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Afonso Arinos Proposes Institutional Reform

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On August 23, the national press published a study prepared by Senator Afonso Arinos (UDN-GB) recommending Brazil's adoption of a modified parliamentary system of government. Prior to this, Arinos had discussed his recommendations with President Castello Branco and had circulated the study among leaders of all major political parties. The study was released only a few days after an authoritative press report indicated that the President was willing to have the question of institutional change examined, and was viewed as part of a greater effort to stimulate the discussion of such change. While chances are slim that the Castello Branco regime will move to have Arinos' recommendations adopted in toto, the study may help to form the basis for national debate and could have some influence on the final version of the reform the regime is expected to propose. It is in this connection that the complete text of the study as reprinted in the press is forwarded as an enclosure to this airgram.

In his study, Arinos argues that the presidential system of government has not proved adequate to Brazil's needs and conditions. He states that during eighty years of presidential government, with varying social and economic conditions, Brazil has known only constant political instability and recurrent political crisis. He traces this to an emotional radicalization of the country generated by intense competition between presidential candidates who, at best, represent only points of convergence of diverse interests. He argues that presidentialism, weakened by the malady of a proportional representation system that gives no party a majority vote, and

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CONFIDENTIAL

A-205, Page 2
Rio de Janeiro

bound by juridical form, cannot adapt itself to changing social factors. In the present circumstances, he asserts, with progressively worsening socio-economic-demographic factors, radicalization will take on ideological overtones. This in turn will lead to agitation and more severe political crises and eventually cause new military interventions. The cycle can only be broken, Arinos suggests, by change to a parliamentary system of government in which popular opinions and aspirations are more truly represented and reflected.

The Arinos proposal, described variously as "mitigated presidentialism" and "fortified parliamentarism" really has elements of both a parliamentary and a presidential regime. Arinos argues that in Brazil parliamentary government will only be viable if the President, as Chief of State, is elected indirectly, is politically active, and is endowed with certain independent powers that are not less than those held by the Prime Minister. The President, under his system, would have the power to indicate prime ministers and to dissolve parliaments. He would have a power of veto over legislation, and he would be able to fill certain high government posts and to make promotions within the armed forces.

The Prime Minister, on the other hand, would have all of the other powers of government. He would name his own cabinet, which would have to be approved by the Chamber of Deputies, and, subject to the presidential veto, he would be in a position to chart the political-administrative course of the nation. The right to initiate government expenditures would be an exclusive prerogative of the Prime Minister and his cabinet.

The Chamber of Deputies would take on all of the real legislative functions and powers, reducing the role of the Senate to that of an elective Council of the Republic. In exchange for this, the Senate would be given the right to elect provisional cabinets, to have a voice in the nation's foreign policy, and to act as a tribunal in the cases of federal intervention in the states. The role of the judiciary would remain much the same as it is now.

Arinos concedes that a special problem created by this institutional change would be the relationship between the central government and the state governments. This problem is so complicated, however, that he suggests the present structure be maintained initially and changed only after further study and consultation.

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A-205, Page 3
Rio de Janeiro

Finally, Arinos points out that the revolution is committed to a political restoration, and he stresses that the opportunity and need for such restoration is at hand. The imminent expiration of the Ato Institucional and the likelihood of early crystallization of positions in next year's presidential election make it absolutely urgent to seek reform now or to lose the opportunity altogether.

Comment: The Arinos' proposal is too general to merit a detailed analysis and critique here. Even so, one is compelled to wonder if, in practice, the system would not degenerate quickly into a power struggle between the President and the Prime Minister or, alternatively, into a disguised presidential system in which the Prime Minister simply did the bidding of the President.

It is interesting to note that the association of Arinos' name with the move for reform has produced a rather negative reaction. Arinos, who was Foreign Minister under Janio Quadros and during the early part of the parliamentary period which followed Quadros' resignation, is well remembered as the architect of Brazil's "independent" foreign policy. As such, he is not highly regarded by many of the civilian and military members of the revolution.

For the Ambassador:

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