

MONITORING THE MILITARY CONDITION IN THE PORTUGUESE ARMED FORCES¹

A CONDIÇÃO MILITAR NAS FORÇAS ARMADAS ASSOCIADA À SUA MONITORIZAÇÃO EM PORTUGAL

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Abstract

The Military Condition is a legal status based on the Constitution and the law, which restricts some basic rights, imposes some special duties, and grants some special rights to Portuguese military personnel. This legal status affects the professional, personal and family life of military personnel and has repercussions for the performance of the Armed Forces. However, the Portuguese State does not have an institutional dedicated mechanism to assess the relevant aspects of the Military Condition over time. This case study uses a mixed methods research strategy supported by an inductive reasoning methodology to monitor the Military Condition in Portugal. The study analyses the mechanisms used by Spain, France and the United Kingdom, assesses the perceptions of military officers and the vision of eleven high renown personalities from the political and Armed Forces elite of the National Defense. A critical analysis of the questionnaire responses and interview answers revealed that an independent mechanism to monitor the Military Condition in Portugal should be created at the highest level of the State that honours the Nation and its military personnel.

Keywords: Military Condition; Restrictions to rights; Rights; Perceptions; Monitoring the Military Condition.

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Resumo

A Condição Militar é uma situação jurídica dos militares das Forças Armadas que deriva da Constituição e da Lei, consubstanciando-se em restrições de direitos fundamentais e imposição de especiais deveres e, em contrapartida, na atribuição de alguns direitos. Apesar da Condição Militar determinar a vida profissional, pessoal e familiar dos militares, com repercussões na operacionalidade e eficácia das Forças Armadas, não existe em Portugal qualquer mecanismo institucional que, de forma exclusiva, permita ao Estado avaliar a sua evolução, atualidade e pertinência. Tendo por objetivo propor um mecanismo de monitorização da Condição Militar nas Forças Armadas em Portugal, o presente estudo de caso assenta numa estratégia de investigação mista, concretizado na análise das soluções adotadas em Espanha, França e Reino Unido para aquele efeito e das perceções dos oficiais das Forças Armadas, bem como na visão de onze personalidades de renome pertencentes à elite política e militar da Defesa Nacional. Da análise crítica dos resultados dos inquéritos por questionário e entrevistas realizados, este estudo permitiu concluir pela necessidade de criação em Portugal de um mecanismo de monitorização da Condição Militar, ao mais alto nível do Estado e constituindo-se como um órgão independente que dignifique o País e os seus militares.

Palavras-chave: *Condição Militar; Restrições de direitos; Direitos; Perceções; Monitorização da CM.*

1. Introduction

The Military Condition (MC) is a social and legal reality that establishes a status specific to Armed Forces (AAFF) personnel, placing them exclusively at the service of the Republic and the national community.

Pursuant to Articles 273 and 275 of the Constitution of the Portuguese Republic (CRP) (Constitutional Law No. 1/2005 of 12 August), the AAFF's main mission is the military defence of the Republic. This mission requires that military personnel be politically neutral, not only institutionally but also in their personal lives (Morais, Araújo & Leitão, 2000, p.304).

To ensure that the AAFF are a credible, disciplined and obedient military instrument (Pimentel, 2008, p.345), and to prevent military force from being used to coerce legitimate political institutions (Carreira, 2016, p.13), the Portuguese legal and constitutional order defines a set of restrictions to the exercise of some basic rights and imposes special functional and deontological duties on military personnel which distinguish them from other citizens (Pimentel, 2008, p.345). In return, the Nation grants special rights, compensations and benefits to military service members (Law No. 11/1989 of 1 June 1989).

Therefore, the MC as a legal reality stems from the CRP, characterized in the General Bases Law of the Military Condition Statute (LBGECM) (Law No. 11/1989).

In the words of retired Supreme Court of Justice Councillor Judge Bernardo Colaço: “the MC is a national issue” (Colaço, 2019).

The MC is often addressed and discussed in various *fora* both in its legal and social dimensions, and also in its deontological and socioprofessional dimensions. Furthermore, Portugal's political decision makers frequently allude to the need to value and honour the AAFF and military service

members. However, the question of monitoring the MS has never been raised.

Despite the fact that the MC is a status imposed by the State that affects the entire professional life of service members, with significant repercussions for their personal and family life, Portugal does not have an institutional mechanism to assess how military personnel perceive that status and how institutions and society perceive its timeliness and relevance. This is especially important because this status has endured even though the factors that affect it have naturally changed.

On 17 February 2016, during his farewell address to the AAFF at the Military University Institute (IUM), President of the Republic (PR) Professor Anibal Cavaco Silva stated that “preserving and dignifying this [military] condition is an obligation that must be clearly undertaken by the State and cultivated with honour and sobriety by military service members. To damage or devalue the military condition is to weaken the Nation [...]. (cited in Strategic Reflection Group, 2017, p.378)

Therefore, addressing this problem by analysing the MC in the AAFF from the perspective of monitoring is not only innovative (because there have been no studies in Portugal to date that have addressed this topic) but also extraordinarily timely and relevant, as it will make it possible to achieve some objectives that have seldom gone beyond the realm of rhetoric, such as improving the MC, something that allied and friendly countries have already done.

To analyse an admittedly broad object of study – the Military Condition in Portugal – the following time, space and content delimitations have been identified for this study (Santos & Lima, 2019), respectively, the present situation (2020), the active duty career officers (QP) and the MC monitoring in Portugal, including the analysis of the mechanisms used in the AAFF of Spain, France and the United Kingdom.

The general objective (GO) of this study is to propose a mechanism to monitor the MC in Portugal by analysing the solutions used by the AAFF of other countries, specifically Spain, France and the United Kingdom – Specific Objective 1 (SO1) – and the perceptions of AAFF QP officers about the MC (SO2).

To achieve these objectives, the following Research Question (RQ) was posed: **What mechanism to monitor the MC in the AAFF is proposed to Portugal?**

2. Theoretical and conceptual framework

This chapter presents the literature review, the key concepts and the analysis model.

2.1. Literature review and key concepts

This section contextualises the study and identifies three key concepts: the MC, how military personnel perceive the MC, and monitoring the MC in the AAFF.

2.1.1. Military Condition

Article 270 of the CRP states that:

Strictly to the extent required by the specific demands of the respective functions, the law may establish restrictions on the exercise of the rights of expression, meeting, demonstration, association and collective petition by full-time military personnel and militarised agents on active service [...].

In other words, “the Constitution expressly allows for restrictions on the exercise of certain fundamental rights strictly to the extent required by their functions, that is, these restrictions must not exceed what is strictly necessary” (Carreira, 2016, p.13).

Articles 18(3) and 270 of the CRP state that the basic rights of military personnel can only be restricted through a formal law. Thus, the Portuguese parliament (Assembly of the Republic (AR)) used its exclusive powers (as defined in Art. 167(m) of the Basic Law in force at that time, which was based on Constitutional Law No. 1/82 of 30 September) to pass the LBGECM by a majority and not a single vote against. Article 1 of the law states:

“This law establishes the general basis for the exercise of rights and the fulfilment of duties by military career personnel, in any situation, and of all other military personnel while on active duty, also defining the principles that guide the military career”.

The MC is described in paragraphs a) to i) of Article 2 of this Law, which specify the the duties and restrictions to the rights of military personnel (first eight paragraphs) and explain their rights (last paragraph). The subsequent articles elaborate on this characterisation.

Pimentel (2008, pp.146,147) highlights some of those duties: “to be at constant readiness to defend the Homeland, sacrificing one’s own life if necessary”; the fact that military personnel are exposed to the “inherent risks of military operations, as well as risks inherent to training, instruction and preparation for these operations”; the obligation to be “permanently available for duty, even at the sacrifice of their personal interests”; the need to “conduct themselves in accordance with the military ethos in all situations, thus contributing to the prestige and moral legitimacy of the AAFP”; and, with regard to discipline, the fact that they must “obey all orders issued by a superior promptly and diligently, as long as they do not imply the practice of a crime”.

According to Pimentel (2008, p.140), “discipline is the core military value, along with the chain of command, which includes political decision makers”. Prata (2012) highlights two individual values that are essential to the military profession: discipline and courage. Thus, this author agrees that discipline is the fundamental principle of the operation of the AAFP.

All these duties have a purpose, which corresponds to the AAFP’s main mission, that is, the military defence of the Republic. Therefore, all the mental, physical, technical and deontological training given to military personnel focuses on combat and all its components (Pimentel, 2008, p.53).

As for the rights granted to military personnel through the LBGECM, Pimentel (2008, pp.146,147) stresses that “they enjoy all the rights and freedoms granted to other citizens, but the exercise of some of these rights and freedoms is subject to personal and material constitutional restrictions, as set out in the National Defence Law [LDN]” approved by Organic Law No. 1-B/2009 of July 7 and amended and republished by Organic Law No. 5/2014 of 29 August.

The LBGECM grants military personnel “special rights, compensation and benefits in the areas of Social Security, assistance, wages, risk coverage, career and training” (Art. 2(i)), and specifies that:

Military personnel and their families are legally entitled to an assistance and protection system that covers retirement pensions, survivor, death and disability pensions and other forms of assistance, including health care and social support (Art. 15(2)).

Another important consequence of Article 7 of the LBGECM is the LDN (Organic Law 5/2014), which contains 11 articles² that pertain specifically to the military, two of which are particularly relevant: Article 25, which states that: “Armed Forces personnel are at the exclusive service of the Republic and the national community, and voluntarily take on the rights and duties inherent to the military status, under the terms of the law”; and Article 27, which sets out “General rules on the exercise of rights”. The latter includes the following three paragraphs:

1. In exercising their rights, service members on active duty are subject to the duties inherent to their military status and must conduct themselves in accordance with military ethos and respect the cohesion and discipline of the Armed Forces.
2. Active duty military personnel are strictly non-partisan and cannot use their service weapon, their rank or their position to intervene in any political, party or union activities. This corresponds to the duty of impartiality.
3. The constitutionally granted workers’ rights that stem from the basic rights described in the articles below do not apply to military personnel on active duty, who are restricted from freedom of association, the right to establish and join workers’ committees and the right to strike.

Based on Article 27(3) of the LDN, and on the specifications of Articles 28 to 35, military personnel are barred from virtually all basic rights referred to in Article 270 of the CRP (Morais et al., 2000, p.308).

The Statute of Armed Forces Personnel (EMFAR) (approved by Decree-Law No. 90/2015 of 9 May and amended by Law No. 10/2018 of 2 March) expands on the LBGECM and is based on the LDN, as its Article 1 states.

The Preamble to the Decree Law that revises the value of the Military Condition Supplement (MCS) (Decree-Law No 50/2009, February 27) is also relevant to this topic:

Therefore, the military condition is based on a specific set of rights and duties pertaining to military personnel, who must obey certain principles throughout their careers. Sacrifice, abnegation and demands which are specific to military personnel, as are the corresponding rights, are features of military duty. This means that military personnel are inherently different from other Public Service [PS] workers.

When discussing the MC, the tendency is to focus on the legal framework or on socioprofessional issues. However, accounting only for the legal or socioprofessional dimensions of the MC would be reductive (Strategic Reflexion Group, 2017, p.171). In addition to these dimensions, the MC also refers to military values, conduct and ethos, and thus has a deontological dimension, as well as a social dimension because service members are also citizens and people, just as everyone else, and are embedded in a constantly changing social structure (Strategic Reflection Group, 2017, p.171).

2.1.2. Perceptions

Analysing the perceptions of the AAFF QP officers is crucial to understand what they think about the different dimensions and values associated with the MC. Their answers will enrich this study, thereby making it more relevant.

The role of service members in society is framed by five dynamic dimensions: the

² Articles 25 to 35, both included.

international context, as we live in a global world; a State / Society, as all service members have their own stories, cultures, characteristics and relationships; the organizational context, as they are part of the AAFB; their relationship with their fellow service members, which is based on the concept of *sprit-de-corps*, as each service member has a duty of loyalty and solidarity with other service members; and their status as human beings and citizens, as each service member is also a Man and a citizen (Batista, 2019).

The perceptions of AAFB personnel about the MC are thus multifaceted and subject to this range of dynamic influences.

According to McDonald (2011), perception is as complex as the human mind, which uses sensory and cognitive processes to appraise the world around it by processing information and creating mental models. The attributes that define perception are sensory awareness (or cognition) of an experience, personal experience, and comprehension that may lead to a response. Perception is an individual perspective. By processing sensory information and past experiences, people create a “lens” through which to see the world, a filter of sociocultural influences. Each military service member has their own personal life experiences, which in turn influence their perceptions. The only perceptions we truly know are our own. If the perceptions of an individual, society or State come into conflict, this can lead to lack of communication, motivation and ability to achieve goals or, in the case of the AAFB, to the inability to accomplish the mission. Knowing how service members perceive the MC is crucial because it is through this constitutionally imposed status that the State, through the AAFB, guarantees the military defence of the Republic and ensures that service members are able to fulfil their ultimate mission – to wage war and to prepare for war –, the principle on which States’ military vision is based: *si vis pacem, para bellum*³ (Carreira, 2016, p.1).

2.1.3. Monitoring

The term “monitoring” comes from monitor, that is, a device or a person who monitors something to control, oversee or supervise a situation. The etymological origin of the word is the Latin *monitore*, which means the one who warns, who warns by saying what he knows, or who warns and advises. Monitoring means to oversee, control, supervise and assess data or information in a regular, organized way, to verify a situation and detect any anomalies or aspects that require adjustment (Santos, 2018).

For this study, monitoring is the product of the organizational mechanism that will be proposed to assess if there is a balance between the restrictions to rights, freedoms and guarantees and the additional duties imposed by the State on military personnel, and if they effectively benefit from the special rights that they are granted, as well as all other aspects of the MC. The results of these assessments can be used to ensure that service members are always able, ready and motivated to fulfil their mission, thus increasing the prestige and effectiveness of the AAFB.

Some friendly and allied countries, specifically France, Spain and the United Kingdom, can be used as references due to their cultural proximity, the good relations between their

³ If you want peace, prepare for war (free translation by author).

AAFF and Portugal's, and the experience they have acquired through their mechanisms to monitor the MC. Therefore, their concepts, practices and procedures may inspire and contribute to the creation of a similar mechanism in Portugal.

Monitoring the MC at an institutional level may be useful to counter the fateful words of 18th century French Marshal Maurice de Saxe: *“Nous autres soldats, nous sommes comme des manteaux. On se souvient de nous quand vient la pluie”*⁴ (cited in Dudognon, 2000, p.1).

2.2. Analysis Model

The study is organized according to the model of analysis presented in Table 1.

Table 1 – Analysis model

General Objective	To propose a mechanism to monitor the MC in the Portuguese AAFF.		
Research Question	What mechanism to monitor the MC in the AAFF is proposed to Portugal?		
Specific Question 1	– To analyse how the MC is monitored in the AAFF of Spain, France and the United Kingdom.		
Subsidiary Question	– How is the MC monitored in the AAFF of Spain, France and the United Kingdom?		
Concepts	Dimensions	Indicators	Data collection techniques
– Military Condition – Monitoring	Institutional (in each country)	– Body and purpose – Powers and responsibilities – Composition and mandate length – Mode of operation – Areas of activity – Product – Place of operation / support	Literature review
Specific Objective	– To analyse how AAFF QP officers perceive the MC.		
Subsidiary Question 2	– How do AAFF QP officers perceive the MC?		
Concepts	Dimensions	Indicators	Data collection techniques
– Military Condition – Perceptions	Legal	– Reasons for the restrictions – Justification for the MC – Description of the MC – Responsibility for the MC – Relevance of changing the LBGECM – Monitoring in Portugal	Questionnaire survey
	Functional	– Careers and promotions – Motivation – Wages – Living conditions / values / ethics – Professional – Deontology / values / ethics	
	Socioprofessional	– Military associations and unions – Quality of life – Social support, health care and additional support – Social recognition	

⁴ “We soldiers are like umbrellas and raincoats. They only remember us when it rains” (free translation by author).

3. Methodology and method

This chapter describes the research methodology and methods.

3.1. Methodology

This study uses an inductive reasoning methodology (Marconi & Lakatos, 2003) based on a mixed research strategy (both qualitative and quantitative) (Creswell, 2013) and a case study research design (Yin, 2006).

3.2. Method

3.2.1. Participants and procedure

Participants. The study sample consists of 132 QP officers on active duty from the three branches of the AAFP, all of whom are IUM students and garrison, with ranks of LT/CAPT (52 officers), LCDR/MAJ (28 officers), CDR/LTCOL (15 officers) and CAPT/COL (37 officers) (41 from the Navy, 60 from the Army and 31 from the Air Force). A non-probabilistic convenience sample (Coutinho, 2014) was used because IUM officers (garrison and students) come from all AAFP branches, and because some of these officers will soon be eligible for promotion to field grade officers and general officers (GENOF).

The study sample also included eleven political and military decision makers and experts of recognised standing in the field of ND, who answered an applied semi-structured interview script. Table 2 contains the list of interviewees (I).

Table 2 – List of interviewees

Code	Expert	Position / role	Organization
I1	Vice Admiral Novo Palma	Deputy Chief of the Navy Staff	Navy
I2	Dr. Alberto Coelho	Director General	Directorate General for National Defence Resources of the Ministry of National Defence
I3	Admiral Mendes Calado	Chief of the Navy Staff	Navy
I4	General Nunes Borrego	Chief of the Air Force Staff	Air Force
I5	Vice Admiral Sousa Pereira	Director General	National Maritime Authority
I6	Command Chief Master Sergeant Lima Coelho	Chairman	National Sergeants Association
I7	Lieutenant Colonel Costa Mota	Chairman	Armed Forces Officers Association
I8	Professor José Fontes	Full Professor	Military Academy
I9	General Nunes da Fonseca	Chief of the Army General Staff	Army
I10	Lieutenant General Vaz Antunes	Head of the Military House to the PR	Presidency of the Republic (PR)
I11	Dr. Marcos Perestrello	Chairman	National Defence Committee

Procedure. The questionnaire was delivered online between 13 November and 24 December 2020. Before this, a pre-test questionnaire was filled-out by six Navy field grade officers. All participants were duly informed about the purpose of the study, of the fact that there were no correct / incorrect answers, as well as of the average duration of the

questionnaire. All participants were assured of the anonymity and confidentiality of their answers. All interviewees were informed about the purposes of the study and the questions that would be explored during the interviews, which were conducted online and face-to-face between February and April 2020.

3.2.2. Data collection instruments

Data were collected through a literature review that focused on legislation, articles and documents on the MC. This included the annual reports issued by the CM monitoring bodies in the AAFP of Spain, France and the United Kingdom. Later, a questionnaire survey was delivered, consisting of 37 questions (Q) with 16 variables divided into three dimensions: legal; functional; and socioprofessional. The survey included multiple choice questions and questions answered on a five-point scale. The survey was based on the following studies: “Estudo de Caracterização Sociodemográfica e de Satisfação Organizacional dos Militares do Regime de Voluntariado e de Contrato dos três Ramos das Forças Armadas - Militares em exercício de funções” [Sociodemographic Characterisation and Organizational Satisfaction in Voluntary and Contract personnel of the three branches of the Armed Forces], conducted by the Directorate General for National Defence Resources (DGRDN) in 2017; “Inquérito aos oficiais das Forças Armadas” [Survey to Armed Forces officers] conducted by the AOFA between 21 October and 30 November 2019 (AOFA, 2019); and “Inquérito à população portuguesa sobre Defesa e Forças Armadas” [Survey to the Portuguese population on Defence and the Armed Forces] conducted in 2009 (Carreiras, 2009). Data were also collected through semi-structured interviews (elite interviews). The interviews served as an opinion survey, and the interview questions were based on the main findings drawn from the analysis of the answers to SQ1 and SQ2.

3.2.3. Data processing techniques

The questionnaire survey was analysed using Google Forms to calculate descriptive statistics and measures of central tendency. The software Statistical Package for Social Sciences (SPSS) was used to run Spearman’s correlations and compare means (Cohen, & Morrison, 2000) to identify some statistically relevant correlations and differences, without, however, delving further into their causes because they fall outside the scope of this study. The content analysis technique proposed by Guerra (2006) was used to analyse the collected documents and the semi-structured interviews (opinion survey). The analyses was developed in stages: transcription, reading, summarising, descriptive analysis and interpretative analysis. Having systematised the excerpts of the interview answers that were considered relevant for each question, the study identified commonalities between the answers.

4. Monitoring the Military Condition in Spain, France and the United Kingdom

A brief analysis of the Spanish, French and British legal systems reveals that all impose restrictions and limits on the rights of military personnel, although, while there is considerable overlap in terms of compression of rights, there are also some differences. The

grounds for these restrictions are essentially the same as the AAFP requirements; however, some restrictions are also justified by the need to protect the legal and political system. The freedoms and rights that can be restricted or limited through legislation are common to all three legal systems and largely correspond to the restrictions provided for in the CRP and the LBGECEM (Pimentel, 2008, p.348).

4.1. Spain

Organic Law 9/2011 of 27 July on the rights and obligations of the members of the Armed Forces, published in the *Boletín Oficial del Estado* (BOE) No. 180 of 28 July 2011, establishes the *Observatorio de la vida militar* (OVM) [Observatory on military life] (*Ley Orgánica* 9/2011 of 27 July 2011). The purpose, responsibilities, composition and mode of operation of this Observatory are described below.

The OVM is a collegiate body whose main goal is to analyse issues that affect the exercise of basic rights and freedoms of AAFP personnel, in order to improve the legislation that governs the MC. Thus, the Observatory's goal is to strike a suitable balance between the duties and rights of service members to ensure that the AAFP can accomplish their missions at all times, thus serving Spain and international security. It is also the government body that "protects" service members by monitoring the MC.

The Minister of National Defence (MND) provides the headquarters and administrative support services required to operate the Observatory (*Ley Orgánica* 9/2011).

The general tasks of the OVM are summarised in Table 3.

Table 3 – General tasks of the OVM

To elaborate proposals on the exercise of basic rights and freedoms
To prepare reports and studies on the living conditions of the military personnel
To propose measures to help service members balance their professional, personal and family life
To help adapt the system that regulates the rights and duties of military personnel to societal changes, especially in the public service sector
To analyse the impact on military families of servicemembers permanent availability for duty, specially with regards to geographic mobility and deployments to foreign countries
To assess the needs of service members in the AAFP active duty reserves
To ensure that retired military personnel are provided welfare and passive rights protection
To analyse the reports and minutes of the AAFP Staff Council, which contain proposals or suggestions by socioprofessional associations

Source: Adapted from *Ley Orgánica* 9/2011 (2011).

The Observatory issues an annual report that lists its activities during the previous year, including opinions and recommendations as well as an update on the outcomes of the recommendations of previous reports. The OVM reports are presented to the Committees of the Congress of Deputies and the Senate.

This body is composed of nine experts of recognised standing in the fields of ND, human resources and basic rights and freedoms, five of whom are elected by the Congress of Deputies and four by the Senate. They are appointed for a period of five years. The OVM

Chair is elected by its members.

The OVM holds at least two ordinary sessions per year, and may hold extraordinary sessions as determined by the Chair or by a member majority.

4.2. France

Article L4111-1 of the *Code de la défense*⁵ states that the MC requires that military personnel be constantly willing to make sacrifices, even the ultimate sacrifice, as well as discipline, availability, loyalty and neutrality. This code also states that these duties should grant them the respect of their fellow citizens and the gratitude of the Nation and that, as such, service members should receive compensation from the State for the restrictions and demands of a life in the AAFF (Code de la défense, 2019).

In 2007, pursuant to Article D4111-1 of the *Code de la défense*, the Haut Comité D'Évaluation de La Condition Militaire (HCECM) was established. Its mission is to deliver a status report on the MC to the PR and the Parliament, including all the dimensions and factors that influence it.

Seven articles of the *Code de la défense* exclusively address the HCECM (n.d.), which consists of an independent collegiate body composed of nine members appointed by presidential decree and formally installed by the PR. The duration of the committee mandates is four years, and its composition is shown in Table 4.

Table 4 – HCECM organization

Council of State	Two Councillors of the State appointed by the PR (one of whom is the committee chair)
Civilians	Four experts proposed by the Prime Minister (PM)
National Institute of Statistics (INSEE)	INSEE Director
General Officers	Two general officers proposed by the MND
Permanent secretariat	Headed by a GENOF appointed by the MND

Source: Adapted from (Code de la défense, 2019).

The HCECM studies all aspects of the MC and publishes its opinions and recommendations in an annual thematic report. The reports are appraised by the PR and the Parliament and are made available to the public.

The following are some of the topics addressed in the annual reports produced by this body since 2007: military wages (2012); outlook and evolution of the status of military personnel (2015); the military profession in French society (2017); the living conditions of service members and their families in the places where they are stationed (2018).

The HCECM carries out its observations through the following activities: hearings with senior ND and central government officials and military decision makers; visits to military units and discussions / interviews with military personnel; observers embedded in operational units; analysis of reports, legal documents, regulations and statistics; comparison

⁵ Law on defence.

between the conditions provided to military personnel and those enjoyed by public service, private sector and AAFP personnel of allied and friendly countries.

The logistical, administrative and financial support required to operate this mechanism is provided by the MND.

4.3. United Kingdom

According to the UK government website, the Armed Forces' Pay Review Body (AFPRB) was established in 1971 as an independent advisory body tasked with advising the PM and the Secretary of State for Defence on the wages and expenses of AAFP personnel (AFPRB, n.d.).

The annual reports contain recommendations and include relevant and detailed information on the AAFP and the specificity of the military profession, such as: recruitment needs; measures to increase retention and motivation to ensure the AAFP have a capable and qualified staff; a proposed state budget for ND.

The AFPRB advises the PM on wages, allowances and other personnel costs. To do so, it compares military wages with the wages of various civilian professions and conducts a statistical analysis of all costs that service members incur (e.g., food, transport, housing or parking). Its reports and recommendations may also include any issues it believes are worth bringing to the attention of the Government.

Every year in April, the AFPRB presents its reports and recommendations to the PM and the Secretary of State for Defence. Table 5 contains a summary of the main contents of these reports.

Table 5 – Main contents of the AFPRB annual reports

Proposes wages and allowances for the following year
Compares military wages to doctors, nurses, teachers and police wages
Motivation and morale
Daily / weekly / monthly service hours
Working conditions
Conditions for military personnel stationed outside their area of residence
Well-being and other incentives
Lodging for military personnel and their families (during service tours and on leave)
Food

Source: Adapted from (AFPRB, n.d.).

The AFPRB chair is a renowned expert appointed by the PM. The remaining six members, including one GENOF, are selected through a public tender.

4.4. Brief overview and answer to SQ1

The answer to SQ1 – *How is the MC monitored in the AAFP of Spain, France and the United Kingdom?* – is that these three countries monitor the MC through an independent government body specifically created for that purpose, and that, even though each has different motivations, mechanisms and practices, all countries do so through a designated institutional body, thus adding value and prestige to the Military Institution (MI) and military service members.

5. AAFF QP officers' perceptions about the MC

This section answers SQ2 based on the analysis of the answers to the questionnaire delivered to IUM officers and to the students of the various courses offered at this Institute.

5.1. Legal dimension

Six indicators were analysed through ten questions.

Reasons for the restrictions. With regards to Q3 – What is the main reason for the constitutional restrictions on the rights and freedoms of military personnel? –, about 54% of the 132 officers identified it correctly. However, 36% believe that military personnel should have the same rights as other citizens (Q4.1) and 45% do not believe that these restrictions are required to ensure cohesion and discipline in the AAFF (Q4.2) (Figure 1).

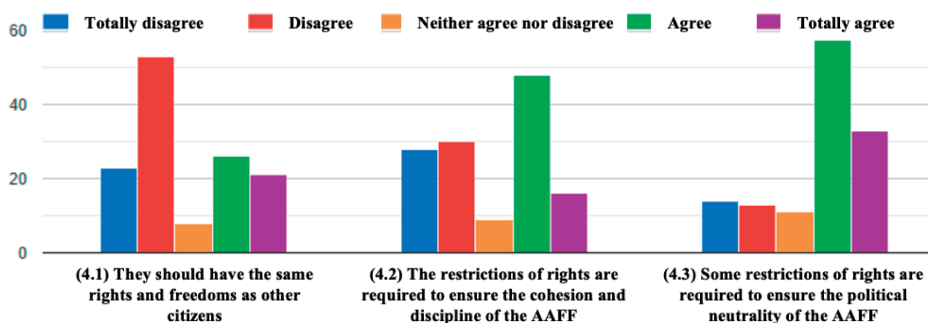


Figure 1 – Reasons for the restrictions

(Q4 – To what extent do you agree with the following statements concerning military personnel?)

Justification for the MC. The answers to Q5 – What is the MC? – reveal that 80.9% of participants agree that it is a specific feature of the military profession which stems from its status, and that 11.5% agree that the MC is a national issue. When asked about the impact of the MC on the readiness, motivation, discipline and cohesion of the AAFF (Q6), 70.3% stated that the MC is “Very Important” or “Extremely Important” (Figure 2).

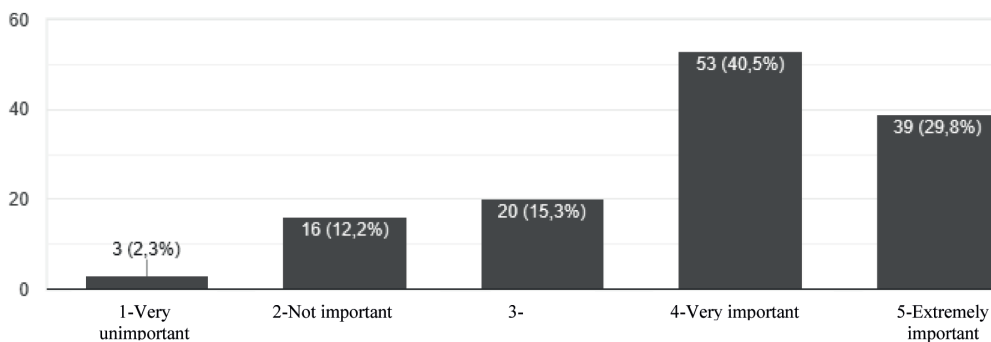


Figure 2 – Justification for the MC

(Q6 – What is the impact of the MC on the readiness, motivation, discipline and cohesion of the AAFF, both overall and conceptually?)

Definition of the MC. 34.4% of respondents answered that the MC is defined in all the listed legal instruments (CRP, LDN, LBGECEM and EMFAR). Only 31.3% of the respondents answered that the MC is defined in the LBGECEM (Q7) (Figure 3).

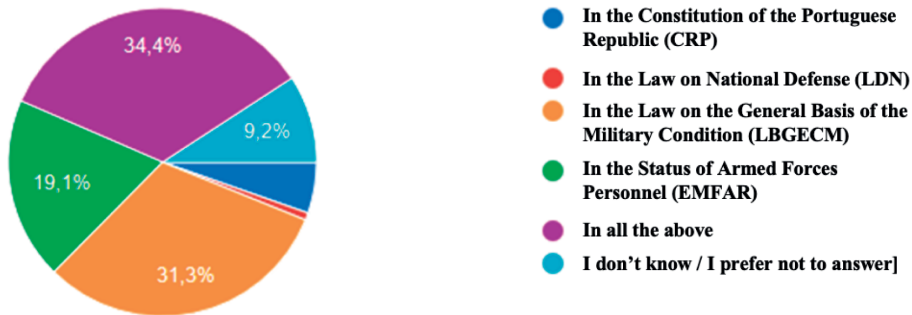


Figure 3 – Description of the MC
(Q7 – Where is the MC defined?)

Bodies responsible for the MC. 28.4% of participants state that the MND is responsible for monitoring and protecting the MC. 27.5% believe that this responsibility lies with the chiefs of military staffs, 12.2% answered that it lies with the State, and 10.7% answered that, at this time, no one is in charge of monitoring and protecting the MC (Q8) (Table 6).

Table 6 – Body currently responsible for monitoring and protecting the MC
(Q8 – In your opinion, what body is currently responsible for “monitoring and protecting” the MC?)

Order	%	Number of Officers	Responsibility
1	28.2	37	Ministry of National Defence
2	27.5	36	Military chiefs of staff
3	12.2	16	State
4	10.7	14	No one
5	9.9	13	CEMGFA
6	7.6	10	I don't know / I prefer not to answer
7	2.3	3	Others
8	1.5	2	Socioprofessional associations

Relevance of amending the LBGECEM. With regards to Q28 – In your opinion, should the Law on the General Basis of the Military Condition (Law 11/89, 01JUN89) be amended? –, 63.4% of participants believe that a study should be carried out to assess this need.

Monitoring the MC in Portugal. With regards to Q29 – In your opinion, should Portugal have a body to monitor the MC similar to the AAFP of Spain, France and United Kingdom? –, 85.5% of participants agree that the Portuguese AAFP should have a body dedicated to assessing and monitoring the MC. Only 7.6% of participants disagree with this statement.

5.2. Functional dimension

Six indicators were analysed through sixteen questions.

Careers and promotions. With regards to Q10 – Overall, do you believe that the military careers and promotions system influences the cohesion, discipline, morale and operation of the AAFP? –, 94.7% of respondents believe that they are “Very important” or “Important”. However, when asked how satisfied they are with their career progression and prospects (Q9), 55.7% replied that they are “Very dissatisfied” or “Dissatisfied” (Figure 4). Furthermore, the results show that CAPT/COL obtained significantly higher average scores than other officer ranks.

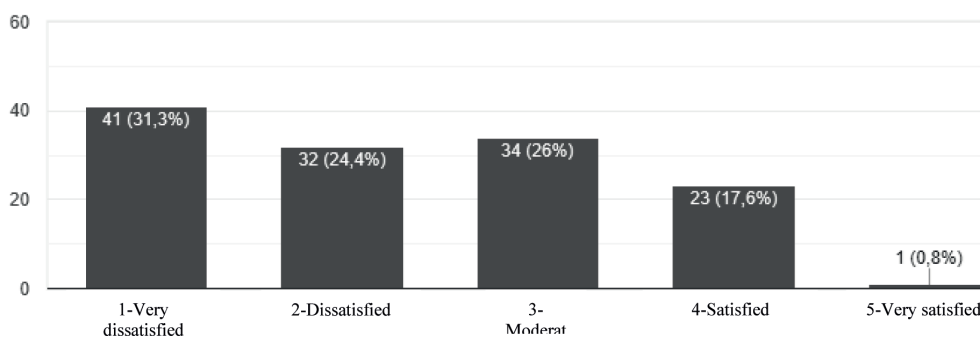


Figure 4 – Degree of satisfaction with career progression

(Q9 – To what extent are you satisfied with your career progression and / or career prospects in the military?)

Motivation. 29% of officers rate their self-esteem as military service members as “Very poor” or “Poor”. On the other hand, 46.6% rate it as “Good” or “Very good” (Q11) (Table 7). However, LT/CAPT obtained significantly lower scores than LCDR/MAJ and CAPT/COL. As for Q12 – Would you encourage your son or daughter to become an AAFP officer? –, 54.2% answered “No”, 29.8% answered “Yes” and 16% answered “I don’t know / I prefer not to answer”.

Table 7 – Self-esteem as military service members

(Q11 – How do you rate your self-esteem as a military service member?)

Rating	%	Number of officers
Very poor	6.9	9
Poor	22.1	29
Reasonable	24.4	32
Good	34.4	45
Very good	12.2	16

Wages. Two questions were asked. 79.6% of officers answered that military wages are “much lower” or “lower” than other PS professions (Q13) (Figure 5). With regards to Q14 – In your opinion, how do you rate the MCS? –, 82.6% of respondents rate it as “Very low” or “Low”.

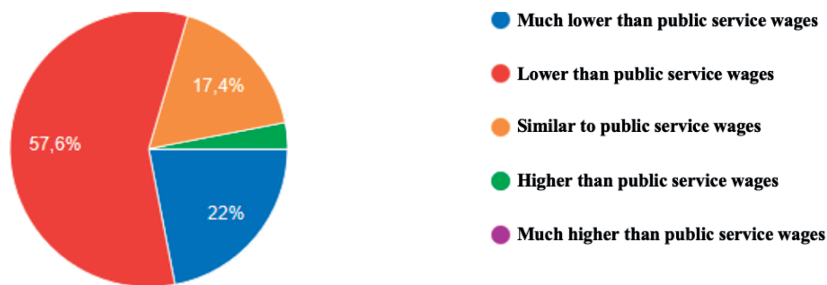


Figure 5 – Comparison of military wages and PS wages
(Q13 – Overall, how do military wages compare to other public service wages?)

Living conditions / well-being. 73.5% of respondents state that their living conditions and well-being “Have become much worse” or “worse” over the last five years (Q15) (Figure 6).

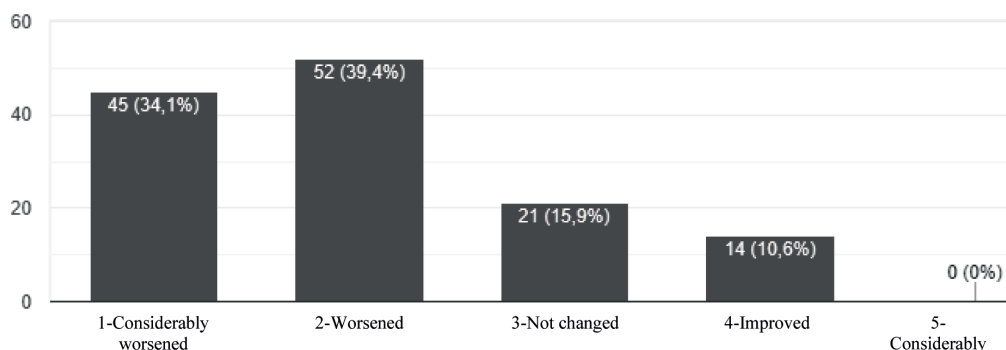


Figure 6 – Living conditions and well-being over time
(Q15 – In your opinion, over the last 5 years, do you believe that the living conditions and well-being in the Units have:)

Professional. Three questions were asked. When asked if overtime should be counted and paid (in addition to the MCS), 61.4% of respondents “Agree” or “Totally agree” (Q16) (Table 8).

Table 8 – Paid overtime

(Q16 – In your opinion, in addition to the MCS, should a maximum number of daily, weekly, or monthly working hours be defined, after which overtime must be counted and paid?)

Rating	%	Number of officers
1 – Definitely not (included in the MCS)	21	28
2 –	9.1	12
3 –	8.3	11
4 –	21.2	28
5 – Totally agree	40.2	53

The remaining two questions assess the changes in working conditions over the last five years, including health and safety at work and safety conditions in operational missions. In the first case, 52.3% of participants state that working conditions have “Considerably worsened” or “worsened” (Q17) (Figure 7). In the second case, 47.7% state that safety conditions “Considerably worsened” or “Worsened” (Q18 - In your opinion, over the last 5 years, do you consider that the safety conditions in operational missions have:).

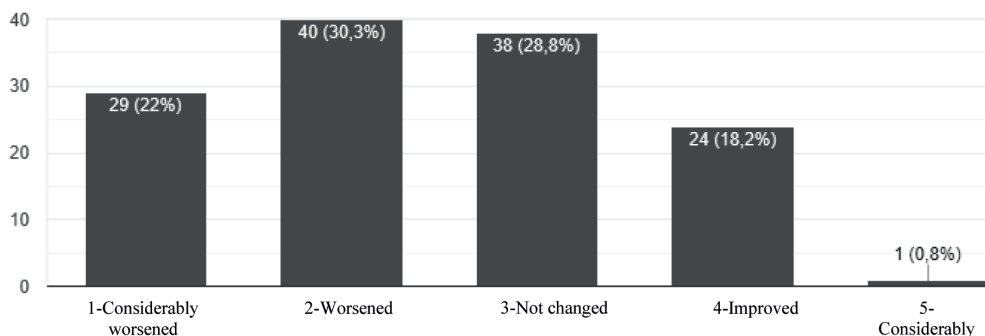


Figure 7 – Evolution of working and safety conditions

(Q17 – In your opinion, over the last 5 years, do you believe that the working conditions, including health and safety, in the Units have:)

Deontology / values / ethics. One question with several subparagraphs was asked. 89.4% of officers “Totally agree” or “Agree” that discipline is the core value of the AAFP. However, 31.8% “Disagree” or “Totally disagree” that military values are still current, and 53% “Totally agree” or “Agree” that the values and ethics of the military are increasingly similar to those of other citizens. Furthermore, 78% believe that the public recognition of the role of the AAFP has decreased. On the other hand, 54.6% believe that mission and country come first and supersede individual interests. However, 25% of officers “Disagree” or “Totally disagree” with this statement (Q19) (Table 9).

Table 9 – Military deontology, values and ethics

(Q19 – To what extent do you agree / disagree with the following statements:)

Statements	1		2		3		4		5	
	Totally agree		Agree		Neither agree not disagree		Disagree		Totally disagree	
	%	Officers	%	Officers	%	Officers	%	Officers	%	Officers
Discipline is the core value of the AAFP	54.54	72	34.94	46	3.78	5	2.27	3	4.54	6
Military values are still current in the AAFP	9	12	34.94	46	24.24	32	21.21	28	10.60	14
Military values and ethics are increasingly similar to those of the general public	13.63	18	39.39	52	22.72	30	20.45	27	3.79	5
Reduced public recognition of the role of the AAFP	34.09	45	43.94	58	8.33	11	7.57	10	6.06	8
For a service member, mission and country come first and supersede individual interests	21.96	29	32.58	43	20.45	27	19.70	26	5.30	7

5.3. Socioprofessional dimension

Four indicators were analysed through eleven questions.

Military associations and unions. 58% of officers believe that the emergence of military associations and the discussion on military unions is a consequence of the increasing distance between political decision makers and society and the MI (Q19.3). In this regard, Q26 – In terms of importance, how do you rate the role of military socioprofessional associations? –, 46.2% of respondents believe that the role of socioprofessional associations is “Very important” or “Important” and 35.6% “Agree” or “Totally agree” with the creation of military unions, although 29.5% “Totally disagrees” (Q27) (Figure 8). Overall, LT/CAPT had a greater tendency to agree with the creation of unions than LCDR/MAJ and CAPT/COL.

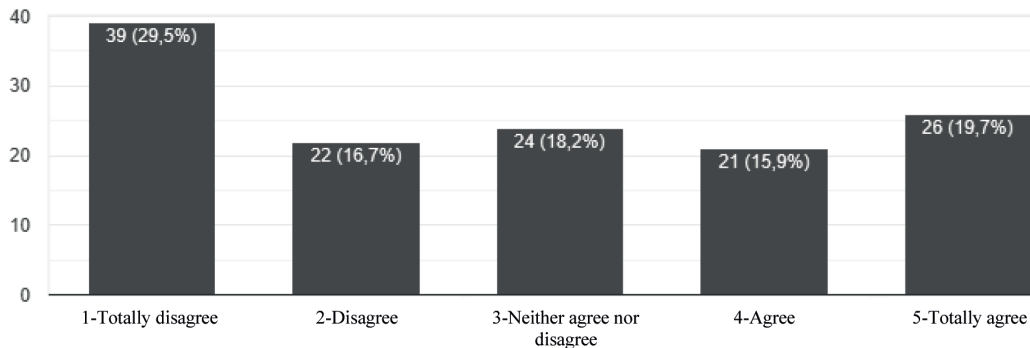


Figure 8 – Agreement with the creation of military unions
(Q27 – To what extent do you agree with the creation of military unions in Portugal?)

Quality of life. The two (out of four) highest ranked priorities are “balancing military and family life” (highest) and “geographic mobility incentives” (second highest) (Q21) (Table 10).

Table 10 – Priority areas for improving the MC
(Q21 – Rate the following conditions according to priority)

Conditions inherent to the Military Condition	First priority		Second priority		Third priority		Fourth priority	
	%	Officers	%	Officers	%	Officers	%	Officers
1st – Measures to improve military and family life	47	62	30.30	40	14.40	19	8.33	11
2nd – Geographic mobility incentives and housing supplement	19.7	26	34.85	46	19.70	26	25.76	34
3rd – Living conditions and well-being	21.21	28	20.45	27	33.33	44	25	33
4th – Social support for military personnel and their families, including elderly support	22	22	18.18	24	30.30	40	34.85	46

Social support / medical support / complementary support. With regards to Q22 – In your opinion, does the current model used to finance the military health protection scheme (Military Assistance in Illness [ADM]), particularly the compulsory payments to the Armed Forces Institute of Social Action, respect the principles of the MC? –, 75% of respondents

answered that it does not. As for the quality of hospital care in the Armed Forces Hospital (HFAR), 66.6% state that it has become “Much worse” or “Worse” since the branch hospitals were merged. Only 12.1% of respondents states that the service is “Better” or “Much Better” since the HFAR was established (Q23) (Figure 9).

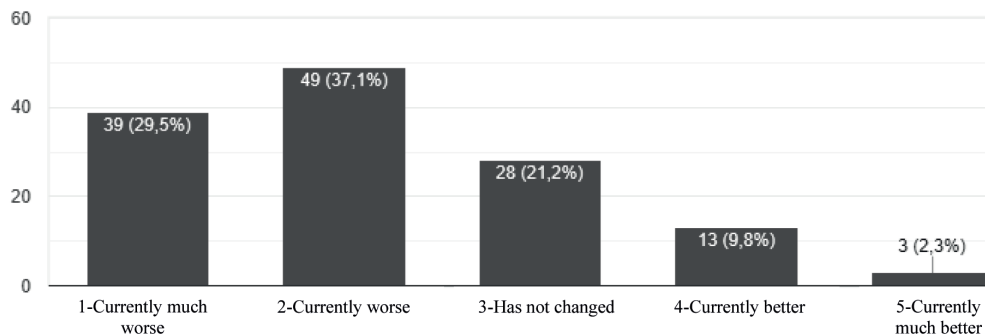


Figure 9 – Comparison between the HFAR and the former branch hospitals
(Q23 – With regards to the ADM, and in particular to the quality of hospital care, in your opinion, how do the services provided by the HFAR compare to the former branch hospitals?)

Social recognition. With regards to Q24 – In your opinion, has the image of the AAFF and military personnel with Portuguese society changed over the last 5 years? –, 68.9% of respondents believes that it has become “Much worse” or “worse”. Only 7.6% state that it has “Improved”, and no officers state that it has “Improved significantly”. Doctor and judge are the highest ranked professions (out of seven) in terms of prestige. MPs and AAFF officers rank second to last and last, respectively (Q25).

Table 11 – Professions ranked according to their prestige
(Q25 – In your opinion, what are the most prestigious professions?)

Professions	1 point None Prestige	2 points	3 points	4 points	5 points	6 points	7 points High Prestige	Total
	Number of Officers							
1st – Doctor	0	0	1	4	13	52	62	830
2nd – Judge	1	2	9	8	15	49	48	769
3rd – Professor	0	0	5	11	31	52	13	617
4th – GNR officer	0	6	21	29	38	32	6	615
5th – PSP officer	1	6	22	36	38	23	6	593
6th – MP	17	27	22	15	22	15	14	495
7th – AAFF officer	10	23	40	32	15	5	7	458

CDR/LTCOL obtained significantly lower average scores than CAPT/COL. Finally, when asked to choose one of four options, 47.7% of officers stated that the most important thing for them is that “The AAFF and military service members are respected and recognised by the country and the general public”. Only 18.9% chose “The possibility of earning a higher wage” as their first priority (ranked third) (Q20) (Figure 10).

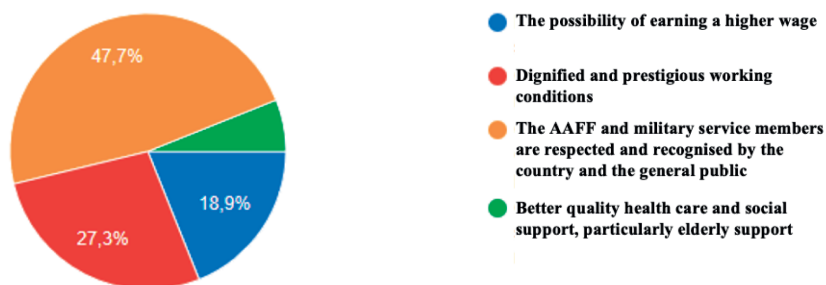


Figure 10 – Comparison between four aspects of the MC
(Q20 – Which of these aspects do you consider a priority:)

5.4. Brief overview and answer to SQ2

In light of the above analysis, the answer to SQ2, **How do AAFF CS officers perceive the MC?** is that perceptions, knowledge and concerns regarding the MC vary widely, and that there is some lack of knowledge with regards to the reasons for the compression of rights imposed on military personnel. This may have repercussions for the operationality and effectiveness of the AAFF, reinforcing the need for an institutional mechanism dedicated to monitoring the MC. This analysis also made it possible to identify possible areas of activity that such a monitoring body could prioritise, such as reversing the gradual deterioration of the AAFF’s image in society over the last years.

Tables 12, 13 and 14 contain the main results of the analysis of the legal, functional and socioprofessional dimensions, respectively.

Table 12 – Relevant aspects of the legal dimension

28.2% of respondents state that the responsibility of "monitoring and protecting" the MC lies with the MND. 27.5% state that this is done by the military chiefs staff. 11% of officers state that, at this time, no one is responsible.

86% believe that Portugal should have a body dedicated to monitoring the MC.

Table 13 – Relevant aspects of the functional dimension

29% of officers state that their self-esteem as military service members is "Very poor" or "Poor".

61.4% of respondents believe that overtime should be counted and paid (in addition to the MCS).

53% "Totally agree" or "Agree" that the values and ethics of the military are increasingly closer to those of other citizens.

Table 14 – Relevant aspects of the socioprofessional dimension

In terms of quality of life, the two main priorities are "balancing military and family life" and "geographic mobility incentives and the housing supplement".

67% believes that the quality of hospital care provided at the HFAR is "much worse" or "worse" than the care provided by the branch hospitals.

69% believes that the image of the AAFF with Portuguese society has become "much worse" or "worse" over the last five years.

Finally, statistically significant correlations and mean differences were found between the different officer ranks (Table 15) with regards to "satisfaction with military career progression",

“self-esteem as a military service member”, “the prestige of AAFP officers” when compared with other professions, and “agreement with the creation of military unions”.

Table 15 – Mean differences between ranks

		Sample	Means	Deviation	Differences P < 0.01
Satisfaction with military career progression	LT / CAPT (NATO OF2)	52	1.84	.99	CAPT / COL > all
	LCDR / MAJ (NATO OF3)	28	2.32	.90	
	CDR / LTCOL (NATO OF4)	15	1.93	.88	
	CAPT / COL (NATO OF5)	37	3.16	1.04	
	Total	132	2.32	1.11	
Self-esteem as a military service member	LT / CAPT (NATO OF2)	52	2.73	1.05	LT / CAPT < LCDR / MAJ and CAPT / COL
	LCDR / MAJ (NATO OF3)	28	3.46	.99	
	CDR / LTCOL (NATO OF4)	15	3.13	.99	
	CAPT / COL (NATO OF5)	37	3.81	1.10	
	Total	132	3.23	1.13	
Prestige of AAFP officers	LT / CAPT (NATO OF2)	52	3.26	1.58	CDR / LTCOL < CAPT / COL
	LCDR / MAJ (NATO OF3)	28	3.57	1.50	
	CDR / LTCOL (NATO OF4)	15	2.66	1.17	
	CAPT / COL (NATO OF5)	37	4.00	1.20	
	Total	132	3.46	1.46	
Agreement with the creation of military unions	LT / CAPT (NATO OF2)	52	3.28	1.49	LCDR / MAJ and CAPT / COL < LT / CAPT
	LCDR / MAJ (NATO OF3)	28	2.71	1.35	
	CDR / LTCOL (NATO OF4)	15	3.13	1.35	
	CAPT / COL (NATO OF5)	37	2.02	1.40	
	Total	132	2.79	1.50	

6. Monitoring the Military Condition in the AAFP of Portugal

This chapter provides an answer to the RQ.

6.1. Proposed mechanism to monitor the MC in the AAFP

Based on the mechanisms to monitor the MC in the AAFP of Spain, France and the United Kingdom (SQ1) and the answers to the questionnaire survey, which highlighted possible priority areas of actuation and revealed that perceptions about the MC vary widely, confirming that there is a need to create a dedicated institutional mechanism to monitor the MC (SQ2), an initial model for a mechanism was outlined and enriched through an opinion survey (interviews) delivered to political and military decision makers and experts of recognised standing in the field of ND.

A critical analysis of the interview answers was conducted, the results of which are presented below.

Body. The majority of interviewees agree that Portugal should have a body to monitor the MC in the AAFP, similar to the AAFP of Spain, France and United Kingdom. Three designations for this body were proposed: “Observatory on the MC (OCM)”; “MC monitoring and assessment council”; “Government and AR Advisory Committee on the MC”. OCM was

the designation preferred by most interviewees.

Type. Overall, the interviewees believe this body should be independent, autonomous, collegiate, advisory, and be installed at the highest level of the State.

Purpose. All interviewees⁶ agree that this body should ensure the balance between the restrictions of basic rights and the imposition of special duties and the special rights granted to military personnel, and that it should also monitor the different dimensions of the MC, in order to increase the prestige of the military profession and the public recognition of the specific requirements of the military profession.

Powers. Most interviewees agree that, to fulfil its purpose, this body must have the power to obtain information and clarifications from the Government, from ND authorities and from the branches of the AAFF and military personnel, e.g. the power to conduct hearings and interviews and to access documents, in order to issue opinions and recommendations on all aspects that influence the MC.

Its sphere of action should not overlap or clash with the responsibilities of existing bodies or agencies.

Responsibilities. Overall, the interviewed experts agree that this body should be responsible for defining the monitoring and assessment procedures and methods, as well as for justifying these assessments by elaborating opinions and recommendations.

Composition. Most interviewees stressed that this monitoring body should be composed of experts of recognised standing and professional experience. Furthermore, it should have a small number of members. All respondents elaborated a proposal, and all proposals included representatives of the PR, the AR and the Government. On the other hand, while some interviewees believe that the chiefs of the military staffs should be represented, others state the exact opposite. It was also proposed the creation of a permanent secretariat headed by a GENOF, designated by the Chief of Staff of the AAFF (CEMGFA).

Mandate length. The interviewees who referred to this point stated that mandates should last for four years, regardless of the legislative calendar.

Mode of operation. To be defined by the body, including the mechanism to liaise with military associations.

Areas of activity. Most interviewees agree with the results obtained in the questionnaire survey regarding this issue, that is, the body's areas of activity, should be based on the three pillars of the MC: restrictions of basic rights; special duties; and rights (trade-offs); that is, all the areas that influence the MC, according to priorities to be defined by the body, but which essentially correspond to the areas identified in the answer to SQ2: adapting the MC to societal change; living conditions of military personnel and their families; availability for duty; balancing professional and family life; geographic mobility; well-being; working conditions and wage parity.

Product. All interviewees agree that this body should produce an annual report, which should include: the opinions and recommendations that justify the assessment; analyses comparing experiences (Portugal's and other countries'); proposals to improve the legislation, as well as public awareness actions. Some interviewees added that the annual report should

⁶ Among those who agree that such a body should exist.

include an in-depth analysis of a different topic each year. Most interviewees agree that the report should be delivered to the PR, the AR and the Government.

Place of operation and logistical, administrative and financial support. Most interviewees mentioned the AR, while some also mentioned the PR.

6.2. Brief overview and answer to the RQ

The above analysis and discussion provided the answer to the RQ – *What mechanism to monitor the MC in the AAF is proposed to Portugal?* Despite the differences of opinion between the political and military experts who participated in this opinion survey, most agree that there is a need for an independent body dedicated to monitoring and assessing the MC on behalf of the State, similar to the mechanisms used in Spain, France and the United Kingdom.

Considering the above, a model mechanism to monitor the MC was elaborated (Figure 11) and a general proposal for a mechanism was prepared (Table 16) which summarises the answer to the RQ.

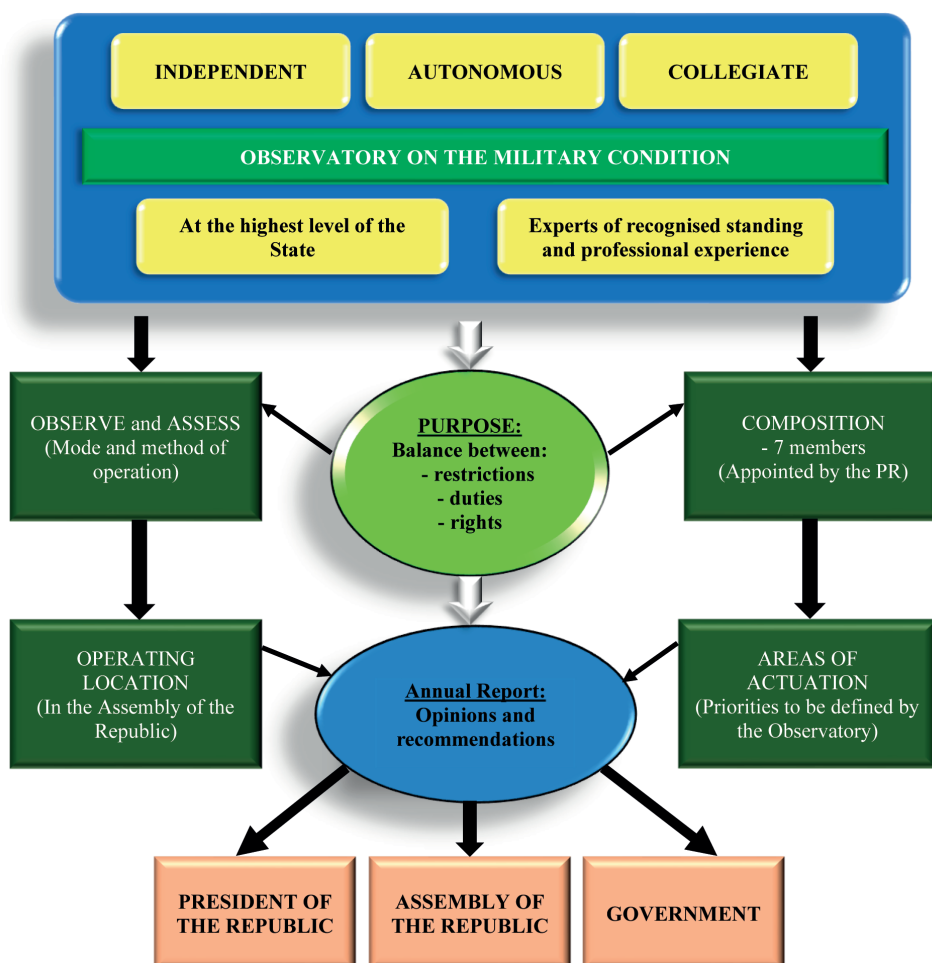


Figure 11 – Proposed model of a mechanism to monitor the Military Condition

Table 16 – Summary of the proposed mechanism to monitor the MC

Designation	OCM
Type	Independent, autonomous, collegiate and advisory, installed at the highest level of the state
Purpose	Advising the AR and the Government by assessing and monitoring all the dimensions of the MC to ensure that there is a suitable balance between the restrictions of basic rights, the imposition of special duties, and the special rights granted to military personnel, in order to increase the prestige of the military profession and the public recognition of the specific requirements of the military profession.
Powers	To fulfil its purpose, this body must have the power to obtain information and clarification from the Government, from ND decision makers, and from the branches of the AAFF and military personnel, in order to issue opinions and recommendations on all aspects that influence the MC. Its sphere of action should not overlap or clash with the responsibilities of existing bodies or agencies.
Responsibilities	It should be responsible for defending the monitoring and assessment procedures and methods, as well as for justifying these assessments by elaborating opinions and recommendations.
Composition	Seven independent experts of recognised standing and professional experience appointed by the PR: – PR: two members, one of whom is the Chair of the OCM; – AR: two members; – Government: two members; – CEMGFA: one member, after hearing the Council of Chiefs of Staff; – Permanent secretariat (support): headed by a GENOF proposed by the CEMGFA and appointed by the MDN, staffed as defined by the monitoring body. Both genders should be represented.
Mandate length	Four years, regardless of the legislative calendar.
Mode of operation	To be defined by the body, including the mechanism to liaise with socioprofessional associations.
Areas of activity	Three pillars of the MC: restrictions of basic rights; special duties; rights (trade-offs); that is, all the areas that influence the MC, according to the priorities defined by the monitoring body, but which essentially correspond to the areas identified in the answer to SQ2: adapting the MC to societal change; living conditions of military personnel and their families; availability for duty; balancing professional and family life; geographical mobility; well-being; working conditions and wage parity.
Product	Annual report, which should include: the opinions and recommendations that will justify the assessment; analyses comparing experiences (Portugal's and other countries); proposals to improve the legislation; public awareness actions. It should also include and in depth analysis of a different topic each year. The report should be delivered to the PR, the AR and the Government.
Place of operation and logistical, administrative and financial support	AR

7. Conclusions

The sacrifices, abnegation and personal demands that are placed on military personnel are relevant to the nation, as the PR acknowledged in his address at the IUM on 17 February 2016, when he stated: “[...] To damage or devalue the military condition is to weaken the Nation [...]”.

The MC is a social and legal reality that establishes a status specific to AAFF personnel, placing them exclusively at the service of the Republic and the national community. This status is based on the Constitution and the law imposes restrictions and duties that define that condition and grant rights inherent to it.

To ensure that the AAFF are a credible, disciplined and obedient military instrument

(Pimentel, 2008, p.345), and to prevent military force from being used to coerce legitimate political institutions (Carreira, 2016), the Portuguese legal and constitutional order defines a set of restrictions to the exercise of some basic rights, and imposes special functional and deontological duties on military personnel which distinguish them from other citizens (Pimentel, 2008, p.345). In return, the nation grants them special rights, compensations and benefits through the LBGECM.

Despite the fact that the MC is a status imposed by the State that affects the entire professional life of service members, with significant repercussions for their personal and family life, the Portuguese State does not have an institutional mechanism to assess how service members themselves perceive that status and how institutions and society perceive its timeliness and relevance. This is especially important because this status has endured even though the factors that affect it have naturally changed.

Thus, this study addressed the MC in the Portuguese AAFP, and the following delimitations were identified: in terms of time, the study addressed the present (2020); in terms of space, the study analysed Portugal and the active duty QP officers of the AAFP; and in terms of content, the study focused on the problem of monitoring the MC in Portugal and examined the mechanisms used by the AAFP of Spain, France and the United Kingdom. The following RQ guided the study: *“What mechanism to monitor the MC in the AAFP is proposed to Portugal?”*

The methodological procedure used in the study was inductive reasoning supported by a mixed methods research strategy and a case study research design.

As for the objectives, SO1 – “To analyse how the MC is monitored in the AAFP of Spain, France and the United Kingdom” – was achieved by answering the corresponding SQ1 and operationalised by examining how these three countries monitor the MC. The findings revealed that Spain, France and United Kingdom do so through an independent body specifically created for that purpose, installed at the highest level of the State; however, each country has its own justifications, mechanisms and practices.

SO2 – “To analyse how AAFP QP officers perceive the MC” – was operationalised through SQ2 by delivering a questionnaire survey to 132 CS AAFP officers on active duty stationed at the IUM (students and faculty) with the ranks from LT/CAPT till CAPT/COL. A quantitative analysis of the data revealed that the perceptions, knowledge and concerns regarding the most important aspects that influence the MC vary widely, and that there is some lack of knowledge regarding the reasons for the compression of rights imposed on military personnel, which may have repercussions for the AAFP’ operationality and effectiveness, reinforcing the need to create an institutional mechanism to monitor the MC. By analysing the summarised findings presented in Tables 12, 13 and 14 it was possible to identify potential areas of activity that a body to monitor the MC may prioritise, such a reversing the increasing deterioration of the AAFP’s image in society over the last years, as the results of the questionnaire survey suggest. Furthermore, statistically significant correlations and mean differences were found between the different officer ranks with regards to “satisfaction with military career progression”, “self-esteem as a military service member”, “the prestige of AAFP officers” when compared with other professions, and “agreement with the creation of military unions” (Table 15).

The above analysis helped achieve the GO – “To propose a mechanism to monitor the MC in the AAF of Portugal” – and answer the corresponding RQ. Based on how Spain, France and the UK monitor the MC in their AAF (SO1) and on the answers to the questionnaire delivered to AAF CS officers (SO2), it was possible to outline a monitoring mechanism that was enriched by surveying the opinion of 11 political and military experts in the field of ND (listed in Table 2) through a semi-structured interview.

The qualitative analysis of the data revealed that the majority of the sample tend to agree that an “Observatory” should be created to monitor the MC in the Portuguese AAF, similar to the bodies that exist in the three analysed countries. This OCM should be independent from the AR, the Government and the AAF, should be installed at the highest level of State, consist of a small number of experts of recognised standing and professional experience, as shown in the proposed monitoring model and mechanism shown in Figure 11 and Table 16, respectively.

This study’s **contribution to knowledge** is that it adds to the body of knowledge on the MC by revealing how the analysed countries monitor the MC in their AAF and how the QP officers on active duty who answered the questionnaire survey perceive the MC. In other words, this study is innovative because it highlights the need to protect and value the MC through a dedicated monitoring mechanism installed at the highest level of the State. Furthermore, this study revealed that the AAF officers who comprised the study sample are not fully informed about the legislation that regulates the “Statute of the Military Condition”, that is, the LBGECM and the LDN, especially with regards to the reasons for the compression of rights imposed on military personnel. Therefore, this should be included in the curricula of officer training courses and career courses. Furthermore, this study identified correlations and significant differences in the sampled officers’ perceptions regarding the relevance of the MC for “the military being”, which may affect the cohesion and discipline of the AAF.

The study had one **limitation** that does not negatively affect the findings, but rather serves as a basis for future studies. It refers to the convenience sample used in the questionnaire survey, which makes it impossible to generalise the results to the universe. However, this limitation was mitigated by the fact that the 132 IUM officers surveyed (garrison and students) are representative of their respective branches, and that many of them will soon be eligible for promotion to field grade officers and GENOF – that is, they are the future decision makers of the AAF –, thus making the sample sufficiently indicative.

Given the limitations and results of the questionnaire survey, as well as the correlations and statistically relevant differences found in this first study on the perceptions of military personnel about the MC, it is important, and therefore **recommended**, that future studies are conducted to survey all military personnel. The AAF can only fulfil its constitutional mission effectively and efficiently if the institution is credible and disciplined. To achieve this, the morale and motivation of military service members is essential.

It would also be useful to conduct a detailed study on the legislations that regulates the mechanisms to monitor the MC in the AAF of the three countries analysed in this study – as well as those of other countries –, in order to identify the legal steps that must be taken to implement a mechanism to monitor the MC in Portugal. Furthermore, it would

also be of interest to promote a broad public discussion on the importance of the State's (and by extension society's) ability to monitor the MC, as Portugal does not currently have a designated mechanism to do this.

This topic should also be addressed in international multilateral and bilateral fora, in order to understand the experience of other countries, particularly the three countries analysed in this investigation, and the effective impact of these monitoring bodies on the MC.

Finally, this study found that monitoring the MC through an institutional and independent mechanism will help the AAFP find the right balance between the public interests that are protected by the demands and impositions of the MC, and the interests of military personnel, which are recognised through the special rights legally granted to them. As people are the most valuable and decisive element in any organization, striking this balance will ensure that the country's AAFP are motivated, effective, and bring honour and prestige to the Homeland, which, in turn, should give its service members the recognition and dignity they deserve.

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