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**OPERATIONS FOR GUARANTEEING LAW AND ORDER IN BRAZIL:
MILITARIZATION, PUBLIC SECURITY AND THE CONSTRUCTION OF A
RESEARCH AGENDA**

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OPERATIONS FOR GUARANTEEING LAW AND ORDER IN BRAZIL: MILITARIZATION, PUBLIC SECURITY AND THE CONSTRUCTION OF A RESEARCH AGENDA

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Latin America is referred to by international institutions, such as the United Nations, as one of the most violent regions in the world. In *the Global Study on Homicide* (2019), the United Nations Office on Drugs and Crime and Crime suggested that the region presents a paradox: the concentration of 37% of the world's violent homicide rate, whilst being inhabited by 13% of the world's population. It is marked by the lack of armed conflicts between countries or civil wars but has a high mortality rate. Responses from Latin American countries to the matter of public security vary. Some countries, such as Ecuador, adopt an “integrative” security policy, congregating public security and defence agents, while others face the dilemma of acting between these two areas. The case of Brazil fits in this category and is the object to which our research has been directed.

In this piece we present an initial debate on Operations for Guaranteeing Law and Order (OpGLO), a constitutional mechanism employed by the Brazilian federal government to carry out actions in public security. We seek to present the recent use of this resource by the central government, and briefly reflect on the social, economic, and political impacts of the use of the Brazilian Armed Forces (FFAA) in these types of operations. As we will point out, the use of the Brazilian FFAA in the public security sector, although being one of the main mechanisms of the central government, is case-based and does not constitute a planned policy in the sector.

The Central Government's actions in public security sector

Brazil is a Federative Republic and as such the union, federal units (known as “states”), municipalities and the federal district coexist as federal entities. In public security, the Federal Constitution of 1988 established a system in which these entities share partial competency over public security, with an ultimate predominance of the management of the states. In total, Brazil is constituted by 27 Federated Units (26 states and the Federal District) and 5570 municipalities, all divided in 5 macro regions devised for statistical purposes.

States oversee the maintenance of investigative and ostensive bodies: the Civil Police (*Polícia Civil*), with investigative roles, and the Military Police (*Polícia Militar*), responsible for ostensive policing. The central government has responsibility over the Federal Police (*Polícia Federal*), which investigates cases involving the interest of the Union or equal treatment in national territory, as well as the Federal Highway Police Department (*Polícia Rodoviária Federal*). The municipalities are in charge of the structuring and maintenance of the Municipal Guards which, have the function of protecting goods and services, although municipal security have had its attributions extended in legislative changes in 2014.

As they constitute bodies of public security, police forces in Brazil are not a branch of the FFAA. Even though the Military Police is named as so, and although they are

submitted to military rules, the Brazilian constitutional conventions separate the roles of internal security and external defence. Some openings, however, exist, and may allow different interpretations. Accordingly to the Constitution, the *Polícia Militar* is considered as a contingency reserve of the FFAA, and the latter may act to assure “the guarantee of constitutional powers” or in need for the “guarantee of law and order” (Article 142). Usually, these legal openings are invoked for the use of FFAA in events related to public security, and legislation enacted since 1988 also blurs the distinction between public security and defence action in Brazil.

The Complementary Law no. 97 (1999) and the Decree no. 3.897 (2001) established the prerequisites for the use of OpGLO by the FFAA. These operations are summoned by the President even if by the request of state governments. For this purpose, the regular means of maintaining the public order should have been considered exhausted, or the resources of the state and Federal Police Forces unavailable, inexistent or insufficient. Nevertheless, the Decrees for the establishment of OpGLO rarely have factual justification or explanation in these aspects.

The use of OpGLO raises several questions of political and administrative nature. The allocation FFAA troops on the public security sector could represent an incapacity of action from the state Police Forces. This issue – and others that come to light when studying the data on OpGLO in Brazil in the last decades – unfortunately cannot be answered with an initial analysis of the available information. Some indicators may arise, however, from the analysis of the evolution of this phenomenon.

The central role of the states in public security is measured by expenditure, since 85% of investments in the sector are made by state administrations. The Union acts indirectly through the Public Security National Fund. However, it is more frequently invoked for the acquisition of equipment than for the coordination of public policy.

Since the beginning of the 2000s, there were several attempts to elaborate a national policy of public security. Still, there were setbacks and changes that have prevented the formation of a consistent national articulation in this area, limiting gravely governmental actions in the sector. Within the current institutional framework, the central government is not responsible for articulating quality improvements in the security public policy executed by state governments and operates directly. Thus, instead of inducing, capacitating, and financing the responsible state agents, the union spends a lot in direct operations. Only in 2018, the spending on OpGLO was of approximately 386 million Brazilian Reals (US\$69.4) which shows a movement towards a direct action of the central government.

GLO operations between 1992-2019: Militarization and absence of national policy

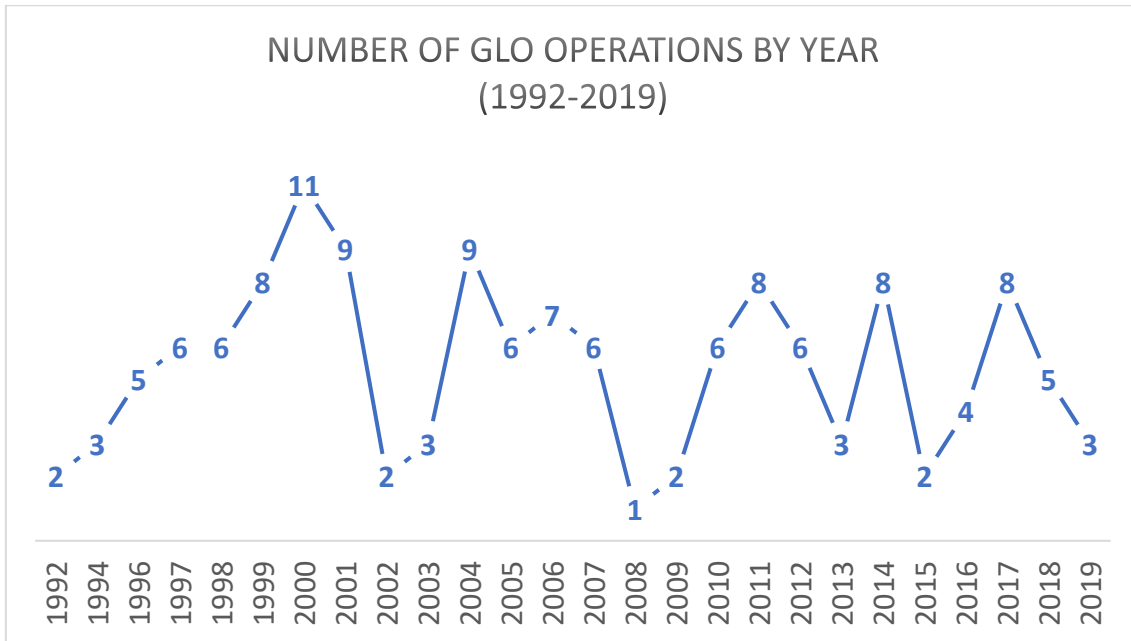
The use of OpGLO results in the substitution or weakening of the attempts to establish a national policy and stands in the way of an effective planning and coordination of intelligence.

The Union, through the OpGLO operations and the National Security Force, acts under the spectrum of two different perspectives in security: militarization and casuistic action. In the first case scenario, we observe a tendency towards the use of the Armed Forces in Latin America in which they execute police functions or functions involving internal security – in a movement that also includes the militarization of police forces. On the other hand, the occasional action of the central government in matters of security ends up harming

specific policies, and substituting the necessary strategic planning representing high costs to public funds.

The use of OpGLO does not seem to follow a consistent logic, according to the graph below, which highlights the numbers of operations by year. The total number of OpGLOs has had spikes in 2000, 2001 and 2004 (Figure 1). However, other tendencies must be observed as well: the duration of the operations, levels of interference in the organization and public security practices in the states they were acting, and their total cost. This should be the subject of further scrutiny.

Figure 1. Number of OpGLOs by year (1992-2019)



Source: Brazilian Ministry of Defence (Ministério da Defesa do Brasil), 2020.

We can look at the total cost of the operations from the year of 2010 (as shown on Table 1, next page), during which the Armed Forces Joint Staff took charge of articulating policies and strategies involving the action of the Armed Forces. The data prior to 2010 is not available, which obstructs the comparison between this period and the operations executed in the period between 1992 and 2009.

The multiplicity of actions involving OpGLO demonstrate the diverse use of the FFAA in internal matters. There were cases in which these operations took place to maintain democratic institutions, as in the guarantee of public safety in times of regular or exceptional voting. However, OpGLO were also employed during strikes of the Military Police and of fire brigades. Recent examples of this type of mobilization in some of the federal units, as in Espírito Santo (2018) and Ceará (2020), were supported by OpGLO.

Table 1 – Number, total cost and average operation cost of OpGLOs in Brazil from 2010 to 2019

Year	Number of operations	Total cost (US\$)	Average operation cost (US\$)
2010	6	32,445,819.51	5,407,636.58
2011	8	78,498,005.76	9,812,250.72
2012	6	36,951,451.59	6,158,575.26
2013	3	80,231,475.00	26,743,825.00
2014	8	26,070,542.20	3,258,817.77
2015	2	1,211,343.43	605,671.71
2016	4	11,963,626.83	2,990,906.70
2017	8	68,578,987.65	857,237,345.64
2018	5	25,625,384.37	5,125,076.87
2019	3	24,751,034.25	8,250,344.75

Source: Brazilian Ministry of Defence (Ministério da Defesa do Brasil), 2020. Amounts converted from Brazilian Reals to US dollars.

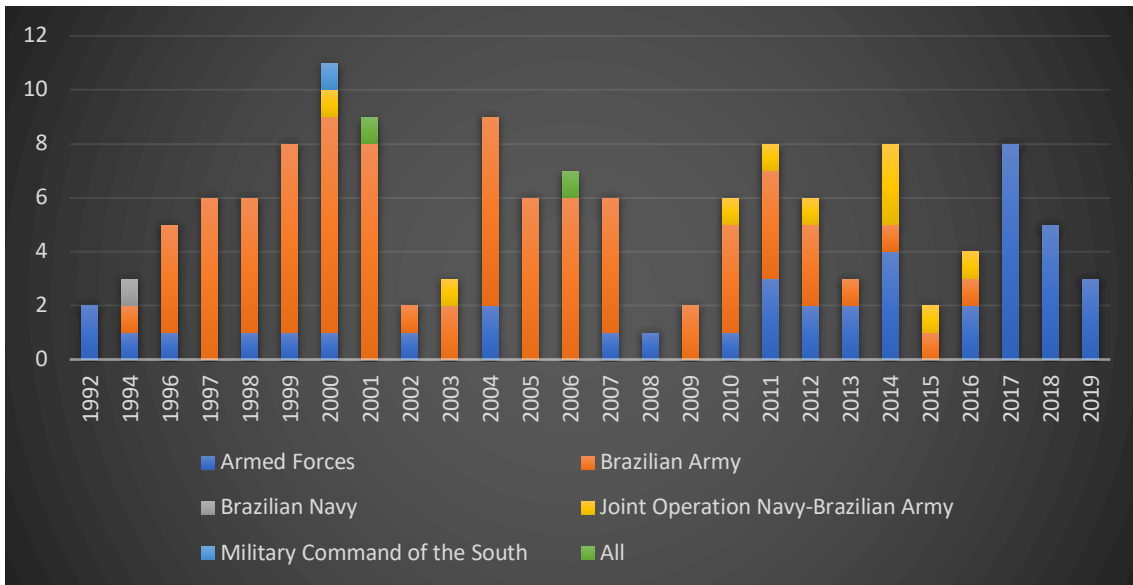
What stands out is the “elasticity” of the use of these operations. If in their early years they were employed mainly for securing the election process, or in events happening across a group of federal units, from 2010 we can observe a wider action in the scope of the operations as well as in the duration of the activities.

With the main objective of preparing for “Big Events”, the FFAA were employed in more territorialized and long-lasting actions. Events such as the World Youth Day (2013), the World Cup (2014) and the Olympic Games (2016) were assisted by the institutional concentration promoted through the Joint Staff of the FFAA. It is from this year on that we can note a better integration of the Army, Navy and Air Force in the OpGLO (Figure 2, next page).

The geographical and institutional coverage of these operations also stands out. On the one hand we should look at the territorial jurisdiction of the operations, and on the other hand take into account what are the responsibilities that were assumed during their execution period.

In terms of their geographical distribution, most of the operations happened in the municipal range. The fact that 45% of the operations concluded between 1992 and 2019 happened within the territory of only one municipality strengthens the hypothesis of use of the FFAA as a mechanism of proactive policing. While 20% of operations took place in state territories, 19% of them happened in the whole national territory. A small portion of operations happened in a group of municipalities in the same state (11%) and only 5% took place in territories of more than one state.

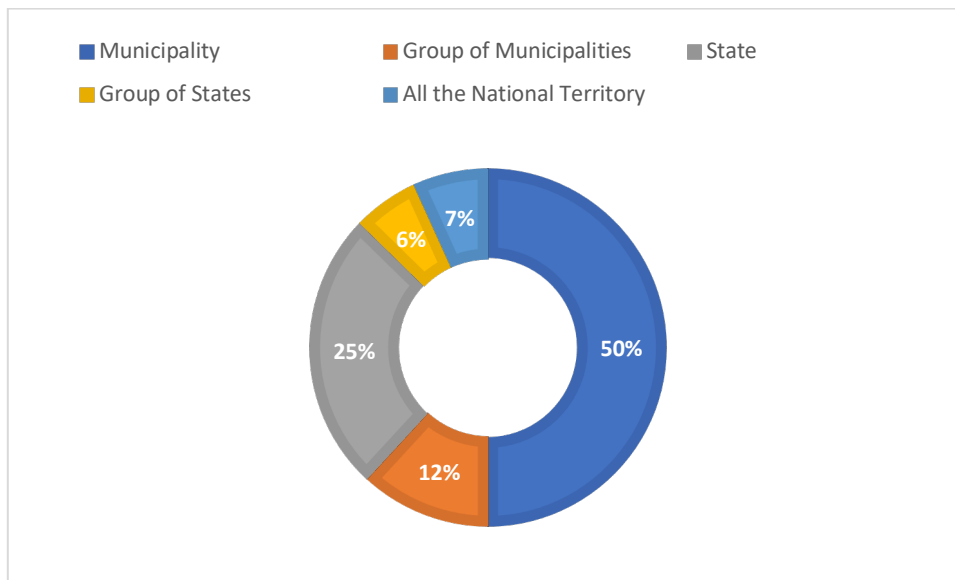
Figure 2. Participation of different branches of the FFAA in OpGLOs (1992-2019)



Source: Brazilian Ministry of Defence (Ministério da Defesa do Brasil), 2020.

This data, however, considers the Operations for Guaranteeing Polling and Counting of Votes (GVA), which goes along the already mentioned mobilization around the elections. If we remove these operations from the calculation, we can note that half of the OpGLO took place in a municipal limitation, followed by the portion of operations that happened in state areas (Figure 3).

Figure 3. Territorial limitation of OpGLOs, excluding operations related to electoral processes (1992-2019)



Source: Brazilian Ministry of Defence (Ministério da Defesa do Brasil), 2020.

Preliminary inferences and the framing of a research agenda on OpGLO

The preliminary studies on the quantitative data from the Ministry of Defence still do not allow for the comprehension of the political role of the OpGLO. However, some inferences can be made, and the construction of a research agenda on this topic is viable.

It is important to point out that the recurring, constant and increasingly long use of this resource is a problem to the due institutional division between defence and public security activities. The federal intervention in Rio de Janeiro in the field of public security in 2018, despite not being an OpGLO, was commanded by the Military and, in practice, was not very different from one. In this sense, we need to ask ourselves if there are other available mechanisms of Federal coordination, and what are the impacts of the Military presence in actions of policing.

Therefore, we are able to ask some questions that can be utilized as a research agenda on the matter. We realize, in this preliminary study, that the discussion on the theme tends to occur in an utterly fragmented way. At times, there is a debate focused on public security, at times, on Defence. We have noticed the lack of analyses that unite these areas without conforming to the typical case-based aspect of OpGLO, and which could allow for a wider examination of the phenomenon.

The existence and use of OpGLOs raises the question on which institutional body oversees operations' accountability. Recent constitutional changes in Brazil paved the way for Military Justices (MJs; usually members of the FFAA) to rule over issues related to the internal use of the military. As shown by RHC 124755, even those related to civilians may go under the MJ's oversight. This clearly diminishes transparency and may serve as a silencing of civil society's demands.

Furthermore, as they depend on the discretion of the President of the Republic, both instruments at the Union's disposal – OpGLOs and National Security Force (*Força Nacional de Segurança, FSN*) – can be considered personalist, as well as case-based. This increases the risk of bad usage of these operations, due to the context of democratic decline the world faces today. In September 2020, the President mobilized the FSN to a social movement encampment in Bahia State without official solicitation from its Governor. This action was considered a grave blow to States' autonomy, and ruled out by Brazil's Supreme Court (ACO 3427 process).

Therefore, in a context of criticism on the use of these mechanisms, there is real concern that they may be further instrumentalized as to make federal total centralization possible, and democratic processes thinner.

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