Lula's Power is Brazil's Arm

The importance of strong political opposition for fighting COVID-19 in Brazil

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On 8 March 2021, Judge Edson Fachin from the Brazilian Supreme Court (STF) made a decision that frees former President Lula from all convictions falling upon him. This might decisively affect the course of the next presidential elections in Brazil, in 2022, as it puts former President Lula back in the presidential race. Perhaps even more importantly, its consequences might help in the fight against the Covid-19 crisis in Brazil.

The country is in the worst moment of the pandemic so far, and what it desperately needs is a leader who is able to gather the support of the population, and to trigger civic sentiments of union and mutual help to overcome this crisis. Lula is now appearing as a possible savior and he might help to mitigate at least some of the disastrous effects of the government's inconsequent administration of the pandemic so far, by putting pressure on President Bolsonaro to soften the denial approach he has been taking in relation to the pandemic.

The judgment and its background

Judge Fachin ordered the annulment of all decisions taken in four criminal procedures in which former President Lula da Silva was convicted for corruption and sentenced to prison. In all four procedures, the convictions had been confirmed in the second instance, with the consequence, according to the so-called "Lei da Ficha Limpa" in Brazil, that Lula was then on ineligible for public office. Judge Fachin's decision now determines that all these convictions are void due to a lack of jurisdiction of the first instance judge, and that the cases must be re-initiated and judged anew by the competent judges (for further information see entry on this blog). On top of its immediate legal consequences, this decision is likely to have important political implications, as it also frees former President Lula from ineligibility for public office.

Covid-19 crisis and politics in Brazil

This decision comes at a time when Brazil is the focus of attention for being the epicenter of the pandemic crisis worldwide, seeing death rates rampantly increase, and the current federal government – which has been against lockdown, masks, vaccines, and whose leader travels around the country promoting public gatherings everywhere he goes – is having a hard time dealing with the crisis, as well as fighting to stop the economy from going down the drain.

As is of public knowledge, the federal government in Brazil (lead by President Bolsonaro) is displaying a disastrous administration of the crisis. The current month of March promises to be the worst so far nationwide. Daily death rates have never been so high (topping the 2,000) and the health system of various states and big cities in Brazil are collapsing or on the verge of collapse, a fact aggravated by a new and more contagious variant of the virus that is quickly spreading among the population. In spite of these facts, the federal government has systematically resisted to support protective measures, was slow in negotiating and concluding agreements for the purchase of vaccines, and has also waived its responsibility for deciding about lockdown measures, passing the trouble to state governors. President Bolsonaro himself, who is in a constant war with the media and adopts a rhetoric of denial and antagonism, has been on several occasions critical of vaccines, the efficacy of masks, lockdown, and even downplayed the effects of the pandemic. Indeed, it took some time until he was prepared to publicly admit that there was actually a problem. On July 2020, for instance, he vetoed parts of

a federal law determining the obligatory use of masks in public places, cancelling its obligatory character in commercial establishments, schools, churches. He also vetoed the obligation of the public power to distribute masks for free to the poor population and to make public campaigns in favor of the use of masks. He has also been giving wide repercussion to his decision not to take any vaccine against COVID-19 (though he seems to have recently changed his mind on the matter).

A national alliance against Covid? Threat of impeachment?

Given the urgency of the situation and the constant negative signals sent by the federal government, the idea is gaining some traction, especially in some sectors of Brazilian society, that other institutional actors should side against the President and his government and take the lead on the administration of the COVID-19 crisis. The suggestion is that these actors (e.g. presidents of the two chambers of Congress, state-governors, the Supreme Court) promote an institutional rupture, and should together articulate a national front against the federal government to save the country. This has not happened so far, but if the crisis continues worsening, it might.

Another Damocles sword over the President is the looming threat of impeachment. In the last months, voices in Brazil have been growing that the only way to save the country from this crisis is by removing the President through an impeachment process. President Bolsonaro has been up to now the object of 74 impeachment requests, 69 of which are still pending analysis by the President of the Chamber of Deputies. Most of these requests have to do with the President's conduct in the management of the Covid crisis.

Lula as the (indirect) savior?

With Judge Fachin's decision, a new factor has emerged. Because the path of former President Lula is free for the next presidential elections, he might now be able to occupy a position in the public debate in Brazil that he was not able to occupy before, namely, that of an informal leader of the opposition to the current government, a position that no one has yet occupied very effectively. In his first speech after the STF's decision, former President Lula strategically positioned himself in the role of a leader for a nation in crisis, adopting an opposite rhetoric from current President Bolsonaro. While President Bolsonaro is constantly putting measures to fight the pandemic into doubt, Lula relied on a more conciliatory approach, stressing the need of prudence, masks, vaccination, social isolation, which is the rhetoric to be expected from a leader at such critical moment (comparable to the rhetoric recently adopted by US-President Joe Biden in his opening speech).

Election campaign strategy and Covid

Though it is too early to tell if former President Lula is capable of fulfilling the leader role well, this might put pressure on the government and the current President to act responsibly in relation to the COVID-19 crisis in Brazil, even if they are not personally willing to do so. Independently of the corruption allegations raised against him, and of the strong movement that has been formed in recent years against Lula and his political party in Brazil, Lula is still admired and supported by many. It can be hardly doubted, even by the fiercest critics, that a powerful and charismatic opponent has entered the stage of the presidential race. Though his candidacy has not yet been confirmed and it is unclear whether he is actually planning to aim for the presidency again, the mere chance that he might is already putting pressure on current President Bolsonaro to revise his strategy in relation to the Covid pandemic; if not for a civic concern with the population and the country, at least out of prudential reasons not to erase the chances of success that he may still have in the next presidential elections.

In the media, it has been claimed that contrary to President Bolsonaro's original intentions members of the government now admit that promoting a strong polarization in the next electoral campaign might be a dangerous move, especially against former President Lula. This claim is partly based on the fact that Judge Fachin's decision, which puts former President Lula back on the race, complicates President Bolsonaro's

plans to increase his political support among the poor – which has traditionally been a basis of support for Lula – and puts pressure on the President to treat vaccination and the fight against the pandemic as a top-priority, something that he has not done so far.

On the 10 March 2021, a few hours after former President Lula gave his first speech, President Bolsonaro presented himself for the first time since 3 February in an official event with a mask, in order to sign two legislative proposals approved by Brazil's National Congress, with the aim of facilitating the purchase of vaccines, and which he fiercely opposed (PL 534.2021 and PL 2.809/2020). Since 3 February, there have been at least 36 official events in Brazil with the President's participation – among which there were hearings, meetings with ambassadors and other ceremonies. In all of them, he was not using a mask. This has become his standard behavior, as well as of many of his ministers and assessors, especially when they publicly appear on the side of the President. According to the media in Brazil, Bolsonaro's appearance with a mask was a clear reaction to former President Lula's speech, which put the government and Bolsonaro in a defensive position, and forced the government to act, responsibly and quickly. Triggered by one of President Bolsonaro's sons, President supporters are now starting a massive campaign in the social media to spread the slogan "The vaccine is our arm" (tagged in a picture of President Bolsonaro), in order to counter former President Lula's speech and the numerous criticisms President Bolsonaro has received for being more concerned with facilitating the purchase of guns, than of vaccines and masks, by the Brazilian population. A curious move, especially coming from a group that has been, not long time ago, strongly opposing mass vaccination and denying the existence of the pandemic.

If Lula exercises his role well, he might help to mitigate at least some of the disastrous effects of the government's inconsequent administration of the pandemic so far, simply by forcing the government to react to his opposition and by putting pressure on President Bolsonaro to soften the denial approach he was taking in relation to the pandemic.

A chance to fight Covid-19

The STF's judgment, whatever one might think of the judgment itself and of the possible political motivations behind it, seems to have created a chance for Brazil to finally fight against Covid-19 in the political realm. Putting Lula back on stage might be an efficient, even if not uncontroversial, mechanism to put the current government in its place, one that may not involve engaging in a process as uncertain and demanding as an impeachment, especially in the context of a democracy that is already struggling, and in a moment that craves for urgency and national consensus. What the country desperately needs is a leader who is able to gather the support of a significant amount of the population, and to trigger civic sentiments of union and mutual help to overcome this crisis. Whether the opposition led by former President Lula might help in that regard remains to be seen. A strong opposition is in any case needed before it gets too late; if it is not too late already.

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