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Making Peace or Pacifying?

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Abstract

Notions of a culture of impunity surrounding the violence perpetrated by the Brazilian police have lingered ever since the largely unsuccessful prosecutions of those suspected to be involved in the notorious Candelária massacre of 1993. Eight young people, six of whom were under eighteen, were killed by an adult group comprised of several members of the police. Despite the security forces coming under increasing scrutiny ever since, the 2005 Concluding Observations of the Human Rights Committee on Brazil's Periodic Report made disheartening reading. The Committee expressed its continuing concerns regarding the widespread use of excessive force by Brazilian law enforcement officials and their torture and ill treatment of suspects and detainees, which sometimes included extrajudicial executions. A lack of due diligence in investigation undoubtedly contributed to the creation of a "climate of impunity". It was particularly unfortunate that the poor and dispossessed seemed to be the prime targets of such abuses of power.

Keywords

Human rights, Brazil, Police, Pacification, Police violence, Drug trafficking, Organized crime

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Making Peace or Pacifying?

by Therese O'Donnell

Qui desiderat pacem, praeparet bellum
Let he who desires peace prepare for war

Vergetius 4th century A.D., De Re Mil. 3 prologue

Notions of a culture of impunity surrounding the violence perpetrated by the Brazilian police have lingered ever since the largely unsuccessful prosecutions of those suspected to be involved in the notorious [Candelária massacre](#) of 1993. Eight young people, six of whom were under eighteen, were killed by an adult group comprised of several members of the police. Despite the security forces coming under increasing scrutiny ever since, the 2005 Concluding Observations of the Human Rights Committee on Brazil's Periodic Report made disheartening reading. The Committee expressed its continuing concerns regarding the widespread use of excessive force by Brazilian law enforcement officials and their torture and ill treatment of suspects and detainees, which sometimes included extrajudicial executions. A lack of due diligence in investigation undoubtedly contributed to the creation of a "climate of impunity". It was particularly unfortunate that the poor and dispossessed seemed to be the prime targets of such abuses of power.

Bradley Brooks' article analyzes the establishment in Rio de Janeiro in recent years of the "police pacification units", or UPPs. These units could be seen as signifying a change towards a more militant form of protection geared at safeguarding the well-being of the most disenfranchised elements of Rio's poverty-stricken populace. The principal goal of such units appears to be state reclamation of a number of shanty towns from the grip of violent drug gangs, which had become the *de facto* authorities within them. Of course, as Brooks notes, intensive policing, police raids, and even high-profile arrests will do little to address the many underlying, complex, and long-standing social problems in these areas. There also remains the perennial issue that tackling a problem simply causes it to migrate elsewhere or causes the perpetrators to change their *modus operandi*.

However, these are the obvious difficulties. There are possibly more insidious, and probably unintentional, outcomes from the UPP initiative. In reclaiming control of these deprived areas, the authorities must guard against the police becoming the only channel through which residents can express their demands—the police should not become [the sole means of access to the state](#). Further, policing cannot become conflated with social development, a task perhaps better suited to local welfare organizations. The importance of the state retaining a central role in the provision of services such as housing and social care is particularly crucial in such dispossessed communities where privatization of social services can be particularly perilous. In communities where local needs are extremely complex, going for the (allegedly) least expensive option is not ideal. It also raises serious questions regarding Brazil's obligations in terms of the protection of social and economic rights. If Brazil struggles to observe its human rights obligations directly, this will only be complicated by introducing another layer of (private) management.

As [a piece produced for the Latin American Bureau](#) has noted, the UPP program has also raised anxieties that post-UPP action, drug gangs may simply be replaced by militias. Originally formed as vigilante groups, they are often comprised of ex-policemen who are close to certain local politicians and engage in protection and criminal activities. If such militias were to move in, then the prospects for the *favelas* are at best a move sideways (swapping one criminal element for another) and at worst a move towards a parallel criminal state that is intermingled with existing power structures. Social development is also unlikely to be high on the agenda of such bodies.

In addition to the obvious notion of peace-making, the verb "to pacify" carries overtones of mollification, tranquilizing, and placatory initiatives. Who or what should be pacified by the activities of the UPPs? Such security programs appear to have been accelerated due to Rio de Janeiro's hosting of the Olympics in 2016 and the final games of the 2014 FIFA World Cup. Thus, the constituency would seem to be an international one, with an emphasis on self-preservation and international business. Is that so bad if the residents of the slums are happier to see fewer guns? No, it is not so bad, but such quick-fix remedial measures are often expensive and rarely produce permanent structures or solutions. Pacification is often synonymized with appeasement, which history teaches us has never been a good idea in any war.

[Thérèse O'Donnell](#) is a Senior Lecturer in law at the University of Strathclyde Law School in Glasgow, Scotland. Her teaching specialities lie in public international law and human rights law. In terms of research, Thérèse is particularly interested in matters relating to collective security and the use of force, notably in relation to governance issues within the UN Security Council. The interface between international law and international relations, the instrumentalisation of law by hegemonic forces and the consequent difficulties then raised in terms of the legitimacy and enforceability of international law is particularly fascinating. Thérèse has published in the area of sanctions and counter-terrorism initiatives and is currently working on responses to natural disasters. Thérèse also maintains a keen interest in transitional justice, the relationship between history and law, issues surrounding collective memory and inter-generational justice.