

The **OMNIDEF ANALYSIS** is a monthly publication with analyses* about themes addressed in the previous month of **OMNIDEF** and identified as the most relevant for the National Defense context.

Highlights

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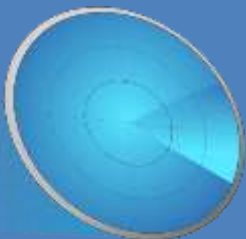
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DEFENSE PUBLIC POLICIES

The public policy context in the Defence sector

Author: Jacintho Maia Neto

Co-Author: Gabriela Paulucci da Hora Viana

During November, the four editions of OMNIDEF showed in the Public Policies area, several news related to the defense industry, armaments and equipment acquisitions by the Armed Forces and the increase of resources for the Ministry of Defence (MD). In addition to continuing previous editions of OMNIDEF, the present work is an extension of the one presented in February's edition, entitled "For a 'national' public policy of defense". Contextualizing a Public Policy (PP) environment for the defense sector is an arduous task. For this, it is necessary to define some central ideas in terms of PP.

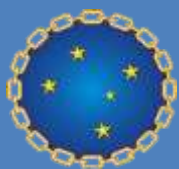
Initially, to know what is a PP, we have to return to the basis of policy studies as presented by Souza (2006) in his review of the literature on PP, in which we have the foundations with Lasswell (1936) for whom decisions and analyses on public policy imply answering the following questions: "who wins what, why and what difference does it make". Later, Easton (1953) presents a more societal and systemic view of these actions showing that "these gains" are, in reality, an "official allocation of values to the whole society.

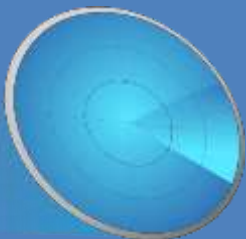
Simon (1957) presents the inability of the public decision-maker to possess all the necessary information on a given problem and time to analyze all possible solutions for decision-making, characterizing this "inability" as a limited rationality of that decision-maker. In 1970, Lasswell and Kaplan made the PP context more pragmatic, being basically a "designed program, with goals, values and practices" or, as Dye (1984) presented, for whom PP is "what the government chooses to do or not do". This definition finds reactions in Sechi (2013), who considers PP as an action, a guideline and that the absence of it, the inaction, cannot be considered a PP.

It is not the objective of this article to make a conceptual debate on PP, but to take advantage of this contextualization by showing the reader the dynamics of a PP in the Defense sector. Here we start from the assumption that a PP is the government in action, meeting a demand from society or a sector of society, with the purpose of solving a problem or mitigating it. To this end, a PP often needs to be complemented by others and in different sectors.

Within the Defense sector, the Defense Industrial Base (IDB) has been one of the main focuses of government action. Inserted in the scope of the National Defense Strategy (2008), it had, from 2012, the formalization of its demands through the Defense Industrial Base Promotion Law, which was based on Provisional Measure 544 (9 Sep 11).

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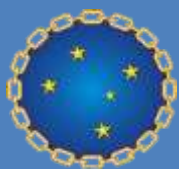
The regulation of the referred Law was made by two presidential decrees (Decree. [7,970](#) and [8,122](#)), the latter regulating the "Special Tax Regime for the Defense Industry". More recently, [Decree. 9.857](#) amended the constitution and powers of the [Military Defence Industry Commission](#) (CMID), created in 2005. It is interesting to say that, soon after the CMID was created, the MD approved the [National Defense Industry Policy](#) (PNID), also in 2005, which would establish the bases for the regulations that would follow. In this context, it is noted that the DIB's environment has a whole legal framework to support it, which make easier the implementation of a PP. In addition to this legal framework, the [strategic defense projects](#), reunited into a portfolio of programs in each single force, materialize what Lasswell and Kaplan (1970) defined as a PP.

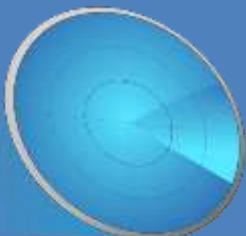
An important legal framework for the implementation of a public policy in the defense sector that strengthened the strategic planning of the MD and consequently will enable the alignment of strategic projects within a PP context, occurred in December 2018, with the [approval by the National Congress](#) of the [2016 defense documents](#), especially the END that contained in its scope the [National Defense Capabilities](#). There is a debate about what the approval of the defense documents would actually be. According to Law no. 136, of August 25, 2010, it is up to the National Congress to review the defense documents. However, since the first update in 2012, the NC, through a legislative decree, has "approved" the defense documents, as explained in the OMNIDEF Analysis of February this year.

The identification of a PP also involves a dynamic of constant evaluation and feedback, which allows this PP to remain efficient and effective over time. The importance of this alignment should be emphasized so that the control bodies, especially the TCU (acronyms in Portuguese), can be shown that the concepts of [economy, efficiency and effectiveness](#) that are so valued in an audit by the DIB have been materialized in the context of strategic projects and, consequently, in their intrinsic relationship with the DIB.

In this context, considering Simon's assertion that the public decision-maker has a limited rationality about the problem to be solved and that this limitation can be minimized by establishing structures that allow other views on the problem, a suggestion would be to rely on the Strategic Study Centers of the three Forces and the War College, in addition to their respective internal control to promote transparency assessments for its execution actions, especially to meet the concepts valued by external agencies, such as the TCU.

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Finally, it was intended to show the reader that a public policy is not only the establishment of a legal framework, acquisition of arms and equipment by the Special Forces (via strategic projects) or the allocation of resources, but also the insertion of a systematic evaluation and feedback that cannot be done only by the actors directly involved in the process, so that transparency and impersonality can be effectively characterized in the scope of a public policy for the Defense sector, especially in the context of the Defense Industrial Base. ■

News published by OMNIDEF

EXAME – 22/11/2019

Defesa é pasta com maior liberação de recursos dos R\$ 14 bi desbloqueados

O Ministério da Defesa foi a pasta que recebeu a maior liberação de recursos neste fim de ano, R\$ 3,473 bilhões. Na semana passada, o governo publicou um relatório extemporâneo anunciando a liberação de todos os recursos que haviam sido contingenciados. Ao longo do ano, o governo foi “congelando” despesas para cumprir a meta fiscal do ano.

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Defesa Aérea e Naval – 30/11/2019

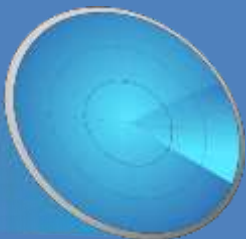
Reativação da Indústria Militar Brasileira

Oitavo maior exportador mundial de produtos de defesa nos anos 1980, o Brasil renegou a indústria militar nas últimas décadas e caiu para 60ª posição, segundo a Associação Brasileira da Indústria de Materiais de Defesa e Segurança (Abimde). Mas o governo Jair Bolsonaro quer retomar essa vocação bélica e recolocar o país entre os 10 maiores exportadores de armas e produtos militares, num mercado que movimenta cerca de US\$ 1,5 trilhão.

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BRAZILIAN PUBLIC SECURITY

The use of the Armed Forces in the guarantee of law and order: conceptual expansion

Author: Ricardo Rodrigues Freire

Co-Author: Luzia Maria Pereira Rocha

The issue of Public Security continues to occupy a prominent place in the media and within national society. Although the remarkable growing decrease in violence rates, a fall of about 22 percentage points compared to 2018, the number of murders in Brazil still exceeded 30,000 between January and September of this year, which is too high.

In spite of the measures adopted in the last years, with the creation of the Ministry of Public Security in the Temer Government and the current Ministry of Justice and Public Security, according to the [Global Peace Index 2019](#), Brazil occupies the uncomfortable position of number 116 out of 163 countries listed according to their own violence index. In terms of South America, Brazil ranks 9th out of 11 countries in the region measured (Suriname and the French Overseas Department are not included).

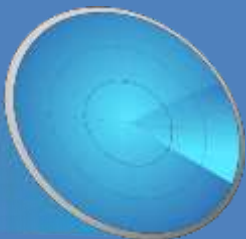
However, as the current measures aimed at a better management of the penitentiary system, or increase actions directed to the integration of agencies of Public Security and Justice, in addition to the development of projects to improve the monitoring mechanism of police officers pointed to a virtuous path. With regard to the integrated work of the institutions to reduce crime, the [Integrated Border Protection Program \(IPPP\)](#), for example, has achieved this year significant results in the seizure of weapons, drugs, smuggled goods, and other items. As this program is characterized by the myriad of agencies involved, the good results reflect the efficiency of the synergy in actions to combat crime.

In terms of police intelligence - in which the IPPP also appears as a landmark - the recent approval by the Public Security and Organized Crime Commission of the House of Representatives for the creation of a database of criminals, to be shared by the agencies responsible for Public Security in the country, is a very relevant legislative action in this context.

In addition, the gradually more intense use of cameras and drones for police intelligence activities, making use of increasingly advanced technologies for image recording, facial recognition of people, vehicles, among other functionalities, points to the fact that the combination of technology and public security greatly enhances intelligence and, therefore, the state's ability to act efficiently and accurately in the fight against illicit acts.

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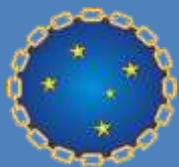
In summary, it can be affirmed that the synergistic and intelligent action of the Public Security agencies, at all levels, with the support of technological means, lends a differentiated level of organization to the Brazilian State and, with this, it becomes possible to disarticulate criminal factions without armed confrontations, which often result in embarrassing side effects.

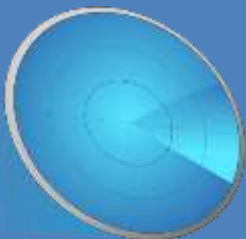
Acting in this direction, it is understood that favourable conditions will be created to reverse as much as possible the fact that "crime is organised because the State is disorganised". Another palpitating issue in the framework of Public Security corresponds to the imbroglio on the "second instance prison". It is a fact that, in structuring terms, the fight against impunity and the prescription of penalties (allied to the hardening of the penal execution) are "touchstones" in the "anti-crime package" sent by the Ministry of Justice and Public Security.

By these means, the recent decision of the Federal Supreme Court that the fulfillment of custodial sentences should only occur after the total exhaustion of judicial appeals was against the interests of the Federal Government in the fight against organized crime. Faced with the Supreme Court's decision, efforts were concentrated in the Legislative Branch, which is now moving to amend the Code of Criminal Procedure. It is open, therefore, the clash between the defenders of the "fundamentals clauses" of the Federal Constitution, among which it provides that "No one shall be found guilty until a final and unappealable sentence has been passed" (item LVII of article 5 of the Constitution), and those who are fighting for the end of impunity in Brazil.

It is a moment of decision for the Brazilian society. In what country model do the Brazilian people aspire to live? However, we must not forget that it is also a fundamental clause of the major Brazilian law that "the law shall regulate the individualization of the penalty and shall adopt, among others, the following: deprivation or restriction of liberty" (as stated in sub-paragraph a), of item XLVI, of the same article 5 of the Constitution).

Finally, it remains the concern about the constant employment of the Armed Forces in domestic and public security issues in Brazil. Just as this Newsletter has already pointed out in a previous publication (see OMNIDEF ANALYSIS - year 2, ed. 002, mar. 2019), the routine practice of resorting to military stay for the solution of internal issues remains in force, without the occasional and episodic character that prescribe the respective regulatory frameworks of the issue.





Thus, the current administration has turned to the "strong arm" of the nation for operations to guarantee law and order (GLO) on environmental issues that have recently linked the "Green and Blue Amazons". A few days ago, the possibility of using the Armed Forces to solve repossession disputes in rural areas was already glimpsed. Thus, the existence of the process of conducting national policy life is once again evident. The facts point to the absence of instruments in the Brazilian State for the solution of daily crises, forcing it, routinely, to make use of the exception as a rule. ■

News published by OMNIDEF

G1 – 25/11/2019

Brasil registra queda de 22% nas mortes violentas em 9 meses, revela índice nacional de homicídios

O Brasil teve uma queda de 22% no número de mortes violentas registradas nos nove primeiros meses deste ano em comparação com o mesmo período de 2018. É o que mostra o índice nacional de homicídios criado pelo G1, com base nos dados oficiais dos 26 estados e do Distrito Federal. Somente em setembro, houve 3,3 mil assassinatos, contra 4,1 mil no mesmo mês do ano passado. Já no período que engloba os nove meses, foram 30.864 mortes violentas — 8.663 a menos que o registrado de janeiro a setembro de 2018 (39.527).

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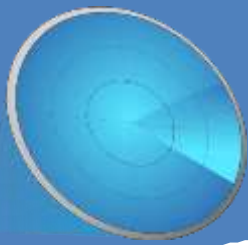
EXAME – 26/11/2019

Bolsonaro defende excludente de ilicitude contra protestos violentos

O presidente Jair Bolsonaro voltou a defender nesta segunda (25) o projeto que amplia o conceito de excludente de ilicitude previsto no Código Penal, para agentes de segurança em operações de Garantia da Lei e da Ordem (GLO). Segundo ele, a medida pode auxiliar a atuação dos agentes no combate a protestos violentos e atos de vandalismo. "Protesto é uma coisa, vandalismo, terrorismo são completamente diferentes. Incendiar bancos, invadir ministério, isso aí não é protesto.

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