Privatization of policing and militarization of public security. The case of Rio de Janeiro, Brazil.

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"Galera, o Rio de Janeiro está com tudo mesmo. Além de ter <u>belas paisagens</u> e clima de guerra, nós, cariocas temos o prazer de ver a nossa bela cidade como palco de mais um jogo. Agora é a vez de **Call of Duty: Modern Warfare 2***, que terá lugares <u>interessantes</u> da cidade <u>maravilhosa</u> em destaque como: O Cristo Redentor e as favelas. Lembrem-se que é clima de guerra. Mais detalhes aqui no* **Portaldasnoticias.com.**

O jogo será lançado dia 10 de novembro para PC e o trailer pode assistir <u>clicando aqui</u>.

Agora, bem que eu gostaria de ver um jogo que falasse de um lugar diferente, como o Pantanal ou o nordeste. Só o sudeste é comercial demais."<u>http://www.portaldasnoticias.com/rio-de-janeiro-em-call-of-duty-modern-warfare-2/</u> (16/05/2009)

Resumo

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Este trabajo analiza dos aspectos de los cambios experimentados en el Brasil en los últimos veinte años en el área de la seguridad pública: la privatización y la militarización. En el primer caso, observamos actualmente en Brasil una relación de 3:1 entre el número de guardias privados y fuerzas policiales públicas, que incluyen fundamentalmente las Policías Militares y Civiles de los Estados de la Federación y del Distrito Federal. Debe notarse que casi dos tercios de esas fuerzas privadas no están registradas legalmente.

Otro aspecto, mucho más problemático de la privatización, es el surgimiento de las denominadas "milicias", fuerzas irregulares constituidas por policías en servicio activo o jubilados (fundamentalmente de las Policías Militares y Civiles) y de bomberos y guardias de seguridad de empresas privadas. Este fenómeno se inicia en el caso de Rio de Janeiro en la década de 1970, pero recientemente ha alcanzado una magnitud tal que se habla inclusive de un "riesgo milicia" entre las agencias de inversiones. Estímase que más de 200 villas de emergencia (*favelas*) estén controladas actualmente por milicianos en el Estado de Rio de Janeiro.

Se observa también el desarrollo, mucho más discreto, por parte del Ejército Brasileño, de unidades con capacidad operativa orientada para actuar en el caso que sea necesaria una fuerza de combate de alto potencial de fuego para la "garantía de la ley y el orden". Finalmente, se consideran algunas cuestiones en abierto después de finalizada la Comisión Especial de Investigaciones sobre las Milicias de la Legislatura del Estado de Rio de Janeiro en 2008, y se explora la posibilidad de confluencias entre los dos fenómenos considerados.

Introduction

In the last decade, Brazil's policy makers had been facing increasing problems of regulation in the public security area. Proposed regulation plans did not perform adequately when confronted with the complexity of a reality that defies traditional models of policing (Dellasoppa et al.,2004; Dellasoppa, 2008). In the last forty years, Brazil experienced industrialization and development processes that paid a great toll in common goods: public security was one of them. The form of resolution of the public security problem is still open and will have increasing effects on the future social, political and economical outline of the Brazilian democratic process.

Accordingly, a number of Brazilian scholars have explored the problem following different approaches [i]. Confronting the facts, we observe that the Brazilian public security area, by almost all indicators, had experienced a noteworthy worsening in the last 30 years. In this chapter is proposed an explanation for those processes, emphasizing the relationship between macro and micro

sociological realms, connected by long-term processes (collusion) which operates stabilizing the Brazilian structure of social relations, determining a notable inertia to changes. The proposed scheme follows Bunge´s Boudon-Coleman diagram (Bunge , 1999) [ii]. Macro and micro explanatory variables are related by processes that lead to the weakening of the State monopoly of coercive power, confirming the decline of the Weberian formula in the Brazilian case. At the macro level, demographic dynamics triggered changes that produced growing economic stratification, inequalities, and social fragmentation that still lingers at present. At that level, political processes like the authoritarian regime and then the transition to democracy, were influenced by micro level conditions and the collusion processes that were isomorphically in effect at all levels of the Brazilian society, providing a strong restrictive frame of reference for the construction of democracy. A new legal order was established with the 1988 Constitution, also limited by the restricting mechanisms of collusion described in the model.

At the micro level, the model works with the concept of faction formation, an approach related to the sociology of organizations (Crozier & Friedberg, 1977; Lindblom, 1995, 1980) and to the Weberian theory of bureaucracies and their logics of operation (Weber, 1969). Later, these concepts allow us to analyze the case of militia formation and development in the Rio de Janeiro State, also as a result of a complex set of mechanisms that operate linking together macro and micro features of the Brazilian structure of social relations. Another process that begins in the 1970s at the macro level is the privatization of policing, resulting in a complex stock of policing policies and practices, but also in the weakening of the presence of the State in the public security area, with the associated loss of the monopoly of legitimate power of coercion and social control. These variables and processes that recently included the presence of the Brazilian Army as an important stakeholder in the area of "law & order", are presently developing and may be thought as having many possible futures open.

Long-Term Macro Level Influencing Factors: Rapid Urbanization and its Problems

Urbanization in South America is the most rapid and large scale urbanization process of any region in the world. In 1900, only 10 percent of the population was urban. In 1950, about 25 percent, and in 2000, 75 percent. The Brazilian urbanization process was even faster, and developed during the second half of the 20th century. In the decade of 1960, the Brazilian urban population surpassed the rural population, as was verified by the 1970 Demographic Census. As a result, in 2000, 82 percent of the Brazilian population was urban. This urbanization was based on intense internal migration and resulted in rapid population growth in the larger Brazilian cities and

metropolitan areas. However, due to lower fertility rates and a decreasing number of immigrants, in the last two decades, the growth rates of the larger cities and metropolitan areas has declined, but in 2000, about 40 percent of the Brazilian population inhabited the metropolitan areas.

In the case of Brazil, the high pace of urbanization/development process is much higher than older urbanization processes, such as the ones that occurred in European countries. In 1960, the Brazilian urban population consisted of approximately 31 million people, and in 2000, this number increased to 138 million. Within this time period of forty years, the urban population increased at a rate of almost 2.7 million per year. In the 1990's, more than 34 million inhabitants migrated to the metropolitan regions which resulted in extreme pressure being placed on services provided by the state and the private sector, This included assistance for housing, transportation, jobs, public security, education, health and leisure. With some services, such as education, existing programs and funding   either collapsed and was reduced to dismal levels (judging by the results of students). *"Rapid population growth places additional demands on the availability of affordable shelter and other amenities. These problems are compounded by the even higher absolute and relative growth of poverty in the cities and towns of the South. Gender, age, class, ethnic, and religious identity often affect the severity with which these problems are experienced"* (United Nations, 2005).

The housing situation remains unsolved: about 1 million people live in slums in the city of Rio de Janeiro (10 percent of the population of the metropolitan area). Accordingly to a report released by the United Nations in June 2006, 52.3 million residents were living in the slums of Brazil in 2005. This translates to 28 percent of the Brazilian population. If this trend continues, there will be 55 million in 2020. [iii] This process implies in higher costs in terms of common goods, as public security.

Urban Violence and Growing Homicide Rates Paralleled Urbanization and Development: A Case to be Explained

When public security is considered, we observe fear and insecurity. This is inseparable from the high levels of violence that accompanied the urbanization/development process. Such fear and insecurity is observed risen in all social sectors, from the extremely poor to the very rich. However, the types of violent incidents that Brazilian citizens are subject to vary enormously in the causes, nature and probability of these events. They depend a great deal on age and location. The noted extreme economic inequality is also present here. Solutions may be different, and in the militia's case, which will be considered, can also ambiguously be seen as a short-term solution by the slum dwellers and, not unexpectedly, by some public officials.

Homicide ranks as the most important external cause of mortality in Brazil, which exhibits homicide rates that are among the highest in the world. Brazil in 2005 was the 8th country in the world with a rate or 49.1 homicides per 100,000 inhabitants, but the 4th among 82 countries when considered the youth (15-24 age group), with a rate of homicides of 79,6 per 100 thousand [iv]. For the youth of Brazil, the 15-24 age group, in the municipalities, accordingly to 2006 data, these rates increase dramatically for the most critical cases. The highest rate is registered in Foz do Iguaçu (State of Paraná, near the border with Argentina and Paraguay) with 234.8 homicides for 100 thousand inhabitants. The municipality of Recife follows with a rate of 213.4. In the Rio de Janeiro Metropolitan Area, the municipality of Duque de Caxias registers 176.8, and Rio de Janeiro, 83.6 homicides per 100,000 inhabitants [v] .

These results are worse in the Metropolitan Areas. For example, if we observe the case of the Municipality of São Paulo, based on the PRO-AIM Data for the year 2000, the absolute and relative importance of homicide's death toll becomes evident. The concentration of deaths by homicide in the 15-24 and 25-29 age groups is also significant. To evaluate the importance of these figures, we note that the total number of homicides in the 15-24 age group only in the year 2000 in the Municipality of São Paulo is *higher* (2234) than all the Palestinians killed between September 2000 and March 5th, 2003 (2100) in the Middle East conflict.[vi] We must note that the situation in the São Paulo State changed for much better from 1999 to 2007, as will be explained later.

Considering a longer time interval, we observe that the homicide rate in the Municipality of São Paulo increased from a figure of 5 homicides for every 100,000 inhabitants to 57.5 homicides per 100,000 inhabitants between 1960 and 2000, [vii] the period associated with the Brazilian urbanization/development processes previously discussed.

This rate of 5 homicides per 100,000 inhabitants was an historic level, and has been a demographic indicator of the Brazilian structure of social relations for at least two decades prior to 1960: in 1946, when Mortara, (1946) analyzed the death rate due to external causes in 1940 for the Municipalities of Rio de Janeiro and São Paulo. His research found those very same levels: 5.4 per 100,000 inhabitants in Rio de Janeiro and 4.0 per 100,000 for São Paulo. The figures in 2000 were ten to fifteen times greater. They are related to the transformations in Brazilian society over the last decades. As Donolo (2001) notes, all development processes consumes a great amount of common goods, and in Brazil, this process affected not only the environment but also public security and certainty about law.

In the Municipality of São Paulo, the homicide rate grew 158.6 %. It was 17.4 in 1980 and 45 per 100,000 in 1991. This increase is higher than that of the two previous decades (91.2 % and 75 %). It reflects qualitatively different levels of violence than those that emerged in the 1980's. In the twenty-one years between the census of 1970 and again in 1991, the homicide rate in the Municipality of São Paulo increased 395%. The explanation for these complex phenomena must be sought in the interplay of social, economic, and cultural realms, influencing the transformations of the structure of social relations during the period. It is enough to observe corresponding figures on a national level to understand the significance of the situation. There were 11.7 homicides for every 100,000 inhabitants in Brazil in 1979, a figure that increased to 21.0 in 1994[viii], and 27.0 in 1996.[ix] In addition, these figures are a conservative estimate in that they do not account for registered cases, intentional and unintentional.

The high inflation rate that characterized the 1980's (often referred to today as the "lost decade"), rising unemployment rates, and extreme economic inequalities – measured, for example, through the Gini Index - are factors to be considered. All violence-related indicators increased, such as mortality due to external causes, violent crimes, and homicides. The difference between genders also grew. For example, the male homicide rate in São Paulo City rose 173.1 % between 1980 and 1985, and an additional 24.6 % between 1985 and 1990. The percentages are always much higher for males compared to females.

Several sectors of society noticed and condemned the state's chronic lack of consistent strategic planning to control the violence and its causes. Democracy and civil rights were formally re-established in Brazil after two decades of authoritarian regime. Nevertheless, this process was accompanied by a systematic increase in the indicators of violence such as the violent deaths rate and the number of years lost due to external causes. This increase, though of a smaller percentage, today affects much higher total values. A ten percent increase today is equal to the total value of the rate in the 1960's. These indicators have been significantly greater among the younger age groups, a fact that which is consistent with corresponding international statistics.

However, in the last six years the State of São Paulo experienced a noteworthy decrease in homicide figures. From a maximum of 12,818 in 1999, there was a constant decline: 2007 registered 4,877 homicides against 6,057 in 2006. The reduction from 1999 is an outstanding 62%. Several hypotheses were raised to explain this result, unfortunately not paralleled by the State of Rio de Janeiro. The most reliable candidate to explain this effect is demographic: the "end of the young wave". This means that fewer young men – the main victims – are ascending in the demographic pyramid, and then the universe of potential victims is reduced. These hypotheses, as the related to

the improvements in policing and changes in the drugs markets, must be tested yet against empirical evidence.

Breakdown in the Monopoly of Legitimate Power

Analysis of police and policing in Brazil must account for the characteristics and limitations of the "Brazilian construction of democracy". This also applies to the militia phenomenon. An inverse relationship was observed between the democratization process in Brazil and the increase in the levels of violence in Brazilian society (measured by mortality statistics). This result was exactly the opposite that social scientists could expect.

For the last twenty years, Brazil has seen an increase in violence and crime. The global homicide rate for Brazil is now about 27 per 100,000 inhabitants. Urgent actions from the State are needed for crime control, as are public policies and changes in the regulation of political, judiciary, and social control systems including the private sectors. *One major issue is that the government does not have a monopoly on legitimate violence.* . This is a problem shared by many nation-states in the peripheries of capitalism. (Pinheiro, 2001:297; Adorno, 2002). In 1985, Anthony Giddens raised similar questions for the "European nation-state" (Giddens, 2001), and also Norbert Elias (Elias, 1988, 1995, 1997). Wievorka (1997:19) calls attention upon the decay of the efficiency of the traditional Weberian concept of legitimate violence in developed countries. But, accepting this argument, we must think what happens with the Weberian formula in countries where there was *never* a monopoly of legitimate force by the state. And, for nation-states now under the influence of those complex processes of globalization, multiculturalism, marginalization and increasing income differences, This ideal will be farther than ever. This question is related to the complexities and problems of the democracies that emerged in South America after military governments failed (AAVV (2000); Debrun (1983); Crozier (1997); Dellasoppa (2005, 2003, 2002a, 2002b, 2000); Méndez et al. (2000); O´Donnell (1994, 1997, 1999). We can raise another question: how is it possible to regulate actions in the public security area and those related in societies where the State never obtained the monopoly of legitimate violence within the Rule of Law? [x] And finally, how do we control militia operations that, at least in the short term, provide public security by private means and are mostly approved by impoverished residents of the most violent and drug-riddled shantytowns in the city of Rio de Janeiro?

Socio-economic Influencing Factors at the Macro Level: Characteristics of the Brazilian Structure of Social Relations

In a previous paper (Dellasoppa, 2000), was proposed an explanation of what was called "isomorphic structures of social relations in Brazilian society" There, the social fragmentation of Brazilian society was related to the emergence of broad and local consolidation networks, based on collusive relations, conceived as the structures that historically minimized transaction costs between social sectors. These structures could be observed connected with drug traffic, not only as a challenger of the State in the monopoly of coercive resources, but also emerging as an alternative control of mediations in social transactions in a community. *Presently, we consider that militias represent another important local consolidation network broadly based on collusion relations, and a theoretical explanation can be based in that previous model.*

There are networks of collusive relations in the whole of Brazilian society, at an inter-subjective and inter-sectorial (of economic, political, and cultural groups, etc.) level which are a compelling part of daily life and simultaneously constitute an element that enables and operates in any political institution, from the municipality to the federal government. The result of the operation of these networks is a marked stability and great inertia in the structure of social relations in Brazil (Abranches, 1989).

This inertia occurs in the sub-systems of the society, and is more evident in those relations determined by clientelism and patronage. Typically, this events appear claiming some type of code of honor or ethical basis, which is linked to a clan structure or "collusion groups", based in relations of mutual trust and loyalty.

These networks of collusive transactions must be analyzed considering that they are also powerful inter-sectorial forms of domination.[xi] There is a tendency amidst the established system of mutual recognitions to maximize the incorporation of diverse autonomous sectors which "enter the game" in the consolidation network. There is also a tendency to marginalize sectors whose internal dynamics prevents or limits its participation in the game of mutual recognitions (Dobry, 1986:112).

Pragmatic principles of non-interference operate in the consolidation networks. The art of "take no notice of" is not limited to the routine of patrimonial use of public funds towards private political goals, but to juridical decisions, as well as political decisions pertaining to the state's organization. This characteristic explains chronic instances of delegitimization of the political system, as well as the recurrent "hands-off" policy when dealing with the action of militias in Rio de Janeiro.

We must call attention to the "semi-clandestine articulation" of militias with members – both active and retired – of several government agencies, like the Military Police, the Civil Police and the Fire

Department. There is empirical evidence of the non-transparency of decision processes [xii], which in turn is related to decisions that are the product of independent inter sectorial collusive relations. Also, changing government officials impose the specific logic of their political faction to bureaucratic and executive functions. This also reveals the peculiar logic to these bureaucracies, where the dependence of collusive inter sectorial relations leads to an administration that does not take past experience into account, if the outcomes are not useful or profitable for the political faction.

These collusive transactions can be found isomorphically at all levels and sectors of Brazilian society. There are exacerbated instances, such as in the case of the state of Rio de Janeiro during some periods (1988 - 1994), where such relations constitute an almost determining expression of the sociopolitical reality. For example, a wave of kidnappings of businessmen took place in Rio de Janeiro towards the end of Governor Moreira Franco's incumbency, exposing the commonplace and pertinacious nature of this network of collusive relations between political and economical sectors, illegal gambling organizations (usually known as *"jogo do bicho"*), bank robbers, kidnappers, policemen and drug traffickers, described by the press as a conviviality of "underworlds." *At that time it was pointed out in Rio de Janeiro's case the danger of severe State's weakening as a tendential monopolizer of coercive resources, and the predominance of sectors that privatized coercion and violence. The present situation is confirming those trends of chronic weakening of the State.*

Also exists a Brazilian specificity, constituted not only by the impunity that permeates the most different cases, but of the *resilience* of impunity that operates even in cases where the pressure of society or of determined groups guarantee as an outcome some type of limited punishment. This characteristic, already historically incorporated is especially true at the highest echelons of the State's political and bureaucratic power, as well as significant portions of organized crime. The collusive transactions in the consolidation networks grants high levels of impunity to political, economical, or criminal felons. Political, economical and influential citizens usually can delay punishment for many years, using the resources available for the rich and powerful in the Brazilian system of criminal justice.

Micro-level Analysis of Influencing Factors: Social Fragmentation and Factions in Brazilian Society as a Fertile Ground for Militias

The fragmentation of Brazilian society was an always present theme in literature, early cited as one of the most serious obstacles to the successful conclusion of the process of political democratization (Machado da Silva, (1990, 1991, 1993); Weffort (1990)).

This fragmentation of Brazilian society requires not to reduce this question to a mere State versus Civil Society struggle, but rather to conduct the research through the empirical confirmation of a multiplicity of sectors, within a sociological tradition which we can refer to Weber (Weber, 1969, II:752). Specific social logics define each sector as is and opposes this sector to others, limiting the space of its self-reference. Weber's analysis of the bureaucratic sectors highlighted the tight relation between the sector's specific logic and the bureaucratic and/or technical specific capabilities that characterized them.

Thus, we consider these sectors (businessmen, military, clerics, politicians, state bureaucracies, judiciary, state police, military police, federal police, etc.) not as a space where can be examined and evaluated the production of a sectorial consensus, but as a place of conflict and competition for political positions among the members of its own and other external sectors. *This competition unfolds accordingly to a specific logic [xiii] of each one of these social sectors, logic that determines the tactical activity of the sector, sustained by social mechanisms that guarantee its continued perception, comprehension and practical use - constituting a real socialization process - by the members of a sector.* This concept can be applied to analyze the case of the militias in Rio de Janeiro.

To exemplify these situations, let us consider a relevant Brazilian problem: factions. These groups are directly related with fragmentation processes in Brazilian society. As presented by Dobel, the characteristics of the factions analyzed in his paper are similar to those detailed by Ouchi (1980) and Abranches (1989): "The factions are objective centers of power: encompassing families, companies, unions, government bureaucracies and similar associations; their basic characteristics are autonomous power and enough internal cohesion to distort the government policies and provide semi-governmental services to its members ... it turns rational to systematically work to corrupt the government in order to maintain the faction's power base..." (Dobel, 1978:964)

Concerning these questions, other elements to be considered are the concept of the State as a collection of "resources", that can be captured by a faction, and the propagation of the faction's dynamics: once initiated, it spreads to other sectors of the State, resulting in the situation that only by aligning with a faction or creating a new one can citizens effectively influence politics. This is related to a structure of social relations developing to minimize the *cost of transactions* between

individuals, sectors, or factions. Of course, the relations between factions are guided by dominance and control, and not merely by competitive coexistence.

The "logic of factions" was adopted by the State in prison management. Prisons actually must be specialized in prisoners belonging to a specific faction, the only way that proved feasible to impede killings among different factions when sharing the same prison facility.

The Case of Rio de Janeiro: Demographics, Urbanization and Development of Factions

The evolution of urbanization in the state of Rio de Janeiro during the development process shows differences with the whole picture for Brazil. By 1970, the state reached 75 percent of urbanization, clearly ahead other states of the Federation. In 2000, 96 percent of the population of the State of Rio de Janeiro was urban (Brandão, 2006; Zaluar, 2004). Due to a mountainous geography, in the city of Rio de Janeiro inhabit in close immediacy both higher and lower income social groups. A number of shantytowns, numbering between 516 or 752, depending on the sources [xiv] are located on the mountain hillsides with about one million residents. The most important slum complex in Rio de Janeiro is *Maré*, with 113,807 inhabitants.[xv] In comparison, two additional well known slum complexes consist of fewer residents (*Complexo do Alemão* (65,026) and *Rocinha* (56,338). In these three slums, access to electricity, water supply, (precarious) sanitation, drainage, and waste collection – sometimes even curbside collection of recyclable materials - are nearly available for 100 percent of the households (Araújo, 2006).

These data show that the concept of "absence of the State" must be qualified, at least for these particular slums. This distinction suggests a more complex discussion about the problem of political control of important concentrations of low income voters [xvi] and the political and economic exploitation of the offer of urban commodities (cable TV, cooking LNG - liquefied natural gas -, motorcycle taxis, etc.) in these areas. The population during the 1980s and 1990s which formed the slums in Rio de Janeiro and other metropolitan regions was usually an object of patronage and clientelistic vote control in the original places they inhabit. The original structure of social relations in Rio de Janeiro was responsible for developing new candidates to control political, social, and economic rights of these populations. As a result, politicians, religious groups, drug gangs, and militias ally and compete for control in these slums.

Slums as Strongholds for Lower Level Drug Traffickers Kingpins Drug and Arms Traffic Development

"In addition to the many residents working at gainful employment outside the favela, Dona Marta, like most favelas, has "bocas-de-fumo" - places where drugs are sold. From where we are on the asphalt, this trade is invisible, but not inaudible. One of the aspects of life here at the foot of the hill that might be disturbing to the beginner is the fact that one hears fireworks from uphill on a regular basis. The general notion is that these are to signal the availability of drugs for sale, but one also gets the impression that it is not so uncommon to shoot these off just for the hell of it, to celebrate" (Moore, 2006)[xvii]

A slum is not a "strong and well fortified place" on its own, but it can be a relatively safe area to establish control of retail for drugs sales, because its dense packing of jerry-built shanties, alleys, and gangplanks difficults invasions from the police or other gangs [xviii] . In Rio de Janeiro, many slums are strategically located by the side of high income consumers minimizing the drug traffickers potential logistic problems. This fact was perceived early by drug dealers, then in the 1980s and 1990s as their strategy was oriented to establish and maintain control of specific slum areas. The three or four drugs gangs existing and competing in Rio de Janeiro divided control of hundreds of slums.[xix] Our analysis of the problem looks upon social actors competing for power in the Brazilian structure of social relations, with the State applying limited resources and feeble strategies. For a reference of these approaches, see Crozier and Friedberg, (1977) and Lindblom (1978, 1980, 1995), and also Ministério da Justiça (2000, 2001).

Gangs and factions fight over terrain control in Rio de Janeiro, anticipated the now common reflection of military strategists on MOUT (Military Operations on Urbanized Areas), which will be of increasing importance for the coming years, and is closely related to militia's development. Considering these possible scenarios, as we will see later, the Brazilian Army, since 2005, is preparing a whole Brigade for social control, basically in urban areas. This is the 11th Light Infantry Brigade – Law and Order Control (11ª BIL – GLO) (Arruda, 2007).

As expected in all armed conflict scenarios, both sides try to improve their availability of resources. Basic resources for armed conflict include human resources (recruits), arms and funds. For the drug gang leaders, of medium and low level, the slum is the most important place where is possible to find and stock resources. As a result of the young wave that affected Brazilian demographics in the 1990s, in the poor peripheries and slums there was – and still is– an ample offer of young dwellers who can be hired for traffic. Even if considering that the absolute majority of the population of slums consists in honest workers, good citizens and religious souls, a

recruitment rate of 1 percent on the overall population of the Rio de Janeiro slums will provide the gangs with about 10,000 recruits. It was estimated that about 5,000 teens worked for drug traffickers in Rio de Janeiro city, with different tasks. In recent years, middle-class adolescents and young entrepreneurs entered the drug business as well.

New resources escalate conflict. In the 1990s, heavy weapons arrived, mostly as AR-15 or AK47 automatic rifles, and the Israeli Uzi machine-gun, pushing the conflict to higher levels. In 1993, Brazilian Army intelligence services detected these changes, monitored in Rio de Janeiro since 1989. [xx] The source was arms traffic, based on the almost endless possibilities of smuggling anything into Brazil, due to absence of adequate border control and corrupt public officials. In the early 1990s, members of the United States ATF – Bureau of Alcohol, Tobacco and Firearms – declared that some of those rifles were purchased at Miami for US $250 and re-sold in Brazil by a price ten or twenty times higher. [xxi] Another important source of heavy weapons for the drug gangs is the corruption of police officers. Now and then, automatic rifles captured from one gang are re-sold to another for a big profit. Rifles from the police and the Army are also sold to gangs by members of these institutions[xxii], but in the case of the Army this kind of corruption is still limited.

Must be noted some remarkable relations between demographics and practical military organization of criminal factions. For the very young recruits, the drugs traffickers adopted the "Baby Rifle". The recruitment of young dwellers ("minors", not yet subjected to the Penal Code) resulted in the more frequent use of weapons by children and adolescents. In 1997, 28.3 percent of the 5,011 adolescents under arrest were using firearms; two years later, this number climbed to 41 per cent (2,642 out of 6,004 arrested). As the journals pointed out, it was "a brigade of adolescents early armed."[xxiii] As evidence of the escalation of firepower by the drug gangs, new weapons were introduced and used by adolescents -- a light version of the AR-15 -the CAR-15, the SMG from Colt, which was called by the gangs "the Baby-rifle." Taking into account these facts, we can partially explain the increase in the number of homicides in Brazil, previously examined.   While public security can be thought of as a common good, it can also be thought of as a commodity. This conceptualization can help to explain the future development of militias in the city of Rio de Janeiro, the resigned acceptance of the slum and gritty suburbs residents, and the dubious and still limited treatment of the problem by the State, despite frequent pronouncements about the will to combat militias.

In this chapter, the following definition of collusion is adopted: "The competitors operate in connivance when they decide to remove certain available resources from the conflict arena. To bring these resources into play means making the value of the game increasingly higher " (Bailey, 1970:170). The task consists in understanding in this context what it means for the value of the game to be "higher." It is related to a number of pragmatic rules that evolve and govern the type of resources – basically *legal* resources - that can or cannot be used in the contest between the parts.

Collusion has connotations of secrecy, deceit, and fraud. Many acts of collusion are tacit: the competitors don't want and don't need to admit they are not making use of resources, a very frequent situation when dealing with economical oligopolies. Analyzing the problem from another point of view, we can observe that the pragmatic collusions and the normative accords have almost the same meaning: restrictions in interest of stability (in the space of contest: could be in the economic or political markets, etc...) . Collusion implies that both competitors are limiting themselves in the use of resources. This situation was observed when we analyzed the Army's repression of drug traffickers [xxiv] in the 1990s, (Dellasoppa, 2000) and again is present when inspecting the relations between militias and different areas of the State, in all its levels.. This is the way that allows confrontations to be muffled. Collusion also includes those situations in which the contests involve an anticipation of the result: the no-contest situations or retreats. The challenges cannot be accepted and the weaker part will abandon the challenge with the symbolic acceptance of his inferiority (Bailey, 1970:172-184).

External factors beyond the contest can be *argued* in all collusion situations (the public's well-being in a contest between parties or factions for the right to form part of the government, the stability of the national financial system faced with the need to use the public money to sustain private banks, or the provision to the community of a common good, public security, for example). These external factors can be differentiated between pragmatic and normative, these last being alleged more frequently when collusion becomes of public domain (Bailey, 1970:176).

Similar situations can be observed in the political and social realms, being plentiful in violence and criminality areas. Certain practices that operate in the social relation between repression and criminality can be better explained considering the concept of collusion as defined above. Not only are there clear interdependencies, as is the case of the use and trafficking of drugs, but there are also other interdependencies and complicities which manifest themselves in the specific forms of the fight against criminality. After that, is established beyond the limits of legality a perverse circle of reproduction of processes of pragmatic interactions, which permeate the whole

society, and which constitute a basic element of composition and permanence of a situation that reproduce restrictions of conducts, with stabilizing effects on the status quo.

Relations of complementarity imply establishing a web of mutual recognitions for the different subsectors/subsystems which operate as a legitimating value for the political (economical, social, etc.) system and for the sectors involved. Differently, the collusive transactions and its associated mutual recognitions produce for its protagonists an additional objectivation, because on the *esquema montado* or "set deal" there is a *process of reification* (as defined by Berger & Luckmann, (1989)) *which results in considering the product of the collusion as a natural model that must be observed in the relations with other sectors or be subject to sanctions.*

Then, the collusion model is seen as "natural", and as a result, it attempts to include the greatest number from the most diverse autonomous sectors of the society in the consolidation networks, and to the marginalization and weakening of the political importance of sectors which the dynamic of politics lead to remain outside of the game of mutual recognitions. In this way, a whole series of isomorphisms and homologies appear when observing what have been identified as *local consolidation groups.* Just as certain political structures are denominated "pressure groups," we can imagine the existence of numerous "collusion groups" disseminated through different consolidation networks, which operate according to the characteristics above.

Under such circumstances, the existence of organizations of collusion ("collusion groups") is justified since they can mediate and enable transactions, economical or not, between different sectors at much lower costs. Socialization in this form of organization and mediation of relations in regards to values, norms, and common beliefs, promotes a harmony of interests which diminishes the possibility of opportunistic behavior between its members. Indeed, norms of reciprocity and solidarity are developed inside the collusion groups, there being a high degree of mutual trust among those who "are in the deal" ("*estão no esquema*"), maintaining a significant degree of trust between the middle and lower cadres with the political and bureaucratic cadres who represent the upper levels of the deal.

Public Safety and Law Enforcement Agencies Changing Roles: Public Security Relies on Private Suppliers

"From the changes experienced by police as a social control agency we can observe that the monopoly of legitimate violence by the State shows today a restricted form. The State delegates non-contractual forms of coercion to private groups, as a part of a "policing forms" stock. At the same time, paramilitary forces are used in topical actions of level three and sporadically the Army". (Dellasoppa, 2005)

"They are . . . the post-modern equivalent of jungles and mountains - citadels of the dispossessed and irreconcilable. A military unprepared for urban operations across a broad spectrum is unprepared for tomorrow." Lt. Col. Ralph Peters[xxv]

In Brazil there is no monopoly of legitimate violence by the State. Police forces are presently just *one* of the available forms of coercion/domestic repression of a diversified available for the State (Monjardet, 2003, Giddens, 2001, Reiner, 2004, Adorno, 2002). We can distinguish four levels of repression: First level: negotiation, consensus construction, without the use of force. Second level: policing, use of basic weapons, without the use of military force. Third level: military organizations, National Guard (USA), Gendarmeria Nacional (Argentina) ,Força Nacional of Segurança (Brasil), topical and sporadic use of troops from the Army. Fourth level: Military repression in large scale. (examples: the Army and Gendarmeria Nacional in Argentina for the repression of the Cordobazo (Córdoba, Argentina, 1969). Also used in developed nations.: Little Rock (Arkansas, 1959) under Eisenhower, the policing by the English Army of Northern Ireland, the Canadian crisis of 1970 under Prime Minister Troudeau. (Monjardet, 2003: 37).

In Rio de Janeiro the Army was used for repression at level three, in November 1994 at the first of the so called "Operação Rio". The government da Silva organized the *Força Nacional de Segurança* (National Security Force), a task force formed with Police officials from several State Military Polices proposed to it act in cases of emergency. The governor of the State of Espírito Santo claimed at that time that the use of the *Força Nacional* against organized crime was absolutely necessary. In a former paper (Dellasoppa, 2005) analyzed the limitations of this proposal in terms of the political limitations that the intelligence of the Army faces to fight organized crime and the restrictions that operate on regulation proposals and planning in the public security area.

In the case of Brazil, Article 144 of the Brazilian Constitution (Brasil, 1988) does not establish a definition of the concept of "security", and neither of "responsibility", that is attributed to "all" (the citizens) in the double sense of right and responsibility. [xxvi] This implies that the duties of the police are not more exclusive but are shared with "all" the citizens, communities, organizations. From the point of view of the State, this concept means in practice the resignation of the monopoly of legitimate force and therefore a limitation of the duties and policies possible for the police agencies. Repressive action priorities for the police are submitted to a debate or with the participation of third parties ("all"). (Monjardet, 2003:256).

As one of the stakeholders in the "public security problem" , the Brazilian Army since 2005 reorganized the 11th Brigade of Armoured Infantry based in Campinas – São Paulo, into the 11th BIL-GLO: 11th Light Brigade – Law & Order. This Brigade is at less than 12 hours from any point in the Brazilian territory. Its training includes typical police operations and even the use of non lethal arms. But, as even the Army and the Government admit, several blanks in the legislation remain to be filled. Is also being analyzed the experience of the Brazilian troops that are included in the MINUSTAH, United Nations Stabilization Mission in Haiti.[xxvii]

From the available knowledge in economic science, we can suppose that the law of diminishing returns applies to policies in the public security area. We can expect this law to be exacerbated in the case of sequential interventions intended to control subjective variables. From this point of view, it appears evident a clear fragility of the police and security forces in terms of an "institution that should show results." The security forces are compelled to articulate a discourse where responsibilities are credited to other institutions, or at least diluted among a great number of stakeholders, including the family, the school, the judiciary, the political system, state and/or federal government, or, as usually called in Brazil, the "civil society." As discussed, the Brazilian Constitution offers a good juridical argument for these strategies. Thus, the strategy of "social distribution of responsibilities" enters in Brazil in the complex interplay of political alliances at all political levels, with an always growing participation of stakeholders entering in the game. Within this scenario, militias in Rio de Janeiro city appear to be now one unexpected stakeholder.

The Process of Fight for Control of Drug-Riddled Shantytowns: From Drug Traffic to Militias

There are antecedents and restricted experiences since the 1990s, that evidences the *ambiguity* of public opinion, the State and the journals about *illegal* private security. In Rio de Janeiro, 1995: a journal reports that dwellers of the high-income borough Ipanema hired an illegal service of watchmen to take care of public security in several streets. They were civil police officers, military police members, retired firemen, working as illegal private security guards. The journalist is trying to show himself and the journal neutral, just reporting "facts." [xxviii] Three years later, the problem of most of the private security firms, illegality, is qualified by a journal as "high-risk." But by the end of the 1990s, many boroughs of Rio de Janeiro and São Paulo were hiring cheaper illegal private security to patrol their streets. Payment is *per capita*, referring to individual residential apartments or shops, with differential taxes. Sometimes, dwellers of a borough decide by voting, "democratically," if a private security firm is to be hired. As usual, there are conflicting opinions

about paying for a service that should be responsibility of the State. In most cases, illegal private security is approved in order *to cut costs*[xxix].

As a part of the survey "Urban War", the *Folha de São Paulo* journal reported that, in 1999, in São Paulo, dwellers and shop owners of the downtown area hired guards to control and expulse beggars from the area streets and parks. It was called by the journals " the anti-misery militia". These firms are usually owned by members of the PM (Military Police), which is illegal, but not frequently prosecuted by the corporation. These militia-men earned about US$ 250-350 a month, and they provide 24 hour protection in the (four) areas where the system was initially established. [xxx]

By 1999, illegal private security is sold in the high-income borough of Leblon, Rio de Janeiro, over the counter of a bakery established in a very important avenue.[xxxi] The process of privatization of policing, both legally and illegally, has got momentum and is seen by the inhabitants of the metropolitan areas as perfectly normal, because security cannot rely on a State that had proven every time to be impotent in attempting to fight crime or to prosecute illegalities in the public security area. This may be due to the fact that Federal Police, who is responsible for the repression of illegal firms of private security, have usually failed to control these activities.

In 2005, the middle classes in São Paulo and other Brazilian cities were hiring members of the Military Police. This service is also illegal (and usually known as "*bico*") because a second job is not allowed by law. Middle classes prefer police officers working illegally as private security guards and not guards from illegal firms, because they believe risks are lower and always exist the possibility of an easier contact of the official working illegally with their colleagues legally on duty.[xxxii]

One of the most interesting cases of illegal private security was the hiring, in Rio de Janeiro, of *slum dwellers* to work as security guards in the boundaries of middle-high classes boroughs. This service was approved both by the drug gangs *and* the State. Some dwellers thought this relation as "welfare," and the Commander of the Special Areas Policing Group (GPAE), Major Antônio Carlos Carballo, thought this project as a possible form to integrate "the slum and the city." [xxxiii] Ambiguity lingers about this method of illegal private security.

This ambiguity from all sectors about illegality, and the acceptance and development of illegal services of illegal security firms, jointly with the skepticism about the possibility of the State to deliver its constitutional services in the area of public security, made possible to accept – ambiguously – the presence and action of militias, when these groups grew up and become another social actor and important stockholder in the public security problem.

Characteristics of The Militia Associated Phenomena in Rio De Janeiro

Militias must be considered as a development of previous trends: decay of the monopoly of legitimate violence by the State, private security growth and private groups initiatives to cope with the increasingly serious security problem, exploiting available areas – mainly in slums, but also in middle and high classes areas - to demand protection money and to seek profit in a market for illegal services offered by the groups controlling these areas.

The first militia in Rio Janeiro city begun its operations in the slum Rio das Pedras, at the end of the 1970s. The number of areas controlled by militias increased slowly, to about 42 at the end of 2004. But in the last two years, another 50 shantytowns in Rio de Janeiro were taken from drug gangs, or about one slum each twelve days [xxxiv]. A search performed in the archives of the newspaper *Folha de São Paulo* from December 2006 to November 2008 produced as result the following evolution in the number of areas in the State of Rio de Janeiro controlled by militias: December 2006, 40 (source: Military Police) or more than 60 (source: *Foha de São Paulo*); September 2008: 100 out 513 officially recorded slums (source: Secretary of Public Security, State of Rio de Janeiro), and, finally, 170 in November 2008, as cited in the Militias Report of the Commission on Militias of the State Assembly of the State of Rio de Janeiro.[xxxv]

Accordingly to the Military Police, this occupations are possible because are supported by the local population and by the informal – and illegal – participation of military police units in these areas. [xxxvi] The basic claim of militias about its own legitimacy is related to the elimination of drug traffic and gangs in the communities.

The Militia as a Social Agent: Ambiguity and Collusion in the Process of Constructing Legitimacy

"(…) the chief and permanent cause of this fact was (…) the slow and constant actions of institutions" (p. 181). de Tocqueville, A. ([1856] 1998). The Old Regime and the French Revolution.

Let us now consider, under a Weberian approach, the *eigengeseztlichtkeit* (eigen social logic) of the militia groups. The system that brings the armed militia into power also deconstructs the legitimacy and availability of the State and all public security agencies by ensuring the State is powerless and incapable of offering security and clearly identifying the enemy and/or situation-problem. Militias in the Rio de Janeiro shantytowns have a clear answer to the question "Security against whom?" Everybody knows the answer, but only the militia can deliver the goods. *Also, we*

must note that in this process all the violence due to abuse of lethal force by the police vanishes as a legal problem related to the rule of law.

Usually backed by policemen living in the target area, militia is presented as the solution to the public security problem in the shantytown. The promise of security holds strong ground for the militia's legitimacy, among dwellers, other policemen and the public opinion. A policewoman, now federal representative Marina Magessi, has called the militia "the security of the poor," expressing again the fragmentation of the Brazilian society.

The public and dwellers only recognize the militia as legitimate because it offers a solution against the gangs that impose their order and the chaos and insecurity that results from different gangs fighting. It is important to observe how the dwellers see the previous gangs creating the chaos compared to the militia who will afterwards impose order. Some rules imposed by the gangs, like the prohibition of wearing red clothes (e.g., red might be the color of a rival faction), seem absurd to them. At times, it seems more absurd compared to the usual curfew at night. [xxxvii]

The militia's legitimacy depends on a number of factors, including collusion from State agencies officials and widespread cynicism, to the 'services' brought by the militia and the ideological structure of the client-based patronage system. The collusion processes explained above are necessary to ensure at least a State that "closes its eyes" to the action of these groups, despite some formal declarations of illegality and will to combat to the militias. This combat is actually restricted to a few slums, in the State of Rio de Janeiro.

Another important point is the political control of poor populations. Political groups associated with militias aim to control grass-roots civil societies' leading character within slums to obtain votes for their leaders. The militia plays effectively with client and patron relations: we observe here the higher efficiency of smaller groups. This kind of association "police – politicians" was ironically described by some *Delegados* of the Civil Police as if the policemen were playing the role of the "Rex of the politicians," with reference to a German shepherd acting in a popular German Television series.

But ironies aside, this association between policemen and politicians proved efficient, economic, and politically viable. Militia is not interested in any sense of community and trust, other than on itself. It guides its actions by patron-client values.

Fund raising for political campaigns can rely basically in protection money and economic exploitation of security privatized areas. For the policemen, this is also a good deal. For example, free from extortion to drug traffickers to complement their salaries, they can obtain extra gains selling security as initial commodity – the protection money – and then "legal" benefits from illegal sales: cooking LNG, pirate cable TV, services (transportation taxes, private taxes on real state

operations, real state development - usually illegal over state-owned areas. A military policemen member of a militia can increase his salary tenfold without additional pressure on public finances.

Business figures are impressive. It is estimated that in the *Rio das Pedras* slum, the monthly income of the militia is about US$ 500,000. Cable TV firms estimated that in this slum there are 11,200 clients for pirate cable paying R$ 15 each (US$ 6.50). [xxxviii] With such figures, a potential conflict between militias may arise when other groups can fight to offer the same 'services' as the militia has brought, attracted by economic considerations. This scenario was not yet verified, probably because there is an "internal frontier" represented by a great number of slums to be occupied and with big business opportunities also.

The militia maintains community passivity and silence, named "tranquility." As noted above, State and public cynicism and ambiguity related to private security solutions helps the militia to develop its control and be seen as a "minor damage" even by public officials.[xxxix] With our model based on collusion processes, we have explored some of the mechanisms that contributed to construct this cynicism. Obviously the militia ignores legal matters related to "the rule of law," perhaps cynically relying on the ambiguity of the Brazilian Constitution of 1988, art. 144.

Provisional Conclusions

Democracy, in its different forms, including the Latin-American experience, implies a necessary subordination of force and coercion to the rule of law. In those democracies, a police force will act under the command of the political authority. Police forces are usually opaque in their organization and operation, and usually opposed to external political regulations, an efficient inertia. But at the same time, the police force is an indicator of the structure of social relations that constitute the Brazilian society. In any case, Brazilian society will support the burden to define through democratic and institutional procedures the police it really wants, and to produce the constitutional mechanisms and policies to make these changes. To conclude, we must ponder the results of the public security plans that have been implemented up until now. If the null hypothesis (no observable effects) is applied in the case of the plans that have been implemented since 2000, we can affirm, without any doubt, that it would be fully verified. However, one cannot, as yet, definitively judge the plan that is now being implemented, even though events before Carnival 2003, which culminated with the emergency use of the Army to keep order in Rio de Janeiro, suggest some signs of what it has represented. We see a case where the presumed asymmetry of authority between state and civil society has broken down, the state's monopoly on legitimate violence within the rule of law has failed, and, in some places within Rio de Janeiro state, chaos (or

control by drug traffickers) has been imposed as a social rule. Under such a scenario, in crisis situations, the regulator adapts by refusing to intervene or, as in the case of Rio de Janeiro, repeating military intervention (Donolo, 2001). Even though the Justice Ministry considered it to be an "emergency measure," it clearly shows that there is no hope for short-term control by state police forces. We are again faced with muddling through, a contingent adaptation, in turn, included within the framework of limited rationales of the involved regulators, both at the federal and state levels. But now there is no alternative except to increase the intensity of the Army's operations (or of some "task force" that will come to replace them). All these factors favor the development of militias as a new – and illegal – form in the stock of policing forms.

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o Notes

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[i] Many of them are cited in the bibliography, in a list that doesn't pretend to be complete.

[ii] Data for this chapter were colleted from the newspapers *Folha de São Paulo (Archives, 1977-2008) and O Globo.* Also from interviews with police officers and dwellers of militia-controlled areas. .

[iii] Fábio de Castro: "Inclusão urbana" . Boletim Agência FAPESP. 28/11/2006.

[iv] Report "Mapa da Violência: os jovens da América Latina" . Rede de Informação Tecnológica Latino-Americana (Ritla)- Ministério da Justiça - Instituto Sangari..Brasília, November 25th, 2008.

[v] Report Mapa da Violência dos Municípios Brasileiros 2008. .Rede de Informação Tecnológica Latino-Americana (Ritla). Brasília. January 29th, 2008.

[vi] *The New York Times*. International. March 6th, 2003. P. A12.

[vii] Source: PRO-AIM. Programa de Aprimoramento das Informações de Mortalidade no Município de São Paulo - TABNET. Informações sobre Mortalidade. 2003. IBGE, Instituto Brasileiro de Geografia e Estatística, Censo de População 2000.

[viii] Ministry of Health. 1996.

[ix] International Survey by the United Nations on the Use of Firearms. Also, the *Folha de São Paulo*, May 6th, 1997, p. 3-7. Considering the country at a global level, these same indicators in other countries remain at similar levels. For example, in the United States the homicide rate for every 100 thousand inhabitants evolved from 9.9 in 1979 to 9.4 in 1994.

[x] Here we can quote former Minister José Dirceu (Chief of the Home Office). He admits that " Brazil has nothing to fear, nothing to conceal (…)   We cannot hide the sun with a sieve. There is torture, there are murders and there are violations of the human rights in Brazil", said Dirceu commenting the statements of the advisor of the UN for human rights, Asma Jahangir. That same day, the newspapers reported that a witness that had spoken with the UN advisor was shot to death in Bahia. . The minister of justice, Márcio Thomaz Bastos, reluctantly recognizes that in some regions or areas in Brazil there is an intermittent form of a true "state of war". ("Sem tapar o sol com a peneira". "Dirceu admite que há tortura no Brasil e que inspeção no Judiciário não fere soberania". (*O Globo*, 10/10/2003. p. 3))

[xi] This conception approaches the "social corporatism" as defined by Schmitter (Schmitter, 1974:85-131)

[xii] Report: Estudo de conformidade do ambiente brasileiro com a Convenção Interamericana Contra a Corrupção da OEA. Transparência Brasil (Pedro Lehmann Baracui). São Paulo. March 2006. http://www.transparencia.org.br/index.html (06/01/2009). See also: Dellasoppa (2000,2003), O´Donnell (1999), Méndez et al. (2000).

[xiii] The concept of *specific logic* of a sector is taken from the weberian meaning of "eigengesetzlichkeit" (Weber, 1969:II-752).

[xiv] For the IBGE, Instituto Brasileiro de Geografia e Estatística, 516; for the Instituto Pereira Passos, 752. Both institutions differ in their criteria to define a *favela*. See: Faber Paganoto Araújo. 2006. Favela: um conflito metodológico
http://www.observatoriodefavelas.org.br/observatorio/acervos/mapas/favela.asp (16/12/2006)

[xv] IBGE, 2000 Brazilian Census.

[xvi] Low income is evident from the 2000 Census data. In Maré, a household chief earned about Reais$ 433 (US$ 200). Illiteracy is also very high, Maré, Rocinha, and Complexo do Alemão have the worst rates in the city or Rio de Janeiro.

[xvii] Things change: Dona Marta slum is now (November, 2008) under Military Police control. Accordingly to the last reports, drugs, traffickers were expelled from the slum.

[xviii] Terrain characteristics are dominant in these cases, increasing the difficulties of the type of urban conflict that the police forces must deal with. Recently the Military Police of Rio de Janeiro launched an occupation of a relatively small slum, in a pilot test of new tactics to recover control over areas subjected to drugs traffic activity. "**To Rid Slums of Drug Gangs, Police in Rio Try War Tactics.** (…)The police have regularly launched large operations in Brazil's favelas, or slums, in their battle against drug gangs over the years, but authorities say the occupation of Santa Marta, a relatively small, contained neighborhood, is part of a new approach, a pilot project for the future of crime fighting in this violent city. Brazilian police officers are attempting counterinsurgency tactics similar to those used by U.S. soldiers in Iraq -- setting up small bases occupied around the clock inside violent neighborhoods, developing intelligence by living among their adversaries, and using government funds to rebuild broken areas and generate goodwill.
"Santa Marta is like a laboratory for policing a conflict area," said Antônio Roberto Cesário de Sá, a senior official in the office of the public security secretary of Rio de Janeiro. "The idea is to rescue a territory that until now has belonged to a drug-dealing gang.(…)"
http://www.washingtonpost.com/wp-dyn/content/article/2009/01/05/AR2009010502741_pf.html (01/07/2009)

[xix] An academic debate was held in Brazil regarding the relationship between poverty and drug trafficking in the slums. Alba Zaluar discussed this topic from the very beginning,. See, for references, Zaluar (2004)

[xx] "Armas usadas pelo tráfico preocupam os militares" Rio de Janeiro, *O Globo*, 03 de outubro de 1993. p. 19.

[xxi] "EUA dizem que contrabando aumentou". Rio de Janeiro, *O Globo*, 03 de outubro de 1993. p. 19.

[xxii] "Mais 15 PMs são presos por extorsão, corrupção e venda de armas pesadas" . "Policiais iam vender a bando rival fuzil e pistola apreendidos com traficantes". Rio de Janeiro ,*O Globo*, 09 de setembro de 1997. p. 11.

[xxiii] "Um batalhão armado desde cedo" Rio de Janeiro ,*O Globo*, 21 de junho de 1999. p. 8.

[xxiv] As in the Operação Rio in November, 1994.

[xxv] The MOUT Homepage. http://www.geocities.com/Pentagon/6453/usmcmouta.html (06/01/2007)

[xxvi] "Responsibility' is a polysemic concept: The state, quality, or fact of being responsible. Something for which one is responsible; a duty, obligation, or burden.
(http://www.yourdictionary.com/ahd/r/r0182600.html (31/08/2005))

[xxvii] Army ready to act. What does the law say?
   "You ask me: Is the Army ready to act [in urban cases like in Rio]? It is. But it is missing a change in the legislation for it to act with clarity. Our concern is to define this", stated Cel. Cunha Mattos, who worked for 6 months in Haiti and currently integrates the Army Communication Sector (CCOMSEx in Portuguese). In a telephone interview we did exactly about the possibility of action in Rio de Janeiro Cunha Mattos explained that the Army constantly performs training geared towards urban areas. Be it for combat operations (war missions) or for operations to uphold the law and order, which could even be called de "non-war mission". (…)
   Today's rules about the employment of the Armed Forces are: article 142 of the Federal Constitution, from 1988; and the complementary laws 97, from 1999, and 117, from 2004. The latter edited a few months after the ingress of Brazil in the Peace Force in Haiti. The legislation states that the military can act to "ensure the upholding of law and order" as long as there is formal recognition that the current available resources are inefficient. "The instruments related on article 144 of the Federal Constitution are considered extinguished when, on a certain moment, they are formally recognized by the Chief of Federal Executive Power or by the Chief of the State Executive Power as unavailable, inexistent or insufficient (…)". The "assurance of upholding the law and order" has a long history in our constitutions, as Charles Pacheco Piñon shows reporting the Magna Cartas of 1981, 1934, 1937, 1946, 1967, 1969 and 1988.
(…) Rio de Janeiro's panorama, where several military operations by BOPE, CORE, Força Nacional already exist, military action could be utilized, as previously cited by government officials and the secretary of Defense himself, based on the history on the Haiti slums. The expertise of the United Nations Peace Force would be used at this stage of legislation, preparation and military strategizing. And it is at this level that the military ask for the solution for the judicial "fill in the blanks." What would be the chain of command? Would the police forces be auxiliaries to the Army? Would the Army have the strength of the local police in the areas of operation? Is there authorization, like in Haiti, to search suspect houses, even if it is necessary breaking into them? What are the rules of engagement for weaponry and types of shots? "All of this is necessary for the safety of the action and the complementary laws do not foresee", says Cunha Mattos. http://aloisiomilani.wordpress.com/2008/03/20/exercito-pronto-para-atuar-o-que-diz-a-lei/ (12/08/2008)

xxviii “Segurança nas ruas de Ipanema”. Morador aceita firmas irregulares por temer pivetes. *Jornal do Brasil.* 21 de maio de 1995. 2ª. Ed. P. 20.

xxix “Segurança privada toma conta das ruas. Associação boa Viagem faz plebiscito para saber se moradores aprovam guarda particular”. *O Globo. Niterói.* 5 de abril de 1998. p.16.

xxx “GUERRA URBANA. Já existe empresa especializada no serviço, que cobra até R$ 250 mensais e atua em 4 regiões do centro. Comércio contrata "zeladores de rua" para expulsar mendigo de área pública.” *Folha de São Paulo,* São Paulo, Segunda-feira, 27 de Setembro de 1999. Cotidiano.

xxxi “Os camelôs da segurança. Vigilantes clandestinos da Zona Sul vendem seus serviços até em balcão de padaria” O Globo. Rio de Janeiro. 01 de junho de 1998.

xxxii “Classe média paga PM para proteger bairro”. São Pulo. *Folha de São Paulo.* Cotidiano. 26 de outubro de 2005. Página C1.

xxxiii “A segurança que vem da favela. Moradores de Ipanema, Copacabana e Gávea usam serviço de morros vizinhos”. Rio de Janeiro. *O Globo.* 11 de março de 2001. p.16.

xxxiv “A polícia paralela. Milícias expulsam os traficantes de drogas e já controlam 92 favelas da cidade”. Rio de Janeiro. *O Globo.* 10 de dezembro de 2006. p. 19.

xxxv This Report on Militias in the State of Rio de Janeiro was concluded in November, 2008, and was recently delivered to the Congress in Brasilia and to the Public Prosecutor. Two representatives and a former Police Chief were indicted, a very small number for the total presumed related with militias.

xxxvi BOPE Commander, Col. Mário Sérgio de Brito Duarte. *O Globo.* 10 de dezembro de 2006. p. 19

xxxvii Personal interview with a dweller living in the West Zone. Here the militia was “promised” by a political candidate, who, elected, “cleaned” the area of drugs traffickers. Even armed with rifles, the members of the ADA group (“Amigos dos amigos”, “Friends of our friends”) were killed or forced to leave the area. “Now, things are different: people are free to walk peacefully through the slum and there are no more fights.” , she said.

xxxviii “Proteção imposta” . Rio de Janeiro. O Globo. 11 de dezembro de 2006. p.10.

xxxix During the New Year´s Eve celebration, military policemen sent by the radio communications system “greetings” to the militia members, a completely illegal use of resources.