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INSTITUTIONAL REFORMS IN THE BRAZILIAN MINISTRY OF DEFENSE (2007-2011) AND THE PRINCIPAL-AGENT FRAMEWORK [1]

Anaís Medeiros Passos [2]

Abstract
This study analyses the institutional reforms that took place inside the Brazilian Ministry of Defense between 2007 and 2011. By stressing the strategic interaction between civilian and military members, we shed light on recent advances in institutionalizing civilian control. More precisely, measures such as creating a joint staff of the armed forces, changing the rules on military budget proposal and on promotion of military officers, connecting ministerial secretaries and helping to consolidate a civilian staff at the Ministry of Defense. These initiatives have reversed a historical pattern. That is, a high degree of autonomy of each service branch' commanders vis-à-vis the Minister. As a conclusion, we say that the adoption of monitoring and intrusive mechanisms reveals the logic of delegation and division of labor, thus indicating a higher degree of professionalization among the Brazilian armed forces.
Key-words: Ministry of Defense, civilian control, delegation, democracy.

Resumo
O estudo analisa as reformas institucionais que ocorreram no Ministério da Defesa entre 2007 e 2011. Salientando a relação estratégica entre civis e militares, enfatiza-se os recentes avanços da institucionalização de controle civil. Especificamente, medidas como a criação de um Estado-Maior Conjunto das Forças Armadas, mudanças das regras para a proposição orçamentária de cada Serviço e para a promoção de oficiais-generais, integração das secretarias ministeriais e incentivo à consolidação de um staff civil no Ministério da Defesa. Essas iniciativas reverteram um padrão histórico, ou seja, um alto grau de autonomia dos comandantes das Forças Armadas em relação ao Ministro. Em conclusão, a adoção de mecanismos de monitoramento intrusivos revela uma lógica de delegação e divisão do trabalho, indicando uma maior profissionalização das Forças Armadas brasileiras.
Palavras-chave: Ministério da Defesa, controle civil, delegação, democracia.

Resumen
El trabajo analiza las reformas institucionales ocurridas en el Ministerio de la Defensa desde 2007 hasta 2011. Se enfoca en la relación estratégica entre civiles y militares, poniendo enfásis en los recientes avances de institucionalización del control civil. Más especificamente, estudia iniciativas como la creación de un Estado Mayor Conjunto de las Fuerzas Armadas, los cambios en las reglas para proponer el presupuesto militar y para promocionar oficiales militares, la integración entre las secretarias ministeriales, y los incentivos para las creación de un staff civil en el Ministerio de la Defensa. Esas iniciativas han revertido un padrón histórico, es decir, un alto grado de autonomía de los comandantes en relación al Ministro. En conclusión, la incorporación de mecanismos de control instrusivos demuestra una lógica de division de trabajo y delegación de funciones, indicando un mayor grado de profesionalización de las Fuerzas Armadas brasileñas.
Palabras-clave: Ministerio de la Defensa, control civil, delegación, democracia.

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1. INTRODUCTION

One of the key issues addressed by contemporary literature on civil-military relations is the interaction between civilian authorities, military members and society in a democratic regime. Also, a central theme has been the one of how much political influence military members enjoy in contemporary democracies. Stepan (1988) has emphasized that Latin American militaries in general maintained control during the democratization process and gained political advantage from the newly formed democratic forces, which allowed them to insulate themselves from civilian control. The author recognizes these prerogatives as a latent example of independent structural power within the polity that could vary from a low, moderate or high presence[3]. In this sense, Zaverucha (1994; 2005) classifies Brazil after 1988 as a semi-democracy entailing a friendly military tutelage. Although they do not aim to be at the Executive Power, the military continue to enjoy veto powers in moments of political crisis[4].

By contrast Hunter (1997a; 1997b) says that, although the initial conditions favored the continuity of certain institutional privileges of the armed forces, electoral competition in post-authoritarian Brazil led civilians to contest the military and effectively reduce military capacity to interfere in the political agenda in the medium and long terms, therefore altering the conservative pact that prevailed during transition. Oliveira (1994, p. 249) identifies a crisis of identity among armed forces members since 1988 and the end of the Cold War. This crisis starts with the beginning of re-democratization during Geisel's term (1974-1979) and increases during Collor's government (1990-1992), signalizing an increasingly less powerful and influential military.

These explanations, far from being incompatible, shed light on different aspects of contemporary relations in re-democratized countries during the last decades. Fitch has considered there to be three basic patterns of civil-military relations that should be attended in democracies (1998, p.37–38). First, military members are politically subordinated to the democratic regime, meaning that the notion of "national guardians of the nation" (LOVEMAN, 1999) is inconsistent with democratic values. The armed forces do not act as moderators of political activity in order to preserve the status quo. But they can be politically

[3] For a contemporary analysis of these prerogatives in Brazil see BRUNEAU, T.C. & D.TOLLEFSON, S., 2014. Civil-Military Relations in Brazil: A Reassessment. *Journal of Politics in Latin America*, 6 (2),pp.107-138.

[4] For example, the congressmen Ricardo Fiúza represented the military lobby. He was the president of the Subcommittee on the Defense of State, Society and Security during the constitution-drafting Congress of 1988. He was able to veto the creation of a Ministry of Defense at the time because this institution was seen by the military ministers as a threat to their autonomy and prestige.

subordinated and still have their own corporative interests. Secondly, there is policy control over the armed forces via constitutionally elected civilian authorities, which means that missions and budgetary resources should not be considered exclusive areas of military domain. These assignments should be made by the competent civilian authority and military forces will have autonomy for deciding just when explicitly delegated. Lastly, military members act according to the law, thus they should not violate the rights of other groups or individuals. Even though they can be subjected to special legal norms, the armed forces are not conceded legal privileges by law or by legislative practices.

The existing situation does not permit us to posit that Brazil has reached a consolidated democratic control[5], since constitutional military prerogatives and the informal power enjoyed by military forces are still important, despite the fact that this is declining (ARTURI, 2011, p. 168).[6] But on a day-to-day level, we take as an assumption that disputes between civilian authorities and military forces happen within democratic channels, even in situations where military interests are negatively affected. That is why a theoretical framework that emphasizes such strategic interaction can be helpful in understanding recent advances on institutionalizing civilian control over the armed forces.

The assumption introduced by Huntington (1957) that objective civilian control would maximize military professionalism and at the same time ensure their subordination to civilian authorities is a concept which has been quite contested. For Huntington, a professional military would be by definition politically neutral and should have autonomy on corporative issues, while the most critical ones related to domestic and foreign policy would be of civilian competency (1957, p. 80-84) . By "militarizing the military" and allowing the armed forces to act more freely within their own professional domain, Huntington insists, it would be possible to have a subordinated and efficient military establishment.

[5] The concept of democratic civilian control is an oft-cited one. Basically, assessing democratic civilian control involves a multidimensional task entailing legal, social and political aspects. Érica Winand and Héctor Luis Saint-Pierre (2007) say that it depends on consolidating relations of power inside the State that cope with a normative pattern of subordination to the democratically elected authorities, thus excluding the armed forces from national politics.

[6] In this sense, (D'ARAÚJO, 2008), although recognizing the institutionalization of civilian control over defense policy, alerts to the fact that the military still receives a different legal treatment, since military members can only be judged by the Military Court. Additionally, (ZAVERUCHA; REZENDE, 2009) demonstrate that during Fernando Henrique Cardoso' and Luiz Inácio Lula da Silva terms' (1995-2006) the Ministry of Defense represented the third largest budget, only behind the Ministries of Social Security and Health. This would reflect the success of military groups in defending their corporative interests, in exchange for support to internal security tasks.

Different analyses have shown that, in Latin American, higher levels of professionalization have, in fact, coincided with increased political activity among military officers (FITCH, 1998; LOVEMAN, 1999). During the decades of 1920 and 1930, several foreign missions from Germany, Italy and Spain came to the region to provide armed forces with professional training. These missions also provided the rationale of moral superiority that made military officers to see civilian authorities as rather handicapped in solving national problems. In the following decades, such rhetoric would lead the armed forces to assume leadership and dominate internal administration (LOVEMAN 1999, p. 65–70).

After the third wave of democratization, the military retreated from national politics in most countries in the region, which went alongside the elite's desire (that had previously supported the regime) to distance themselves from this past. In many countries, the armed forces faced a crisis of legitimacy that was followed by cuts on the budget and size of the troops. Additionally, the widespread concern for keeping the armed forces restricted to their own professional sphere revived the worry for professionalization.

If the armed forces have been used since then in new missions, such as combatting the drug trafficking and organized crime in Brazil and Mexico, this has been done following civilian orders and does not seem, in the first case, to be capable of substantially altering civilian control towards a military tutelage. At the same time, if we take the example of the GLO operation at Complexo da Maré, in the state of Rio de Janeiro (Brazil), that started in March 2014 and ended in June 2015, it seems too optimistic to claim that these operations happened completely according to democratic parameters. There are still significant vacuums of power during these operations, mostly created by civilian inability and lack of expertise in dealing with midlevel threats[7]. Inadequate police training and a lack of knowledge in intelligence-gathering lead civilian authorities to leave important decisions in the hands of military officers. Such undesirable combination allows them to act autonomously and commit several human right abuses, thus jeopardizing the confidence the populations affected have in democratic institutions and also in the armed forces. This clearly does not fit into the third aspect laid out by Samuel Fitch, which insists that military members should not violate the rights of other groups or individuals.

[7] (PION-BERLIN; TRINKUNAS, 2011) define midlevel threats as the ones posed by non-state actors that act across boundaries, softened by globalization. These groups are able to produce violence at higher levels comparing to common crimes, including drug trafficking groups and youth gangs.

A single theoretical approach (rational-choice or historical-institutionalism, for instance) proved to be insufficient to address the state of civil-military relations in contemporary democracies, especially where cooperative and conflictive efforts are simultaneously present. The principal-agent framework, by analyzing how these impulses happen on a day-to-day basis can help us to understand this new scenario at the institutional level[8]. We will analyze a positive case, the Ministry of Defense, which is a central institution for emulating civilian hierarchy inside defense institutions.

2. THE PRINCIPAL-AGENT FRAMEWORK

Feaver (2003) adapts an economic theory, the formal-agency theory, to address civilian oversight in mature democracies[9]. Although we are aware of the several obstacles in achieving and institutionalizing civilian control over the military, this theoretical framework can be useful in understanding the institutional reforms inside the Brazilian Ministry of Defense, from 2007 to 2011. The principal-agent framework intends to analyze problems of agency, a situation where one person (the principal) delegates authority to someone else (the agent) and wants to ensure that his/her objectives will be carried out. It's precisely because delegation does not mean giving away your responsibility (KIEWIET; MCCUBBINS, 1991) that monitoring mechanisms with the lowest costs (in order to not compromise efficiency) are necessary.

In a democratic regime, relations between civilians and the military are strategic, since choices are both dependent on expectations concerning the other' behavior. Civil-military relations are also hierarchical, because democratically elected civilians are considered to be politically superior to make decisions. Additionally, Peter Feaver posits that civilian and military present distinct moral qualities and political competencies: "The military officer is promising to risk his life, or to order his comrades to risk their lives, to execute any policy decisions. The civilian actor is promising to answer to the electorate for the consequences of any policy decisions." (2003, p. 09).

Although civilians and military may share the same goal (to supply security for the state and citizens) they may disagree on how to achieve it, in both general and specific terms.

[8] I stress this aspect because the principal-agent framework does not offer a satisfactory explanation to civil-military relations at the grassroot level, where low-ranking military officers and ordinary citizens interact. I am exploring this point in my ongoing Phd research.
[9] A category comprising countries where there's a general consolidated supremacy over the military.

Also, following from this argument, information asymmetries have profound effects on civil-military relations. The military's status as experts on the management of violence gives them expressive informational advantages over civilians in tactics and logics, which tends to increase as the operations get closer to combat. This can be exacerbated due to the absence of civilian experts on defense issues in Brazil. At a lower degree, some information is private only to civilians, since they are the decision-makers in a democracy. Civilians may give orders to military officers, but may not always reveal all the issues that are at stake. For example, the President might implement a policy or measure as part of an effort to increase his/her popularity, but he/she will not present the proposal as such.

Additionally, civilians pursue multidimensional goals, which means that assessing whether or not militaries are following their command (if they're working or not) involves a more complex reasoning. Peter Feaver identifies two kinds of goals, functional and relational, that can be further disaggregated into specific tasks (2003, p.61). Functional goals comprise verifying whether the military is doing what civilians asked them to do (that is, if they are following civilian orders), if the military is working at its best to accomplish such task and if the military is competent enough to do what civilians required. Identifying when the military is not working can be easier in these situations. By contrast, relational goals entail defining which decision civilians are going to delegate to the military and can appear more complex to assess (FEAVER, 2003, p.61). Relational goals include assessing if civilians make key policy decisions, substantive in nature. If civilians choose which decisions should be made by civilians or which should be left to the military and, at a more general level, if any military action is being done which erodes civilian supremacy in the long term.

On the other hand, military agents also have different kinds of preferences that can fit into three specific sets: policy outcomes, how their behavior is interpreted and how the relationship is monitored (FEAVER, 2003, p. 63-64). Military agents have military policy preferences, such as preferring to deal with offensive or even preventive operations that enable them to be in a position of advantage, where the scope of the conflict can be controlled.

Also Peter Feaver identifies a general military preference for honor and respect that may give an incentive for military members to obey civilian orders. In this sense, studies on police officers have previously stated that organizational culture has an overwhelming importance in determining higher degrees of compliance among the subordinates (BREHM; GATES, 1993). Since not following civilian command is seen as dishonorable in a

democracy, military members may choose to act accordingly because it is the "right thing to do". Lastly, a minimum degree of civilian intrusion and supervision will always be preferred by the military. This is according to the traditional organization theory, that says that an agent always values autonomy, meaning "the ability to decide what to do" and "the ability to decide how to do it" (FEAVER, 2003, p. 64)

The mutual influence of information problems and divergent preferences generate two challenges: adverse selection and moral hazard. Adverse selection refers to the fact that the principal cannot be absolutely certain about the true preferences and skills of the agent, while moral hazard means that principals cannot always be present to observe the agent, so he/she can never be sure if the agent is following the orders or not. Briefly, Peter Feaver summarizes this point: "How do we know that the military is doing what it is supposed to be doing? How do we know that the military is serving the interests of the country and not parochial interests (…)?" (FEAVER, 2003, p.75). These factors may increase agency losses, situations in which there is a conflict between the interests of those who delegate authority and the agent (KIEWIET; MCCUBBINS, 1991).

Monitoring mechanisms are tools for dealing with this problem of information: to know what the agent is doing even though the principal cannot always be there to watch. These mechanisms can be adjusted so that they are the least possibly intrusive or up until being a most intrusive way form of monitoring the military. Agents will behave depending on their expectations of punishment if they don't work or, more broadly speaking, simply according to their own preferences. Peter Feaver argues that the assumption of automatic punishment in case agents misbehave should be loosened when we are studying civilian and military authorities, since the issues at stake are more intricate. It does not seem realistic that civilians will systematically review the question of delegation each time a problem emerges (FEAVER, 2003, p. 58). Bureaucratic inertia plays a role here, since costs of change are significant and tend to increase over time. Additionally, multidimensional preferences are at stake, so it is not a simple question of yes or no concerning whether to work or not.

Delegation depends on the trust in the military, according to Peter Feaver, but we should have in mind that in Latin America there's a general trend of over-delegation due, in part, to an absence of civilian expertise on defense matters and also due to historical patterns of high levels of autonomy given to the military institution. In a democracy, the assignment of a military mission should be initiated, managed and terminated by democratically elected

leaders (PION-BERLIN, D.; ARCENEAUX, 2000), since civilians are the ones responsible for making political decisions. But in Latin America, the authors argue, the problem rests in the area of managing once the operation has started, since commonly civilians, due to the lack of expertise in counter-narcotic and counter-insurgency operations, "adopt a laissez-faire approach, refusing to make the kind of critical means-ends judgments necessary to keep the operation within permissible bounds." (PION-BERLIN, D; ARCENEAUX, 2000, p. 421). As a result, key decisions are often left to military commanders.

Returning to Peter Feaver framework, he says that monitoring can be done by simply limiting the scope of delegation to the military, leaving a greater amount of decisions and tasks to civilians. This can be achieved through rules of engagement, mission orders and contingency-plans. From elaborating strategy, defining operations, conceiving specific tactics and providing logistics and equipment, these are all tasks that should not necessarily be assigned to militaries.

A second form of monitoring, though more intrusive, is to introduce screening and selection mechanisms, meaning to inculcate civilian preferences among military members, decreasing the divergence between principal's preferences and agent's ones. Educational system and skill tests are means of selecting individuals fitting a certain pattern before an actual contractual relationship is formalized. Also, it includes accession policy in the armed forces and rules on officer promotions. Peter Feaver posits that civilian influence and screening over officer corps can help to increase the degree of confidence between the officers appointed and civilian authorities (2003, p. 79).

The next more intrusive mechanism of monitoring is the use of the so-called "fire alarms", here third parties, such as the news media, think tanks and universities to oversee and report on key policy outcomes. "Fire alarms" have been previously defined by the literature as the observation by third parties that are affected by the agents' actions (KIEWIET, MCCUBBINS, 1991, p. 32–33). This mechanism may be less costly and more reliable than the information collected by "police patrols". Indeed, under a well-coordinated system of fire-alarms, violations on the agents' conduct may be well scrutinized.

A fourth mechanism is the institutional checks that are directly empowered by the civilian principal to monitor other agents, having as primary mission to inform if there are any irregularities going on that disrespect the contractual mission (FEAVER, 2003, p. 81). In this category we can include the Congress civilian staff that are responsible for monitoring

defense issues or budgets, a confirmable civilian secretariat and inter-service competition. Institutional checks require that other agencies have the authority to block or to veto the actions of the agent; otherwise, they will be useless. Although institutional checks may increase the security of overcoming agency losses, they also may reduce flexibility in decision-making process (KIEWIET, MCCUBBINS, 1991, p. 24).

Lastly, we have the police patrols that are even more intrusive forms of surveilling the agent. They involve systematic investigations on what and how the agent is performing a task. These direct forms of monitoring cost the principal time and effort, since constant and invasive supervision may be corrosive to the morale of both the principal and agent (KIEWIET; MCCUBBINS, 1991, p. 32). That is why police patrols should be used with moderation. According to Peter Feaver, civil-military analogs include at the executive's level a Civilian Secretariat and Office of Secretary of Defense, rules on the budget process (planning, programming and budgeting), restrictive rules of engagements, restrictive standing or mission orders and limits on delegated authority (FEAVER, 2003, p. 84-85). At the judicial level, police patrols comprise audits and investigations. Lastly, at the legislative level, institutions such as the Congressional Budget Office, the General Accounting Office and the Office of Technical Assessment supervise the military behavior.

Peter Feaver also lays out punishment mechanisms available is case military agents do not follow the principal orders, a subject that according to him also has not been well covered by civil-military relations theory (2003, p.89). Such actions can actually reinforce discipline and facilitate civilian control. At a first level, they include imposing intrusive forms of monitoring, those which may displease military agents (who notably enjoy autonomy), such as audits and mandatory remedial training in case of misbehavior. Civilians can also offer material disincentives such as cutting down budgets and limiting benefits (like postponing military promotions that need to be approved by the Congress). The third set of mechanisms includes imposing measures that will have a negative material impact on the future, what notably entails variation on forced detachment from the military or retiring an officer at a lower rank than they achieved. The fourth set of punishment includes the military justice system that can punish and imprison military members, in order to maintain the discipline within the military. Lastly, there are extra-legal civilian actions like public reprimands against a specific military officer. We will now analyze the institutional reforms at the Brazilian Ministry of Defense (2007-2011) in the light of the monitoring mechanisms

previously cited, a way of overcoming the problems that arise with delegation of power in a democracy.

3. THE BRAZILIAN DEFENSE MINISTRY (2007-2011)

The Ministry of Defense (MOD) is a key institution for consolidating democratic civilian control over the military (WINAND, SAINT-PIERRE, 2007; FUCILLE, 2006; BRUNEAU, 2001). Not only are legal, financial and human resources necessary for this control, but the Ministry of Defense also needs to be effectively part of the political system. In short: "The ideal situation, at least in a new democracy, is one in which the MOD as institution and minister as individual is integrated into the structure of power in the government and holds the personal confidence of the executive" (BRUNEAU, 2001, p. 24). Achieving and consolidating such patterns are a parallel but not automatic process after establishing this institution. The late creation of Brazilian's Ministry of Defense in 1999 and, afterwards, the fragile power enjoyed by the civilian minister vis-à-vis the service branch's commanders[10] exemplifies the several obstacles to consolidate civilian control within the Ministry of Defense.

In Brazil, several controversies became prominent after 1999, when the Ministers of the Navy, Air Force and Army were lowered to the status of service branch's commanders. Elcio Álvares, the first Minister of Defense, remained in office for only seven months, from June 10th 1999 to January 24th 2000, being forced to renounce after claims that his assistant Solange Resendes was involved with drug trafficking (OLIVEIRA, 2005, p. 120-121). Years later, the army published a document on October 17th 2004 with photos from the journalist Vladimir Herzog at the DOI-COI (Center for Internal Defense Operations), where he was tortured and murdered during the civil-military dictatorship (1964-1985) (FOLHA DE SÃO PAULO, 04/11/2004). The document also described the civil-military coup of 1964 in highly favorable terms. José Viegas Filho, who was in office from January 1st 2003 to November 8th 2004, sent a resignation letter. This happened despite the release of a second note written by general Francisco Roberto de Albuquerque, Army's Commander, saying that the Army was sorry for the episode and such document did not express the institutions' view (AGÊNCIA BRASIL, 19/10/2004).

[10] Who retained several prerogatives such as control over the armed forces' budget appropriation, hierarchical precedence over the joint staff and decision over military promotions.

In 2006, Waldir Pires took office in the middle of an aviation crisis, started after a plane crash between an executive jet plane and the Gol Airlines flight 1907 that killed 154 people on September 29th 2006 (FOLHA DE SÃO PAULO, 01/10/2006). Another plane crash on July 17th 2007, this time killing 199 people who were on board the Tam flight, exposed the serious problems within the Ministry of Defense and its subordinate agency, the National Civil Aviation Agency (ANAC).

Waldir Pires openly defended the demilitarization of the civil aviation system, which led to a conflict with the Air Force Commander, Luiz Carlos Bueno (OLIVEIRA, 2009, p. 72). Besides the national aviation crisis, Oliveira says that the buying of weaponry, military ships and planes by Venezuela, stimulated a strategic partnership with Cuba, Ecuador, Bolivia and Nicaragua. This event pressed Brazil to reform its own defense sector, a condition for better projecting the country regionally. Waldir Pires was led to renounce to his office on July 15th 2007 and Nelson Jobim assumed the position of Minister of Defense, having as his immediate mission the reform of both the Ministry and the civil aviation system.

Nelson Jobim's nomination satisfied the military's demand to be represented by an individual who was integrated into the government and had the confidence of the executive, but at the same time was ready to represent and defend military interests. Also we should take in account the perspective of creating a South-American Defense Council inside Unasur[11], a proposal firmly defended by Brazil. The negotiations were led by the Ministers of Defense from the member countries. Consequently, it was necessary that such minister had in fact authority to support Brazil's proposal.

It is worth noting the use of symbolic strategies by Nelson Jobim which may have facilitated the introduction of these new rules inside the Ministry of Defense. He used military uniform while visiting quarters and frontier posts, hoping to get military support (REVISTA PIAUÍ, 2011). In this sense, Nelson Jobim's term seems to confirm the tradition concerning the choice of Ministers of Defense in Latin American (PION-BERLIN, 2008) that whilst they might lack technical knowledge on defense issues, thanks to their political experience and the executive's support, are capable of implementing changes. Nelson Jobim was able to be the official spokesman of military demands and simultaneously consolidate civilian control over them.

[11] The creation of the South-American Defense Council was enacted on December 2008.

The Presidential Decree of September 6th 2007 (BRAZIL, 2007) established a Ministerial Committee to elaborate the National Strategy of Defense, headed by the Minister of Defense and coordinated by the Secretary of Strategic Affairs' chief. Also present in this committee were the Ministers of Planning, Treasury, Science and Technology, as well as the Commanders of the Navy, Army and Air Force. Two central premises guided the ministerial work (JOBIM, 2008, p. 02). First, that civilians and military members had different competencies, meaning that civilians were in charge of defining strategically in which situations military means should be employed, while the armed forces were responsible for assessing the probability of actually making use of these forces. The logic of delegation and division of labor between civilians and the military is implicit in this reasoning. Tasks are entrusted to those that present a comparative advantage in accomplishing them (KIEWIET; MCCUBBINS, 1991, p. 37). Secondly, dissuasion remained the basilar principle of Brazilian defense policy, that should be oriented toward adapting the country to the new internal scenario. The Minister of Defense was seen as the coordinator of such necessary changes.

During Nelson Jobim's administration (2007-2011) we can identify two phases. On the first moment certain actions envisaged to reinforce the ministry's authority and at the same time to restructure the aviation system[12]. After general Maynard Marques de Santa Rosa publicly expressed his disapproval towards the government's human rights policies and the Truth Commission, he was discharged from his position (ESTADO DE S. PAULO, 10/Fevereiro/2010). One year later, retired militaries made charges against Nelson Jobim, alleging that only military personnel could use the uniform. The Attorney General denied this legal action and pronounced that the Minister of Defense Nelson Jobim was the Armed Forces' supreme commandant after the President (JOBIM, 2012).

In both situations punishment mechanisms were employed to reinforce the discipline within the armed forces, since the relation between the military officers and civilian authorities had been negatively affected after the civilian aviation crisis begun. The first episode is clearly a variation of the third mechanism, a material disincentive impacting on a military career (an equivalent from dismissing an employee) while the second is not only a public purge (5th set) but also an example of legal action.

After these punishment measures were taken, a second phase of Nelson Jobim's administration began, where several institutional aspects were reformed. A first step was to

[12] Concerning this aspect, all ANAC and INFRAERO' directive boards were discharged.

publish the National Defense Strategy (2008). This document was a considerable progress in comparison to the I National Defense Policy (Brazil, 1996) and the II National Defense Policy (Brazil, 2005), since it engaged civilians in discussing defense themes. Such policy document is organized around three axes: reorganization of the Armed Forces, the restructuring of the Brazilian defense industry, and the troop requirements policy for the Armed Forces. Going back to Peter Feaver' arguments, this fits the functional goal of external protection pursued by civilians since such assessment can only be made based on an institutional document that sets the armed forces priorities and missions (FEAVER, 2003, p. 61). According to the principal-agent framework, civilian control over the military does not end with delegation and there are several operational control measures present in nonoperational contexts. By controlling the budget, military mission and doctrine, civilians can minimize the lack of civilian control once a military operation starts. In other words: "(…) the principal can know something about the likely activity of the agent, even without directly observing him (D. FEAVER, 2003, p. 75).

This document was based on the assumption that four levels exist within the defense sector (JOBIM, 2012). At the first level, the National Defense Council, the Ministry of Defense and the President are responsible for handling with political decisions, thus defining general guidelines on policy defense. Next there is the strategic level, being part the Ministry of Defense, the service branch's commanders and the armed forces joint staff. Lastly, the third and fourth levels, operational and technical, would be constituted by military members that are charged of operationalizing these strategic and political guideline previously defined for defense policy. Again, it appears the logic of delegation and division of labor, allowing governments to delegate tasks to the ones with more training and inclination to perform them (KIEWIET; MCCUBBINS, 1991).

The first structuring axis includes unifying the armed forces operations by coordinating the three service branch commanders through a joint staff, headed by a top ranked officer and directly subordinated to the Ministry of Defense (ESTRATÉGIA NACIONAL DE DEFESA, 2008, p. 13). Also, another innovation is to centralize the purchasing of all defense products at the Ministry of Defense, under the responsibility of a secretariat of defense products. This measure intends to ensure that all acquisitions conform to the priorities laid out by the National Strategy of Defense.

Complimentary Law nº 97 issued on June 9th 1999 was replaced by Complimentary Law nº 136 issued on August 25th 2010. The former was elaborated simultaneously to the creation of the Ministry of Defense and aimed to limit the Minister's authority while reinforcing the autonomy of each Military Branch, whose Commanders where chosen by military officers and nominated by the President, thus politically insulating the Minister. Also each Military Branch had autonomy to elaborate their own budget proposal and the Minister had no civilian assessors, only military advisors. Such ministerial structure clearly hampered efforts to monitor key military activities, since it obstructed the creation of a civilian staff inside the Ministry of Defense. According to Feaver (2003), the latter constitutes a type of police patrol that supposes a degree of intrusive surveilling since there's a constant watch on the agent trough an institutional mechanism inside the Ministry.

According to the Presidential Decree of January 17th 1980 on the Military War Structure, the President was the armed forces supreme commandant and there was no intermediate position between. Such disposition was only changed in 2010, when the Minister of Defense was integrated within the chain of command, as the intermediary between the armed forces and the President, responsible for logistic and political considerations inside the defense structure.

Complimentary Law nº 136 transformed the armed forces general staff into the armed forces joint staff. The former did not have a clear scope of action, and thus frequently overlapped with other ministerial secretaries (ROSTY, 2011, p.11). The armed forces joint staff is now responsible for the joint employment of the armed forces, while the service branch's commanders are responsible for the preparation (BRAZIL, 2010a, art 3º). Furthermore, this organ is responsible for permanently assisting the Ministry of Defense (BRAZIL, 2010c, art.º8) in a number of issues such as: national policy and strategy, participation and representation in Brazil and in foreign countries, logistics, mobilization, military technology and armed forces equipment.

The chief of the armed forces joint staff is now positioned at the same hierarchical level as the military commanders (BRAZIL, 2010a, art 3º, §2), being indicated by the Minister of Defense and nominated by the President. Also the armed forces joint staff is now headed by a top ranked general, respecting military hierarchy. He should become a retired officer to occupy this post, ensuring he will only follow orders of the Minister of Defense.

Proposals for presidential nominations of each service branch's commanders are now under the Minister's responsibility (BRAZIL, 2010a, art. 4º) and each military commander has lost the prerogative to directly decide over military officers' promotions. Now they should forward their proposals to the Minister of Defense, who may or may not approve them and forward them on for presidential nomination. (BRAZIL, 2010a, artº7). Additionally, the service branches should jointly prepare their budget proposal, following the priorities that were defined on the National Strategy of Defense (BRAZIL, 2010a, art 12, §2).

Both the decisions concerning the chief of the armed forces joint staff and the military commanders can be interpreted in light of the principal-agent framework as ways of promoting a convergence between preferences of civilian principals and military agents, since they can be an instrument to reward military members that have a set of beliefs closer to civilians: " (…) one way civilians can shape military behavior is to seek a convergence in views by promoting military agents who hold preferences more similar to those of civilian principals" (FEAVER, 2003, p. 59). But Peter Feaver posits that is not viable a total convergence since all military training is focused on developing a military identity that usually goes with criticizing civilian values and insulating the corporation from societal pressures.

The Presidential Decree nº 7276 promulgated on October 25th 2010 (BRAZIL, 2010b) approved the new military defense structure. Months later, another presidential decree, nº 7364 issued on November 23rd 2010 introduces changes on how secretaries of the Ministry of Defense are connected to the minister and the joint staff of the armed forces. Previously, those ministerial secretaries served to represent each military branch and the minister had no authority over them since their military personnel were directly subordinated to the military branch they belonged (JOBIM, 2012).

Clearly, the new secretaries' structure is more connected than the previous one, allowing the Minister of Defense to take decisions with autonomy from the service branch's commander. The Institutional Planning Advisory (*Assessoria de Planejamento Institucional*) (BRAZIL, 2010c, artº 4) is now responsible for drafting and reviewing the National Defense White Book; reviewing and developing the Minister of Defense's strategic planning; assisting the Minister of Defense during decisional process of high complexity by developing knowledge on future scenarios, besides doing in partnership with other ministerial departments a continuous process of evaluation to meet the strategic planning goals. This is

an organ that works towards strategic planning and the gathering of information concerning all the activities developed inside the Ministry of Defense.

The sections that were previously part of the Joint-State of Defense (Command and Control, Intelligence, Operations and Logistics) are now under the authority of the Preparation and Employment Command (*Chefia de Preparo e Emprego*) (BRAZIL, 2010c, art. 9º), whose tasks include assisting the Joint Staff in preparing and employing the armed forces, elaborating and updating both the doctrine and the strategic planning for joint operations; planning and coordinating training for joint operations; following the employment of joint or singular operational commands; planning, coordinating and supervising the armed forces during peace missions and proposing guidelines for the armed forces in subsidiary activities.

The previous Policy, Strategy and International Relations Secretary is now the Strategic Affairs Secretary. This Secretary also is subordinated to the joint staff of the armed forces. Its primary function is to assist the joint staff of the armed forces in policy, strategy, internal relations, intelligence and counter-intelligence issues, and also to propose and coordinate planning, implementation and supervising of related questions. (BRASIL 2010c, artº 4). Lastly, the Secretary of Education, Logistics, Mobilization, Science and Technology no longer exists. Questions related to national mobilization and logistics are now also subordinated to the joint staff of the armed forces trough the Logistics Command (BRASIL, 2010c, art 5º).

All these alterations were gathered in the National Defense White Book, (BRAZIL, 2012a) and the Minister of Defense is responsible for their implementation. Such document represents an important step towards more transparency in defense issues. On the other hand, these modifications also pose a challenge by creating an institutional demand for civilians with the necessary qualifications to work as defense experts. Otherwise military members will always remain as the sole experts on the management of violence.

Lastly, law nº 12702 issued on August 2012 created a General Secretariat, conceived to be part of the Ministry of Defense as an organ of central direction. This development was consolidated trough the Presidential Decree nº 7974 promulgated on April 2013). All these measures clearly reinforced the ministerial authority inside the Ministry and eliminated several military prerogatives from the military commanders of each branch. According to the principal-agent framework, they are all monitoring and intrusive mechanisms that directly impact on the agents' general preference for autonomy:

> In the civil-military context, an important indicator of police patrol monitoring is the size of the civilian secretariat of the Office of the Secretary of Defense and the service secretariat. These are extensions of the executive branch principals, the patrol officers, who are in place to monitor closely and directly the activities of their military counterparts. Accordingly, large numbers of civilians officials are evidence of a police patrol monitoring mechanism (D. FEAVER, 2003, p. 84).

But since agent preferences are multidimensional we can at the same time reject preference "a" and contemplate preference "b". If we consider that there was a general military disapproval towards all these measures, one should ask why there was not a military reaction. The alternative is not envisaged by the principal-agent framework since there is only two alternatives, according to Peter Feaver: working or not. Notwithstanding, the fact we are adapting this framework to understand Brazilian civil-military relations, a complex set of impulses of democratization and authoritarianism, leads to question why all these monitoring and intrusive mechanisms were accepted. According to Fitch (2001) a strong test for assessing civilian control is when civilians act against the will of the military forces. The acceptance of these policies can be a signal of political subordination to the democratically elected authorities.

We can also identify screening and selection monitoring mechanisms, following the Decree nº 6703 (18/December/2008) that approved the National Strategy of Defense and proposed a plan for transferring the Superior War School to Brasília until 20/06/2009. This change intended to create a professional institute to train new employees for the Ministry of Defense, instead of using public officials borrowed from other ministries, but until the moment this proposal was not implemented. This would be a way of improving how individuals are selected from entering into the military service.

By creating advisory secretaries inside the Minister of Defense and an armed forces joint staff, these institutional reforms pave the way for civilians to be placed in relevant positions (although it is not specified which is the proportion of civilians and military in those posts). As previously stated, the size of the civilian secretariat of the Ministry of Defense is an important indicator of a police patrol and thus may help such authority to make decisions without resorting to military agents. After the Senate approved the project of complimentary law nº38 (PLC 38/2012), 225 office positions in ministerial commissions were created, alongside 263 posts of advisors that can be freely appointed or dismissed by the Minister of Defense. But until the present date, Brazil has a deficit of civilian experts. There is no perspective of permanence and promotion of civilians at the Minister because there is not a

civilian career on defense[13]. Additionally, the absence of an specialized and responsive bureaucracy on national defense limits the capacity of the Executive Power and parliamentary commission on strategic decisions (CEPIK, 2013).

We have identified several monitoring mechanisms in the institutional reforms promoted by Minister Nelson Jobim from 2007-2011. Such changes have clearly consolidated civilian control inside the Ministry. But there's still a long way to go. For example, the use of third parties, known as fire alarms, to supervise the agent and report when an agent misbehaves, is quite fragile in Brazil. Transparency Law nº 12527 issued on November 18th 2011 improved the ease of access in regards to officials document from the Minster of Defense, including budget and the functionaries' salary. Despite that, Brazilian news media remains somewhat distant from policy debates mostly, one could speculate, because defense issues do not generate interest among civil society.

Institutional checks on policy defense can be played out by the Congress. Complimentary Law nº 136/2010 was an advance since such legislation was discussed at the Chamber of Deputies. The National Strategy of Defense, that set the main directives of CL 136, was created through a presidential directive and did not involve parliamentary discussion. Overall, in Brazil the Executive has been the most prominent in monitoring the armed forces.

Overall relations with the legislative power were not changed during Nelson Jobim's term. The Foreign Relations and National Defense Commission (CREDN) receives the budgetary proposal, which is now consolidated and forwarded by the Ministry of Defense according to CL nº 136. From the Deputy's Chamber, the proposal goes to the Senate, after this it is voted on by the National Congress and then comes back to the Executive, who is responsible for centralizing all resources expenses through the Ministry of Treasury. At the end, account reports are done by the Armed Forces, so the National Congress does not monitor military expenditures (SAINT-PIÉRRE; WINAND, 2007, p. 66). Apparently, deputies do not worry about how to effectively monitor military expenditure because they do not think their interests are affected. This seems to confirm what Hunter (1995) wrote two decades ago. According to her, democratic competitiveness incentives politicians to pursue programmatic and particularistic goals that will help them in being re-elected.

[13] It is still running in the Federal Senate the proposal nº 10 for amending constitution (2011), allowing to create a career for civilian experts in defense called National Defense Analyst. Here's the link for more information http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=99465.

Supporting issues like health, public security and educations are more efficient forms of getting popular support. Since congressional oversight of expenditures has been emphasized by the literature (KIEWIET; MCCUBBINS, 1991) as crucial areas to monitor and control, this is certainly an important failure if one wishes to increase monitoring mechanisms over the armed forces.

5. CONCLUSIONS

This article has analyzed how institutional measures taken to reinforce the authority of the Minister of Defense were based on a comprehension that delegation does not mean renouncing to authority. By creating a joint staff of the armed forces, changing the rules on military budget proposal and on promotion of military officers, connecting ministerial secretaries and helping to consolidate a civilian staff at the Ministry of Defense, these initiatives have reversed a historical pattern. That is, a high degree of autonomy of each service branch' commanders vis-à-vis the Minister.

Such measures can be classified conforming to the principal-agent framework as presenting different degrees of intrusiveness, from police patrol to rules on screening and selection. They also contribute to inculcate civilian values among military officers, thus helping to decrease the existing divergences between the principals' and the agents' preferences. However, there are still many obstacles to create a more connected network of fire alarms by third parties, whether it is the media news, think tanks or universities. The debate on defense issues is still restricted to a small group of experts and practitioners. Additionally, the National Congress has also been quite distant from such debates and a stronger participation would be positive for advancing civil-military relations in Brazil.

Specialization and division of labor are ideas that have been present in political discourse in the time of implementing these changes. These measures have reinforced the idea that militaries are not involved with politics. The fact that intrusive monitoring mechanisms have been implemented in the Ministry of Defense, an institution that historically had problems in facing military political pressures is relevant. It also represents a strong test for democracy since it involved measures that affected military interests.

Maybe this could be the result of a gradual convergence between military and civilian preferences that now share a common understanding on how division of labor works in democracy. Also this can be a signal of a more professional military establishment, meaning

one that in a *huntingtonian* sense does not want to get involved with political issues. On both cases, further research is necessary to advance our understanding on contemporary patterns of civil-military relations in Brazil.

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