

FEDERATIVE REPUBLIC OF BRAZIL

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Corruption Prevention in the Brazilian Armed Forces

FEDERATIVE REPUBLIC OF BRAZIL

THE PRESIDENCY OF THE REPUBLIC

THE ARMED FORCES JOINT STAFF

Corruption Prevention in the Armed Forces

Initially, I would like to thank you for the invitation to participate as a representative of the Brazilian Armed Forces in this Conference on such a relevant and current issue. The circumstances of a world in the process of globalization amplifies **corruption** and its nefarious and lasting result that compromise the credibility of any public or private management.

Fighting corruption has been a constant concern all over the world. This crime occurs in countries that are democratic or authoritarian, with strong or weak, multiple or sole political parties. It is perceived as an evil that damages the population, exacerbates social inequalities and injustice and is, therefore, a problem that has to be faced internally in a country as well as at the international level.

The so-called "tolerated illegalities" that nowadays are a common feature in the lives of our communities, lead to the creation of a criminal situation with unpredictable limits and consequences. Thus, corruption permeates the cultural as well as the economic order, affecting the political and government apparatus as well as the areas of finance, general services, information, arms and drug trafficking while also promoting other illicit activities.

My country – Brazil – is obviously not excluded from this picture. We believe exchanges of experiences and proposals fostered by this Conference will be highly useful in searching news paths in this struggle in which we are all engaged. The Brazilian Government has developed initiatives geared to making more effective the tools for combating corruption. Encouraging results have been achieved by means of strengthening democratic practices, press freedom, opportunity of education, including on human rights, at all levels, together with participation of population through reporting but, most importantly, by approving specific and stricter laws. This effort was enhanced by Brazil's signing of the anti-corruption agreement sponsored by the Organization for Economic Cooperation and Development (OECD) aimed at fighting bribery of public employees by international companies.

We consider that corruption only takes place through the interaction of three basic factors:

- Triggering element;
- Corrupting agent; and
- Corruptible agent.

The vector that generates the corrupting process can be located in any of the National Power expressions: social, economic, military, political and science and technology.

The consequences of this process might lead to:

- Financial gains;
- Economic gains;
- Knowledge;
- Information and intelligence;
- Political advantage; and
- Others.

There is no corruption if at least one of the three above-mentioned factors is absent.

To repress these threats, the Brazilian Armed Forces give priority to actions that will cancel or minimize as much as possible these conditions and situations that might facilitate even the potential occurrence of the **corrupt individual**.

As a result, most of the actions take place in the area of **prevention**. In this area, we give noticeable priority to ethical and moral development of the military.

Independently of internal and external control structures, laws and regulations dealing with the problem, and monitoring and protection mechanisms, we pay special attention to Personnel Policy in its basic mechanisms such as:

- Preparing and developing human resources;
- Career planning;
- Continuous evaluation and rating;
- Promotions Statute;
- Movement and transfers;
- Remuneration;
- Social Security for the Military and his/her dependents;
- Parallel benefits.

The military career or profession has shown – in the great human adventure – very unique aspects. This profession's characteristics include:

- Solemnly sworn commitment to risk own life;
- Subjection to rigid rules stemming from discipline and hierarchy;
- Exclusive dedication;
- Permanent availability;
- Geographical mobility;
- Physical vigor;
- Specific training and constant improvement.

Constant recycling starts basic training and extends up to specialization and development, advanced and graduate level studies, including Staff College and Policy, Strategy and Top Management courses. In each occasion, the values of military ethics and their linkage to the profession are reiterated amidst exhaustive accountability.

The Career Plan imposes all these steps on the military while assuring them professional access to positions and ranks as well as to duties of increasing responsibility.

Along this path, twice a year, the Armed Forces military, officers and enlisted men and women, undergo systematic evaluations of their performance by their chief or immediate commander. The results of this evaluation are essential for promotions as well as for new duties and assignments, including overseas.

Concerning promotions, these parameters will make it possible to define the universes from which to draw the group that will be promoted based on seniority and those that will be promoted by merit. The percentage of positions to be filled under both criteria varies according to the rank. For officers, the distribution is as follows:

- Promotions up the rank of Captain or equivalent: 75% of positions will be filled based on seniority and 25% on merit;
- To the ranks and Major and Lieutenant Colonel: 50% each criterion;
- Promotions to Colonel: 25% seniority and 75% merit.

Promotions to general officer are decided under the **selection** criterion, in which the officers' performance throughout his/her life is given considerable weight.

The process for definition of these promotions is based on the evaluations and ratings and requires verification by the Promotions Commission; promotions to general officer rank also require approval by the High Command of the individual service.

Personnel moving or transfers are also used as a preventative and precautionary measures against the risk of corruption within the Armed Forces, enabling the removal of officers from negative areas, activities or influences. The moving policy adopted by the Brazilian Armed Forces requires routine transfers of officers every two or three years and has a dual purpose:

- To provide them with "national life experience" in a country of continental dimensions; and
- To hinder the creation of unsuitable roots.

For instance, concern with preventing corruption has lead to avoiding direct involvement of the military in fighting drug trafficking, while promoting rotation of those serving in areas that are vulnerable to this type of crime.

Improper behavior detected through permanent monitoring of each military professional are promptly punished at one of the following levels:

- Disciplinary, by means of applying educational sanctions; and
- Justice, which in more serious cases could imply the exclusion of the military from his/her force.

Furthermore, of course, the Brazilian military is not immune to the penalties of the Criminal Code.

Another aspect that deserves attention in terms of possible vulnerability to corruption is, no doubt, the issue of pay for active and retired military

Brazilian military pay is not different from that of most countries: it is below the remuneration standards of equivalent levels at private enterprise and even below that of certain segments of the Federal Government civilian employees. However, this is compensated by the Pension System provided by the Union to its military. The Brazilian Armed Forces is to provide the military family – as a parallel benefit – social benefits to help them satisfy their requirements. Among those, we have the specific health support, incentives for creation of clubs and associations geared to leisure activities, some help to facilitate housing, transportation, etc.

I tried to provide you with summarized information that explains the positive employment of the Brazilian Armed Forces in preventative actions against crimes linked to corruption. The Brazilian society recognizes it as indicated by a recent public opinion poll by specialized organizations, that evaluated the degree of reliability of national institutions. The Armed Forces came out in an outstanding position with 82%.

In closing, I want to thank for your attention and for the opportunity to absorb new knowledge through your gratifying company. Even though we recognize the importance of this exchange in to confront corruption, we are certain that the positive result will depend on our own effort, following the wise advice given by ABRAHAM LINCOLN:

"You will not be able to help men permanently if you do for them what they can and should do for themselves".

**FEDERATIVE REPUBLIC OF BRAZIL
OFFICE OF THE PRESIDENT OF THE REPUBLIC
ARMED FORCES JOINT STAFF**

ATTACHMENT

**COD OF ETHICS FOR THE MILITARY
IN THE ARMED FORCES**

(Excerpt from "THE STATUTE OF THE MILITARY")

CODE OF ETHICS FOR THE MILITARY IN THE ARMED FORCES

CHAPTER I

PRELIMINARY PROVISIONS

Article 1 This Code establishes the rules of military ethics for the active duty and retired members of the Armed Forces.

Article 2 Duty, valor, sense of honor, personal honor and decorum are the basis of military ethics.

Article 3 The military, a special Motherland servant, is required to behave in a way that is compatible with the precepts of this Code and other moral, civic and legal principles, demonstrating before society the integrity and dignity of the profession.

CHAPTER II ON MILITARY VALOR

Article 4 The following are essential manifestations of military value:

I – Patriotism that translates into a steadfast willingness to fulfill the military duty, and the solemn oath of loyalty to the Motherland that includes sacrificing one's life.

II- Public spirit and reverence to historical traditions;

III- Faith in the high mission of the Armed Forces;

IV- Esprit de corps, military pride for the organization he/she serves;

V- Love to the profession of arms and enthusiasm in its exercise

VI- Technical-professional enhancement

CHAPTER III ON THE PRECEPTS OF MILITARY ETHICS

Article 5 It is the military's duty to follow the following precepts of military ethics:

I- To love truth and responsibility as a foundation of personal dignity;

II- To perform with authority, efficiency and honesty the functions that are assigned because of function, position or rank;

III- To respect the dignity of the human being;

IV- To comply with and enforce laws, regulations, instructions and orders of the appropriate authorities;

V- To be just and impartial when judging acts by subordinates and when reviewing their merit;

VI- To care for one's own moral, intellectual and physical fitness and that of his/her subordinates, having in mind the fulfillment of the common mission;

VII- to use all his/her energies for the benefit of the service;

VIII- To practice camaraderie and develop continuously a spirit of cooperation;

IX- To be discreet in his/her attitudes, manners as well as in written and spoken language;

X- To abstain from dissimulated behaviors in order to gain benefits or pass for someone he/she is not;

XI - To abstain from dealing with secret matters of any kind outside the appropriate setting;

XII - To respect civilian authorities;

XIII- To comply with one's duties as a citizen;

XIV- To act irreproachably in public as well as in private live;

XV- To observe norms of good manners and good behavior;

XVI- To assure moral and material support for the family;

XVII - To behave - even when off duty or retired - in a way that will not hamper the principles of military discipline, respect and decorum;

XVIII- After retiring, to abstain from using hierarchical designations:

- a) in political-partisan activities;
- b) in commercial activities;
- c) in industrial activities;
- d) in order to discuss or to create debates through the press on political or military issues, with the exception of subjects of a strictly technical nature;
- e) when holding a position or performing a function of a civilian nature, even in an official capacity;

XIX- to care for the good standing and image of the Armed Forces and each of its members, complying with and implementing the precepts of military ethics;

XX- to revere national symbols;

XXI- To preserve secrets obtained due to personal trust or because of a command, leadership or direction position, as long as it does not constitute a crime;

XXII- to prevent personal interests and ambitions from superseding service interests;

XXIII- to strive for personal and professional aggrandizement of directly subordinated military;

Single Paragraph. Infringement of military ethics precepts will grow in seriousness with the rank of the offender.

CHAPTER IV

Article 6 The military is barred from:

I- Using rank or position, functional facilities, friendships, position and influence to obtain any favors for him/herself or to manage third parties interests;

II- Entering in collusion, guided by his/her feelings of solidarity, to violate this Code of Ethics or the Code of Ethics his/her professional group in the Armed Forces;

III- Acting deliberately to the detriment of his/her subordinates;

IV- Blocking or hampering the regular exercise of another military or any person, by reason of his/her professional activity;

V- Allowing or encouraging animosity, antipathy, or intrigue between peers and subordinates;

VI- Employing any illegal means to achieve advantages in the career selection process, during any course or through the full length of the career;

VII- Using inside information obtained within the Force for one's own or somebody else's benefit;

VIII- Participating in any institution that encroaches on the morals, honesty and dignity of the individual;

CHAPTER V GENERAL PROVISIONS

Article 7 Norms on jurisdiction, procedures and punishment from Disciplinary Regulations of each Service will be applied as ancillary to this Code.

Single Paragraph. No disciplinary punishment will be applied when an infringement of provisions in this Code characterizes a crime.