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“For the Guarantee of Law and Order”: The Armed Forces and Public Security in Brazil

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“For the Guarantee of Law and Order”: The Armed Forces and Public Security in Brazil*

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Introduction

On 5 April 2014, 2,050 Brazilian army soldiers occupied Complexo da Maré, a huge area of Rio de Janeiro comprising 16 different neighbourhoods or *favelas*. As they entered Maré in the early morning hours that Saturday, they joined some 500 marines and 200 police officers who were already patrolling “strategic points” in an area assumed to be controlled by drug traffickers. In a country preparing to host the FIFA World Cup a couple of months down the road, the 2,550 soldiers were deployed according to an agreement just passed between the state of Rio de Janeiro and the federal Ministry of Defence. This agreement was “for the Guarantee of Law and Order (GLO) in the region,” reported *O Globo*, “with the aim of initiating the process of pacification of the 16 favelas in the area” (Costa et al. 2014). Brazil’s Minister of Defence, Celso Amorim, assured that this would only be a temporary mission of support, “which is only natural for the participation of the Armed Forces in issues of public security” (Costa et al. 2014).

While occurring at a tense juncture for Brazil, as the country was preparing not only for the World Cup and the 2016 Summer Olympics but also for presidential and parliamentary elections later in 2014, this was certainly not the first time soldiers were deployed to “guarantee law and order.” The use of the armed forces for purposes of public security in Brazil has become an increasingly regular feature, especially from 2003 onwards when the Workers’ Party came to power. In recent years, as well as in the mid-1990s, the armed forces have entered a number of favelas in the name of fighting the drug trade. Since Brazil’s redemocratization in 1988, they have also been repeatedly deployed for policing purposes during elections, strikes, visits of foreign dignitaries, during political summits, the Rio Carnival, and on a number of other occasions (Barreira and Botelho 2013, Mathias and Guzzi 2010, Zaverucha 2010). In most of these cases, the intervention of the armed forces has been framed in terms of guaranteeing law and order. But where does this “GLO” practice originate? And what does the extensive use of the armed forces within the country do to the still young Brazilian democracy?

This paper explores how the use of the military for public security purposes within Brazil has impacted democratic consolidation since 1988. More specifically, it examines how the state’s use of the military “for the guarantee of law and order” has shaped the relations between the state and the military, and the relations between state and society. How has the possibility of calling on the armed forces for public security purposes shaped elected leaders’ responsiveness to popular demands? If the state increasingly relies on the military as a substitute to the police force, how does that shape the military’s bargaining position? And what implications might an improved bargaining position for the armed forces have for the quality of Brazilian democracy?

In the literature on Brazil, some studies have examined the legal foundations of the guarantee-of-law-and-order function of the military (e.g., da Silva 2006, de Souza 2004, Fraga 2011, Garcia 2009, Piñon 2007), while others have focused more on the associated practice (e.g., Barreira and Botelho 2013, Mathias and Guzzi 2010, Zaverucha 2010). The aim of this study is to combine the two to map the legal developments as well as the practice of GLO interventions in democratic Brazil. The study also aims to assess how civil-military relations have shaped the quality of democracy in Brazil over time. While a number of scholars have explored the military politics of Brazil’s transition (e.g., Stepan 1988, Hunter 1997), fewer works have examined this further into the democratic period. As a quarter of a century has now passed since Brazil got its current democratic constitution, this study explores how a key aspect of the 1988 bargain has been moulded in Brazil, and to what effect.

I collected much of the data for this study when I was a visiting scholar at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio), from early June to mid-July 2013. The data chiefly consist of Brazilian legislation and other government-produced documentation, other academic studies, news reports, conversations with experts on security dynamics in Brazil, and observations made during my stay. The data have several limitations. They focus disproportionately on the situation in Rio de Janeiro compared to other Brazilian cities. There is also a general urban bias. Moreover, the data are

influenced by the fact that my stay in Brazil came at a special time. Two weeks after I arrived, millions of Brazilians took to the streets in the biggest outburst of street demonstrations ever seen in the country (Cardoso et al. 2013). This bustling atmosphere shed a sharp light on the role of the state security forces, as the police were accused of exaggerated violence against demonstrators but also of failing to protect property against vandalism. The protests also fuelled broader debates on the nature of public security and the health of Brazil's democracy, which have informed the ensuing discussion.

The paper is organized in three parts. In the first part, it provides a brief history of the military in politics in Brazil, placing the Brazilian case in its South American context. In the second part, the paper examines what role the armed forces have played in Brazil after 1988 in the realm of public security. It explores how that role was specified by legislation and other official texts, and how Brazil's leaders have used the military for policing purposes on that basis. The third part discusses the implications of the military's public security role for the quality of Brazil's democracy.

1. The military in politics in Brazil: Historical and regional perspectives

A little more than 50 years ago, the Brazilian military ousted the country's elected president and initiated what was to become a 21-year-long dictatorship. Their move was not unique in the region. At the time, in 1964, there was already a military regime in place in Ecuador and Paraguay, and Argentina, Bolivia, Chile, Peru and Uruguay were to follow suit. By 1977, Colombia and Venezuela were the only countries in South America that were not governed by a military regime.

Nor were Brazil's putschists a new kind of actor on the domestic scene. The armed forces had played a decisive role in influencing who was to govern on repeated occasions throughout the country's history (Rouquié and Suffern 2009, 215). The first republic in 1889 was indeed "inaugurated through a coup executed by a group of military officers" (Castro 2002, 90). Four decades later, in 1930, another military coup led to the deposal of President Washington Luís, the end of the Old Republic and the start of what was to become an authoritarian regime under Getúlio Vargas (Castro 2002, Rouquié and Suffern 2009). In 1945, the armed forces were again central when Vargas was deposed and a new era of democracy started, as they were in 1954 when they ousted Vargas, by then the country's elected president, who subsequently committed suicide (Castro 2002, 90, Zirker 1996, 24). Brazil was then governed by three successive presidents within 16 months, until Juscelino Kubitschek was elected in late 1955, an election that was accompanied by a new military intervention "in defence of legality" (Castro 2002, 90, Zirker 1996, 24).

Concomitantly, Brazil emerged as a regional force to be reckoned with, in part due to an increasing professionalization of the armed forces. While these forces were composed of state-based armies in the early years, attempts to centralize policy-making accelerated in the 1930s under President Vargas. This was a time of contestation between local and centralizing forces in Brazil, leading in 1932 to the São Paulo revolt, the largest of its kind with 300,000 combatants involved. The *paulista* force was defeated, as was a smaller communist revolt in 1935. Both, however, added urgency to the attempts to forge cohesion in the federal army (Zirker 1996, 24), which, by 1937, "began to take ascendancy over the local forces" (Rouquié and Suffern 2009, 207). By that time—i.e., from 1919 onwards—the Brazilian army had also benefited from considerable assistance from France (Rouquié and Suffern 2009, 202). In the late 1930s, moreover, the Brazilian armed forces began to forge an alliance with the United States, and the first major cooperation agreement between the two military leaderships was signed in 1942 (Svartman 2014).

Brazil eventually also emerged as an industrial power, and not without the military playing a central role. From the Vargas era and during the military dictatorship, the armed forces were seen as an agency that should assist in "national development" (D'Araujo 2010). By providing engineering services and helping to build Brazil's arms industry, the military could begin to legitimize its role as going beyond the classical one of modern militaries, that of defence against external threats. During the Cold War the dictatorship certainly saw in leftist movements an internal threat that justified its rule, but, as the pressure to democratize led to the *abertura* by President Ernesto Geisel from the mid-1970s onwards, and as the Cold War began to wane, the military increasingly searched for a new mission. Besides World War II, when Brazil sent ground troops to fight with the Allies against Nazi Germany, the last major war Brazil had fought was the Paraguayan war of 1865-1870 (Zirker 1996). Unlike Argentina, whose military were tested in the Falklands War, in Brazil the military had not had to confront any major external threat in the decades leading up to the 1980s. Yet during the dictatorship, it had established itself on the domestic scene not only in terms of "development" but also as the guarantor of "law and order."

This was the background for vivid debates among social scientists witnessing Brazil's slow but steady move away from authoritarian rule, and among those very politicians and military leaders who were to

write the new constitution of Brazil after the 1985 election of a civilian president. Among scholars, Alfred Stepan's analysis became particularly influential (Stepan 1988). Stepan argued that the main reason for the military regime crumbling in Brazil was that the "security community"—i.e., the webs of surveillance and intelligence organizations within the regime—had grown into a "state within the state" that the military government itself found difficult to rein in. Therefore, that government began reaching out to civil society and giving concessions, in search of an alliance against the security community so as to cut it "down to size." By doing so, however, they opened up to more than what they had expected, and eventually had to succumb to pressures for democratic rule from the streets and beyond (Stepan 1988, xii, xiii).

Stepan still noted that the military had been successful in expanding its number of privileges or special rights, or what he called "prerogatives," during the dictatorship (Stepan 1988, 104, 106). Publishing his book in 1988, Stepan predicted that whether the civilian government would be able to control the military would depend to a large extent on whether the military, in the new era, would be able to keep their prerogatives. This would not only be a question of the constitutional text, but also of how the military's role and mission would be defined in later laws.

Against this background, it is perhaps not surprising to note that the kind of role the Brazilian military were supposed to play in relation to "law and order" within the country in the new era became one of the most controversial issues in the constitutional debate from 1986 to 1988 (Hunter 1997, 47). The agreement reached still represented an important victory for the forces of democracy in Brazil. In the constitution that came into force on 5 October 1988, the armed forces were defined as "intended for the defence of the Country, for the guarantee of the constitutional powers, and, *on the initiative of any of these*, of law and order" (Constitution 1988 BR 3rd ed. 2010, art. 142, emphasis added). A formulation of this kind in the constitution of Brazil was unprecedented. The military could no longer legally intervene in domestic politics on their own initiative. From October 1988 on, they could only intervene if called on by the civilian authorities.

And yet, the continued opening for the armed forces to play a role in public security could pose challenges for democratization in Brazil. By 1988, the military had been circulating in the corridors of power for more than two decades, and as we have seen, military influence in politics also went further back. So how would civilian authorities interpret the "guarantee-of-law-and-order" function of the military, and under what circumstances would they allow the military to play such a role? In short, how did the armed forces' public security operations shape Brazil's democracy?

2. The armed forces in public security in democratic Brazil

2.1 Official guidance on the "guarantee-of-law-and-order" function of the armed forces

How the armed forces are supposed to "guarantee law and order" in Brazil has been specified in a number of legal and other official texts from 1988 onwards. To examine how the public security role of the armed forces has been framed, I will assess relevant parts of the 1988 constitution, the

complementary law no. 97 of 1999, the presidential decree no. 3897 of 2001, and a new manual developed by the Ministry of Defence for guarantee-of-law-and-order operations.¹

The constitution

The 1988 Constitution of the Federative Republic of Brazil specifies the overall mandate of the armed forces in article 142.

The Armed Forces, comprised of the Navy, the Army and the Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the President of the Republic, and are intended for the defence of the Country, *for the guarantee of the constitutional powers, and, on the initiative of any of these, of law and order.* (Constitution 1988 BR 3rd ed. 2010, art. 142, emphasis added)

Precisely how the armed forces were to guarantee law and order, if requested to do so by the civilian authorities, would be specified by later laws reviewed below. But, to fully understand the idea of a “guarantee-of-law-and-order” function of the military, it is useful to place that function in the landscape the constitution draws up for “public security.”

Public security, the duty of the State and the right and responsibility of all, is exercised *to preserve public order and the safety of persons and property [...]*. (Constitution 1988 BR 3rd ed. 2010, art. 144, emphasis added)

Article 144 further identifies the agencies that are to exercise or provide public security:

- At the level of the federation: the federal police, highway police, and railway police; and
- At the level of each of Brazil’s 26 states and of the federal district (jointly known as the federative units): the civil police, the military police, and the military fire brigade.

The police force is hence a multi-faceted agency in Brazil. Each federative unit comprises one “civil” and one “military” branch of the police. The “military” police, however, are not conventionally a part of the armed forces. According to the constitution, Brazil’s *Polícia Militar* (PM) are charged with “the ostensive policing and the *maintenance of the public order*” (Constitution 1988 BR 3rd ed. 2010, art. 144 para. 5, emphasis added). In practice, this means the PM are responsible for patrols and arrests; they are hence the police ordinary Brazilians will face on the streets. By contrast the *Polícia Civil* are in charge of investigations of crimes. There is, still, a potential link between the “military police” and the Brazilian military, as the constitution identifies the *Polícia Militar* as “ancillary forces and reserve of the Army” (Constitution 1988 BR 3rd ed. 2010, art. 144 para. 6). So the state-level PM can be called upon to supplement the federal army as a reserve. But in their everyday work, the police are not under the command of the army. Rather, they are subject to the governor of the federative unit where they operate.

The military polices [*sic*] and military fire brigades [...] are subject, together with the civil police, to the Governors of the states, of the Federal District and of the territories. (Constitution 1988 BR 3rd ed. 2010, art. 144 para. 6)

¹ Other relevant legislation includes complementary laws on the armed forces passed in 1991, 2004 and 2010. However, since they have been integrated into the 1999 complementary law, I will present that law only.

Complementary law no. 97 of 1999

In 1999, a complementary law was passed on “the general norms for the organization, preparation, and use of the armed forces,” as stipulated in article 142 of the constitution (*Lei Complementar no. 97* 1999). The enactment of this law reflects that a Ministry of Defence was established in Brazil that year, replacing the Ministries for the Army, Navy, and Air Force (Castro 2002, Mathias and Guzzi 2010, 53). It is the 1999 law that remains the main law on the armed forces in Brazil today, integrating both earlier and later relevant legislation.

In the 1999 law, a line is drawn between national defence and other purposes for which the armed forces may be used, including “guaranteeing law and order.”

The use of the Armed Forces *in the defence of the Country and in the guarantee of the constitutional powers, of law and order*, and in participation in peace operations, is the responsibility of the President of the Republic [...]. (*Lei Complementar no. 97* 1999, art. 15, emphasis added)

The law further lays out the conditions for when the President can deploy the armed forces.

The decision about the deployment of the Armed Forces falls upon the President of the Republic, on his or her own initiative or in attending to a request from any of the constitutional powers, through the intermediary of the Presidents of the Federal Supreme Court, of the Federal Senate, or of the Chamber of Deputies. (*Lei Complementar no. 97* 1999, art. 15 para. 1)

The law makes it clear, however, that for public security purposes the armed forces should be called upon only as a last resort.

The activation of the Armed Forces to guarantee law and order, on the initiative of any of the constitutional powers, will occur [...] *once the instruments intended for the preservation of public order and of the safety of persons and patrimony*, as related in art. 144 of the Federal Constitution *have been exhausted*. (*Lei Complementar no. 97* 1999, art. 15 para. 2, emphasis added)

But the legislation still leaves unanswered the question of when the instruments intended for public security become “exhausted” (de Souza 2004, 85).

Presidential decree no. 3897 of 2001

A tentative answer to this question came with a decree issued in 2001 by then President Fernando Henrique Cardoso, which later was integrated into the 1999 law on the armed forces. It says:

The means given in Art. 144 of the Constitution, including what concerns the Military Police, are seen as *exhausted when they*, at a given moment, *are unavailable, non-existent, or insufficient for the regular fulfilment of their constitutional mission*. (*Decreto no. 3897* 2001, art. 3, emphasis added)

But under what conditions is the *Polícia Militar*, even if present and available at a given location, “insufficient” for the purpose of fulfilling its mission of preserving public order? This formulation also raises the question of whether “sufficiency” in this context refers to quantity—i.e., the number of police officers deployed and the number of cars, weapons, and other equipment at their disposal—

and/or to quality—i.e., the competence and training of the deployed staff and their efficiency. In short, the definition is rather vague.

The decree remains clear however on the fact that GLO missions should be the exception rather than the rule.

The deployment of the Armed Forces to guarantee law and order [...] should be episodic, in [a] pre-defined area and have the shortest duration possible [...]. (*Decreto no. 3897 2001*, art. 5)

And yet, the decree continues by specifying concrete situations in which the GLO clause may be activated—and not only situations in which military intervention would be seen as a last resort. Article 5 of the decree says the armed forces can be called upon in

other [situations] *in which it is possible to presume disturbance of public order*, such as those relative to official or public events, particularly those comprising the participation of a foreign head of state or of government, and elections, in this case whenever solicited. (*Decreto no. 3897 2001*, art. 5, emphasis added)

Compared to preceding legislation, the decree thus expands the application of the GLO clause from being only a last resort, in situations where “order” would be difficult to maintain by means of the ordinary public security forces, to a much broader range of situations, namely those where there is not yet “disorder” but where disturbance of public order can be presumed.

The decree also extends the use of the GLO clause to additional elected politicians. While repeating that the president can decide to call upon the armed forces on own initiative or upon the request of the leaders of the legislature or the judiciary (*Decreto no. 3897 2001*, art. 2), the decree also gives the governors of the federative units the right of request.

The President of the Republic, in view of a solicitation by a State Governor or the Governor of the Federal District, can, on his or her own initiative, order the deployment of the Armed Forces to guarantee law and order. (*Decreto no. 3897 2001*, art. 2 para. 2)

The decree further explicitly ascribes a policing role to the military during GLO operations.

In the hypothesis that the Armed Forces are deployed to guarantee law and order, [...] it will fall on them, whenever necessary, to develop actions of ostensive policing [...] of preventive or repressive nature, which is included in the constitutional and legal competence of the Military Police [...]. (*Decreto no. 3897 2001*, art. 3)

And if the military is deployed on the basis of the GLO clause, if the governor of that area so announces, the military police shall be under military command for the duration of the operation.

In the use of the Armed Forces [to guarantee law and order], if there are means available, however insufficient, of the respective Military Police, this [police], given an announcement of the Governor of the State, will act, in part or in full, under the operational control of the military command responsible for the operations, as long as this is required or recommended in the situations to be faced. (*Decreto no. 3897 2001*, art. 4)

In sum, the legislation that regulates the domestic public security role of the armed forces in Brazil involves several problematic aspects for democratic consolidation. First, the legislation is vague on the crucial question of the circumstances under which the authorities can call on the military to intervene “for the guarantee of law and order.” When the other public security forces are “insufficient” to fulfil their duties and are to be deemed “exhausted” remains unclear. This vagueness is particularly problematic as a large number of entities, 30 in total, are entitled to solicit the president to call on the

armed forces to intervene. The other problematic aspect of the legislation is that it is contradictory. While being explicit on the fact that GLO operations should be ordered only as a last resort, it also opens up to the use of the armed forces in a wide range of situations; namely, all those in which “disturbance of public order” can be presumed. To the extent that civilian authorities or the military may have an interest in having the military act as a substitute police, this is a legislative framework that allows for an extensive use of the armed forces for that purpose—more extensive than the last-resort principle would imply.

The 2013/14 manual

In December 2013, the Ministry of Defence in Brazil presented the first edition of a new manual, simply called Guarantee of Law and Order (MoD 2013). This publication aims at “establishing guidelines for the planning and the use of the Armed Forces in Operations to Guarantee Law and Order (Op GLO)” (MoD 2013, 13, para. 1.1). Its legal bases are, precisely, the 1988 constitution, the 1999 complementary law, and the 2001 decree reviewed above. The manual also lists as its “references” a number of other laws, decrees and legal texts, some of which derive from the 1964-1985 period (MoD 2013, 13f, para. 1.3).

Among the “conceptualizations” introduced, the manual first defines a “GLO operation” as:

A military operation conducted by the Armed Forces, in an episodic form, in an area already delineated and for a limited time, which has as its objective the preservation of public order and the safety of persons and property in situations where the instruments for this, given in art. 144 of the Constitution are exhausted; or in other [situations] in which it is presumed to be possible that order will be disturbed. (MoD 2013, 14f, para. 1.4)

While this is largely in line with the legislation reviewed above, what proved more controversial was the conceptualization of the term *Forças Oponentes*. The manual says that

Opponent Forces (F Opn) are persons, groups of persons or organizations whose acting compromises the preservation of public order or the safety of persons and property. (MoD 2013, 15, para. 1.4)

“Threats,” the manual goes on to say,

are acts or attempts potentially capable of compromising the preservation of public order or the safety of persons and property, practiced by F Opn identified earlier or by the population in general. (MoD 2013, 15, para. 1.4)

This kind of language is reminiscent of that used against “subversives” during the dictatorship in Brazil. And this did not go unnoticed. In a public hearing on the new manual held in April 2014 by the Committee on Foreign Affairs and National Defence in the Chamber of Deputies, Deputy Ivan Valente of the Socialism and Freedom Party (PSol) remarked that certain terms in the manual, such as *opponent force*, were “inappropriate.” Minister of Defence Celso Amorim could, however, reassure this deputy that the first version of the manual had been revised and some expressions had been excluded (Portal Brasil 2014). One of these was, precisely, *Forças Oponentes*, which, in the second edition of the manual that entered into force on 3 February 2014, was replaced by “public order disturbance agent” (*Agente de Perturbação da Ordem Pública*). Such an agent is defined as a person or a group

whose acting immediately compromises the preservation of public order or threatens the safety of persons or property. (MoD 2014, 15, para. 1.4)

“Threats,” in this version of the manual, are more vaguely defined, as

acts or attempts potentially capable of compromising the preservation of public order or threaten the safety of persons or property. (MoD 2014, 15, para. 1.4)

While the term *opponent force* no longer features in the GLO manual, the current version is still open to a wide range of interpretations. Certain street protests, for example, could be seen as “compromising the preservation of public order” or as “threatening the safety of property.” If seen as such by one of the 30 agencies that can solicit the president to order the military to intervene, or by the president herself, we may eventually see soldiers back not only in the *favelas* of Brazil’s cities, but also on the *avenidas*. A manual regulating how the GLO function is to be understood by the military personnel who intervene was surely welcome, and yet the specifications given in this manual do give rise to concerns for the quality of Brazil’s democracy.

2.2 Practice “for the Guarantee of Law and Order”

In the quarter of a century that has passed since Brazil’s constitutional shift, the legislation enabling the country’s authorities to call on the armed forces “to guarantee law and order,” though intended only as a last resort, eventually came to be used not only in situations where order clearly was challenged but also where it just possibly might be disturbed. This is clear both from the sheer variety of situations in which the armed forces were deployed for law and order purposes, and from how the patterns of deployment evolved over time.

Types of GLO intervention

During the period of approximately two and a half decades, from October 1988 through April 2014, there were recurring GLO interventions:

- During strikes;
- During major events such as visits of foreign dignitaries and political summits; and
- In relation to attempts to curb the drug trade and other violent crimes in major cities.

Strikes and mega-event interventions have taken place throughout the democratic period, while favela incursions can be grouped around two phases: the 1994-95 phase and the phase going from 2006 onwards (these will hence be presented as part of the historical narrative below). With regard to strikes, the armed forces have been deployed for “law and order” purposes during strikes of various categories of workers. Examples include strikes of:

- Metal workers in Volta Redonda, Rio de Janeiro, in 1988 (Mathias and Guzzi 2010, 51, Barreira and Botelho 2013, 116);
- Petroleum workers in 1995 (Mathias and Guzzi 2010, 53);
- Police men and women in 2001 and later years, and in various states including Bahia and Minas Gerais (Mathias and Guzzi 2010, 53, Zaverucha 2010, 30-31); and
- Public transport workers in Vitória do Espírito Santo (Zaverucha 2010, 31).

GLO interventions during visits of foreign heads of state and government and other dignitaries have also been numerous (Barreira and Botelho 2013, 116, 120, Mathias and Guzzi 2010, 52, Stochero 2013, Zaverucha 2010, 30-31). Soldiers have been deployed during, for example:

- The world summit on the environment in Rio de Janeiro in 1992;
- A summit convening heads of state and government from the European Union, Latin America and the Caribbean in Rio de Janeiro in 1999;
- The 11th conference of UNCTAD, the United Nations Conference for Trade and Development, in São Paulo in 2004; and
- Visits of the Pope of the Roman Catholic Church to Brazil; e.g., in 2013.

Beyond these three types of interventions, the evidence also suggests the armed forces were called upon for public security purpose related to:

- Elections (Barreira and Botelho 2013);
- Agrarian conflicts (Mathias and Guzzi 2010, 53, Zaverucha 2010, 30-31);
- Negotiations over major oil contracts (Alves 2013); and
- Rio carnivals (Barreira and Botelho 2013, 120, Rohter 2003, Zaverucha 2010, 30).

Patterns of GLO interventions over time

Interventions by the military in internal security were fairly rare from 1988 up to around 2000 (Castro 2002, 110 n. 23). By the end of the first term of President Cardoso in 1998, there had only been half a dozen or so GLO interventions (however, risks of underreporting and missing data are highest in this early period). But during Cardoso's second term and those of the ensuing presidents of the Worker's Party (*Partido dos Trabalhadores*, PT), Luiz Inácio Lula da Silva (2003-2010) and Dilma Rousseff (2011 to date), the frequency of GLO interventions grew.

Volta Redonda 1988: After the transition to constitutional democracy, the first deployment of the military within Brazil for law and order purposes occurred in late 1988, during the strike in Volta Redonda of the *Companhia Siderúrgica Nacional*, a metalworkers' union. It set a troubled precedent. As Barreira and Botelho recount, "1,300 soldiers of the army and military police invaded the factory of Volta Redonda [...] and opened fire against a crowd of workers, killing three metal workers" (Barreira and Botelho 2013, 116, see also Mathias and Guzzi 2010, 51). Those were the early days after the fall of the dictatorship, when soldiers were poorly instructed as to how they were to operate during these kinds of operations. The first law that specified how the military was supposed to "defend law and order" only came in 1991 (*Lei Complementar no. 69* 1991).

ECO 92: The next GLO intervention by the military came in 1992, and this time, it was broadly perceived as a success. The military's performance during ECO 92, as this world summit on the environment became known, indeed impressed Brazilians to the extent that it contributed to shifting the general attitude towards the military, according to Mathias and Guzzi (2010).

Because of the success of the Operation Rio-92, the utilization of the Armed Forces for public security purposes became seen by the population in general as part of its *natural* mission [...]. So the mistrust that still could persist [...] was being overcome. (Mathias and Guzzi 2010, 52, emphasis in original)

This turn in popular attitudes can be understood in light of the context at the time, including the dire economic situation. From 1985 to 1993 inflation in Brazil was consistently above 100 per cent a year, only dropping significantly after Cardoso came to power in 1995, reaching levels below 10 per cent from 1997 onwards (Treisman 2004, 400-401). In parallel, as the trade in narcotics took hold of the coastal cities in the 1980s, the homicide rate in Brazil nearly doubled, from 11.7 per 1,000 inhabitants in 1980 to 22.2 in 1990 (Waiselfisz 2013, 21). “The rise of the narcotics market,” Erika Robb Larkins (2013) recounts, “which for the first time brought significant capital to the gangs, led to the subsequent introduction of the powerful weapons of war needed to protect drug selling sites from rebellious up-and-comers [...]” Eventually, she adds, “turf wars began to pose a real threat to everyday safety in favelas” (Larkins 2013, 560).

With multiple risks to citizens’ security, the attention shifted towards the police forces, which were in dire need of reform. In the Rio de Janeiro state under Governor Leonel Brizola (1983-87 and 1991-94), attempts to reduce human rights violations by the police failed to tackle the problem of rising crime and violence; between 1985 and 1994, the homicide rate for the city of Rio de Janeiro doubled (Husain 2007, 63-64). Scepticism on whether the police would be up to the task of protecting urban citizens, which had gained a new dimension after the positive experience with the military in Rio during ECO 92, was also nurtured by ideas of police corruption. Research indeed suggests police actions in the favelas have embedded state forces in the very drug trafficking they are supposed to fight, with multiple reports of collusion (e.g., Arias 2007, Larkins 2013). According to Larkins, the “alliances between corrupt police, crooked politicians, and criminals [...] continue to [...] impact the authority and legitimacy of the state” (Larkins 2013, 561).

Another key event that shaped popular perceptions of the armed forces was the impeachment of President Fernando Collor in 1992. During the step-by-step, yet heated, process that led to his impeachment, the military entirely refrained from intervening. “This was the military’s ‘baptism of fire’ in the New Republic,” writes Castro, adding that “despite being prompted by the press, by politicians and even by Collor himself, the armed forces insisted that their role was to respect the constitution and the legal political process” (Castro 2002, 103). At this critical moment the military played by the rules of democracy, and came out stronger.

Operation Rio 1994-1995: In the early 1990s, urban fears for escalating violence, combined with a contested record of the police, opened up space for using the military for public security purposes. This was the background for the first GLO intervention in the favelas of Rio de Janeiro in the name of fighting drug trafficking. Barreira and Botelho argue that major news media played a key part in calling for military intervention in Rio in 1994 by referring to “the moments of peace” during ECO 92 and to persistent violence in the city since then (Barreira and Botelho 2013, 117).

Compared to ECO 92, Operation Rio, as it was called, turned out to be a more contested experience. The operation ran in two phases. The official aim of the first phase, “Operation Rio I,” was to block access to the drug trading points in the favelas. The military, together with the police, invaded favelas and participated in repressive actions. But in early 1995, with newly elected governments in place at the federal and state level, the operation proceeded into a new phase in which the army was tasked with patrolling major roads. Only in exceptional cases were they now to join incursions into the favelas. This change was in itself, argue Barreira and Botelho, a recognition that the 1994 military presence in the favelas had proven counterproductive.

The strategic change [of the military role in 1995] occurred as a function of the denunciations of the inefficiency of the previous phase of the operation and, above all, because of the constant violations of human rights, which not rarely involved practices of torture and clandestine prisons. (Barreira and Botelho 2013, 119)

Likewise, Jorge Zaverucha finds that Operation Rio I failed in most respects: “The favelas were not disarmed, the drug trafficking continued vigorously, the crime rate remained high and the favelas were

not incorporated into the rest of the city” (Zaverucha 2000, 196). He suggests that the initial popular support there had been for the operation in the end “was transformed into hostility towards the soldiers” (Zaverucha 2000, 196). Reflecting on the dynamics Operation Rio set in motion, Enrique Desmond Arias suggests such actions cause “law-abiding residents in the favelas that are targeted [...] to identify more closely with traffickers” (Arias 2007, 14-15).

2003: The PT era begins. Military action in favelas was thus not favoured for many years to come, despite the fact that the homicide rate stayed high (Waiselfisz 2013, 21). But soon after Luiz Inácio Lula da Silva of the *Partido dos Trabalhadores* (PT) came to power, the practice of recurring to the military for internal purposes picked up. In March 2003 it was thus reported that:

After nearly two decades on the margins of Brazilian life, the armed forces have been thrust back into the center of things. Since taking office on Jan. 1, the left-wing government here has increasingly been looking to the 185,000 members of the military to perform tasks to advance President Luiz Inácio Lula de Silva’s ambitious social development agenda. (Rohter 2003)

Notably, these tasks went beyond the realm of “public security” under Lula and continue to do so under his successor Dilma Rousseff. In the PT era, the Brazilian military has become more involved in projects deemed central for “national development,” reminiscent of how it was used during regimes before the 1988 transition (see e.g., D’Araújo 2010, Guimarães 2010). This development agenda for the military could easily be justified with reference to the 1999 complementary law:

It falls on the Armed Forces, as a general subsidiary attribution, to cooperate with the national development and the civil defence, in the form ordered by the President of the Republic. (*Lei Complementar no. 97 1999*, art. 16)

One way in which the Lula government concretized this agenda was by including, in the 2004 complementary law, which altered the 1999 version, a rule saying the army should contribute with engineering services to public organs and, “exceptionally,” to private companies as well.

It falls on the Army, beyond other pertinent actions, as particular subsidiary attributions: [...] to cooperate with the public organs at the federal, state, and municipal levels and, exceptionally, with private enterprises, in the execution of engineering services, the resources being provided by the soliciting organ. (*Lei Complementar no. 97 1999*, art. 17A para. II, *Lei Complementar no. 117 2004*, art. 2)

Such contributions to “development” by the military are separate from their contributions when deployed by the civilian authorities “for the guarantee of law and order.” And yet, the development agenda for the armed forces that the PT (re-)introduced does represent a qualitative shift of emphasis in the democratic era, as the government sought to use the armed forces not only for domestic security purposes, but also more directly for purposes of helping in the implementation of its own policy agendas. This extended use of the military comes with certain risks, including the risk of strengthening the military’s bargaining position in politics.

2006 onwards: Interventions by the armed forces in favelas. Beyond the development agenda, the backdrop for most public security interventions by the armed forces authorized by the PT government was the favela, chiefly in the city of Rio de Janeiro. To date, two phases of such interventions can be identified: from 2006 to 2008, and from 2008 onwards.

The first phase consisted of brief interventions by army troops in response to particular events. In March 2006, one series of such interventions was triggered by theft of weaponry from a Rio de Janeiro army base. Typically ascribed to drug traffickers, such a theft was far from new in Rio and yet, this time, it triggered a major response. Over the ensuing ten days, “thirteen communities at various points of the city were taken by attack forces of the Army,” who aimed to recuperate the weapons (Sento-Sé

et al. 2006, 2). In their study of this intervention, focusing on the occupation of the Providência favela, Sento-Sé and his colleagues find that the operation lacked a clear mandate (Sento-Sé et al. 2006, 19, 22). A later operation in June 2008 was similarly ad-hoc in nature. Eleven army soldiers intervened then, also in Providência. The result was that three residents were arrested and brought to another favela where they were later killed, allegedly by drugs traffickers (Barreira and Botelho 2013, 122).

By 2008, however, change was underway in the public security policy of Rio de Janeiro, centred on the establishment of so-called Special Police Units for Neighbourhood Pacification, or UPPs (Barreira and Botelho 2013, Zaverucha 2010, Mathias and Guzzi 2010, 53). With “pacification,” the police sought to establish a more permanent presence in favelas seen as “strategically located,” with the purpose of undermining the authority of drug-trafficking gangs and integrating the favelas into the state and the market (for details see Conectas Human Rights 2012, Burgos et al. 2012). But as this scheme was rolled out, some drug traffickers began to relocate their activities from areas where there was a UPP presence to favelas that were not yet “pacified.” Thus in 2009-10, the faction that controlled the drug trade in Complexo do Alemão, a huge favela, attracted new members. Nearby Vila Cruzeiro saw a similar development (Barreira and Botelho 2013, 124).

So, when violence began to escalate in Vila Cruzeiro in November 2010, Rio de Janeiro Governor Sergio Cabral indeed asked President Lula da Silva to deploy the military “for the guarantee of law and order” (Estadão 2010a, Skalmusky 2010). His call for a GLO operation was promptly heeded. Initially, the 800 army soldiers who entered Complexo do Alemão and Vila Cruzeiro on 25 November 2010, alongside the 70 marines already in place, were to assist the police by controlling access points to the favelas (Ritto and Lemos 2010, Estadão 2010a). Just a few days later, however, it was declared that the army troops would “substitute” the police in the two favelas. This was done, in part, to enable a UPP force to be introduced later, so that the police would gradually be able to take control of the favelas (Estadão 2010b).

Complexo do Alemão, then, became a case of army deployment as part of the process of police pacification (Savell 2014). And yet, that process took far longer than anticipated. In late 2010, it was announced that the army soldiers would be out of Alemão by mid-2011 (Estadão 2010b). They ended up staying until mid-2012 (Rossi 2012, Savell 2014). Spanning over a period of one and a half years, this is clearly the GLO deployment with the longest duration in Brazil so far.

As noted at the beginning of this paper, on launching the next major favela intervention by the military in early 2014, Brazil’s Minister of Defence stated that this would only be a “temporary” mission of support. The “pacification force of Complexo do Maré,” as this operation of 2,050 army soldiers, 500 marines, and 200 police officers was called, was going to be deployed “at least until” 31 July 2014; i.e., over four months (Costa et al. 2014). And yet, the relevant legislation does state that a GLO operation should have “the shortest duration possible” (*Decreto no. 3897* 2001, art. 5). Before Alemão and Maré, the vast majority of GLO operations were indeed brief, the longest being Operation Rio I which lasted for approximately two months (Barreira and Botelho 2013, 118). In light of these recent operations, questions may be raised as to whether the law regulating the length of military public security intervention will be revised.

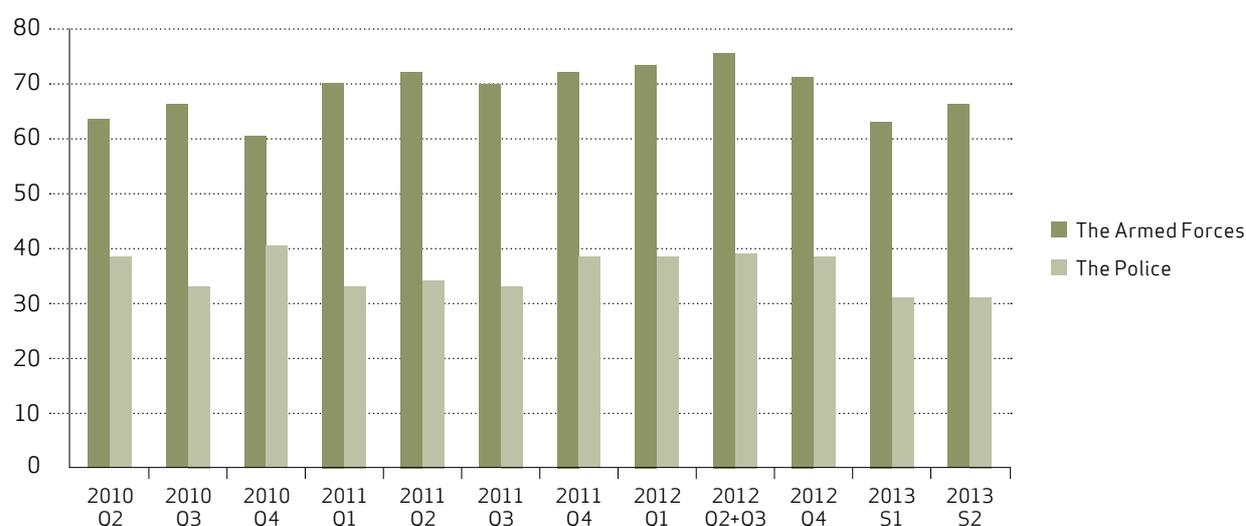
3. Discussion

Civilian authorities in democratic Brazil have grasped the opportunity to deploy the armed forces within the country “to guarantee law and order” in a variety of situations and with growing regularity. Where has this practice taken Brazilian democracy? How has it shaped the elected leaders’ relationship with the armed forces and with society? In order to answer, it is useful to explore how

these dynamics might be seen from different angles; namely, those of society, the military, and the state (e.g., Barany 2012).

Society: Brazilians place considerable trust in their armed forces. In one series of surveys, produced by the Getulio Vargas Foundation (FGV) as part of its research on Brazil's justice system, respondents were asked whether they have confidence in different institutions in Brazil.² Figure 1 shows the results of the surveys conducted from the second quarter of 2010, when this question first was included, through 2013 with regard to the armed forces and the police.

Figure 1. Popular confidence in state security institutions in Brazil, 2010-2013 (per cent)



Sources: Cunha et al. 2010a, 2010b, 2010c, 2011a, 2011b, 2011c, 2011d, 2012a, 2012b, 2012c, 2013a, 2013b.

Note: Q stands for quarter, S for semester. The sample was composed of respondents from seven (surveys from 2010, 2011 and 2012 first quarter) or eight (remaining 2012, and 2013 surveys) of Brazil's federative units, units that collectively were estimated to host 55-60 per cent of the population. The sample consisted of 1,550-1,658 persons in the surveys covering one quarter, and 3,301-3,325 in the surveys covering two quarters. Efforts were made to make the sample representative of Brazil's population in terms of gender, age, income, schooling, and employment.

These data suggest that, towards the end of Lula da Silva's presidency in Brazil and during the first three years in office of Dilma Rousseff, a far greater portion of Brazilians trusted the armed forces rather than the police. While between 60 and 75 per cent of respondents trusted the armed forces, only between 31 and 40 per cent had confidence in the police. In every survey, in fact, the military ranked as the institution that was trusted by the greatest share of respondents. In all surveys but one, the Catholic Church was trusted by the second largest share. And, again, in every survey except one, the

² The FGV teams identify the "confidence" a citizen has in an institution by assessing "whether the citizen believes that this institution performs its role with quality, if it does so in a way that makes the benefits from its actions exceed the costs, and if this institution is taken into consideration" in the citizen's everyday life (e.g., Cunha et al. 2012, 3-4).

two institutions respondents expressed the least confidence in were the national congress (i.e., parliament) and political parties.³

A similar gap between people's confidence in the police and the armed forces is detected by the Latin American Public Opinion Project (LAPOP). Their 2012 survey found that in Brazil, 66.6 per cent of respondents had confidence in the military and 51.9 per cent in the police (Pérez 2013). In this survey the gap is narrower and confidence in the police stronger than in any of the FGV surveys. The pattern, however, still shows that many more Brazilians trust the armed forces than those who trust the police. Does this mean Brazilians trust the military not only for the purpose of national defence but also for its role in public security?

Though little research exists on this question, recent ethnographic work on the intervention in Complexo do Alemão offers a potential answer (Savell 2014). As noted, in Alemão the army acted as a catalyst for police takeover in the name of "pacification," from late 2010 until mid-2012. During a subsequent one-year-long fieldwork in this favela, Stephanie Savell interviewed members of the army, police, and ordinary residents about how they had perceived the army and police performance during that time. Her preliminary findings suggest that residents generally perceived the soldiers' behaviour more favourably than that of the police. For residents, the soldiers' behaviour differed in several ways: they made an effort to consult with residents and "at least made a display of listening" to them; they did not take bribes; and they had the collective strength necessary to match the drug-trafficking gangs. Traffickers had even apparently been "eager to have the army leave and the UPP police enter, so they could go back to their regular business of selling drugs" (Savell 2014). The picture was mixed, however. Residents were used to the police treating them as "enemies in the war on drugs," and many viewed the military as doing precisely the same. Residents further considered both state security forces to be "less adept than the traffickers in providing order and 'protecting' residents from crimes" (Savell 2014).

Still, evidence suggests that there was some support among those who experienced the intervention for having the soldiers act "for the guarantee of law and order," at least on a temporary basis. For, as Savell notes, it was in large part because the army was in Alemão for a limited period, and soldiers rotated from one area to the next every three months, that it was able to avoid getting caught in the webs of corruption (Savell 2014). Savell's findings also reflect the general trend of the armed forces being more favourably perceived than the police. It is still notable that their deployment "for the guarantee of law and order," at least in Alemão, hardly seems to have tainted the positive image most Brazilians have of the military.

The military: Some research suggests the military harbour considerable scepticism towards their role as a substitute police force. In one study, members of the armed forces suggest they don't have the right training "and that the actions required by public security threaten the military *ethos*" (Mathias and Guzzi 2010, 53, emphasis in original). And yet, scepticism is mixed with pragmatism.

Many soldiers defend that the activities in the maintenance of Law and Order represent a way of maintaining the Force near the citizens and a guarantee of continued investment, which in turn would help modernize the corporation. Hence, applying a purely rational calculation, the Armed Forces have much to win and very little to lose acting as trustees in internal security. (Mathias and Guzzi 2010, 54)

³ In all the surveys reviewed, respondents were asked to state whether they had confidence in the following ten institutions: the armed forces, big companies, the Catholic Church, the federal government, the judiciary, the national congress, the police, political parties, the press, and TV broadcasters. From the 2011 2nd quarter survey onwards, the *Ministério Público* was added; this is the body of independent public prosecutors in Brazil. Once added, this institution consistently ranked third, behind the military and the Catholic Church. In a few of the surveys, "neighbours" features as the twelfth institution.

Savell's research suggests, moreover, that the scepticism towards GLO deployment expressed by the military should not be taken at face value. Once deployed in Complexo do Alemão, soldiers entered into rivalries with the police, and army members typically highlighted what they saw as their superiority, both technical and moral, to the police. As an army chaplain argued, “[w]hen everything else fails, the military system enters to save things. It is the moral reserve of society” (Savell 2014). As Savell points out, such a view reveals that the army “still sees itself as savior and steward of Brazil” (ibid.). And arguably, the favela GLO operation gave the army an opportunity to demonstrate that self-image.

There is mixed evidence in support of the argument cited above that GLO operations would secure “continued investment” in the military. It is true that every year of the Lula presidency, from 2003 to 2010, military spending in Brazil increased by 7 per cent (Deutsche Welle 2014, reporting data from the Stockholm International Peace Research Institute). While this might suggest that the PT government let itself be pressured, the increase was also at a time of great economic growth for the country. By 2013, Brazil, the world's fifth largest nation in population and territory, still ranked only as the twelfth largest in terms of military spending (Deutsche Welle 2014). Moreover, from 2012 to 2013, military spending was reduced in Brazil by 3.9 per cent (ibid.), and by the end of 2013 the military expressed concern that the 2014 budget would fall short of its “minimum needs” (G1 2013). Nonetheless, no increase was granted (Deutsche Welle 2014). According to figures from the armed forces, the share of Brazil's GDP allocated to the military remained stable from 2009 to 2012, at around 1.5 per cent (O Globo 2013).

In light of military spending patterns, therefore, it does not seem that the civilian authorities of Brazil have let military interests strongly influence them. While certainly lending the armed forces their ear, the overall budget line of the government does not seem to have been dictated by the armed forces, even when the latter were used for GLO purposes.

The state: How has the fact that successive civilian governments of Brazil have deployed the military for policing purposes shaped their incentive structures?

My analysis of the legislation and practice “to guarantee law and order” in democratic Brazil does not suggest the armed forces are inclined to use the increased visibility and improved bargaining position that come with GLO missions to make their way back into power. True, the improved bargaining position of the military, resulting from their growing involvement in public security, could pose a risk if civilian authorities succumb to pressure to allow military budgets to grow and their role in domestic security to outflank that of the police. However, there is little suggesting this has happened. Nor was evidence found of an appetite for direct political power among the Brazilian military, even after years of regular participation in GLO interventions. As it seems, civilian control of the military is in fact fairly well established.

If allowing the military to act as a substitute to the police has not weakened civilian control, it still comes with significant risks for the quality of democracy in Brazil. For, while the soldiers in a democracy might lose their interest in political influence (as suggested by Hunter 1997), elected politicians might find the possibility to call on the armed forces quite useful. Despite their having come to power as a result of a transition that sent the military back to the barracks, once in power, elected politicians will face multiple pressures—for delivering on their promises, for enabling citizens to feel secure, and for keeping an image of the country as a stable and safe destination for foreign visitors and investors. The fact that the constitution allows politicians to order the armed forces to intervene within the country, under circumstances that are vaguely defined, may be a temptation that is hard to resist. It will be especially hard to resist for politicians, like President Lula da Silva, who come to power with an ambitious, and costly, agenda for change. In times when the funds available for the state are limited, as was the case in Brazil in 2003 (Rohter 2003), calling on the military may be particularly convenient. Soldiers are, after all, already on the payroll and can be at the state's service without affecting macroeconomic stability.

In Brazil, where the military has a long history of engaging in “national development,” the growing use of the military on the domestic scene could also be expected to go down well with large parts of the population, especially as memories of military rule are beginning to fade. The surveys presented above, suggesting solid popular support for the military, indeed back this conclusion. But this support is also for a military that has, since 1988, played by the rules of democracy. They never attempted a coup, not even during president Collor’s impeachment. It is likely that they have earned popular regard in large part because they kept their hands off the political table. They are “beyond politics” and this could be seen as positive not only because it signals respect for democracy, but also because many Brazilians have come to associate “politics” with corruption and as disconnected from people’s everyday realities. The low confidence people expressed in Congress and political parties in the FGV surveys bears testimony to this.

The popularity of the armed forces, combined with mixed feelings about the police in Brazil, adds to the reasons why the GLO clause came in handy for the federal government. And yet, activating it with increasing regularity has come at a price. As several analysts argue, it has led to a “banalization” of the use of the armed forces (Zaverucha 2010, 30, Mathias and Guzzi 2010, 53). This analysis supports that perspective but also makes a different argument; namely, that the GLO practice risks insulating the democratic Brazilian state from the society it is set to serve. While the state may gain some short-term support for deploying the military, if this contributes to making citizens feel safer for some time, in the longer term, the regular use of soldiers risks undermining the general sense of public security. The impression this practice gives is that the situation is repeatedly so serious, so dangerous, that the police is not up to the task of tackling it. Increasingly regular GLO interventions create an impression of a state of exception becoming regularized, of the exception to a larger and larger extent becoming the rule. The military on the streets suggests that normality is suspended, but when this happens more and more often, what does it suggest about the ability of the political leaders to maintain normal conditions? In fact, the elected leaders regularly deploying the military risk having popular attitudes turn against them as a result.

The argument can also be framed differently. The Brazilian legislation gives the armed forces a role as “guarantor” of law and order, but only if requested by one of the constitutional powers to act to that effect. As Zaverucha asks, “how is it possible to submit yourself and to guarantee something at the same time?” (Zaverucha 2010, 26). In other words, how can the armed forces “guarantee” law and order if they cannot decide when to intervene?

In practice, the submission of the armed forces to civilian authorities in Brazil would imply that it is the latter, or ultimately the president, who becomes the true “guarantor” of law and order. In one sense, this is how it should be in a democracy: the responsibility for determining when the situation requires military intervention rests with the executive branch. But in Brazil, the ability given to the president to call on the military, in conditions that are vaguely defined, seems to have placed pressure on her to use that ability any time the police faces challenging circumstances. The GLO clause has contributed to shifting the focus away from how the ordinary security forces can perform better, to the short-term solution of having the armed forces do the job instead.

There is also a more fundamental problem. The idea of “guaranteeing” law and order, while transferred, in practice, from the military to the presidency in democratic Brazil, represents a continuation of a historical tendency in Latin American politics, described by Brian Loveman (1997) as “protected democracy.” The idea that the military is necessary to “guarantee” the survival of the nation suggests that the nation cannot take care of itself, that is, that the police will not be up to the task of everyday protection. And yet, in a democracy it is the police that should, as the Brazilian constitution of 1988 puts it, “maintain public order.” The use of the military for GLO purposes suggests that the civilian authorities in Brazil do not entirely believe that the democratic institution established for the purpose of public security will be able to perform its main task. The GLO clause can thus be read as a continuation of a way of thinking that applies in an authoritarian regime, in which, as de Tocqueville stated, “it is not the people who predominate... but those who know what is

good for the people” (Loveman 1997, 132). In Brazil, the submission to civilian rule of the military implied, over the years, a transfer of the guardian role from the military to the presidency. But this stewardship role flies in the face of the role the elected leader is supposed to play, namely, that of representative of the citizens who have elected her, and of the nation as a whole. Her role as guardian, with military tools at her fingertips, makes it difficult for the Brazilian president to retain the organic links to the people she represents. In effect, it risks distancing her from society.

4. Concluding remarks

This paper has discussed how the public security function of the armed forces has shaped the quality of democracy in Brazil. Pointing to the decision that was made in Brazil’s constitution-making process, of allowing the military to intervene “for the guarantee of law and order” if called upon by the civilian authorities, it has explored what the legislative and practical implementation of that decision has implied for democratic consolidation.

The Brazilian case suggests that the most fundamental risk involved in allowing politicians to use the armed forces for internal security purposes is that the operation of democracy is likely to give them a reason for using the military for a growing array of purposes. There is a risk that, the more visible a role the military gets on the domestic scene, the more likely it is that some groups within it may use that position to negotiate greater political influence. But the Brazilian experience suggests this is not the main risk. Democracy is challenged mainly because the state’s use of the military to “guarantee law and order” leads to the state itself taking on such a guarantor role. And yet, in a democracy, the authorities of the state are elected to represent the interests of citizens. While safety and security are likely to rank high among priorities in most electorates, politicians are not elected to “guarantee” that “law and order” exist in society. They are elected chiefly to promote the interests and preferences of those who elected them. But as pressure to deliver on multiple fronts increases for elected politicians, the opportunity for calling on the armed forces becomes increasingly hard to resist. To the extent that politicians use that opportunity for purposes of public security, they send out a signal of mistrust in the ability of the police, and by implication, of mistrust in the ability of the institutions set up by democracy to take care of the citizens. Instead, they must recur to a plan that was inherited from the days of authoritarian rule.

In contemporary Brazil, democracy is the order of the day, an agenda that was reinforced by the millions of Brazilians who took to the streets, exercising their freedom of expression, from June 2013 onwards. This requires that politicians adopt a role of representation rather than one of stewardship. The problem with the GLO clause is that it nurtures stewardship and thus risks widening the gap between state and society.

So, what is the way forward to protect Brazil’s democracy? A good place to start would be to make a more concerted effort to reform the police forces. While much has been written and many strategies have been adopted for this purpose in Brazil, this does not make the task less urgent. With a police that has the training and the resources that would enable it to “preserve public security and the safety of persons and property,” which is its constitutional mandate, the president would be under less pressure to call on the military. This would signal that democracy is working and that politicians, rather than sending in troops for the elusive task of “guaranteeing law and order,” seek to listen to the people who elected them.

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INDEXING TERMS

Brazil, Armed forces, Public security,

Civil-military relations

The transition to democracy in Brazil came with a significant change in the role the armed forces could play for public security within the country. According to article 142 of the 1988 constitution, the armed forces could now intervene “for the guarantee of law and order” in Brazil only on the initiative of the civilian authorities. But since then, the military has been used on this basis in a growing array of situations, ranging from strikes and elections via political summits and visits by foreign dignitaries to efforts to “pacify” urban neighbourhoods. This paper examines how the constitutional mandate of the armed forces to guarantee law and order was specified in successive legislation in Brazil, and how the practice of deploying troops for policing purposes has evolved. It finds that the growing use of the military for the guarantee of law and order, while not necessarily weakening civilian control of the armed forces, still comes with significant risks for the quality of democracy. The main risk is associated with how this use of the military shapes state-society relations and may weaken the links between the elected leaders and those they represent.