The fragility of the Brazilian Defense Ministry

Jorge Zaverucha

Federal University of Pernambuco

ABSTRACT

The present article presents different phases that the Brazilian Defense Ministry has passed through, since its inception during Fernando Henrique Cardoso's second presidential term (1999-2002) until the current administration of Luís Inácio Lula da Silva (2003-2006), under its respective ministers of Defense. It has been seen as one of the important stages in the re-constitutionalization of the country, insofar as it establishes the submission of Armed Forces commanders to a civilian minister, and although some analysts have considered that such submission is actually achieved, we point here to the military resistance and insubordination to civil power that are the result of an authoritarian legacy. To the extent that the Ministry of Defense is unable to implement its own policies in which the military would be required to follow civilian guidance, this article concludes with considerations on the civil Defense Ministry’s political and institutional fragility vis-a-vis military command. The latter has been able to retain high levels of decision making autonomy in its relationship to the Ministry and its structure.

Keywords: Defense Ministry; Armed Forces; democracy; authoritarian legacy; decision-making autonomy.

"The pessimist affirms that we have reached the bottom of the well. The optimist affirms that we can fall a little deeper" (Woody Allen).

I. INTRODUCTION

The fallacy of autonomy is the belief in the possibility of analyzing the Brazilian Defense Ministry separately from the political context which created it. It is impossible to hope that such a
Ministry act in accordance with democratic principles if the political system does not work for the effective elimination of the authoritarian legacy inherited from the military regime. The way the Defense Ministry works in Brazil, since it is influenced by that legacy, constitutes one of the indicators of the fragility of our democracy.

I have used the term “works” because the creation of the Defense Ministry per se is not enough to guarantee that the Armed Forces be subject to civilian control. The Armed Forces continue to act autonomously and frequently step over the authority of the Defense Ministry, thus disregarding the authority of the President in a clear display of insubordination of the political and military chain of command. After all, the President is the Commander-in-Chief of the Armed Forces.

II. THE CREATION OF THE DEFENSE MINISTRY

The creation of a Defense Ministry was one of FHC’s campaign promises. Thus, he charged Gen. Benedito Onofre Leonel, Chairman of the Joint Chiefs of Staff (Estado-Maior das Forças Armadas, EMFA) with this mission. This was a crucial choice: it indicated that the conception of the Defense Ministry (DM) would have a military undertone, despite being created as an instance of civilian power. Furthermore, the fact that the EMFA was a bureaucratic branch, with powers inferior to those of the ministries of the Navy, the Army and the Air force, signaled its future limitations.

The project advanced very little during FHC’s first term in office, to the point that the President had to change the EMFA rules regarding terms of office in order to permit Gen. Leonel to stay as its chairman. Until then, only an Officer-General in active duty had been allowed to occupy that position. The general was close to retirement; FHC had to guarantee that he remain in charge of the EMFA so that he might finish developing the guidelines for the new Defense Ministry. Once

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1 “Authoritarian legacies are rules, procedures, norms, standards, practices, dispositions, relations and memories derived from well-defined past authoritarian experiences which, as a result of specific historic configurations and/or political disputes, survive through democratic transition and intervene on the quality and on the practices of post-authoritarian democracies” (HITE & CESARINI, 2004, p. 4).


3 In 1967, President-General Castello Branco signed Decree-Law n. 200, which suggested the implementation of studies on the creation of the Armed Forces Ministry. The idea, however, was torpedoed by the rivalry between the three Forces and sank.
this task was completed, the general was awarded the post of Brazilian military observer in the United Nations (UN) in New York, with a monthly salary of around US$ 15,000⁴.

Gen. Leonel’s task was lightened by an external component: the US announcement that Argentina would become a military partner in the North Atlantic Treaty Organization (NATO). A declaration by Argentine president Carlos Menem immediately followed, on August 17, 1997, stating that a seat for Latin-American countries in the UN Security Council should be temporary, rather than permanently held by Brazil, as sought by Brazilian diplomacy. This was enough to bring back the issue of the Defense Ministry to newspaper headlines.

The occasion chosen by FHC was a meeting of the Rio Group⁵ in Asunción. On August 24, 1997, the Brazilian president announced the creation of the Defense Ministry. It was clearly a political maneuver to strengthen the Brazilian candidacy for a seat on the UN Security Council, since it would be difficult to explain to the world how a country with a seat on that Council could aspire to participate in decisions regarding international security, having four military ministers answering for the defense cabinet. From the way it was created, it became evident that the MD was not primarily created to aid in submitting the military to civilian democratic control, but with instrumental objectives in mind. The subsequent facts confirmed those suspicions.

The Constitutional Amendment Project (PEC, in Portuguese) n. 498/97 proposed the creation of the Defense Ministry. That project however, also aimed at pleasing the military. The chairman responsible for it, federal congressman Benito Gama, of the pro-government alliance⁶, declared that the new civilian Defense Minister would be a sort of “queen of England”, which meant that he would reign but not govern (ZAVERUCHA, 2000, p. 52). In other words, the Defense Minister would be but a decorative item, for power would, in fact, remain in the hands of the military (LACERDA & CARVALHO, 1998). The Defense Minister would only be attributed limited responsibilities, such as centralizing the budget for the Armed Forces, purchasing weapons and drafting Brazilian defense policies.

⁴ There is a similar post of military observer in Geneva. These posts were created by President José Sarney to please military official who had supported his rise to power. Although FHC did sponsor an administrative State reform, such posts were maintained. So far, Lula has followed in the footsteps of Sarney, Collor, Itamar Franco and FHC.

⁵ The Permanent Mechanism of Political Consultation and Coordination – Rio Group – was created in 1986, in Rio de Janeiro. Members include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, Venezuela, Uruguay and a representative from the Caribbean Community (Caricom). The Rio Group has worked in the containment of processes that might put democratic order at risk.

⁶ At that time, Gama was a member of the Partido da Frente Liberal (Liberal Front Party, PFL) from the state of Bahia. He later left the PFL and joined the Partido do Movimento Democrático Brasileiro (Brazilian Democratic Movement Party, PMDB).
The institutional fragility of the new Defense Minister is evident. In the North-American model, the institutional position of the Defense Secretary is strengthened. That model was soon discarded by Brazilian military officials, who claimed that it was not suited to national peculiarities. The fact is that the Defense Ministry in Brazil does not have strong Joint Chief of Staff in command of the Navy, the Army, and the Air Force. Lopes (2001) reminds us that the Defense Minister “deals directly with the chiefs of each department. The Joint Chief of Staff, in Brazil the Estado-Maior da Defesa, is responsible specifically for military consulting. It is also necessary to stress that despite this direct line to military commanders [the Defense Minister] does not order operations. In the North-American model, the Secretary of Defense personally controls the so-called Area Commands, which are completely operational. Each Force has a subsecretary to handle administrative matters.”

Another institutional fragility of the Defense Minister is that Army, Navy and Air Force commanders are no longer State ministers, politically, but maintain the legal status of Minister. That is, it is up to the Supremo Tribunal Federal (Federal Supreme Court) to press lawsuits and to try common penal infractions and crimes of responsibility perpetrated both by State ministers and by military commanders.

Military commanders are also natural members of the Conselho de Defesa Nacional (National Defense Council) and of the Câmara de Relações Exteriores and Defesa Nacional do Conselho de Governo (Chamber of Foreign Relations and National Defense of the Government Council). To begin with, the Defense Minister is the only State Minister to bring along his subordinates to the meetings of the Council and the Chamber. The commanders also have the prerogative, together with the Defense Minister, of indicating to the President the names of officer-generals up for promotion. Thus, the list is drafted by three military officials and one civilian. This is what happens in theory, for in practice, it matters very little. Since 1985, presidents have always confirmed all the names proposed for promotion by the top military brass.

FHC wanted to recommend the diplomat Ronaldo Sardenberg to be the new Defense Minister. Faced with the historic rivalry between Itamaraty and the Armed Forces, the President gave in to the castrensian pressure and went in search of an alternative. His second choice could not have been worse. He nominated former Senate government leader, Sen. Élcio Álvares, who had recently been defeated in the elections in his state, Espírito Santo, and had no previous professional experience in the area. Military officials interpreted the move as an attempt by the

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7 Álvares had to leave his political party, the PFL, in order to head the Ministry.
President to employ a defeated politician and to award his former leader with a consolation prize, not as a move to strengthen the new Ministry.

Also, Ávares took office as acting Defense Minister; he was sworn in as State Defense Minister only six months later, on June 10, 1999. At that moment, the Joint Chief of Staff was extinguished and the ministries of the Navy, Army and Air Force were transformed into Commands. Thus, the Minister was born before the Ministry itself was created. During that approximately six-month interval, the country entertained five ministries in the area: the Defense Ministry, the Ministry of the Navy, the Army, the Air Force, and EMFA. Meanwhile, Álvares was faced with the embarrassing problem of having to ask his subordinates, who were military commanders, for their signatures whenever he signed official documents (HOLOFOTES, 1999). Álvares was the “wrong man at the wrong time”.

In all fairness, Álvares did seek to win the sympathy of the military. He even went as far as to intercede politically in the Senate for the approval of the recommendation of Gen. José Luís Lopes da Silva for Minister of the Superior Tribunal Militar (Superior Military Court, or STM, in Portuguese). The mentioned general commanded the troops that invaded the Companhia Siderúrgica Nacional, in 1988, an action that ended in the deaths of three strikers. Álvares argued that a defeat in the nomination of Lopes would leave the Army in an unstable (LIMA, 1999). Thus, the defendant became the Judge.

At the Minister’s inaugural ceremony, however, one could already foresee what would happen next. “Let’s get out of here. It’s the Senator’s [Álvares’s] party,” said Brigadeer Walter Brauer, Air Force Commander, when authorities lined up to compliment the new Defense Minister (ÉLCIO ÁLVARES x FORÇAS ARMADAS, 1999). One of them, Admiral Mauro Pereira, did not show up, alleging personal problems (FRANÇA, 1999).

### III. ÁLVARES’S FALL

The storm which was beginning to take shape darkened with Álvares’s decision to give his assistant and friend, Solange Antunes Resende, the power to hold meetings with generals, admirals and brigadiers. The top brass were even further irritated when the weekly news magazine Istoé reported that Resende and her brother, Dório Antunes, Álvares’s partner at a law firm, had counseled clients involved in the drug trade (MEIRELES, 1999).

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8 Álvares worked in a small room on the fourth floor of the EMFA building and was later transferred to another small room. He only moved to the office of the Chief-Minister of the Joint Chiefs of Staff when the Diário Oficial da União published his nomination from acting to de jure Defense Minister.
Next, a new accusation in the same tone was made by a Comissão Parlamentar de Inquérito (Congressional Investigative Committee, or CPI in its Portuguese abbreviation) on Narcotics. The CPI decided to investigate Resende’s and her brother’s bank, income tax and phone records. It was enough to warrant charges of military indiscipline. Brig. Brauer stated he would not counsel his superior since he had never before been put into that kind of such situation and reminded that “public life has to be largely transparent, and must not leave room for doubt” (MARTINS, 1999). In other words, Álvares and Resende should resign from their offices, in the Brigadier’s opinion. A clear act of military indiscipline.

FHC decided to intervene. He fired Brig. Brauer and asked Resende to step down. Álvares himself was given a second chance. Brauer’s dismissal heightened dissatisfaction in the Air force. It is telling that FHC was forced to appoint Brig. Carlos de Almeida Baptista, who was acting as a judge in the Superior Tribunal Militar (Superior Military Court) at the time; in other words, the President was not able to find an officer he could trust from among those on active duty.

At Baptista’s inaugural ceremony, the mood was rather uncomfortable. Brauer received a standing ovation at the end of his farewell address, which was peppered with criticism of the government. In addition to this manifestation, the Air Force Command prepared a parade of troops, an air show with the “Sucatão”10, the old presidential airplane, escorted by four F-5 fighters simulating refueling maneuvers; four Mirage fighters, eight AM-Xs, one Boeing 737; one Learjet and two HSs (AZEREDO, 1999). The aircrafts lined up to simulate the absence of one other pilot, a reference to Brig. Brauer’s absence (LEALI, 1999).

Concomitantly, Air Force Command issued a note of support for Brauer, with the signatures of eight lieutenant-brigadiers. The note stated, among other things, that Brauer “leaves the command of the Air Force, having the highest respect, admiration and trust of his peers at the High command […] [and that] the Air Force High Command reaffirms that the ethical and moral values which have always steered our institution will be preserved at any cost, under the protection of hierarchy and of discipline”11.

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9 One of them was brought against some State Ministers’ extravagant use of Brazilian Air Force (FAB, in Portuguese) jets for private purposes. Many of those ministers used FAB airplanes to visit the paradisiacal island of Fernando de Noronha, in Pernambuco. In early 1999, Brauer revealed a list with the names of those ministers to the press, which irritated the Palácio do Planalto.

10 “Sucatão” was the nickname given to the presidential airplane, an old Boeing 707 which FHC considered unsafe. Brauer agreed that it was an old plane in terms of age, but not in terms of hours of flight. The flight of the “Sucatão” was a way for the Air Force Command to show that FHC’s complaints were exaggerated.

11 According to a former Defense Minister, the Air Force inquired the Army and the Navy as to the possibility of a coup d’état. The idea, however, did not receive the support of the other two Forces.
Next, it was the Air Force Club’s turn to organize a luncheon of grievance for Brauer. At the occasion, with the presence of mostly retired officers, criticisms of the President were raised one notch and intensified. In countries with a solid civic culture, military officers, once out of the ranks, behave much as civilians, especially in the country’s political life. In Brazil, the military stripes still impose themselves in civilian life. The retired officer sees himself as a spokesman for the military class – and what a spokesman does is to speak.

The President of the Club, Brig. Ércio Braga, in a seditious tone, affirmed that “one cannot speak of the legality of a government which, through its actions, becomes illegitimate; the military’s commitment is to the nation, not to the government” (ALVES, 1999; no italics in the original).

Brig. Ivan Frota, in turn, defended FHC’s impeachment. Congressman and Army Captain Jair Bolsonaro proposed that Brazil should follow Hugo Chávez’s example, that is, as a military officer who was elected to the Presidency (MILITARES DÃO SINAL AMARELO, 1999). Regarding FHC, Bolsonaro dared to say that: “In my opinion he should be shot by a firing squad” (DISCURSOS PEDEM IMPEACHMENT, 1999).

According to Álvares, the Air Force’s rage against him had other motives. He had discovered that the Air Force had requested 27,000 air fares from airline companies for civil aviation inspections, an amount which he considered excessive. Furthermore, Álvares worked for the creation of a National Civil Aviation Agency, which would take powers away from the Air Force. “Many of the retired brigadiers who applauded Brauer’s speech at the Air Force Club hold jobs at Infraero, at the Department of Civil Aviation (Departamento de Aviação Civil or DAC), or in airline companies. They will be affected by the changes I am making,” he said (2000). The fact is that DAC continued under Air Force control until the end of the FHC administration and that the National Civil Aviation Agency never got off the ground. Infraero, however, after 17 years of military control, was handed over to civilian management (FRANÇA, 2000).

Fearful that the retired officer’s rebellion might contaminate those on duty, Álvarez swiftly attempted to cajole the Air Force. With the help of the deputy Minister of Treasury, Amaury Bier, he managed to free some R$ 51 million in remaining resources held up at the Defense Ministry. The money was used to finance the Integrated Amazon Vigilance System (Sistema Integrado de Vigilância da Amazônia or SIVAM) (PLANALTO ADOTA ESTRATÉGIA, 1999).

Álvares’s authority would again be challenged on the last day of the year. At a New Year’s Eve ball at the Forte de Copacabana, where the President was present, there was yet another unfortunate event. Moments before the traditional fireworks display off Copacabana beach, strong winds and heavy rain damaged the structure of the temporary roof set up to shelter the party that was being thrown for FHC. Photographers Fernando Bizerra and Sheila Chaves, invited
to cover the party, documented the incident, only to be beaten up and bruised by upset Army soldiers.

The incident occurred on a Friday. It was not until the afternoon of the following Monday that the Army issued a formal statement, corroborated by the Defense Ministry, announcing a Military Police Investigation would be opened – at the President’s request, since the Army’s original intention was quite simply to register and file the incident. Álvares did not seek to protect the President; rather, exactly opposite occurred. This created the general impression that Álvarez felt intimidated and did not wish to take any strong measures that might displease the military.

Not to mention Álvares’s absence at the New Year’s Eve ball, although he had signed the official invitation to the event. Álvares came out weaker than when he first involved himself in the episode (KRAMER, 2000). It was a delicate situation. As Álvares himself put it, “the Defense Ministry is the very cosigner of democracy in Brazil” (ÁLVARES, 2000). He was to fall a few days afterwards.

IV. A NEW MINISTER

With the fall of Álvares, Geraldo Quintão became the new Minister. Before his nomination, he had been working as the country’s Attorney General. One of his duties was to look after State patrimony. Paradoxically however, he was being held under investigation for charges of making private use of flights paid for by the very State he had taken an oath to protect. An Air force inquiry revealed that Quintão had taken FAB (Brazilian Air Force) flights to travel to São Paulo, where his wife lived, on weekends, between January 1995 and December 1998. He had taken 32 flights at tax payers’ expenses (LEALI, 2000).

The investigation was opened by the new Attorney General, Guilherme Schelb, on May 11, 1999, and in addition to Quintão included the names of other State ministers. When the investigation was made public, Quintão, very irritated, accused the Public Ministry of exhibitionism (QUINTÃO: MINISTÉRIO PÚBLICO, 2000). He argued that use of air transport to commute to his residence was within his rights (QUINTÃO, 2003). He also maintained that he had been traveling on FAB airplanes since 1993, when he worked for Itamar Franco’s administration and that the Public Ministry had never reprimanded him. Schelb, in turn, countered his criticism with a sociological argument: “Keeping such carriages to carry special people is a vestige of our colonial past” (PROMOTOR REBATE CRÍTICA, 2000). The trips were not considered illegal.

Quintão took office and quickly announced actions that greatly pleased the military: studies of pay raises; a higher budget to modernize the Armed Forces and advocacy of a retirement system different from the one offered civilians (AZEREDO, 2000).
The promised budget did not come through, generating a feeling of dissatisfaction with the President among army ranks that were also extended to the Defense Minister. In October, 2000, FHC decided to fire Army Commander, Gen. Gleuber Vieira, for his declaration criticizing a lack of investments. He was then faced with the most serious military crisis of his administration. The presidential decision reached military bases. Immediately, 155 generals from all around the nation met in Brasilia, without the presence of the Defense Minister, Geraldo Quintão, in an act of grievance. FHC took the hint and quickly assigned Gen. Alberto Cardoso, chief of the Institutional Security Cabinet, to announce that Gleuber would no longer be fired. In return, the military would not hold any public demonstrations. Military officials also took the chance to demand a Medida Provisória (Executive Order) granting salary readjustments – which they did get.

Even so, the military sent a new message to FHC. During a luncheon on December 12, 2000, the men in uniform did not applaud the President at the end of the speech in which he announced a pay raise. On the other hand, the host of the event, Gen. Gleuber Vieira, was enthusiastically applauded for close to one minute (FRANÇA & NAHASS, 2000). The Defense Minister also tasted a dash of dissatisfaction from his supposed subordinates. Quintão’s office had asked the Army to provide a room for a press conference and three photocopying machines for the job of distributing the new raise tables. Though the Army Club has various auditoriums and offices, the requested room was denied with the allegation that there was no free space available in the Club. A similar answer was obtained regarding the photocopying machines – the answer being they were out of order. The result: Quintão printed the copies on an improvised stage in the middle of the dance hall and had to receive journalists standing (ibidem).

Minister Quintão took the hint and later showed himself so much concern for pleasing the military that he even forgot his own law-school education. In May, 2001, on a visit to the Amazonian state of Roraima, Quintão was enthusiastic. In front of an audience of military officials, he adopted their 1970s discourse against the continuous demarcation of indigenous lands. He also took the chance to criticize former President Fernando Collor, responsible for demarcating the Ianomani area. According to Quintão, “a continuous demarcation in a place where this is not possible. Perhaps this was the result of a President’s incompetence or the necessity to look good abroad at a time when he was loosing popularity here; it set a very very bad example” (RODRIGUES, 2001). He was applauded for encouraging violation of an article of

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12 Quintão denied both FHC’s desire to dismiss Gen. Gleuber and the generals’ mentioned reaction (QUINTÃO, 2003).
the constitution. After all, what Collor had done was nothing more than to carry out tasks stipulated in the 1988 Federal Constitution, whether Minister Quintão liked it or not.

The matter of the budget would come back to haunt Quintão. In the midst of an economic crisis and for the sake of governability, the federal government blocked resources destined for the Army. Among other things, this caused the corporation to delay the acceptance of new recruits; to precociously dismiss people already in the armed forces; to suspend benefits such as transportation and their children’s pre-school, etc. (EXÉRCITO CORTA, 2002). In an official note criticizing the government, and at Minister Quintão’s ignorance, Gen. Gleuber declared, among other things, that “the Army’s high ranks of administration have judged that the limits of palliative measures have been reached. We are left no other alternative but to adopt drastic solutions, which will certainly compromise the future readiness of Land Force operations”13.

Quintão, however, knew how to be generous with another President. In July 2002, FHC created the decoration of the Grão-Mestre da Ordem do Mérito da Defesa (Great-Master of the Order of Merit of Defense). Two months later, Quintão decided to award only FHC with the Order he himself had created. The honor, according to Quintão, was due to the “relevant services offered to the Armed Forces” (KRIEGER, 2002). The President returned the homage with a simple declaration on Brazilian democracy, the Defense Ministry and the Armed Forces: “I am thankful for the spirit of comprehension, of collaboration shown by the Defense Ministry and by the various singular forces, which have never failed this country, this government, and have never failed me, personally. If there is one branch of the Brazilian State which has worked in an absolutely impeccable manner, within the rules of democracy, it is the Defense Ministry” (JUNGBLUT, 2002).

Impeccable must be synonymous of unimportant. In May, 2000, Argentine courts requested information, by way of the Supremo Tribunal Federal (Federal Supreme Court), on the existence of Operation Condor in Brazil14. Quintão received the request and stated that the government would open the files in the military intelligence agencies in response to the request by the Argentine courts (ARQUIVOS DO REGIME MILITAR, 2000). Nonetheless, the files have remained closed until today.

On another occasion, in October, 2001, Quintão was not invited to take part in the decision to evoke the Inter-American Treaty of Reciprocal Assistance (CRUVINEL, 2001). This decision was the initiative of then Minister of Foreign Relations, Celso Lafer, in an attempt to implement

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13 The complete note can be read in Jornal do Brasil’s July 12, 2002 edition.
14 A collaborative effort between the military governments in the 1970s and 1980s that meant to combat political opponents. New information on that operation was found in files kept in Paraguay.
the international mobilization of support for the USA after the September 11, 2001 attacks on a regional scale. Furthermore, Quintão’s opinion on the matter of the opening of a USA Secret Service office in São Paulo (ibidem) was not heard. In other words, the government itself contributed to weakening Minister Quintão.

Nonetheless, Quintão adopted a low profile. This easy-going man from the state of Minas Gerais did not complain, but accepted that over half the positions in the Defense Ministry be filled through military officials’ nominations and that his own position appear alongside the others, rather than at the top of military commanders’ on the official organogram15. Quintão satisfactorily played the part given to him by FHC – he was discrete enough not to cause any major friction with the military. He left his office with a positive relationship with military commanders.

V. A DIPLOMAT AS DEFENSE MINISTER

President Luís Inácio Lula da Silva (Lula), unlike FHC, managed to nominate a diplomat, José Viegas, to head the Defense Ministry, but he did so at a very high cost. He went above the hierarchy, a concept that is very dear to the military, and asked the three military commanders from the FHC administration if they would accept Viegas. With a green light from the commanders, Lula confirmed his nomination for new Defense Minister. Thus, Viegas began his fall even before he took office; he too would be constrained by the Armed Forces. He would have to be content with being, much as his predecessors had been, a “queen of England”, that is, a convoy of military interests. Given the rivalry between the Itamaraty and the Armed Forces, however, this would not be a peaceful relationship.

Viegas either did not understand or did not take the rules of the game very seriously. He took measures that particularly displeased the Army Commander, Gen. Francisco Roberto Albuquerque. The Minister criticized the Army’s lack of effort, as opposed to the Navy’s and Air Force’s cooperation, in the search for the bodies of the missing fighters in the Araguaia Guerrilla; he went ahead with a project of administrative reengineering which included restructuring the course syllabus and the command of the Escola Superior de Guerra (Superior School of War)16;

15 Also, in the Esplanada dos Ministérios, in Brasilia, the inscriptions on the wall say: "Ministério da Defesa – Exército Brasileiro, Marinha Brasileira e Aeronáutica Brasileira" (Defense Ministry – Brazilian Army, Brazilian Navy and Brazilian Air Force), instead of "Comando do Exército, Comando da Marinha e Comando da Aeronáutica" (Army Command, Navy Command and Air Force Command).

16 This project irritated both Gen. Oswaldo Muniz Oliva, Sen. Aloízio Mercadante’s father, and former Minister Leônidas Pires Gonçalves, who were, along with José Sarney, the minds behind the military’s acceptance of Lula’s name. They thought the ESG should be directed by a four-star general, instead of a three-star one, as is the case today. Viegas, on the other hand, believed in the possibility of the ESG being
he behaved in a pro-government fashion, in opposition to the military, when he accepted the economic department’s decision not to give the military a salary raise and requested that military commanders not make any public announcements in favor of such a raise. He also demanded that the Army meet the terms of the Estatuto do Desarmamento (Gun Control Bill), sponsored by the government.

The friction in the administrative relationship between Viegas and the military degenerated to open disobedience. Although there was already a Congressional Advisory for the Defense Ministry\textsuperscript{17}, Gen. Albuquerque nominated a general to substitute a colonel for that position. This was obviously not within the General’s powers and thus became a definite show of his unwillingness to extinguish the position; the Army Commander attended solemnities in inappropriate attire for the occasion, in open provocation (KRAMER, 2004); furthermore, he did not send a list with the names of the generals to be chosen by the Minister to go to Haiti. On the contrary, Albuquerque autonomously nominated not only the general who commanded the UN peace force, but also the one in command of the Brazilian officers in that force.

Acts of indiscipline of that sort went unchecked, in a clear demonstration of Viegas’s weakness. Obviously, more was yet to come. The Correio Braziliense published photographs that were allegedly of journalist Vladimir Herzog being tortured before his assassination in a military prison\textsuperscript{18}. Herzog was murdered in 1975, in a wave of arrests of members of the Partido Comunista Brasileiro (Brazilian Communist Party). The official version of a suicide was not accepted by then President Ernesto Geisel, who fired 2\textsuperscript{nd} Army Commander, Gen. Ednardo D’Ávila Mello. The photographs triggered a new crisis.

Instead of treating the photographs as nothing more than historical fact, the Army unexpectedly released a note that President Lula considered offensive. The note stated that the Army had not changed its convictions about what had happened during that period in history and that it “considered this a small matter meant to revive desires for revenge or to stimulate sterile discussion on past events which would lead nowhere”\textsuperscript{19}.

directed by a civilian even. Brigade-General José Luiz Halley, appointed by the Defense Minister to carry out the project of modernizing the ESG, had his promotion rejected by the Army and was retired.

\textsuperscript{17} Apart from the Army’s Parliamentary Assessorship (4 members) in the National Congress, there is also the Navy’s Assessorship (3 members) and the Air Force’s (3 members). Also, the Army has parliamentary assessorships in ten of the states of the federation: Rio Grande do Sul, Santa Catarina, Paraná, São Paulo, Rio de Janeiro, Amazonas, Mato Grosso do Sul, Bahia, Ceará and Pernambuco (LEGISLATIVO É ACOMPANHADO, 2002).

\textsuperscript{18} Later, it was proven that the photographs were not of Herzog.

The Army spoke on behalf of the Armed Forces, without the consent of the Navy or the Air Force, and stepped over the authority of the Defense Ministry. Whereas Viegas had declared that the documents pertaining to the Araguaia Guerrilla had been incinerated, the note from the Army mentioned the destruction of not only those documents but also “the records of operations and of intelligence activity from that time [from the military regime]”.

Viegas demanded, in writing, that Gen. Albuquerque revise the note he considered inadmissible. The Minister did not accept, on two occasions, the terms of the new note, which had changed the tone, but not the substance of the previous one. Informed of the two notes by fax, President Lula, who was not in Brasilia, scheduled a meeting with Viegas and Albuquerque at the Brasilia Air Base, where “he himself had to amend the text at the last minute so as to make it less evasive” (FREITAS, 2004). The three agreed that the new version would be delivered first to the Defense Minister.

Col. Oliva, acting on behalf of Gen. Albuquerque, ignored Viegas and personally delivered the new note to President Lula. The President, then, reminded him that Viegas should first see the new version. Only then did Col. Oliva meet with Viegas.

Instead of firing Gen. Albuquerque for indiscipline, Lula let him off easily and considered the incident as fruit of Viegas’ political inability. Lula showed he was fearful of fully exercising his powers as Commander-in-Chief of the Armed Forces, as granted by article 142 of the Constitution. He did not fire the Army Commander. Afraid to use his authority, he too was weakened (CORRÊA, 2004).

Though it lamented the death of Herzog, the substance of the first note was not altered and the files remained closed to civilians. Gen. Albuquerque tried to justify the content of the first note, published by the Centro de Comunicação Social do Exército (Army Center for Social Communication), as fruit of a “lack of a deeper internal discussion on the matter.” A new note with the result of that deeper internal discussion has yet to be issued.

On his way out, Viegas published the toughest note written by a State Minister about the military since 1985. According to the former Minister, “the note written on behalf of the Brazilian Army, which made use of totally inappropriate language and looked to justify deplorable episodes of the past, gave the impression that the Army, or, more appropriately, those responsible for editing and publishing the note still live in the aura of the 1970s, which we all wish to overcome. It is inconceivable that the original note referred, in this 21st century, to a ‘subversive movement’ and to an ‘International Communist Movement’. It is also unacceptable that the note use the name of the Defense Minister incorrectly in an attempt to deny or to justify deaths such as that of Vladimir Herzog. It is also unacceptable, to me, that the Army be presented as an institution that does not
need to make ‘any change in perspective or in convictions in regard to what happened in that period in history’” (VIEGAS FILHO, 2004).

To replace Viegas as Defense Minister, Lula nominated Vice President José de Alencar. Since Alencar will have some trouble in replacing Viegas – Alencar is also the Commander-in-Chief of the Armed Forces in the President’s absence – he is expected to follow the terms of the transition pact: the military accepts an electoral democracy in exchange for the maintenance of authoritarian enclaves within the apparatus of State. One of these reserved domains is the possession of the keys to the files of military repression.

The reaction of some members of parliament from the Partido dos Trabalhadores (Workers’ Party, PT) is worth registering. The pro-government leader in the Câmara dos Deputados (House of Representatives), Prof. Luizinho, PT-SP, said Lula’s actions “show the President’s esteem for the Armed Forces” (PRESIDENTE FAZ NOMEAÇÃO, 2004). Along those lines, the pro-government leader in the Senate, Aloízio Mercadante, said that “the President demonstrates de prestige of the Armed Forces” (ibidem). Mercadante, along with his father, retired Gen. Oswaldo Muniz Oliva, and his brother, Col. Oswaldo Muniz Oliva, Executive-Secretary of the Núcleo de Assuntos Estratégicos (Center of Strategic Affairs) of the federal government’s Department of Communication, helped to keep Gen. Albuquerque out of harm (MENEZES, 2004).

Col. Oliva, in the Army Commander’s Office, had already been designated for the post of Assistant Army Attaché to the Brazilian Embassy in Washington, and accumulated the post of Chief of the Brazilian Army Commission in Washington (CEBW, in Portuguese). The then Minister of the Department of Communication, Luiz Gushiken, requested that he be assigned to the President’s Center of Strategic Affairs, in September, 2004 (BRASIL. MINISTÉRIO DA DEFESA. EXÉRCITO BRASILEIRO, 2004). It was a way for the Commander-in-Chief of the Armed Forces, President Lula, to be able to communicate with Gen. Albuquerque, through Col. Oliva – at that time, the relationship between the General and Minister Viegas was at its worst. In other words, it was a personal detour around the attitude that the institution had demonstrated.

Upon taking the office of the Defense Ministry, Alencar, much the same as a “queen of England”, quickly submitted to the will of the military: “I want to look toward the future. I have nothing to do with the past” (CARVALHO & DAMÉ, 2004). Next, he announced that the undisciplined Gen. Albuquerque would be kept at the head of Army Command. The National Congress remained absolutely silent. Events such as these confirm that militarism is a wide, regularized and socially accepted phenomenon in Brazil: political stability is valued more than the strengthening of Brazilian democracy.
VI. THE DEFENSE MINISTRY AND THE MILITARY COMMISSIONS

The Armed Forces maintain a staff of 248 people²⁰ abroad with the sole purpose of purchasing weapons, equipment and ammunition for the military. This “troop” costs the government R$ 16 Million per year (PATORY, 1999) and is five times greater than the Peace Force in East Timor (50 members).

In 1999, the Navy inaugurated a new office in Washington, more precisely on MacArthur Boulevard, one of the most expensive venues in the North-American capital. US$ 2 Million were spent on the purchase of the building and an additional US$ 800 Thousand on reforms (PINTO, 2002). The new office housed another aberration: the presence of 11 officers and 29 civilians in the city’s Naval Commission. In London, the Navy maintains 11 officers and 34 civilians²¹. In 2001, expenses generated on maintaining this staff cost Brazilian tax payers US$ 7.2 Million (ibidem). The janitor in that naval commission was promoted to telephone operator and given a monthly salary of US$ 5,000.00, which is more than the Brazilian President makes (PATORY, 1999).

There is also a third distortion: salaries. In 2002, the salary of a Brazilian Brigade-General stationed in the United States reached US$ 14 Thousand (R$ 34 Thousand), whereas that same General received only R$ 6 Thousand in Brazil (PINTO, 2002). This helps to explain why the cost of military maintenance abroad is so high. The fact that a recruit is paid only R$ 153.00 per month (MARQUES, 2002) and that, in 2002, many of them were dismissed due to lack of funds (ÉBOLI, 2002) paints a clear picture of just how great the disparity is. There is a 1972 law that regulates the income of government employees, both civilian and military, on foreign duty, with the objective of protecting them from exchange rate variations; this protection, however, has become a monetary prize – for some.

The existence of military commissions is not a Brazilian exclusivity. Their primary objective is the purchase of weapons and ammunition. What is odd is that only Brazil and Argentina have a building for each of the three branches of the military in Washington (PINTO, 2002). If the three Armed Forces are sisters and must act in cooperation in the case of a war, what should keep them from working in the same building? Why should the government keep the same structure that existed before the creation of the Brazilian Defense Ministry?

Then Federal Representative Agnelo Queiroz, from the Brazilian Communist Party – Federal District, in a comment on military expenses abroad, and specifically the expenses with the

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²⁰ Civilian employees, military officials and foreigners.
²¹ The army maintains 11 military officials and 16 civilians in Washington. The Air Force staffs 7 military officials and 45 civilians.
commissions, stated: “One does not question the legality, but the morality of these expenses.” Then President of the Foreign Relations Commission of the House of Representatives, Hélio Costa (PMDB-MG), was incisive: “We are faced with a privilege which is clearly not compatible with the policy of austerity this government preaches” (PINTO, 2002). His critiques were not echoed in the Federal Government, nor in the National Congress. One could not expect it to have been any different, seeing as Bresser Pereira’s State Administration Reform had already left the “Military State” untouched, completely ignoring the burden of the military commissions on the country’s budget.

In the following year, Queiroz decided to ask the country’s Tribunal de Contas to audit the Army’s, the Navy’s and the Air Force’s purchasing commissions – 26, 56 and 75 persons respectively – in London and Washington. The total number of persons involved, however, was 179. In the Brazilian embassy in the North-American capital, the country’s most important diplomatic mission abroad, there are a total of 49 persons: the military dispatch Brazil sent to East Timor totaled only 50 soldiers, under allegations of financial difficulties.

It is worth mentioning that there are still two military observers assigned to the UN, in New York and Geneva, each receiving a monthly salary of US$ 15 Thousand, plus the military officers serving the Brazilian Representation at the Inter-American Defense Board, in Washington. This situation remained unchanged under the first three Ministers of Defense and there is no reason to believe the current Minister, José Alencar, will choose to promote any change.

VII. CONCLUSION: A GLASS CARRIAGE

“When I greeted our Defense Minister, Geraldo Quintão, at his inauguration, I said and say again: I never intended to create the Defense Ministry to reaffirm civilian command of the Armed Forces, because that was simply not necessary. Through the President, that bond already exists. In fact, the question of the Defense Ministry was, and still is, operational and strategic,” said President Fernando Henrique Cardoso (2000).

With such a blurred perspective and the unfounded belief in an effectively established civilian command of the Armed Forces, it is no surprise that the chiefs of staff of the Army, Navy and Air force maintain de facto power and that, in consequence, the Defense Minister becomes a sort of

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22 The Brazilian Representation (RBJID) is a military organization directly subordinate to the Defense Ministry. It coordinates Brazilian participation in the Council of Delegates of the Inter-American Defense Board, its Joint Chiefs of Staff and its Inter-American Defense College. For more information, check with the RBJID (s/d).

23 For a more optimistic opinion of the Defense Ministry’s influence on the nature of civilian-military relations, see Castro (2000).
institutional courier from the Armed Forces to the office of the President, rather than a
government representative to the military branches. Minister Viegas’s dismissal made that crystal
clear.
From an operational standpoint, the creation of the Defense Ministry did not mean significant
change. The three branches of the Military relate to the Defense Ministry much the same way as
they did with its extinct predecessor.
Quintão did manage to successfully carry out a joint military operation in the Amazon24 –
something unheard of until his administration – but was not able to militarily integrate the three
forces; rather, he attempted to cooperatively respond to each force’s demand for funds. This is
quite simply a reflex of both his government’s lack of a clear military policy on defense and of
his inaptness to stand by own decisions. In other words, each branch of the military develops its
operations in disregard of the others. An integrated project able to equate desired or possible
combat capacity with pertinent budget resources is simply nonexistent.
The fact is that the Army is still organized to fight a conventional war of very remote possibility.
This may be seen in the FT-90 Plan25, published in 1990, to be implemented by 2015. The Navy,
in turn, has its 1st Naval Command and four other commands (Marines, Amphibious Division,
Reinforcements Troop and Head of Squadron), plus 30 other commands and directories, all in the
state of Rio de Janeiro (VILLA, 2004). The Vila Militar, also located in that state, is the largest
military base in South America, but it has no space to carry out ample military maneuvers. Our
greatest threat to national sovereignty, however, is in the Amazonian region.
We still lack a “white book of defense”, a book containing the country’s defense policy; the
means to implement it; the missions expected of the Armed Forces; the present size of our Forces
and the increments the government hopes to make in the future to be able to carry out those
missions.
Strategy, doctrine, organization, training and weaponry need to be modernized (DAY, 2003). The
Armed Forces are inflated and entangled in excessive bureaucracy – many generals perform
administrative and parliamentary duties that could be handled by colonels. In relation to its
troops, Brazil has more generals than the armies of USA, England and Israel, all countries
currently engaged in wars. Brazil has one general for 1,258 under command, as opposed to
USA’s 1,430, England’s 1,700, and Israel’s 9,047 (EXÉRCITO BRASILEIRO TEM MAIS

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24 Operation Tapuru was realized between May 20 and 25, 2002 and mobilized 4 Thousand men.
25 The Land Force’s combat troops placement plan.
Minister Viegas attempted an administrative reform, but met with strong resistance and ended up leaving office. Despite its many generals, the Army is not even ready for a simple low-intensity conflict emergency. As Lopes(2000) reminds us: “Why 200 Thousand men in the Army if not even 5% of those men are ready for an emergency? If we do not have the means to transport a minimum of 3,000 men from one point to another in the country? We have modern fighter planes, but no radars and no spare parts. We have submarines, but almost no torpedoes.”

The country’s military routes, for example, still follow a World War II concept and are turned toward the Atlantic, though our major threat to territorial integrity comes from the Andean region. The Army’s only elite troop ready for prompt-response action is the **Brigada Pára-Quedista** (Parachuters’ Brigade) stationed in Rio de Janeiro, thousands of kilometers from the border where the Colombian Guerrilla is busy in action. In the case of a surprise invasion from such guerrilla, relocating that Brigade would prove to be a slow and complicated task. There are no landing strips for jet airplanes near the border, and there is no strategic mobility, that is not enough helicopters and planes to relocate troops and equipment. It is not uncommon for the Army to have to charter commercial planes to fly equipment and troops for military exercises in the Amazon. Furthermore, it is also unacceptable to allow the purchase of an air-craft carrier to defend the Atlantic coast while the Navy disposes only of eight fluvial ships and 16 speed boats to cover the vastness of the Amazon (REFORÇO PARA A AMAZÔNIA, 2003). Needless to say that one of the most basic missions of the fluvial navy is to guarantee better logistic support to the Army’s border troops.

The Defense Ministry plays into the military’s game and is content with accepting that the National Congress merely exercise a financial check, approving or disapproving military expenses, without demanding that these expenses be tied to clearly defined strategies. Thus, cutting back or increasing financing becomes an administrative routine, destitute of any political meaning. This lack of political latitude contributes to blocking the Congress’s ability to exercise significant influence on matters of national defense.

The Executive branch also establishes measures that weaken the Defense Ministry: FHC, for example, took away Quintão’s control of the **Sistema de Proteção da Amazônia** (Amazon

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26 The border region in the Brazilian Amazon, shared with seven other South American countries, is equivalent to 70% of the almost 16 Thousand kilometers of national borders – it is also the most exposed in terms of security.
Protection System, or Sipam, in Portuguese), which covered Sivam and Projeto Calha Norte, in the Amazon region, and handed it over to another Minister (BOECHAT, 2002).

Lula, in turn, asked military commanders if they accepted Viegas’s nomination – a clear break of hierarchy. Furthermore, he allowed the Army Commander’s undisciplined behavior in his dealings with the Defense Minister. From the very start, it was clear that the Commander was not willing to obey any of Viegas’s orders that displeased him.

One must not forget that on December 27, 2002, only four days before leaving office, FHC signed Decree n. 4,533, which would go into effect 45 days after its publication – therefore, during Luiz Inácio Lula da Silva’s administration. That altered decree n. 2,134, of January 24, 1997, regarding the power of authorities to classify documents as ultra-secret. Prior to this, paragraph 16 of that decree stated that the classifying of such documents was to be carried out by the heads of the federal Executive, Legislative and Judiciary powers. With decree n. 4,553, that power was restricted to the Executive branch, in the persons of the President and Vice-President, but also extended to State ministers and their equivalent, as well as to Army, Navy and Air Force Commanders – though these commanders be hierarchically inferior to the Defense Minister.

Decree n. 4,553 was unconstitutional because it established secrecy deadlines greater than those set by Law n. 8,159, of 1991: 60 years. From the beginning of Lula’s administration, the Conselho Nacional de Arquivos (National Council on Archives) had tried to alter that decree, but to no avail. Then, Minister José Viegas had his bout with the Army Commander for, among other reasons, demanding a greater effort in the search for the missing Araguaia fighters. Eventually, the Minister was asked to leave, but along with the crisis in government the decree’s unconstitutionality also made the headlines.

Faced with the bad publicity, FHC tried to justify his actions. He argued that in the rush of the latter days of his presidency, he had signed the decree given to him by Gen. Alberto Cardoso’s assessors without measuring its consequences (FHC CRIOU PRAZO, 2004). He added that he did not oppose revoking the decree.

Thus, the Lula administration decided to act. On December 10, 2004, the President signed Decree n. 5,301, which restored the deadlines determined by the Lei dos Arquivos (Archives Law) and granted the public access to secrete documents as of their expiration dates. That Decree also created the Comissão de Averiguação e Análise de Informações Sigilosas (Inspection and Analysis Commission on Secrete Information), composed of various ministers, including Justice, Defense, Foreign Relations, plus the Chief of the Security Cabinet, the Attorney General and the Special Secretary on Human Rights. However, the Decree also opened a loophole that allowed
documents to remain secret indefinitely. Documents fall into a juridical limbo from which they may only come out at the will of that Commission, not of society.

The Defense Ministry, with its limited attributes, reflects the unstable balance in existing civilian-military relations in Brazil. Brazilian civilians may say that, like other mature democracies, they too have created a Defense Ministry; military officials accept the Ministry in the hope that it may grant Brazil a seat in UN Security Council, which would increase the importance of the country and its Armed Forces in the international scenario. Furthermore, the institutional arrangement which resulted in the creation of the Defense Ministry turns its Minister into a representative of the Armed Forces in the President’s office, not a representative of the President to the Armed Forces. And let us not forget that the commanders of the three Forces have managed to maintain their legal status as State Ministers, as well as their presence in the Conselho de Defesa Nacional (National Defense Council).

Despite all that we have discussed above, Minister Quintão believed that civilian control of the military had indeed been established. In a presentation on October 28, 2003, in the VIth Conferência Anual sobre Pesquisa e Educação em Estudos de Defesa e Segurança (Annual Conference on Research and Education in Defense and Security Studies) in Santiago, Chile, the Minister said that “only in 1988, did Brazil begin to live in a regime of democratic Right […] [with] the subsequent abolishment of the concepts of national security […]” (QUINTÃO, 2003, p.4). Minister Viegas himself, in his letter of resignation, would retract what Quintão had said. In that letter, Viegas emphasized the existence of constraining segments of the top brass who still adhered to concepts derived from the Doctrine of National Security.

We must not forget that the Lei de Segurança Nacional (National Security Law, or LSN) of 1983, the legal arm of the Doctrine of National Security, is still standing. Simply put, it is a law of legal protection of the State, or more correctly, of an authoritarian State (ZAVERUCHA, 2005, p.210). FHC went as far as creating a commission to look into changing the LSN, but gave up. Members of Parliament from the Partido dos Trabalhadores (Workers’ Party, or PT) have proposed amendments, which are still in the National Congress, to end the Law. Neither the PT nor the President have initiated debate on the matter. Viegas’s dismissal and Alencar’s rise to office are an incentive for these proposals to remain in deep slumber.

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Jorge Zaverucha (jorgezaverucha@uol.com.br) has a Doctorate in Political Science from the University of Chicago. He is a tenured professor at the Universidade Federal de Pernambuco (UFPE) and a Conselho Nacional de Desenvolvimento Científico e Tecnológico (CNPq) scholar.

Translated by Paulo H. de M. Arruda