



□ Focus on the employment of armies on Brazilian national territory

Land Forces Doctrine Review

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Expériences alliées

Brazil, like France, has a high demand for the use of armed forces on its national territory. However, even if the causes of these demands are different, because in Brazil the needs are more related to crime and in France to terrorism, the consequences for both armies are similar: the necessary adaptation of the fundamental principles concerning the fighting itself to the employment framework of the national territory and also the maintenance of the warlike spirit proper to the military in their interaction within the population, to mention the main ones. But we must also mention the legal specificities of this employment, the improvement of interministerial and civil-military coordination, the updating of the doctrine of employment, the adaptation of equipment and support processes to face the new realities on the ground on the national territory.

The case of land borders

Regarding land borders, under Brazilian law, the control of the movement of goods and people is the responsibility of the Federal Police (=PF) and other federal agencies. The FP depends on the Minister of Justice. The PF also has responsibilities as Federal Judicial Police. It should be remembered here that the country's land border is more than 15,000 km long, so the FP does not have enough police officers to control all Brazilian borders and simultaneously carry out its Federal Judicial Police missions.

Since several units of the Brazilian Land Forces are permanently based in cities all along the land border, in accordance with Brazilian Law, the armies may have permanent administrative police power in the border region of their garrison. Administrative police power includes cross-border and environmental crimes. The area where this power may be used is delimited up to 150 km from the border line, all along the country's land border.

The Guarantee of Law and Order (GLO)

The situation is different in other parts of the Brazilian territory, where the transfer of

power from the administrative police to the armies is based on a different legal basis and political-administrative organization. Indeed, unlike France, the country is made up of the 26 States that make up the Federation, plus the Federal District (=DF). In these twenty-seven structures, each elected governor has a military police (=PM).⁷² and a civilian police force⁷³. In addition, at the central government level, there is the National Public Security Force (=FNSP).⁷⁴ This FNSP is made up of military police from the 26 states and the DF, as well as military personnel relocated within the central government who can be used as a reserve that can be deployed, if necessary, in any state or DF, in the event of a public security crisis.

On the other hand, according to the Federal Constitution (FC) and Brazilian Law, the central power can never intervene in a state. Except in a few very special cases, such as, for example, in the event of exhaustion of the law enforcement forces of each state and at the express request of the governor. It is in this unique context that the President of the Republic (PR) may authorize the use of the armed forces on an episodic basis, in a previously established area, for a limited time for the guarantee of law and order (GLO).

When armies are employed under the GLO with the power of administrative police, it should be noted that the granting of derogatory powers (freedom of the use of force, control of persons, places and property by the armies) is identical to that authorized by the Act to the administrative police of the states of the Federation. Indeed, in these cases the armies normally work with the state administrative and judicial police forces. However, even though the Act provides that the use of the armies for the GLO should be exceptional, between 2010 and 2017 this has become the rule: Brazil has experienced some thirty-eight deployments of the armed forces in several states due to failures in public security.

The state of Rio de Janeiro, an emblematic example

It should be noted that, in the state of Rio de Janeiro alone, from the beginning of 2017 to February 2018, the population experienced at least 19 operations by the armed forces for the GLO. These operations are based on a presidential decree that has been extended until 31 December 2018. In addition, on 16 February 2018, the RP signed a decree of federal intervention in the State of Rio de Janeiro.

In this State, approximately three brigades of the Army, Navy and Air Force units are still currently deployed, alongside the military police of Rio State. Therefore, as an example, according to the Federal Intervention Office in Rio de Janeiro, data from the Rio de Janeiro Public Security Institute show that in August 2018, compared to the same month of 2017, the figures for truck and cargo thefts were down 20%, car thefts were down 6%, and street thefts were down 16%.

By way of conclusion

To date, it has been noted that the actions of the armies have never been carried out at the same time as the public policy actions implemented globally to really and effectively eradicate, as much as possible, all the causes of Brazil's socio - security problems. It can be seen that in the majority of cases, only the use of the armed forces has led to tangible

results. Fewer actions have been carried out, apart from the involvement of military forces. But even in cases where some of these actions have been planned and recorded, their sustainability in the territory has been very limited by the political power. Therefore, these measures have proved to be rather ineffective.

In conclusion, with the exception of the border region, the use of the armed forces on the national territory, with the addition of the power of the administrative police, must remain exceptional. In a medium-term vision, it is unreasonable to think that the real causes of the current security problems could be solved only by this cooperation of the different forces. In any case, for the years to come, it is likely that further deployments of the armies on Brazilian national territory for GLO missions will have to be considered.

72 The MPs are the administrative police forces of the states of the Federation. They do not belong to the armed forces.

73 The judicial police of the states of the Federation.

74 The FNSP, like the MP, are the public order forces. These bodies do not belong to the armed forces.

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