

The Brazilian Army in the Fight Against Crime

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ABSTRACT

Despite occasional successes, recourse to the armed forces, which is taken for a number of reasons (riots, crime), cannot be considered a definitive solution to the problem of violence in Brazil. As in many other countries, only a comprehensive solution, leading to the participation of all sectors of government and civil society, can significantly reduce the extremely high crime rates currently found in Brazil.

Keywords: army, Brazil, crime, Rio de Janeiro

El ejército brasileño y la lucha contra el crimen

RESUMEN

A pesar de los éxitos ocasionales, el recurso a las fuerzas armadas, que se toma por varias razones (disturbios, crímenes), no puede considerarse una solución definitiva al problema de la violencia en Brasil. Como en muchos otros países, solo una solución integral, que conduzca a la participación de todos los sectores del gobierno y la sociedad civil, puede reducir significativamente las tasas de criminalidad extremadamente altas que se encuentran actualmente en Brasil.

Palabras clave: Ejército, Brasil, crimen, Río de Janeiro

打击犯罪的巴西军队

摘要

尽管偶尔取得成功，出于一系列原因（暴乱、犯罪）而动用的军队资源不能被视为一应对巴西暴力的权威解决方案。像

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许多其他国家一样，只有让政府所有部门与公民社会进行参与的全面解决方案才能显著减少巴西现有的极高犯罪率。

关键词：军队，巴西，犯罪，里约热内卢

Introduction

The Brazilian Armed Forces are a set of national, permanent, and regular institutions, organized according to a strict hierarchical structure and equally strict discipline, and placed under the supreme authority of the President of the Republic. Their duties are defined by the Federal Constitution of 1988 and can be summarized by the following principles: defense of the nation, which is the traditional mission of all armed forces around the world; guarantee of law and order (GLO) in the case of a serious compromise to public order; and guarantee of constitutional powers. The Complementary Law to the Federal Constitution n° 136 of August 25, 2010, adds an additional power regarding cross-border and environmental crimes to this set of fundamental tasks and missions.

- Before studying the contributions of the Brazilian Army to the fight against crime, it is essential to understand the general principles of the organization of the Brazilian state, where the three powers (executive, legislative, and judicial) coexist at the federal level, the state level, and in certain cases the municipality level. As far as public security is concerned, the country is organized according to article 144 of the Federal Constitution:
- The Federal Police, the Federal Highway Police, and the Federal Railway Police are all placed directly under the authority of the federal executive power. These police forces are responsible for crimes and offences that go beyond state limits or that are cross-border in nature.
- The Civil Police, which executes judicial police missions, and the Military Police, which undertakes ostensive policing, are under the direct control of the states' executive powers.
- Finally, there is a National Public Security Force, which is made up of elements of all the Military Police forces of the twenty-six states, and which can constitute a reserve in the case of serious events.

When seeking to understand the approach of the army in its fight against crime, one should remember its institutional vision. This is outlined in its mili-

tary training manual, which endeavors to clarify the constitutional principle of the guarantee of law and order: “This principle authorizes the armed forces to ensure effective respect of the law, rights, and duties in the legal order in force by assuming, on the decision of the President of the Republic, central responsibility for maintaining public security when the instruments of preservation of public order defined by article 144 of the Constitution have been exhausted” (EB20-MF-10.101 2014: 3–4).² Bearing in mind that the constitution provides that the army should only be an ancillary force in the fight against crime and organized crime, it is reasonable to raise questions about the role, in practice, of the Armed Forces in these types of operation.

Guarantee of Law and Order (GLO) Operations

Referring to the directives contained in the official publication of the Brazilian Army cited above, it is possible to precisely define the circumstances in which it can trigger a GLO operation: first of all, there must be a serious threat to public order or the security of persons and goods; next, a situation of insufficient resources must be established. Insufficient resources should be understood as those of the “ordinary” police forces, whose main duty is public order. Next, let us consider the process of triggering a GLO operation.

The starting point is a crisis situation, for example an explosion of urban violence that the local security forces do not have or no longer have the capacity to control. These local forces are the Civil Police and the Military Police, which, it can be recalled, are under the authority of the governor of the state concerned, and which form the first line of defense against criminal activities. At any time, the state governor has the authority to declare that the police forces are unavailable, nonexistent, or insufficient to fulfill their duty of re-establishing public order in the face of the wave of violence imagined in our scenario. By means of an official request addressed to the President of the Republic, the governor has the right to solicit the help of the federal government to resolve the crisis.

The usual first response of the federal government will be to dispatch the National Public Security Force in order to support the police forces of the state in crisis. If this reserve force is not capable of resolving the situation, the President of the Republic may then, by decree, trigger a deployment of the armed forces within the framework of the GLO, in a clearly defined region and usually for a short duration.

Here are some recent examples of the use of the Brazilian Army within the framework of the GLO:

² **Translator’s note:** Unless otherwise stated, all translations of cited foreign language material in this article are our own.

Military Police Strike

In Brazil's very recent history, multiple military police officer strikes have taken place in relation to salary demands. In February 2017, for example, the Military Police of the state of Espírito Santo ceased its activities, provoking an explosion of violence, in particular in relation to organized crime.

In response, the state governor solicited the support of the federal government, which deployed the National Public Security Force and then the armed forces in order to restore order, particularly in the capital Vitória. Their concrete operations involved "classic" police work: street patrols, controlling civil disturbances, and so on. The people of Espírito Santo largely supported this initiative and complied with the orders of the Brazilian Army, which allowed calm to be restored until the state's Military Police returned to work.

A very similar situation occurred in the state of Rio Grande do Norte at the end of 2017.

Truck Driver Strike

In May and June 2018, unions representing self-employed truck drivers coordinated a blockage of the country's highways, preventing the transport of goods and people. The chaos was such that people in every region of the country started to suffer from shortages of basic consumer goods and medicines.

The President of the Republic, Michel Temer, then requested the use of the armed forces in order to guarantee the free circulation of people and the most essential goods for the population and infrastructure.

There was a risk of confrontations with the truck drivers, whose demands concerning fuel prices were echoed by some of the general population. But, happily, negotiations allowed the armed forces to ensure minimal provisioning of cities.

During the strike, the Brazilian Army performed no fewer than 948 vehicle escorts, 574 of those with the support of other government agencies or public security agencies. It also escorted 14,947 tanker trucks transporting diesel, gasoline, or biofuel (around 500 million liters of fuel), 455 tanker trucks transporting kerosene for aviation (a little more than 3 million liters of kerosene), 1,000 trucks transporting canisters of domestic gas, 753 food trucks, and 462 trucks carrying medicines and hospital equipment.

Once again, the armed forces thus demonstrated to Brazilian society their "calm diligence" in the accomplishment of a mission, in accordance with their commitment to avoiding confrontation and seeking conciliation.

Federal Intervention in Rio de Janeiro—A Special Case

At the beginning of 2018, the crime rate in the state and city of Rio de Janeiro reached an absolutely critical level, leading to the implementation of a direct federal intervention. Contrary to reports in the international press, this was neither a military intervention in the strict sense, nor a “classic” GLO operation. Rather, the President of the Republic charged General Braga Netto with the on-the-ground management of the Federal Intervention Bureau (FIB)—an organization created for the occasion—and with organizing it around two main axes: supporting the operational reorganization of Rio de Janeiro state’s security forces, and increasing the population’s sense of security. The latter was achieved by re-establishing order in the streets, which had become seriously compromised. To accomplish this, the FIB relied primarily on the armed forces on the ground.

Under normal circumstances, the period of federal intervention should end on December 31, 2018, when control of public security in the state will return to the state governor. According to a recent survey,³ 66 percent of the population of the city of Rio de Janeiro confirmed their support for the FIB’s actions, which appear to be beginning to take effect if we compare the crime figures with those for the same period in 2017: a reduction of 15 percent in car thefts, of 16 percent in street robberies, of 20 percent in freight thefts, and so on.⁴ Nevertheless, despite these encouraging statistics, the challenges are still far from being overcome, and only a comprehensive approach to the problem of public security can solve the problems in Rio de Janeiro.

Operations in Border Areas

One element of the Brazilian Army’s duties with regard to public security concerns border areas—a permanent mission that does not require a presidential decree as in the case of GLO operations. The Complementary Law to the Constitution n° 136 of August 25, 2010, assigns these duties to the armed forces:

In addition to their usual duties, the armed forces are also responsible, as subsidiary forces, and as befits the exclusive competences of the judicial police, for preventative and repressive actions at land and maritime borders, and in territorial waters, and, whatever the rights of detention or property, or the objectives or charges of the potential offenders, against cross-border and environmental of-

3 http://www.eb.mil.br/web/noticias/noticiario-do-exercito/-/asset_publisher/MjaG93KcunQI/content/operacao-sao-cristovao-exercito-apresenta-os-resultados-apos-normalizar-servicos-a-populacao-

4 http://arquivos.proderj.rj.gov.br/isp_imagens/uploads/infograficoroubodecarga.pdf

fenses, on their own or in coordination with other executive bodies, by implementing, among others, the following actions:

I – Patrols;

II – Inspections of persons, land vehicles, ships, and aircraft;

III – Arrests in flagrante delicto.

Here again, it is important to underline the complementarity between the actions of public security bodies and the armed forces. The actions of the Brazilian Army beyond the borders are not intended to substitute those of the Federal Police, whose role it is to combat transnational crimes.

In June 2011, the federal government launched the Strategic Borders Plan (SBP), aiming to strengthen the state's presence in the regions that border Brazil's ten neighboring countries. As a result of the plan, the actions of various state bodies to prevent and combat cross-border crime—such as the smuggling of weapons and drugs—began to be integrated, amplifying their impact. The SBP, under the direct authority of the Vice-President of the Republic, is organized around two operations: Sentinel and Ágata.

Operation Sentinel, coordinated by the Ministry of Justice, is largely focused on investigative work, intelligence, and the coordination of multiple federal security agencies.

Operation Ágata, coordinated by the Ministry of Defense and the chiefs of staff of the armed forces, mobilizes navy, army, and air force personnel locally around strategic points on the border. In September 2018, for example, this operation enabled the seizure of 1.4 metric tons of narcotics on the border between Brazil and Paraguay in just four days. This year, it looks as though the results will surpass the record of 2016, when more than 11 metric tons were seized.

Aside from the SBP, the Brazilian Army defends its territory with a twenty-four-hour presence on its borders. As such, it has considerable autonomy and scope to contribute to the fight against crime, particularly in areas of the country where the presence of the Brazilian state is only evident in the presence of troops (in certain areas of the Amazon, for example). Compare the efforts of these troops to the words of the Commander-in-Chief of the Brazilian Army, who recently stated that organized crime and the trafficking associated with it constitute “the greatest threat to the sovereignty of Brazil at the present time.”

In the effort to strengthen actions on the border, the Integrated Border Monitoring System (SISFRON) was designed on the initiative of the Brazilian Army command, following the triple principle of surveillance/control, mobility, and physical presence. The central idea of this system is to strengthen the Brazilian state's surveillance and response capacity on its land borders, and indirectly to fight more effectively against transnational criminal activity.

The Integrated Border Monitoring System, with a budget of 12 billion BRL (around 4 billion euros), aims to reinforce the army's capacity for action in the country's border regions, an area of 1.2 million square kilometers, making SISFRON the largest border monitoring system in the world. It consists of an integrated assembly of technological resources (electronic surveillance and control systems, information technologies, electronic warfare capabilities) and intelligence resources, which, alongside large-scale infrastructure works, will reduce the vulnerabilities of the entire border zone. The project, which should be rolled out in full in 2021, will include an initial pilot phase with sixty-eight communications antennae and a dedicated network.

This important strategic project can be summarized in the permanent interaction between sensors, decision makers, and shooters (*sensores-decisores-atuadores*), as shown in the figure above. The objective is to ensure that illicit acts in the border zone are detected as early as possible, so that they may be prevented through deterrence and, if necessary, confronted. When it is fully operational, SISFRON will play an important role in the construction of a more secure Brazil for all.

Final Considerations and Prospects

The Brazilian Army has participated, participates, and will continue to participate actively in all the decisive episodes in our history, including the unity, well-being, dignity, and greatness of the Nation, always guiding national life through its presence. An institution open to all ethnic and religious groups and all social classes, it is, through its members, a reflection of our national aspirations, which it fully appreciates, resulting in a perfect integration with the Brazilian nation. (EB20-MF-10.101 2014: 3–9)

The Brazilian Army, an institution that enjoys great prestige among the Brazilian population, acts within the framework of the legal instruments that govern its interventions. Within this framework, it participates in operations aiming to reduce the country's crime rate. These operations contribute to an environment that is more stable and more conducive to a robust economy—key factors in the construction of a more secure country.

On the country's borders, it is permanently engaged in reducing transnational crime. Investment in the SISFRON system will significantly reinforce this capacity to diminish national and transnational criminal activities.

It should be noted once more that guarantee of law and order (GLO) operations are limited to episodic cases of serious threats to public order. They are not intended to remain in place, and they are designed to allow other "ordinary" institutions of public security to return to their duties at the end of the operation.

In matters of national public security policy, we are often asked about the idea of a permanent intervention of the armed forces. In reading this article, it will be understood that our operations in border zones are intended to last, while GLO operations will only take place for as long as they are necessary. The real question is where and for how long the federal states will need the army's support to fight crime.

Despite occasional successes, recourse to the armed forces cannot be considered a definitive solution to the problem of violence in Brazil. As in many other countries, only a comprehensive solution, leading to the participation of all sectors of government and civil society, can significantly reduce the extremely high crime rates currently found in Brazil.