modern democracies – cannot spare civil professionalism.

It is therefore crucial that parliamentarians and clerks have access to training on defence issues. In institutional terms, it is essential that Congress has dedicated and specialized civilian career staff in CRE and CREDEN, increasing the institutional capacity to support legislators. Parliament should adopt institutional and permanent mechanisms to supervise defence programs, monitor budget execution, carry out reforms, and ensure the smooth functioning of the Ministry of Defence and the Armed Forces. All of the above should be carried out in addition to the accounting control exercised by existing bodies. These recommendations do not presuppose a change in the low-priority framework assigned to defence issues nationally, but rather, suggest the creation of institutional conditions, at relatively low costs, for the reversal of this framework. It also promotes transparency, which is a condition for a democratic accessibility.

This policy paper is intended to contribute to improving expertise within the National Congress of Brazil in issues relating to defence and security. Far from being a definitive and final recipe, this policy paper simply presents suggestions that have resulted from a democratic dialogue between multiple actors. The policy paper does not intend to transform reality overnight, but rather, to contribute to the development of democratic structures and the meaning of popular representation in parliament. Most of all, it hopes to contribute to the promotion of civil-military relations in Brazil, in a constructive and participatory manner.

⁹ For further discussion, see; de Carvalho, V. M., & Grimaldi, A. I. (2022). Military in Politics in Brazil in Critical Terms. *Brasiliiana: Journal for Brazilian Studies*, 10(2). Retrieved from tidsskrift.dk/bras/article/view/131534



Get involved

To find out more visit



@KODLA_ or contact



kodla@kcl.ac.uk