Parallel Power: Challengers to the Democratic Rule of Law in Rio de Janeiro Brazil from 2000 to 2010

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PARALLEL POWER: CHALLENGERS TO THE DEMOCRATIC RULE OF LAW IN RIO DE JANEIRO BRAZIL FROM 2000 TO 2010

by

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Submitted in partial fulfillment of the requirements

for the degree of

Master of Arts

May, 2013
PARALLEL POWER: CHALLENGERS TO THE DEMOCRATIC RULE OF LAW IN RIO DE JANEIRO BRAZIL FROM 2000 TO 2010

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ABSTRACT

This thesis seeks to explore how drug cartels achieved de facto sovereign control over the favelas of Rio de Janeiro between 2000 and 2010, effectively preventing the Brazilian state from guaranteeing the rule of law uniformly throughout national territory. It also investigates the extent to which Brazilian citizens have suffered human rights abuses as a result. Drawing on both primary and secondary evidence, I argue that drug cartels gained sovereignty over these enclaves as a combined result of state weaknness and cartel strength. The Brazilian state forfeited these territories a century ago, because it was infrastructurally weak to such an extent that it was unable to systematically penetrate them in order to monopolize violence, enforce laws, and provide public services. The cartels, in turn, exploited the favelas as ideal locations for the transport, repackaging, and sale of drugs. Benefiting from the profits of illicit activities, the gangs transformed into well-armed, bellicose organizations that maintained authority over the communities by performing state-like duties. In due course, organized crime amassed sufficient control over the favelas to thwart most state encroachments. Examining the exceptions, I found that the limited police encroachments were largely rights abusive—save those made by the Pacifying Police Units. State weakness and cartel strength have disjointed the rule of law and undermined democracy in Brazil.
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ACKNOWLEDGEMENTS

Professor Purnell, thank you for telling me I’m a bad writer. The first to point this out, you provided me the tools and push to improve.

I appreciate your positivity and encouragement, Professor Easter. In addition, your strategizing about PhD programs proved invaluable.

My dearest friends Brian, Julianne, Kelsey, Melissa, and Mitch deserve my deepest gratitude. Thanks for all of the laugh-so-hard-I-cry-and-have-to-leave-the-table moments we’ve shared. Without you, I would have never made it to Boston.

Uncle Bud, thank you for believing in me.

I received a research grant from the Clough Center for the Study of Constitutional Democracy at Boston College to write an earlier draft of this thesis.
INTRODUCTION

On 30 September 2002, the words “Parallel Power” were graffitied onto two buildings in downtown Rio de Janeiro (Rio). That same day 235 Rio schools sent approximately 50,000 students home. Health clinics, banks, and supermarkets closed. The bus transit system shut down, leaving some 800,000 passengers stranded.

Members of Comando Vermelho (The Red Command) scrawled those ominous—yet edifying—words in the downtown district of one of Latin America’s most metropolitan cities. On 30 September, Comando Vermelho, one of Rio’s three largest drug gangs, sent scores of its hardened, gun-totting members into the metropolis’ rich neighborhoods. Residents were told to stay home and businesses to close shop. On that day, as it would on many others, a drug gang challenged the Brazilian state (Faiola 2002; Rohter 2002: 1-2; Penglase 2005: 3-5).

In much of Latin America, the governments no longer engage in the systematic abuse of human rights for political ends. The responsibility of the democratic regimes after the turn of the century lies, instead, in their failure to both prevent the arbitrary actions of government agents and to fight impunity within their territory (Pinheiro 1999: 3; Arias 2006: 1). In this thesis, I focus primarily on the latter, arguing that between the years of 2000 and 2010 the infrastructurally weak Brazilian state was unable to penetrate the favelas of Rio de Janeiro. As such, drug gangs claimed sovereignty over these swaths of territory, preventing the state from maintaining the rule of law uniformly throughout its domain. These gangs then proceeded with relative impunity to commit grave human rights abuses in the face of the Brazilian constitution.
This thesis seeks to explore how drug cartels were able to achieve and then exercise *de facto* sovereign control over the *favelas* of Rio de Janeiro between 2000 and 2010, effectively preventing the Brazilian state from guaranteeing the rule of law uniformly throughout its territory. It also investigates the extent to which Brazilian citizens have suffered human rights abuses as a result.

In this thesis, I make the argument that drug cartels achieved *de facto* sovereign control over the *favelas* as a combined result of state weakness and cartel strength. The Brazilian state forfeited these territories over a century ago, because it was infrastructurally weak to such an extent that it was unable to systematically penetrate them in order to monopolize violence. Without routine policing in the *favelas*, agents of the state were unable to enforce official laws, provide public services, or build the loyalty of residents. The cartels, in turn, viewed the pockets of territory as ideal for the repackaging and sale of drugs due to the ample hiding spots, abundant unemployed youth, and acquiescent residents. Benefiting from the profits of illicit activities, the gangs transformed into well-armed, bellicose organizations that maintained authority over the communities by performing state-like duties, such as establishing rules and norms and providing goods and services. In due course, the cartels amassed sufficient control over the communities to thwart most state encroachments.

To substantiate this argument, chapter one surveys the literature on the rule of law, organized crime, the state, and human rights, particularly as they pertain to Latin America. The subsequent chapter touches on the demographics, history, geography, and politics of Brazil, while also providing background on both the *favelas* of Rio and the city’s most powerful drug gang, *Comando Vermelho*. In addition, the second chapter
examines violence in Rio and the *favelas*, as well as the youth living in these communities who remain indifferent to official rules and norms. In the third chapter, I turn to the Brazilian case. In addition to synthesizing the primary argument, this chapter offers a statistical analysis of the provision of public services in Rio, and considers the Brazilian state’s attempts to establish sovereignty over the *favelas*. Additionally, the chapter contrasts the Brazilian case against the literature on the rule of law, while also briefly considering democracy and human rights. In the conclusion, I discuss an alternative theoretical explanation of gang-state relations, make suggestions for further research, and present questions concerning the future of the rule of law in Brazil.
CHAPTER I

SURVEY of the LITERATURE

This thesis seeks to explore how drug cartels achieved *de facto* sovereign control over swaths of Brazilian territory between 2000 and 2010. To understand how it is possible for drug gangs to rise to such levels, as well as the consequences thereof, several themes must first be considered: the rule of law, the state, organized crime, and human rights. First, the literature on the rule of law reveals that the legal state may fail to establish supremacy throughout the entirety of a territory, leaving areas where contumacious non-state actors operate with varying degrees of impunity. Subsequently, an introduction to the state demonstrates that it works to penetrate national territory uniformly, often by establishing a monopoly of violence and overcoming rival non-state actors—though some states are more successful at accomplishing this than others. A closer look at organized crime, in addition, reveals pugnacious, adaptive organizations that thrive throughout Latin America as a result of poverty, globalization, and the increasing demand for drugs. The final section on human rights introduces the significance of these rights and the conditions necessary for human dignity to flourish. It also establishes the international norms obliging the state to not only refrain from violating human rights but also to take appropriate measures to protect them. Each section attempts to provide an accepted definition of each theme, introduce its theoretical underpinnings, provide history where necessary, and discuss the implications for the region. Taken as a whole, these four interrelated themes go a long way in explaining how drug gangs came to rival the Brazilian state in pockets of Rio.
Rule of Law

This thesis first considers the rule of law and the uniformity of its application. A strong rule of law reduces corruption, limits crime, and suppresses rival non-state actors by holding everyone—irrespective of class, race, gender and other attributes—throughout the country accountable to the same laws. A weak rule of law, on the other hand, tolerates corruption and crime, and fails to prosecute political bosses, militias, and the leaders of criminal networks. The rule of law is thus relevant to answering the central research question of this thesis, as its absence signals that rival non-state actors may take hold and that citizens’ human rights may be at risk.

Constitutions throughout Latin America guarantee extensive rights to the citizens of each country, including freedom of speech and organization, as well as freedom from discrimination and torture. However, as a result of the weak rule of law across the continent, the rights guaranteed by these constitutions are not upheld in practice (Hagopian 2005: 128; Pinheiro 1999: 1; Brinks 2010: 212). Despite the liberal proclamations and the extensive rights codified, a constitution remains ineffectual until a judiciary upholds it, and the laws empty until impartial officials enforce them (Ungar 2002: 1; Carothers 1998: 95-96). According to O’Donnell, “without a vigorous rule of law, defended by an independent judiciary, rights are not safe and the equality and dignity of all citizens are at risk (2005: 3).”

A survey of the literature on the rule of law leads to a widely accepted definition of the term put forth by the scholars Diamond and Morlino. “The rule of law means that all citizens are equal before the law, and that the laws themselves are clear, publicly known, universal, stable, non-retroactive, and fairly and consistently applied to all
citizens by an independent judiciary (2005: xiv).” They go on to say that under a strong rule of law “the legal state is supreme throughout the country, leaving no areas dominated by organized crime, local oligarchs, or political bosses who are above the law (2005: xiv).” In addition, Diamond and Morlino add “at all levels, the state bureaucracy applies the laws competently, efficiently and universally (2005: xiv).”

The supremacy of the legal state is an integral part of the rule of law, as the definition above states and O’Donnell further elaborates. O’Donnell puts forth that the legal state in much of Latin America is incapable of penetrating either the hinterlands of the country distant from the capital or the peripheries of large cities. In what he refers to as “brown areas” the formally sanctioned law is applied intermittently and competes with the informal laws promulgated by the private actors that control the area, such as political bosses or criminal gangs (2005: 12). Among other criteria, O’Donnell argues that the legal system is effective only when it “extend[s] homogenously across the space delimited by the state—there must be no places where the law’s writ does not run (2005: 8).”

Another integral aspect of the rule of law is the universality of its application. Many scholars within the literature emphasizes that the courts and police must apply the law equally to everyone irrespective of the individual’s class, ethnicity, gender or other attributes (O’Donnell 2005: 8; Carothers 1998: 96; Ungar 2002: 2). This is not always the case, however; in fact, O’Donnell goes so far as to say that many Latin Americans “are as poor legally as they are materially (2005: 13).” Several scholars further elaborate, stating that the underprivileged in much of Latin America do not have the same access to the law as the privileged sectors, and, as such, equal justice under the law is not achieved
(Garro 1999: 278; Pinheiro 2009: 175, 205; Hagopian 2005: 129). In societies in which access to justice is unequal, a marginalized individual has little recourse when he is the victim of an all too often horrific crime. What is more, crimes committed by elites—such as corruption, tax evasion, and slave labor—remain largely unchallenged, as the criminal justice system often turns a blind eye to those with resources (Pinheiro 1999: 1, 5).

Much of the literature on the rule of law in Latin America focuses on the held-over authoritarian tendencies that continue to permeate the justice system, as well as how these tendencies are primarily detrimental to the poor. In particular, scholars focus on the tactics police forces employ—such as torture and summary execution—to protect the elites and middle classes from what they perceive to be the primary threat: the poor, nonwhite, or marginal elements of society (Pinheiro 1999: 4-5; Carothers 1998: 96; Tulchin and Ruthenburg 2006: 1-3; Hagopian 2005: 128). Another substantial portion of the literature covers the rights violations perpetrated in prisons, including the lack of personnel, extreme overcrowding, violence, torture, delays in trials, and dearth of medicine and food (Ungar 2002: 33-35; Pinheiro 1999: 3). In a startling report on detained youth in Rio, Human Rights Watch found that the state authority responsible for the juvenile detention centers (Departamento Geral de Ações Sócio-Educativas), routinely ignored complaints of beatings, filthy conditions, overcrowding, and shortages in food (2005).

The State

Why is the application of the rule of law uneven throughout much of Latin America? A uniform application of the rule of law depends on a strong state capable of penetrating all reaches of society in order to both establish a monopoly of violence and
uphold official rules and norms. However, this is not the case in much of Latin America, where many of the states are weak. The following section focuses on several of the traits that make for a strong state: the monopoly of violence, infrastructural power, and the relative strength of the social organizations that compete with the state for control of society. This thesis considers state strength, because weak states that are incapable of uniformly applying the rule of law and stifling rival actors leave pockets, such as those in Rio, open to organized crime.

Jan Glete, relying heavily on Max Weber, defines the state as “an organization with an administrative staff able to sustain a legitimate monopoly of control of the means of violence in a given territorial area (2002: 52).” To answer the primary research question of this thesis, a better understanding of the state is necessary.

Monopoly of Violence

Much of the literature points to war, or coercive forces, as the root of the state. Indeed, Tilly writes, “War makes states (1985: 170).” Though often expressed as international wars between states, coercion within states has played an important role in the formation of the state, as well. To better wage war against external rivals, states’ rulers came to require habitual access to capital. This access, either through credit arrangements or tax collection, required a monopoly of violence within a given territory (Tilly 1985: 170-172).

First observed during the sixteenth and seventeenth centuries in Western Europe, a cycle of state formation began to take shape. The cycle consists of roughly four stages. First, people produce wealth, often in the rising cities or city-states. Second, other people produce coercion, then seek out and take wealth. Third, the producers of wealth seek
protection from the producers of coercion—often the very same people that take their wealth. Finally, the producers of coercion develop a legitimate relationship with society and come to be viewed as protectors (Tilly 1985: 169-172).

Protection may take several shapes. Racketeers, for example, protect against danger for a price, but also produce it. A legitimate protector, on the other hand, protects against violence, but does so at a competitive price and does not itself generally engender the violence. The state typically falls into the latter category. While the state in Western Europe warred with its neighbors, it also attempted to monopolize violence within its territory in order to extract capital. At the same time monarchs waged wars against foreign armies and invaders externally, they waged internal wars against pirates, bandits, and other domestic wielders of coercion (Tilly 1985: 170-172; Tilly 1990: 69).

Just as defending against foreign invaders was a nearly perpetual task for a state in sixteenth century Europe, so too was eliminating rival wielders of coercion within its borders. Inside inchoate European states, it was common for several groups to all possess the right to use violence—bandits and pirates included. In later stages of the state-making process, however, the leader of the state, often a king, had enough access to capital to maintain standing professional militaries and police forces. The monarch then slowly disarmed internal rivals, from dukes through disbanded militias to crime bosses, who once may have maintained a legitimate claim on violence (Tilly 1985: 173-175). Internal and external war, along with the acquisition of capital, made states, albeit slowly.

*Infrastructural Power*

As posited by Mann, states have two types of power, despotic and infrastructural (1986: 109). Despotic power refers to a state’s ability to act in an unconstrained manner...
without interference from civil society groups. The second form, infrastructural power, refers to a state’s ability to penetrate civil society in order to implement its decisions throughout its territory. As the latter type of power is a focus of this thesis, it merits further exploration.

Infrastructural power is a state’s ability to “penetrate and centrally coordinate the activities of civil society through its own infrastructure (Mann 1986: 114).” In the middle of the nineteenth century the state acquired new means of infrastructural power. At this point in time the state developed the capability to maintain enormous amounts of information on citizens and to tax their income and wealth at the source, to a degree never before possible. The state also began to have greater influence over the economy and to employ or provide a livelihood to much of society. According to Mann, a state with strong infrastructural power “can enforce its will within the day almost anywhere in its domains…there is no hiding place from the infrastructural reach of the modern state (1986: 114).”

A state derives its infrastructural—and despotic—power from three means: military, economic, and ideological. The state employs all three techniques, as do societal organizations. Throughout history, either society or the state has often advanced one technique then “shared” it with the other, or both have advanced means together; therefore, neither the state nor society maintains exclusive control over them (Mann 1986: 117). The Internet, for example, was developed primarily by the state and is now used to advance the interests of both the state and civil society.
**Competing Organizations within Society**

Prominent within the literature, Migdal emphasizes that in addition to the state many other social organizations populate any given territory. Others may include ethnic groups, tribes, villages, the church, and the institutions of particular social classes. It is within these social organizations, both formal and informal, that people habitually interact with one another, thus establishing rules and norms (Migdal 1988: 18). The state may attempt to supersede these other social organizations; however, the state’s ability to do so is far from inevitable. In fact, in many cases, the state remains inferior to its rivals at “supplying and authorizing the written and unwritten rules that dictate daily behavior in society (Migdal 1988: 18).”

Several variations on the state’s interactions with other social organizations may exist within a given territory. Instances may be found in which the state has achieved dominance over other social actors. In totalitarian regimes, for example, states are relatively successful in making and enforcing nearly all rules of social behavior. In further instances, the state and other organizations, such as the market or the church, may make accommodations and divide realms of influence. In yet other cases, the state may be relatively weak. In the case of a weak or failed state, the remaining social organizations compete for predominance against one another. Finally, control over a particular group or area may be completely divided between the state and another social organization—each prescribing contradictory norms to guide individuals’ social behavior. In this case people must choose between the rules and norms promulgated by the state and those disseminated by competing social organizations (Migdal 1988: 18-31).
Peasants, workers, and other marginalized groups are especially sensitive to the rules and norms set forth by social organizations other than the state. “These [non-state] organizations have most often been dominated, after all, by people with the means to deny others a livelihood…and those who could offer organized physical defense,” writes Migdal (1988: 25). Rival social organizations, then, may supersede the state at dictating to particular populations until what age children must attend school, who may marry and at what age, or who may heal the sick (Migdal 1988: 18).

Organized crime is one such social organization that competes against the state to establish rules and norms within a given territory.

Organized Crime throughout Latin America

The uniform application of the rule of law and a strong state serve to impede the rise of organized crime within a given territory; however, a crime syndicate may be bellicose, astutely organized, and adaptive to such an extent that it will almost certainly carve out a small pocket of national territory. A deeper understanding of the organizational structure, background, and causes of organized crime throughout Latin America sheds light on how drug cartels gained control over pockets of Rio between 2000 and 2010.

Crime and Criminal Organizations

In the last decade, criminal violence in Latin America has soared to rates higher than at any time since data has been collected, so much so that many consider the region one of the most violent in the world (Tulchin and Ruthenburg 2006: 1). In Mexico, for instance, more than 40,000 people have been killed in drug-related violence since
President Felipe Calderón declared war on the drug cartels in 2006 (Barclay 2010: 33; Archibold et. al 2011). Much of the region’s violence is perpetrated by—or against—the myriad criminal organizations that operate throughout the continent, many in areas virtually unchecked by the state. According to O’Donnell, as discussed in an above section, the rule of law is truncated when private actors violate the law with impunity, a practice many criminal organizations throughout Latin America have perfected (2005: 7).

Garzón defines organized crime as follows:

A system of relationships with temporary hierarchies and associations, focused not only on predatory activities, but also on the supply of illegal goods and services in a diverse market; with coercive capacity and the capacity to use violence against those who challenge it (whether rival criminal groups or the state), and which last for a certain, lengthy, period of time (2008: 29).

The structure of organized crime has increasingly become fluid and dynamic. Far from the rigid bureaucratic pyramids of the Sicilian mafia in the twentieth century, organized crime today often comprises several factions that constantly interact to redefine the roles, expectations, and benefits of the organization. Many criminal groups today are run through a combination of loose hierarchy and horizontal networks. This is often the case, as one organization may comprise both an urban and rural component, and/or several managers in charge of distinct markets (Garzón 2008: 22-4). Garzón describes criminal groups in Latin America as simultaneously headed by a dominant figure while also receiving services by allied criminal components through “a series of liaisons (2008: 24).”

Naylor distinguishes organized crime from other types of crime by pointing out that organized crime produces and distributes new goods and services, while other types of crime simply redistribute previously existing (illicit) goods (1997: 4). Drug cartels are
thus distinct from predatory pocket pinchers, bank robbers, and car thieves, because they produce a new good—the drugs—and create a new economic activity: the cultivation of raw ingredients, smuggling, and the sale of the drugs. In addition, organized crime often provides protection—a service—to its members and the community in which it operates, while other forms of crime do not. Another important distinction between the two types of crime is the understanding that exists between the parties involved in organized crime. In this case, it is in the best interest of the buyer and seller of illicit goods to exclude the authorities. Whereas when crimes such as robbery or murder occur, one party—the victim—has an incentive to file a police report (Garzón 2008: 25-6; Flynn 2000: 48).

Needless to say, most definitions also consider organized crime to be a group of three or more persons with a consistent, coordinated relationship (Garzón 2008: 22). Fewer people or a onetime deal do not organized crime make.

The line between organized crime and other types of crime may be blurred, however. In addition to supplying new goods and services—such as running prostitution rings—a criminal organization may also be involved in bank robberies, for example. Trafficking women, children, and undocumented workers, along with organs and guns, as well as money laundering and extortion, further blur the lines. Did the criminal organization procure the illicit goods, or is it merely redistributing goods that another group supplied? According to Garzón, many criminal organizations are versatile—able to adapt to meet the needs of emerging markets and regularly diversifying to incorporate new criminal activities (2008: 26).

A distinct characteristic of organized crime is the ability to intimidate others, either in or outside the group, in order to ensure the continuation of criminal activities
within a given territory. According to Finckenauer, more than intimidate, a criminal organization must also be prepared to use violence when its threats are ineffective, least it loose credibility (2005: 63). A drug cartel thus wields violence against rival gangs or the state when they present a challenge to the cartel’s illegal monopolies, territory, or members; against its own members who break the cartel’s (tacit) rules; and against individuals in the community who divulge information about the cartel to the authorities (Garzón 2008: 27). Leaders coordinate the actions of lower-ranking members using cell phones and the Internet, allowing them to make good on threats within territory they control, in prisons, or even across international borders (Garzón 2008: 34; Manwaring 2007: 26; Flynn 2000: 51). In an effort to intimidate, as well as earn respect and credibility, criminals create ever more callous methods of murder, including beheading, dismembering, skinning, and boiling victims in large vats of lye (potassium hydroxide) (Chalk 2011: 42). To enforce its threats and protect its turf, a criminal organization may either command its own violent wing or contract private armies and paramilitaries (Garzón 2008: 30; Flynn 2000: 48). In any case, the cartels’ enforcers and soldiers wield weapons such as machine guns, hand grenades, rocket-propelled grenades, anti-personnel mines, and crudely armored vehicles. These criminal organizations match the level of violence used by their rivals, be they state or non-state, leading to regular escalations in the severity of violence (Manwaring 2007: 1, 5, 43, 46).

Organized crime also works assiduously to corrupt public officials—first through bribes, then through coercion. At the lowest level, criminal gangs corrupt public security forces in order that the latter divulge the dates and times of future operations, remain outside the gang’s territory, and even guarantee the protection of the gang’s illicit
activities. In order to stay in contact with jailed members, cartels also pay off employees of the penitentiary system to smuggle mobile telephones into jails, and information out of them. Of course, customs officials are also corrupted to allow illicit goods to cross borders or pass through ports. At higher levels, criminal groups work to hamper legislation that would increase jail sentences or strengthen restrictions on the transport or export of illegal products. Within the judicial branch, cartels also attempt to block investigations, obtain information on witnesses, and ensure favorable verdicts. This is one of the primary differences, according to Garzón, between criminal organizations and terrorist groups. The former seeks to establish itself within the existing social order, sculpting political institutions to serve its interests and provide protection; the latter, on the other hand, seeks to fight and eventually destroy these same institutions (Garzón 2008: 27-9). Another scholar, Flynn, goes so far as to argue that drug cartels find weak states beneficial. He posits that weak states limit the jurisdiction of stronger states, offer swaths of territory devoid of state presence where crops can be cultivated, and provide large cities where small denominations of money can be deposited into numerous banks in order to avoid currency reporting (2000: 46-8, 51).

Once it has ensured dominance and credibility, a criminal organization may find it beneficial to maintain a low profile. The primary aim of cartels is to provide favorable conditions for illegal markets. As street fights, police incursions, and media attention may cut into profits, they are often unwanted. A spike in the number of murders generally occurs only when a cartel clashes with other criminal groups, experiences internal fractures, considers it worthwhile to expand territory, or confronts state incursions (Garzón 2008: 56). In this vein, the former President of Mexico, Felipe
Calderón, argued in interviews that the increased violence after his presidency was the result of gangs fracturing and fighting one another, and that there was less violence before his party came to power due to the cozy relationship between the cartels and the PRI—the rival Institutional Revolutionary Party, which dominated Mexican politics for seventy years (Archibold et. al 2011). Maintaining a low profile may also be a factor in explaining why governments are often slow to acknowledge and respond to rising drug cartels. For example, according to Garzón, it was not until the São Paolo gang Primeiro Comando da Capital (First Command of the Capital) resorted to mass violence, including an uprising of 30,000 inmates, that the authorities recognized the gang as more than the invention of the media and political opposition (2008: 75).

Finally, organized crime often endeavors to expand its activities until it controls—and exercises authority over—a significant amount of territory. How is this possible? Many Latin American states are infrastructurally weak to such an extent that they are unable to penetrate swaths of their national territory—for reasons such as colonial legacy or anti-statist policies, discussed later in this thesis. The failure to extend sovereignty throughout the country leaves voids open to leftist guerillas, right-wing paramilitaries, militias, criminal gangs, and drug cartels (Arias 2006: 54; Manwaring 2007: 9). In fact, in nearly every Latin American country outside of Chile, the state has lost control of some measure of territory to either guerilla groups or drug cartels (Arias 2006: 1; Barclay 2010: 37). Even relatively wealthy governments, such as Brazil or Mexico, have failed to irradiate the challengers from the same strongholds they were originally allowed to enter.

The problem is noteworthy: a recent article in The Economist proclaimed that in several
Central American countries “the new violence thrives on the weakness of the state (2011: 2).”

Despite the lack of state presence, however, these pockets are not lawless. In fact, the criminal organizations rule over the enclaves, in an effort to ensure continued profits and the survival of the illicit markets. Crime syndicates achieve this de facto governance through several means, such as publically debasing the legitimacy of the state, particularly where it is unable to provide goods and services; infiltrating the surrounding police units; controlling the informal economic sector; and providing the basic welfare and public services traditionally made available by the state (Manwaring 2007: 9-10; Arias 2006: 2, 5, 190). Once control is gained, the cartels establish rules and norms that run contrary to those of the state, such as forcing locals to pay dues to the gang, to not speak to the police, and to physically aid the cartel. In return, the criminal organizations put a stop to petty crime in the area, as it would draw attention from authorities; they provide services such as transportation and access to the Internet; they establish a parallel court system, to resolve local disputes and issue punishments; and they purchase food and medicines for residents (Garzón 2008: 80; Barclay 2010: 42). According to Manwaring, within these pockets, the criminal organizations incite a struggle between the democratic values promoted by the state and the criminal, anarchical values of the gangs (2007: 1, 43).

Several scholars point out that national sovereignty is at risk in much of Latin America. They warn that criminal organizations impinge state sovereignty because they control swaths of territory, where they establish rival rules and norms, and are often able
to defend these pockets from state incursion (Manwaring 2007: 2, 48; O'Donnell 2005: 12).

Background and Causes

In addition to the presence of several weak states where drug gangs readily thrive in the region, Latin American organized crime is the result of numerous, wide-ranging factors. These reach from the conclusion of the Cold War to globalization, from poverty to profits and demand, together with market forces and US foreign policy.

The origin of several drug cartels in Latin America can be traced back to the Cold War era. The criminal gangs in Colombia, several Central American countries, and to an extent Peru have benefited from the expertise in guerrilla warfare they gained during the Cold War, as well as the arms leftover from the era’s conflicts. For example, the Revolutionary Armed Forces of Colombia (FARC), a Marxist guerilla group, first attacked the Colombian government in the mid-1960s. No longer as ideologically driven, today FARC is presumed to derive half of its overall operational budget from drug production and trafficking. The group was able to fluidly transition from peasant army fighting for the redistribution of land to drug traffickers seeking profit, due, in large part, to the territory and weapons acquired, as well as the logistical skills gained, in the decades-long civil war it fought against the Colombian government. In response to FARC, several paramilitaries emerged in Colombia to provide civil defense to landowners and businesspeople in areas where the state was unable to provide security. By the end of the 1990s, however, they had primarily converted into traffickers in drugs and other illicit goods (Barclay 2010: 40; Chalk 2011: 15-18). Other examples of the Cold War’s legacy abound. The end of conflicts in Nicaragua, El Salvador, and
Guatemala, between the state and left-wing rebel groups, produced a surplus of weapons and experienced veterans. As a result drug cartels have had easy access to arms, as well as their pick of former soldiers to train new recruits (Barclay 2010: 40). Moreover, two fronts of Sendero Luminoso (Shining Path) have reemerged as prominent subcontractors hired by local coca farmers to provide protection. The Maoist guerilla movement had fought a civil war against the Peruvian state, between 1980 and 1992 (Chalk 2011: 23-4; Barclay 2010: 47).

Globalization has also made possible the explosive rise of transnational criminal organizations, not only within the region but also throughout the world. In the same way that the increasing interconnectedness and interdependence of the globe’s markets and peoples have augmented the profits of multinational corporations, so too have they advantaged organized crime. Much of the literature points to three particular attributes of globalization as having been especially advantageous to transnational criminal organizations: the reduction of trade barriers, freer flows of information, and the liquidity of capital. By reducing restrictions on the cross-border flow of goods, governments have introduced porous entry points that cartels eagerly exploit. To illustrate this, Flynn points out that the US has replaced customs officials at many piers with automated systems, and that officials in El Paso spend no more than one minute examining each tractor-trailer entering the US. He also mentions that, in an effort to increase trade, the European Community drafted legislation in 1993 that allows for the unfettered over-land transport of goods within member countries (2000: 48-9, 53). These reduced border regulations are justified by increased profits, and are of particular importance to multinational corporations shipping perishable goods. Another attribute of globalization advantageous
to criminal organizations is the freer flow of information. Technological advancements, such as inexpensive, disposable cell phones and encrypted Internet connections, allow crime syndicates to instantaneously coordinate activities across borders, largely unimpeded by law enforcement (Flynn 2000: 51). Finally, the easy flow of capital facilitates traffickers’ efforts to return profits from the point of sale to the home base in Latin America. To do so traffickers hire accountants to launder money through exchange houses, check-cashing services, and by investing it in businesses that conduct a high volume of cash transactions, such as casinos and jewelry stores. The accountants then send the money south through multiple electronic transfers, making the original source difficult to pinpoint (Flynn 2000: 51, 53).

Poverty, in addition, played a significant role in the emergence of organized crime throughout the region. In the last decades of the twentieth century, technocrats, rather than the populist or authoritarian leaders of the past, came to dictate the economic policies of many Latin American countries. Influenced by the World Bank and the International Monetary Fund, the new economic ministers promoted privatization of state enterprises and the lowering of trade barriers—policy prescriptions often referred to as the Washington Consensus. In the process, people lost jobs, the government channeled public funds away from social programs, and safety nets eroded. In addition, many Latin American farmers could not compete on the international market against heavily subsidized US agricultural products, leading many to migrate to major cities. These factors amalgamated to exacerbate poverty and increase inequality throughout the region (Barclay 2010: 42). In fact, from the early 1990s into the 2000s, child poverty increased in thirteen of seventeen Latin American countries, according to a United Nations (UN)
report released in 2005 (UNICEF). Another UN study found that nearly 63% of Latin American and Caribbean children and adolescents suffer some level of poverty (UN, ECLAC 2010). Many scholars agree that income inequality and reduced economic opportunity are positively correlated with crime rates (Fajnzylber et al. 2002). Indeed, Barclay asserts “a poor economy in the short run reduces opportunities for citizens to take part in the legal economy, increasing the attractiveness of criminal behavior. Meanwhile, the wealthy fraction of the population becomes a potential criminal target, while another, larger fraction remains very low income and sees little downside in engaging in criminal activities (2010: 42).”

The UN Office on Drugs and Crime estimates that in 2009 the profit from global cocaine sales was 85 billion US dollars. The World Drug Report also estimates that nearly 99% of profits went to traffickers (2011: 125). It almost goes without saying that revenue from drug sales ensures the emergence and maintenance of crime syndicates.

The demand for illicit substances in developed countries is a further causal factor leading to the rise of drug cartels throughout Latin America. The prevalence of cocaine use in the United States among the population twelve and older was 1.9 percent in 2009—down from 2.5 percent in 2006. Approximately five million people between the ages fifteen and 64 use cocaine in the US (UNODC 2011: 87). Although the United States has long been the largest market for drugs, consumption and profits are significantly increasing in Europe. Approximately .9 percent of the population—or somewhere between 4.3 and 4.8 million people—from fifteen to 64 years of age use cocaine in Europe. Indeed, the prevalence of cocaine use in the 27 European Union member-states doubled between 1998 and 2006 (UNODC 2011: 93).
Market forces, in addition, played a partial role in establishing many of the criminal organizations found in Latin American countries south of the Andean Region. Europe has a burgeoning market for cocaine, as well as higher street prices for the drug than are found in the US. This has led many cartels to increase transatlantic drug shipments. Indeed, 90 percent of Bolivian and 70 percent of Peruvian cocaine is first shipped to Argentina, Brazil, or Uruguay where it is repackaged before it is shipped to Europe. The drug is frequently smuggled via container vessels into ports in Barcelona, Lisbon, and Rotterdam, often via hubs in West Africa. Countries south of the Andean Region are not only outside the range of the US Coast Guard, but many are also in closer proximity to West African countries than the drugs’ points of origin. To guarantee shipments destined for Europe, Colombian and, increasingly, Mexican cartels work with the crime syndicates that emerged to take advantage of the lucrative trade, based in Buenos Aires, Montevideo, and the favelas of Rio de Janeiro, São Paulo, Salvador, and Recife (Chalk 2011: 8-10; Garzón 2008: 127-8).

To the north of the Andean Region, US drug policy is responsible for the rise of many of the drug cartels in Mexico. American law enforcement shut down the majority of cocaine transport routes running from Colombia through the Caribbean and finally into South Florida in the late 1980s and early 1990s. This forced the flow of drugs into Mexico, where personal vehicles and human “mules,” as well as commercial boats and airplanes, now take the drugs across the border into the US. In 1990, only half of the cocaine trafficked into the US passed through Mexico; by 2010 the percentage had risen to 90 (Barclay 2010: 41; Garzón 2008: 132). Colombian traffickers now smuggle drugs into Mexico using low-lying boats covered in aquamarine tarps powered by outboard
engines with a top speed around 70 miles per hour—called go-fasts. These surface boats carry relatively small loads (up to two metric tons of drugs); self-propelled semisubmersibles, meanwhile, are capable of carrying larger loads (between six and ten metric tons), often in the Pacific Ocean (Chalk 2011: 34-5). Barclay contends that “relocation of shipment routes from the Caribbean to Mexico helped small Mexican drug operators morph into big drug lords who began producing more marijuana, poppies and methamphetamine themselves and using extreme violence to protect their franchise (Barclay 2010: 41).

To better situate the cartels that achieved de facto control over the favelas of Rio, this thesis considers three criminal organizations in other parts of Latin America.

Los Zetas

Drug cartels in Mexico play a major role in trafficking throughout the region, because they control the operations that smuggle illicit goods north across the border, as well as much of the subsequent distribution in major US cities. Prominent among them is Los Zetas. In 2010, Los Zetas defected from the Gulf Cartel—then the most powerful drug gang in Mexico—for which it served as the widely feared paramilitary arm (Chalk 2011: 25-6). Since the rupture, the group has developed drug trafficking routes of its own, and expanded into arms and human trafficking, as well as money laundering (Manwaring 2007: 22). Former members of the Airborne Special Forces Group (Grupos Aeromóviles de Fuerzas) founded the cartel when they deserted the elite unit of the Mexican military, between 1996 and 2000 (Chalk 2011: 26). The advanced training, expertise, and familiarity with counter insurgency tactics acquired while serving in the
military enable *Los Zetas* to successfully challenge both rival cartels and the Mexican state (Manwaring 2007: 19, 22).

*Primeiro Comando da Capital*

*Primeiro Comando da Capital* (First Command of the Capital; PCC) began as a “brotherhood” of prisoners, who, in 1993, organized to fight the abuses of the penitentiary system in the state of São Paolo, Brazil. The gang spread quickly throughout the jails, as the founders initiated more and more members into the organization, forcing them, in the process, to read the PCC statutes and agree to abide by principles such as unity and brotherhood. The PCC leadership came to control aligned groups in most prisons in the state of São Paolo, enabling the gang in 2001 to lead an uprising of 30,000 prisoners in twenty-nine jails throughout the state, including members’ wives and children, who surrounded the prisons to prevent the incursion of the Military Police. Over the next two years, as members finished their sentences, the gang began to orchestrate attacks outside of the prisons on the Civil and Military Police, totaling fifty in all, including several bombings (Manwaring 2007: 42; Garzón 2008: 73-5). These and subsequent attacks, Garzón contends “revealed an organization that was operating with widespread support networks in different parts of the state, had a capable and efficient system for communication between the different lines of command, and the capacity to coordinate and execute orders (2008: 77).” Outside of the prisons, the gang divided São Paolo into five zones, each run by a *piloto de rua*. Each pilot of the street oversees all of the illegal activities that occur in his area, including drug sales, and returns a percentage of the profits to the organization. The *pilotos* exchange information and coordinate plans among themselves, and also report to the *pilotos generales* (pilot leaders) inside the
prisons (Garzón 2008: 78). According to Manwaring, in 2007 the PCC had at least 60,000 members (2007: 42).

**FARC**

The Revolutionary Armed Forces of Colombia (FARC) is the primary narcotics trafficking organization operating in that country. 2011 estimates place the membership of the group at 9,000 combatants—down from an estimated peak of 17,000 in 2001—organized into fifteen independent companies (US Dept. of State 2012; Romero 2011a; Chalk 2011: 15). The Revolutionary Armed Forces controlled nearly forty percent of Colombia’s land area in the early 2000s (Kushner 2003: 252). Significantly financed by the sale of cocaine, according to Chalk, FARC is involved in all stages of the drug trade, from production to refining and trafficking. He estimates that the criminal organization earns between 200 and 300 million US dollars a year from the illicit activity (2011: 15). Chalk goes on to reflect that “several commentators now believe that FARC as a whole is showing signs of degenerating into a purely crime-based entity, arguing that this reflects its faltering militant campaign and fits with growing evidence that the group has entrenched itself with Mexican syndicates to traffic drugs to the US markets (2011: 17).” In particular, Chalk cites the sixteenth front for its involvement in cocaine trafficking out of Mexico, as well as Brazil and Peru. He concedes, however, that FARC has not completely given up its revolutionary goals (2011: 16-7). Despite the lucrative traffic, FARC has suffered several setbacks at the hands of the Colombian armed forces in recent years; the group’s top commander, Alfonso Cano, was killed in November 2011, as was the field marshal, known as Mono Jojoy, in 2010 (US Dept. of State 2012; Romero 2011a). Widely known outside of Colombia for kidnapping foreign nationals, the group
has been designated as a terrorist organization by the US government. In addition, a recent *New York Times* article reported on collaboration between FARC and Venezuelan government officials, who asked the rebel group to train pro-government cells in urban guerilla tactics (US Dept. of State 2012; Romero 2011b).

**Human Rights**

Drug cartels, often operating with impunity in abdicated territory, flagrantly violate human rights. This section introduces these rights, as the coming chapters consider the absence and actualization of human dignity. In particular, the Brazilian state commits human rights violations, both through the direct actions of its security forces and through its inability to police the swaths of territory where gangs operate.

*Introduction to Human Rights*

Scholars tend to agree that human rights are the rights an individual possesses simply by virtue of being human. Human rights are equal: all humans either possess identical rights (or none do), as gradations of “humanness” do not exist. These rights are inalienable, as an individual cannot cease to be human, no matter how brutally she is tortured or degraded, how horribly she treats her fellow members of humankind, or what place she holds in society. Finally, human rights are universal, as all members of humanity are in possession of these rights simply by virtue of being human (Donnelly 2003: 10; Thomas and Beasley 1993: 38).

From where do these equal, inalienable, and universal rights derive? Most of the scholarship sources human rights in dignity. Indeed, Alan Gewirth states, “The relations between human dignity and human rights are many and complex, but one relation is
primary: human rights are based upon or derivative from human dignity (2002: 10).”

Adding nuance, many scholars divide dignity into two levels: inherent and actualized. In very general terms, humans are born with inherent dignity, but must use their uniquely human capacity of reason to live a life of actualized dignity (Hughes 2011: 8-10). As an example, an unjustly detained prisoner still has his inherent dignity by virtue of being human. However, he cannot actualize it, as he does not have the conditions—such as private property and social voice—necessary to do so.

What, then, is the source of inherent dignity? Kant, for one, suggests that dignity arises from man as a rational and moral being. Through what Kant deems the legislation of universal laws, rationality can overcome a person’s natural or non-moral motives. The source of a person’s dignity, then, is his ability to give or create laws for himself (and others, through maxims), rather than merely following rules, acting purely out of self-interest, or following only natural laws (Spiegelberg 1970: 50). Hughes, on the other hand, suggests that inherent dignity is bestowed on humans as they are made in the Judeo-Christian imago Dei (2011: 5). Finally, Leonard Nelson, the Friesian philosopher, posits that dignity arises from a person’s ability to say ‘I’ to himself, after which he confronts the world into which he found himself born. This ability, which other living beings are not in possession of, signifies that an individual may assign to her life a meaning that aligns with her conception of dignity (Spiegelberg 1970: 50, 62).

Although all persons are in possession of inherent dignity, a number of conditions are necessary for an individual to actualize her dignity. The 30 articles of the Universal Declaration of Human Rights lay out the conditions necessary for individuals to lead dignified lives. These articles are the prerequisites necessary for an individual to live a
life of reason, live in the image of God, assign meaning congruent with dignity to his life, or actualize his dignity in whatever way he may see fit. A violation of human rights, on the other hand, occurs when the conditions necessary for the realization of dignity are absent or taken away.

The Universal Declaration of Human Rights covers a wide range of rights, including:

- personal rights to life, nationality, recognition before the law, protection against torture, and protection against discrimination on such bases as race and sex; legal rights to a fair trial, the presumption of innocence, and protections against ex post facto laws, arbitrary arrest, detention or exile, and arbitrary interference with one’s family, home, or reputation; a comparable variety of civil liberties and political rights; subsistence rights to food and health care; economic rights to work, rest and leisure, and social security; social rights to education and protection of the family; and the right to participate in the cultural life of the community (Donnelly 2003: 2).

Adopted by the UN General Assembly on 10 December 1948, the Universal Declaration of Human Rights followed the death and destruction of the Second World War. The formal drafting committee for the document, the Commission on Human Rights, consisted of 18 members with different cultural, political, and legal backgrounds from all regions of the world. Members included Eleanor Roosevelt, widow of US President Franklin D. Roosevelt; René Cassin of France, who composed the first draft; Committee Rapporteur Charles Malik of Lebanon; Vice-Chairman Peng Chung Chang from China; and Chile’s Hernán Santa Cruz, who helped ensure the inclusion of social and economics rights in the document (Glendon 2001: xx, 43; UN: History). The Declaration soon became the rally cry of anti-colonialist movements, provided fodder to human rights non-governmental organizations, and influenced tens of postwar and
postcolonial constitutions. Indeed, according to Glendon, “it is the parent document, the primary inspiration, for most rights instruments in the world today (2001: xvi).”

Serving as the touchstone for more than 80 international human rights treaties and declarations, the Universal Declaration of Human Rights is considered by most to be the foundation of international human rights law. How does international law protect human rights? According to the UN, when a state becomes party to international human rights treaties, it assumes obligations and duties under international law to respect, to protect, and to fulfill human rights. The obligation to respect requires that the state must refrain from interfering with its citizens’ enjoyment of human rights. The obligation to protect means that the state must guard individuals and groups against abuses. Finally, the duty to fulfill human rights requires that the state take positive action so as to facilitate citizens’ enjoyment of basic rights. In order to ensure implementation, when a state ratifies international human rights treaties, the government passes domestic legislation compatible with the obligations and duties enumerated in the treaty. The domestic legal system, then, provides the principal legal protection of human rights within each state, though mechanisms at the regional and international levels exist, in cases where domestic legal proceedings fail to address abuses (UN: Law).

The body of international human rights law continues to grow and evolve, and the individual articles of the Declaration are subject to new interpretations. For example, when the Declaration was signed, in 1948, no country had a substantial lesbian, gay, transgender, and bisexual rights movement (Donnelly 2003: 238) or a significant indigenous movement (Yashar 1998: 2003). Nonetheless, sexual minorities came to make claims on both the freedom of association (article 20) and the right to marry (article
sixteen), premised on article two of the Declaration which proclaims, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UN, UDHR).” Indigenous groups, too, came to couch claims to land in human rights language, and to work with human rights non-governmental organizations to demand other political and cultural rights (Van Cott 2003).

*Para-state and Non-state Actors Violating Human Rights*

Under international human rights law, the state has traditionally been seen as the primary guarantor of its nationals’ fundamental rights within its territory. Donnelly, for instance, writes, “Each state has the authority and responsibility to implement and protect the right to x within its territory (2003: 34).” The state has also been traditionally held as the primary violator of human rights. Indeed, it is the state that is typically criticized in inter-state foreign relations and by non-governmental organizations for torturing its citizens, starving nationals, or prohibiting the populace from freely associating. Often coercive agents of the state, such as the police or military, are directly responsible for these abuses (Thomas and Beasley 1993: 41; Englehart 2009: 164).

State responsibility for human rights violations has since been expanded under international law to include private militias controlled by the government, as well as paramilitary groups and death squads acting at the behest of the government. These groups, for example, may be ordered to murder political rivals, or kill for purposes of social cleansing, to punish suspected criminals, or to restore honor. The UN has also determined that vicarious responsibility lies with the state for the abuses committed by
contractors or consultants who engage in core state activities, such as prison management, law enforcement, or interrogation (UNHRC 2010: 11). In such cases, these groups, or individuals, are acting with the apparent authority or condonation of the state; as such, responsibility for the abuses continues to lie with the state (Thomas and Beasley 1993: 41).

State responsibility for the human rights abuses committed by non-state actors has further evolved under international law so as to include gang murders, honor killings, and domestic violence killings. In most cases of private killings, the act is considered a domestic crime and does not give rise to state responsibility. However, if a pattern of killings emerges to which the government fails to adequately respond—either in terms of prevention or accountability—the state then becomes responsible. Indeed, the Report of the Special Rapporteur on Extrajudicial Execution to the Human Rights Council, directly referring to murders committed by gangs, states, “Under human rights law, the State is not only prohibited from directly violating the right to life, but is also required to ensure the right to life, and must meet its due diligence obligations to take appropriate measures to deter, prevent, investigate, prosecute and punish perpetrators (UNHRC 2010: 11-2).”

In the same vein, a 2004 UN report on extrajudicial executions states “once a pattern becomes clear in which the response of the government is clearly inadequate, its responsibility under international human rights law becomes applicable. Through its inaction the government confers a degree of impunity upon the killers (UN, ECOSOC: 20).” Thomas and Beasley add that under international law when the state protects private individuals’ lives, liberty, and security against violations committed by non-state actors, it must do so without discrimination on prohibited grounds. They argue that the
state’s failure to prosecute crimes committed by private individuals becomes a human rights violation, under the state’s due diligence obligation, when the reason for the state’s inaction is demonstrated to be its indifference to a disfavored group or class. Basis for their claim is found in article 26 of the Covenant on Civil and Political Rights, which prohibits discrimination on grounds that include race, sex, religion, political opinion, and property (1993: 42-3).

Many scholars include positive and negative rights in discussions on state responsibility. Donnelly, for one, elaborates on the right to not be tortured. This right is first thought of as a negative right, he contends, as it requires nothing more than state inaction, or the state not violating citizens’ bodily integrity. He adds, however, that bodily integrity is also a positive right, in that it requires the state act in order to train, supervise, and control its security forces. He goes on to say that whether a right is more or less negative or positive, often depends on historical circumstances. Offering Argentina as an example, Donnelly makes the point that protection from torture was very much a positive right in the 1970s, but today it is much more a negative right (2003: 30). Finally, he contends, “The state, although needing to be tamed, is in the contemporary world the principal institution we rely on to tame social forces no less dangerous to the rights, interests, and dignity of individuals, families, and communities (2003: 37).”

Unable to “tame” these dangerous social forces, are weak states more likely to be unable to protect citizens’ rights? Englehart argues in the affirmative, pointing out that “on balance, human rights abuse tends to happen in relatively low-capacity states.” “In general,” he writes, “the better the state apparatus, the safer its citizens will be from the depredations of non-state actors and rogue government officials (2009: 177).” In support
of this argument, he demonstrates that strong states are better equipped to maintain control over state agents, police the entirety of the territory, and restrain powerful citizens from committing abuses with impunity. Interestingly, he also points out that non-governmental organizations’ method of shaming states into protecting rights only has a hope of working if the state actually possesses the capacity to control its agents or police its territory (2009: 164).

Location in the Literature

This work bridges several literatures in an effort to apply them to a place and time largely devoid of their presence. In an attempt to answer the central research question, I draw from the literatures on state strength, criminal organizations, the rule of law, and human rights, which I augment with Brazilian history and the history of the favelas in the coming chapters. In the vein of Centeno and Herbst, I attempt to apply Tilly’s and Mann’s work on the state in Europe to a far-away continent. As I am unaware of a work dedicated exclusively to the Brazilian state, in many places this thesis synthesizes work based on other states and employs it to the Brazilian case. On the other hand, in depth treatments of the cartels certainly exist—for example Manwaring and Garzón. However, these works typically place blame on the weak Latin American states for allowing pockets of territory to fall prey to illicit organizations without meaningfully addressing the causes of state weakness. Here, I offer that weak states fail to uniformly ensure the rule of law throughout national territory, resulting in these pockets, by incorporating research from O’Donnell, Hagopian, Pinheiro, and others. Similar to the scholarship on organized crime, reports issued by human rights organizations criticize the Brazilian state for allowing rights violations without acknowledging state weakness; their policy
recommendations often assume a strong state that simply is unwilling to bridle its agents or prosecute the drug gangs. In addition to synthesizing scholarship on the rule of law to address this inconsistency, I also bring in the work of scholars such as Donnolley, as well as UN reports, to discuss the state’s responsibility to take positive actions to protect citizens from rights violations. History on the region, from Skidmore, and background on the *favelas*, drawn from Pearlman and Arias, is also peppered throughout this thesis in order to provide background and support arguments.

Simply put, a hole in the literature exists as to how the states throughout Latin America “allowed” the drug gangs to grow this strong. I provide an answer to this question for a specific place and time period by drawing from the literatures on the rule of law and the state. This is policy relevant; as stakeholders acknowledge that state weakness is a part of the problem, policy makers, human rights organizations, and other interested parties can more effectively address the quandary presented by the drug cartels.
CHAPTER II

BRAZIL

To explain how drug gangs achieved *de facto* sovereign control over swaths of Rio de Janeiro, Brazil, this thesis considers the strength of the Brazilian state, provides background on the *favelas*, and introduces one of the city’s three largest gangs, *Comando Vermelho*. In addition, this chapter examines violence in Rio and the *favelas*, as well as the youth living in these communities who remain indifferent to official rules and norms.

Brazil¹

The Brazilian State

*The Infrastructurally Weak Brazilian State*

The Brazilian state is infrastructurally weak as a result of the country’s distinct geography, heterogeneous populace, and history, among other factors. First, the country’s prodigious size hinders the bureaucracies, located in the Center-West region and along the coast, from implementing decisions quickly. Put simply, if it takes the tax collector several days to find a citizen in the hinterlands, then the state must wait for his resources. Thus, Brazil’s size and extreme topography hinder the state from “enforce[ing] its will within the day almost anywhere in its domains,” as Mann calls for (1986: 114).

¹ Comprising 26 states and one federal district, Brazil is a federal republic divided into the head of government, a bicameral National Congress, and a Supreme Federal Tribunal. The 1988 constitution defines suffrage as compulsory for those over eighteen and under seventy years old—other than military conscripts (CIA Factbook). The constitution guarantees freedom of expression and religion, and the government generally respects individuals’ rights to associate and to protest. Since 2006, Freedom House has considered Brazil “free”. Since that date, the organization has assigned the country a two for both political rights and civil liberties (on a scale from one to seven, with one representing the most free). In the mid-2000s the country generally received ratings of three for civil liberties and two for political rights (FH.org: 2011).

The Lusophone country’s primary trading partners include China, the United States, and Argentina (Skidmore 2010: 3); the latter is a fellow member of the Southern Common Market, MERCOSUR/L.
Brazil’s large, heterogeneous populace, also, impedes the consolidation of a strong state. Particularly when compared to neighboring Argentina and Chile—countries with relatively small populations made up overwhelmingly of Spanish (and Italian in the former’s case) descendants—Brazil’s citizenry is composed of disparate ethnicities, cultures, histories, and traditions. The state extracts resources, be they taxes or soldiers, by building a nation loyal to it. However, the dearth in commonalities and shared experiences among the Brazilian people poses a significant challenge to the creation of a nation, and thus a strong state. Brazil’s unique history, additionally, has played a role in shaping the state. The presence of a line of European monarchs prevented internal fragmentation, and the crown’s bloodless departure guaranteed a peaceful transition to independence. The absence of civil conflicts and a war of independence deprived the Brazilian state of the opportunities that wars afford to centralize and extract resources. Tilly’s theory holds that “war made the state, and the state made war (1975: 42)”; however, in the case of Brazil, there were no wars to make the state. A brief look a Brazil’s distinct geography, population, and history situate this discussion.

Brazil is both the fifth largest and fifth most populous country in the world. 2,700 miles from north to south and approximately the same from east to west, Brazil is the most expansive country in Latin America. Dramatic landscapes define the country’s territory; in addition to a series of mountain ranges and extensive highlands, the immense Amazon River is surrounded by rainforest so dense that it makes overland travel impossible. The majority of Brazilians live along the Atlantic Coast, particularly in the highly industrialized Southeast region, where Rio de Janeiro and São Paulo are located. Though the capital, Brasilia, lies in the Center-West region. At an overall population of
approximately 200 million, more than half of Brazilians are of African ancestry—the result of an extensive slave trade, in which nine times more Africans were brought to Brazil than mainland North America. For a variety of reasons, including susceptibility to disease, the colonists were largely unsuccessful at enslaving the indigenous population, which currently numbers approximately 300,000. In addition to Portuguese settlers, large numbers of Spanish, Italians, Germans, and eventually Japanese immigrants broadened the Brazilian nation (Skidmore 2010: 1-6; CIA Factbook).

Surrounded by countries that fought for independence from Spain in the early 1800s, Brazil is the only Lusophone nation in Latin America. Unlike its neighbors, Brazil did not fragment into smaller nation-states upon gaining independence from the mother country—the reason for which may be traced back to the French Emperor Napoleon. As a French army marched through Spain to invade Portugal, Britain—Lisbon’s primary protector and trading partner since the fourteenth century—encouraged the Portuguese court to flee to the New World. In 1807, the Prince Regent Dom João, his family, more than 10,000 courtiers, lawyers, military advisors, and religious leaders set sail across the Atlantic. They brought with them the royal treasury, government files, manuscripts, and a printing press. In an unprecedented move, João established his kingdom’s seat of power in the New World. Within the year, the Prince Regent created a European-style bureaucracy to run the empire, based in Rio de Janeiro. After Napoleon’s defeat several years later, Dom João—by then King João VI—returned to Lisbon, worried he would lose the thrown if he remained. Before leaving, he elevated Brazil to equal status with Portugal by creating the United Kingdom of Portugal, Brazil, and the Algarves. This unprecedented act instilled a strong sense of pride in Brazilians
João’s son, Dom Pedro, remained behind to administer the former colony. Brazil gained independence in 1822, when Dom Pedro refused the decree that he return to Portugal (Centeno 2002: 52). This led to his coronation as Emperor Pedro I, making Brazil the first and only long-standing monarchy in the New World. After the death of his father, the Portuguese monarchists pressured Emperor Pedro I, the senior Bragança, to return to Lisbon. In 1831, Pedro I left the thrown in Rio to his son, Pedro II. Because he had been born in Brazil, the new Emperor was popular among his people, serving as a moderating power and symbol to unite the nation for several decades (Skidmore 2010: 54-56). The monarchy eventually fell to a nearly bloodless military coup in 1889, after which Pedro II and his family departed for Portugal. The 1891 constitution solidified the geographical integrity of the Brazilian federation (Skidmore 2010: 54-56).

Several aspects of Brazil’s distinct history and geography prime the state for weakness. Centeno, and several scholars writing about the state in Africa, suggest that inheriting a huge territory from a colonial power ensures a weak state (2002). Even though a domestic emperor ruled Brazil, it may be argued that the republic took over a shell of a state, as power was not organically accumulated from within during a war of independence. Moreover, Centeno argues that as Brazil was a client state throughout much of its history, the Brazilian elite found it unnecessary to penetrate society to the same extent as their European counterparts in order to extract capital, in the form of taxes for example (2002: 6, 24, 28). Englehart, too, argues that receiving aid of any type from other states retards the development of a strong state apparatus, producing a weaker more ineffectual state (2009: 168). Herbst offers an additional explanation as to the state’s
weakness. Writing on the state in Africa, he contends that rough terrain creates significant obstacles to the projection of state power, as it makes the roads and other infrastructure requisite for state contact with citizens excessively burdensome to construct (2000: 12). A parallel between the state in many African countries and Brazil may be drawn here, as Brazil’s massive size and obstinate terrain likely hindered state consolidation. Finally, O’Donnell suggests that the weakness of the state in Latin America is in part due to the anti-statist economic policies promoted throughout the region into the mid-1990s (1999: 314).

Coercive Arm of the State

The state typically enforces its rules and norms through a coercive arm, consisting of the military and police forces. In Brazil, the police are generally the division of the state that oversees internal matters; as such, these forces are responsible for upholding the law in the favelas. A more nuanced understanding of the police forces is thus necessary to answer the central research question posed in this thesis.

In Brazil, the federal government funds the bifurcated policing system, called the Segurança Pública (Public Security), both branches of which report to the governor of each state. The uniformed Polícia Militar, or Military Police, are heavily armed and apprehend suspects, who they subsequently turn over to the Polícia Civil, or plainclothes Civil Police, for investigation and processing. In addition, both branches maintain elite squads.

The military dictatorship (1964-1985) significantly expanded the role the Military Police played in maintaining public order by creating antiterrorism units and death squads to repress both general dissent and the limited armed opposition—policies justified by the
threat of communism (Skidmore 2010: 7-8). Scholars suggest that the culture of the Military Police has several holdovers from serving under the military regime that continue to affect officers’ performance to this day. These include a strict hierarchy, as well as an “us versus them” mentality in which the police do not view themselves as members of the communities in which they operate (Arias 2006: 35-6; Perlman 2010: 167-8). Perlman suggests that most of the police violence in the favelas is committed by the Military Police (2010: 167-8).

Arias contends that, of the two branches, the Civil Police are the more corrupt, though he acknowledges that graft pervades both (2006: 36).² Several sources make the case that the widespread corruption is in large part the result of the very low police salaries (Perlman 2010: 168; AI 2005: 24). In fact, a 2009 Human Rights Watch report estimates that a starting Military Police officer earns less than a low-ranking teenager in the drug trade (2009: 11). After an on-site visit to Brazil in 2007, Philip Alston, the UN’s Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, reported, “Low pay for police leads to a lack of professional pride and encourages police to engage in corruption, to take second jobs and to form death squads and other groups to supplement their pay (UNHRC 2008: 5).”

**Rio’s Favelas**

In order to understand how drug gangs came to exercise sovereignty over them, as well as the state’s general absence from them, the favelas’ unique history and demographics must first be considered.

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² In 2010, transparency international ranked Brazil 69th out of the 176 countries considered, based on the perceived levels of public sector corruption in the country (TI: 2010).
Since the construction of the first shack over a century ago, the Brazilian state’s relationship towards the favelas and their residents has oscillated between disregard, clientelistic vote seeking, integration, and forced removal. As Rio has upwards of 600 favelas and the highest favela population of any city in Brazil (Perlman 2010: 52; Arias 2004: 2), the state has, at times, even carried out all four policies simultaneously.

In the middle of the last century, the squatter communities comprised above all migrants from within Brazil (60%), and by 1960 nearly half of the shanty dwellers were born within the communities (Pino 1997: 47). Despite the challenges of defining race in Brazil, approximately one-third of favela residents are white, one-third mixed race, and one-third black; however, a significantly higher percentage of Rio’s total black population live in these communities than do whites (Perlman 2010: 170). Since the beginning of last century, residents of Rio’s shantytowns have worked in the city’s wealthy neighborhoods; residents often found work in department stores, domestic service, the construction industry, and businesses accommodating tourists, frequently on a temporary basis (Pino 1997: 62). In 2000, the number of favela residents in Rio was over one million, while the city’s total population was near six million (Perlman 2010: 52).

The first homes were built at the bottom of hillsides and the edges of Rio’s Guanabara Bay near downtown; however, as migration increased, new residents were forced to construct shanties further up the hillsides, closer to the water, and at greater distances from the city’s center. Unregulated by zoning or construction codes, many favelas are built on swamplands, garbage dumps, the beachfront, and other undesirable locations—a significant number near the heart of the city. Built at first of wood and
wattle-and-daub (a mixture of sand and clay), residents later came to construct their homes out of cinder blocks, bricks, and sheet metal; today, cement roofs, with accompanying satellite dishes, may rise five stories high. In recent decades, many favelas have been retrofitted with water, sewage, and electricity hook ups, giving many households access to public services (Perlman 2010: 28, 30-2; Pino 1997: 39).

In her influential book Favela: Four Decades of Living on the Edge in Rio de Janeiro, Perlman argues that the metropolis should not be seen as a city divided into wealthy and poor, but rather that it is more accurate to describe Rio as comprising two sides that “have always been interdependent and intertwined (2010: 30).” She goes on to add nuance to the debate surrounding the communities by pointing out that “not all of the people living in favelas are poor, and not all the urban poor live in favelas (2010: 30).” To underscore this point, her book discusses the marked variations in wealth and well being that can be found between favela communities and even within an individual community (2010: 30). Arias, on the other hand, explains the city’s shantytowns as the result of a history of exploitation in his book Drugs and Democracy in Rio de Janeiro: Trafficking, Social Networks, and Public Security. He contends that “the Brazilian state and powerful members of society have sought to exploit the labor of usually nonwhite poor people while, at the same time, devoting relatively few resources to their social well being or even, for that matter, their policing.” “This has resulted” he argues “in the development of an extensive system of informal housing that includes favelas (2006: 20).” Whichever the case, the favelas first sprang up at the turn of the twentieth-century, following a war in the northeast of the country.
Decommissioned soldiers built the first Rio favela in 1898 near the old War Ministry. The soldiers had fought in the Canudos War against Antônio Conselheiro, an errant preacher referred to as the Counselor, and his thousands-strong community of landless farmers, freed slaves, disaffected workers, and indigenous peoples, all of whom had settled in Canudos, below Monte Favela. After the war, the veterans camped out near the Ministry to demand—in vain—the back pay and land grants the army had promised them; in time, they built shacks to replace their tents. The soldiers brought the name favela back from the Canudos War: either it derives from Monte Favela or from the resilient favela bush that grows in the interior of Bahia, the province where the war was fought. The same year that the veterans arrived, the Cabeca de Porco (Pig’s Head) tenement was demolished, resulting in the addition of 1,000 forcibly removed persons to the community. Former slaves and street vendors, too, constructed shacks on the hillside. During this time, the growing number of homes were predominately built of wood with zinc roofs, and were without public services (Arias 2006: 22-3; Perlman 2010: 24-5; Pino 1997: 38).

Several factors led to the initial mushrooming in number of favelas in Rio. First, the abolition of slavery caused former slaves to migrate en masse to the city—the national capital, at the time—in search of economic opportunity. The crown signed the Lei Áurea (the Golden Law) in May 1888, which abolished slavery but left former slaves without resources, employment, or provisions for education (Perlman 2010: 24, 26). In addition, Mayor Francisco Pereira Passos (1902-1906), who envisioned the city as the Paris of South America, sought its modernization through sanitation campaigns, the widening of boulevards, and the expansion of port facilities. His plans resulted in the
demolition of tenements and rooming houses, considered displeasing to the eye, forcing thousands of the city’s poor to move to the favelas. Furthermore, at the turn of the century, many residents could not afford to remain in their apartments as speculation in the real estate market raised the cost of housing in the city (Pino 1997: 38). Few were left recourse other than to join the squatters on the hillsides.

From the outset, the state attempted to eradicate the favelas—often motivated by concerns for public health. Despite the housing shortage, the state endeavored to accomplish this goal by simply leveling some communities while passing building codes that prohibited the use of permanent materials in the construction of others (Arias 2006: 22-3; Perlman 2010: 27). Flying in the face of these attempts, residents continued to build; approximately 800 shack dwellings stood on the hillsides by the early 1920s, increasing to 1,500 by the early 1930s (Perlman 2010: 27).

Under Getúlio Vargas, the authoritarian, corporatist Estado Novo government (1937-1945) extended limited workers’ rights to formal sector laborers only and largely refused to politically incorporate the favela residents (Arias 2006: 23). In addition, Vargas failed to upgrade existing and build new public transportation for the working class, even as industry spread to the Southern Zone and the outskirts of the city. Due to the lack of transportation, as well as the high cost of rent and a shortage of affordable housing near the recently relocated industrial jobs, Pino argues the poor were left no alternative other than to construct their own homes near their places of work (1997: 40). Though the Vargas government successfully built public housing units—to which families were forcibly relocated—it declined to list them or the favelas on city maps (Arias 2006: 23). As a result of these government policies, many low-income residents
remained marginalized from the city and without permanent housing during the Estado Novo.

Industrialization in the post-World War II era caused significant migration to the major manufacturing hubs of the Southeast: Rio, São Paulo, and Belo Horizonte (Arias 2006: 25). According to Pino, as a result of the inundation of migrants, Rio suffered a deficiency of over 362,000 bedrooms in 1950 (1997: 41). He goes on to argue, “Low salaries, inflation, and high rents…made the move to the squatments a matter of necessity for the poor (1997: 41-2).” The trend of city-ward migration only continued under the presidency of Juscelino Kubitschek (1955-1960)—famous for building the new, modern capital, Brasília, in four years—as he sacrificed agriculture in favor of industrial development. According to Pino, by 1960 the number of favelas had risen to 147, housing a population of over 335,000. At this time, approximately one in ten Rio inhabitants lived as squatter (1997: 44).

_Favela_ residents first began to exercise protracted political power in the middle of the twentieth century. The limited degree of incorporation came from populist politicians who extended incomplete public services in exchange for votes (Arias 2006: 24). At the same time that clientelist politicians made promises, other elements of local government proposed to remove favelas and build alternate forms of housing. In response to potential demolition, and in an effort to demand greater public services from the populist politicians, the favela residents organized themselves into _Associações de Moradores_ (Residents’ Associations). Residents within each favela elected a leader and other officers to represent their interests; together the Associations formed coalitions to increase their bargaining power vis-à-vis city counselors. For the next two decades, the
Associações de Moradores enjoyed a degree of success in governing the communities, allocating charitable aid, bargaining with the local government, and, at times, preventing the state from demolishing their communities (Arias 2006: 24; Perlman 2010: 27-8).

Government policy toward the favelas shifted overwhelmingly toward demolition after the military coup in April 1964. Perlman argues that under the military dictatorship “police saw the favelas as enemy territory harboring communists and criminals (2010: 175).” In 1968, the federal government established an agency in Rio to remove the favelas with the aim of integrating residents into the social and political fabric of the formal city. According to Arias, the Coordination Agency for Habitation in the Social Interest of the Greater Rio Metropolitan Area forcibly removed roughly seventy favelas and 100,000 residents from what it considered to be illegal squatter settlements to other parts of the city (2006: 25). The leaders of the Residents’ Associations who opposed these actions, through public protest and passive defiance, were threatened, detained, and disappeared by the authoritarian regime. As the official policy was demolition, the military government, during its 21-year rule, made few investments into the improvement of low-income areas. As such, residents themselves improved their communities through various projects such as building reservoirs to trap water, laying pipes, and paving paths. The communities worked under the supervision of their Associations, using their own money and the funds of private benefactors and sympathetic local politicians (Arias 2006: 26). In some communities, residents also illegally tapped into the city power lines for electricity. The “owner” of the hookup would then string subsequent lines to additional homes in order to sell the stolen electricity—often at rates higher than were charged in the formal city (Arias 2006: 24; Pino 1997: 55).
Despite the military government’s unencumbered efforts at eradication, the percentage of *favela* residents declined only slightly under the dictatorship due to the persistence of internal migration (Arias 2006: 26). The military regime fell in March 1985. That same year, the Governor of the State of Rio, Leonel Brizola, for unknown reasons, forbade the police from entering the *favelas* (Perlman 2010: 175). A sign of what was to come.

Sensing the impending fall of the dictatorship, the Residents’ Associations had regrouped half a decade earlier to make demands on the government. By the late-1980s, however, the state began to regularize water and electricity in low-income communities, distributing the services directly to residents through government agencies rather than through politicians. This regularization reduced the influence of the Associations, as they were no longer necessary mediators in the distribution of state services (Arias 2006: 27). Drugs pierced Rio at the same time that many of the Associations’ services to their communities became superfluous, forcing the *Associações de Moradores* to compete with the recently sprouted drug gangs for leadership of the *favelas*. The gangs’ violent methods won out.

*Drugs*

The *favelas’* narrow, erratic streets, ample hiding spots, many steep hillsides that serve as vantage points, and abundance of unemployed youth make these communities an ideal location for gangs to store, repackage, and sell drugs. In addition, Rio is the second-largest port in Brazil and a significant tourist destination. Moreover, the wealthy Southern Zone represents a significant retail market in its own right (Arias 2006: 31; Perlman 2010: 175).
Coca is cultivated in the high altitudes of the Andean countries, where the requisite cool climate is found. When the US war on drugs forced much of the shipment of the illicit substances away from the Gulf of Mexico, Rio became the main South American distribution center for cocaine destined for Europe—via West Africa (Perlman 2010: 177; Chalk 2011: 8-10). According to Perlman, cargo ships scheduled to leave Rio’s ports are checked for drugs and found clean. Once out of the harbor, small fishing boats load drugs onto the larger ships under the cover of night, before they leave for Western Africa. Drugs enter Rio in reverse: the cargo is offloaded onto islands before the ships enter the port for official inspection. In addition to water shipments, cartels also traffic illicit substances into Brazil over land and via airplane (2010: 177). Once the shipments have entered the city, gangs require a surreptitious, protected location to break down, repackage, and distribute the drugs—the *favelas* (Garzón 2008: 29; Perlman 2010: 177).

Despite the state successfully establishing authority over approximately thirty-five *favelas* in the latter half of the 2000s, drug gangs have maintained control of the vast majority of these communities since the rise of cocaine. Perlman argues that the stigma against *favela* residents increased markedly after the influx of cocaine and the accompanying gang-related violence. This has led residents to experience even greater hurdles to finding regular employment (Perlman 2010: 15, 281). This is significant because in 2008, over one-third of Rio’s population lived in the informal city (Perlman 2010: 34).

Soon after they took control, the gangs quickly began to amass large amounts of money from the sale of drugs. Low-level Rio police and politicians were bought off
through bribes or by working with the drug gangs to achieve personal objectives, such as vote seeking. When the infrequent raids were carried out, police officers regularly tipped off the drug gangs or led maneuvers in areas where the drug traffickers tended to not operate. As can be expected, “these actions [served to] strengthen drug traffickers, who, as a result, operate with relative freedom inside favelas (Arias 2004: 3).”

Not only was the drug money used to bribe corrupted police officers and politicians, the gangs also used it to purchase startling weaponry. At times the Military Police found themselves up against traffickers with more sophisticated weaponry than they themselves possessed. This includes surface-to-air missiles to shoot down police helicopters (Rohter 2002: 1; Folha 2009). In fact, Arias goes so far as to insist, “In poor and peripheral areas of major cities and some parts of the countryside, the Brazilian state does not exercise an effective monopoly on the means of organized violence (2004: 3).”

The violence and other deleterious effects of the traffic in illicit substances have led some communities to turn to armed militias for protection from the drug gangs. Made up of off-duty or retired policemen and firefighters, the vigilantes charge steep prices for the “protection” they provide, and are often as violent toward residents as the gangs they attempt to expel (Perlman 2010: 168; HRW 2009: 46, 48).

**Comando Vermelho**

This thesis seeks to examine how drug cartels came to exercise sovereign control over swaths of Brazilian territory. In order to address the full complexity of this question not only is an understanding of the Brazilian state and the favelas of Rio necessary, so too is a deeper grasp on the drug gangs themselves. This thesis looks at one specific cartel, intending first to comprehend the methods and structure of a successful gang and then to
extrapolate to others. Investigating one cartel in depth is likely to provide more insight into how it gained and maintained territory than considering several tentatively. I selected the cartel known as *Comando Vermelho* to examine in this chapter and throughout the thesis, as more journalistic and scholarly work is available on this organization than others.

*Comando Vermelho*, or the Red Command, was the first significant drug gang to emerge in Rio, and remains one of the city’s most powerful to this day. Similar to other illicit organizations throughout Latin America, the Red Command comprises numerous separate groups that together form a criminal network. An individual gang operating within one *favela* is likely to be firmly hierarchical, but between this gang and others exists a cooperative, horizontal relationship of mutual protection and reciprocity (Perlman 2010: 178-9; Garzón 2008: 72).

The criminal organization is controlled by the *grandes chefões* (big chiefs), who, in most cases, run the entire operation from a maximum-security prison (Perlman 2010: 179). Within the *favelas*, the drug trade is run by the *dono* (boss), who may control one or several *favelas*. In addition to purchasing the drugs and weapons, the *dono* also maintains a relationship with the other bosses and bribes the police. Typically, the *dono* appoints a *gerente geral*, or general manager, to supervise day-to-day drug sales, and to oversee the defense of territory. Beneath the *gerente geral* lie several sub-managerial positions including *gerentes do preto* (literally black, meaning marijuana); *branco* (white, or cocaine); *dos soldados* (soldiers, or manager of security); as well as an accountant. The cartels sell drugs out of a *boca de fumo*. These sales points (literally mouths of smoke) are run by a lower-level manager and are protected by heavily armed *soldados*, or
soldiers. At the lowest level, children, often around the age of ten, serve as lookouts and curriers, or olheiros and aviões respectively (Garzón 2008: 66; Arias 2006: 31-2). In all, Garzón estimates that in the late 1980s drug cartels in Rio employed 30,000 people (2008: 66). To receive shipments, the high-level donos buy the drugs from matutos (literally people from the woods), who generally sell to more than one faction. Above the matutos are atacadistas (wholesalers), who, according to Arias, “bring drugs in from abroad and have significant financial resources and international contacts (2006: 33).”

Experts trace the roots of the Red Command back to the Ilha Grande prison, located in the state of Rio. The Brazilian military dictatorship (1964-1985) placed political prisoners from the revolutionary movement and common criminals from the favelas together in Ilha Grande prison. In the late 1960s and early 1970s, in exchange for support in making demands on the penitentiary system, the imprisoned leftist intellectuals taught the mostly uneducated criminals about social justice and demonstrated organizational strategies to their cellmates. The leftist guerillas established a structure within the prison to demand improved conditions and redistribute resources among the inmates; when they were later transferred by the regime, the criminals took over leadership of the structure (Arias 2006: 28; Perlman 2010: 178). According to McCann, the powerful Comando leaders came to exercise control over nearly all of the inmates, as officials had forfeited to them the day-to-day internal administration of the prisons (2007: 16). Subsequently, “members began to realize that the organization they had achieved inside the prison could be used to organize criminal activities in the outside world (Garzón 2008: 64).” As prisoners were released, Comando Vermelho began to organize drug trafficking and bank robberies in Rio, controlling criminal activities from inside the
prisons (Arias 2006: 28). The Red Command’s successful tactics at organizing inside the prisons was one of several reasons the illicit organization’s numbers swelled: criminals, both inside and outside of jail, considered joining to be advantageous, as membership would provide protection if they were arrested (Penglase 2008: 128).

In an effort to take advantage of the introduction of cocaine in the early 1980s, the Red Command quickly consolidated its power within the favelas. Once released from prison, gang members returned to the favelas where their families—and criminal contacts—resided (Penglase 2008: 128). Recognizing the lucrative potential of selling cocaine, Comando diversified from bank robbery and armed stick ups to drug dealing. The latter required territory—for repackaging, stockpiling weapons, and points-of-sale—that the former did not (Penglase 2008: 130). Drug trafficking proved a wise bet; by 2005, an estimated 50-53 tons of cocaine per year were consumed in Brazil alone (International Crisis Group 2008: 20).

In order to gain control of the favelas, the criminal organization first took over the bocas de fumo, which until then had served as sales points for marijuana, controlled by significantly smaller and relatively inchoate rival groups. Comando was one of the first criminal organizations to sell cocaine, as rivals were not in possession of the capital necessary to buy the drug, nor were they in possession of the criminal contacts Comando’s size and “prestige” afforded it (Garzón 2008: 65; Penglase 2008: 129). After the bocas de fumo, Comando Vermelho absorbed the organizational structure, salesmen, and gunmen of the jogo do bicho—an illegal lottery, translated literally as “the animal game.” Played by a significant number of residents and providing a sense of community, the games were run by powerful donos. Each boss paid off the police to keep the game
running, and kept his rivals out of his territory using a security apparatus that wielded handguns. In the end, Comando overtook the game’s security and subsumed the police contacts (Garzón 2008: 61-3; Perlman 2010: 178; Pino 1997: 56). Comando found in the favelas eager and capable workers and gunmen; a populace accustomed to illegal activities; and an organizational structure, including police contacts, it could subsume. By the end of 1985, Comando controlled the sale of drugs in 70 percent of Rio’s favelas (Penglase 2008: 128).

The strengthening of Comando Vermelho coincided roughly with the US War on Drugs in Colombia and the Gulf of Mexico, which redirected the traffic of cocaine through Brazil, above all through Rio (Perlman 2010: 178). According to several scholars, Comando primarily purchased cocaine from the FARC, receiving the drug along the Putumayo and Caquetá rivers that flow between Brazil and Colombia. In addition to supplying cocaine, FARC also provided Comando leaders tactical advice and hideouts when on the run (International Crisis Group 2008: 19; McCann 2007: 16). FARC has combated the Colombian state since 1964, including in urban offensives; the guerilla group’s tactical advice likely proved valuable during the Comandos confrontations with rivals and the state.

Comando continued to consolidate its power over the next several years, and to grow more violent. First, the group co-opted or simply took over—often violently—the majority of the Residents’ Associations, further consolidating its leadership within the favelas (Arias 2006: 28-9). The lucrative cocaine trade also gave the traffickers more than enough money to buy advanced combat weapons and offer large bribes to the police. According to Garzón, after the drug gangs entered the favelas, “police corruption
continued, criminals became more combative once they had more fire power, and they
were more successful in keeping government presence out of their territories (2008: 65).”
Moreover, violence increased as many of the gang’s members began to use the cocaine
they were selling (Garzón 2008: 63), adding criminals with altered mindsets and
addictive behavior to the fray.

Within a few years, the lack of an overarching hierarchy and conflicts between
individual *donos* fractured the criminal organization. *Comando Vermelho* splintered into
*Terceiro Comando* (Third Command), *Comando Vermelho Jovem* (Young Red
Command), and *Amigos dos Amigos* (Friends of Friends) (Garzón 2008: 66; Arias 2006:
32). These factions routinely battle for control of territory, causing a significant amount
of the violence that pervades the *favelas* of Rio (Perlman 2010: 178).

Rival Rules, Norms, Goods, and Services

The section above provided an overview of how *Comando Vermelho* gained
control over many of Rio’s *favelas*. Once control over a *favela* is established, a drug
gang then promulgates beneficial rules and norms—that rival those of the Brazilian
state—in order to preserve its control over the territory. Residents’ silence and
cooperation is necessary for the gang to conduct illegal activities within the *favela*, for
which the cartel provides them goods and services in exchange. A closer look at the rules
and norms established by cartels, as well as the goods and services they offer, helps to
answer a crucial component of this thesis’ central research question: how were the cartels
capable of exercising sustained control over the *favelas* for ten years?

Drug gangs have successfully sustained their operations by ensuring the silence
and cooperation of *favela* residents. Rules and norms dictating social behavior keep
residents—who are already distrustful of the police—quiet. The most important of the
favela norms is the lei do silêncio. The law of silence, established by the traffickers,
dictates that residents must not publically discuss crimes or violent acts committed by the
drug gangs. The traffickers enforce this norm by severely punishing its perpetrators,
those who speak to the police (Arias and Rodrigues 2006: 62). Moreover, according to
Manwaring, in some favelas it has even become an established rule that residents pay
dues to the drug cartels (2007: 43). Comando Vermelho, in addition, has a motto: Paz,
Justiça e Liberdade. Revolutionary rhetoric—such as the words Peace, Justice and
Liberty redundantly graffitied onto favela walls—resonate with residents, many of whom
have suffered under police brutality and political corruption (McCann 2007: 16-7). The
drug gangs flagrantly challenge the rules and norms disseminated by the Brazilian state
through the promulgation of contrary rules and norms, such as the lei do silêncio; the
collection of ersatz taxes; and the socialization of residents via revolutionary rhetoric.

In exchange for residents’ cooperation and silence, cartels provide many state-like
goods and services. Indeed, “Traffickers provide economic aid, maintain order, and
resolve conflicts in efforts to build their legitimacy (Arias 2004: 3).” Examples of
economic aid include gangs providing residents with small loans, money for funerals, and
transportation to hospitals and stores. In the same vein, the cartels pay out makeshift life-
insurance policies to the families of fallen traffickers. Similarly, many services—such as
water, electricity, cable TV, and wireless Internet—are provided by or run only at the
permission of the gang leaders (Arias and Rodrigues 2006: 51; McLoughlin 2011;
McCann 2007: 17). Drug traffickers even go so far as to fund certain civic groups that
offer services to residents but do not receive the necessary funding to do so through more
traditional avenues, such as the Brazilian state or philanthropic donations (Arias 2006: 190). An additional service the cartels provide is the maintenance of order. Among other ways, this is accomplished by keeping rival gangs out of the area. Gang members, themselves from the *favela*, know and respect—to a degree—certain residents; rival gangs, on the other hand, would not. Indeed, the drug gangs often let alone residents who abide by the norms, as well as their families, the elderly, and quiet evangelicals (Arias and Rodrigues 2006: 58). Finally, though unwarranted, the cartels maintain justice by resolving conflicts between *favela* residents. In 2008, for example, traffickers usurped the law in Morro da Mangueira, Rio by holding an ersatz trial for a fourteen-year-old girl suspected of stealing a cell phone from a taxi driver. Finding her guilty, they shot her through the hands (HRW 2009: 11).

The cartels also flagrantly thwart the laws promulgated by the Brazilian state, such as the freedoms of speech and press. Exemplifying the former, only the political candidate preferred by the leaders of the drug gang is allowed to campaign in the areas they control, and it is only this politician’s campaign signs that are hung in civic association windows and other locales (Arias 2006: 79, 115). Demonstrating the lack of press freedom, a Brazilian journalist was tortured and summarily executed by the drug gang he was investigating, in 2002 in Vila Cruzeiro (HRW 2009: 11).

Primary functions of the state include establishing rules and norms for citizens to follow, and providing citizens goods and services. In the *favelas*, however, drug cartels carry out both tasks. As a result, *favela* residents’ loyalty generally lies with the cartel that controls the area, because it is precisely this illicit organization that provides them services—rather than the Brazilian state. By filling the voids in services left by the state,
as well as overriding the state’s laws, the cartels ensured residents’ loyalty, which they then parlayed into sustained control over many of the favelas.

**Monopoly of Violence**

The favelas’ unemployed youth and countless hiding spots made the communities ideal for the repackaging and sale of drugs, as discussed above. Recognizing the profits promised by the influx of cocaine, drug gangs usurped control of the favelas from rival criminals and the Residents’ Associations then maintained their position by establishing rules and norms within the communities and providing the residents goods and services. Unable to topple the cartels, police forces made repeated unsuccessful yet bloody incursions into the favelas, beginning in the early 1980s. Meanwhile, cartels fought each other in the streets in an attempt to gain rival territory and points-of-sale. The unique history of the favelas, the comparative weakness of the state, the rise of drugs, and the pugnacious nature of the cartels converged to produce nothing less than astonishing violence. Violence so severe that it quickly becomes clear the state had failed to monopolize it.

According to the Brazilian Institute of Geography and Statistics (IBGE),\(^3\) in 2009 in the state of Rio, 65.2 percent of the population above the age of ten felt safe in the neighborhood where they lived (IBGE 2009a).\(^4\) Additionally, 42.3 percent of the population above the age of ten felt safe in the town where they lived (IBGE 2009b).

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\(^3\) This thesis relies on statistics provided by the Brazilian Institute of Geography and Statistics (IBGE), as well as several other sources. IBGE is a part of the federal government under the ministry of planning, tracing its roots back to the Department of Statistics instituted under the Empire in 1871. IBGE is widely cited within the literature.

\(^4\) Statistics on the city of Rio were challenging to come by; as such, approximately half of the statistics included in this thesis are for the state of Rio or the country as a whole. This decision was made as statistics from the state level still provide a glimpse of the violence in the city of Rio, and in the case of IBGE come from a reliable source. Furthermore, violence in Rio is not a hotly debated topic; one would be hard pressed to find a research paper arguing that Rio is not a violent city.
Though this data is for the state of Rio, it suggests that nearly 40 percent of the city’s population feels unsafe in their neighborhood, while over half of the city’s population feels unsafe in the town in which they live.

In 2006, as it had in prior years, the state of Rio suffered the highest number of violent deaths of all states in the republic. The rate of violent deaths among young men between the ages of fifteen and 24 was 216 deaths per 100,000 inhabitants. In 2005 it had been 227.4 and in 2004 it had been 225 per 100,000 inhabitants (IBGE 2004, 2005, 2006).\(^5\)

At the city level the rates of violence remain equally as startling. In 2000 the rate of death by firearms was 43 per 100,000 residents in the city of Rio. This is compared to a national rate of 19.4 per 100,000 (Penglase 2005: 4; Arias and Rodrigues 2006: 53-4). As another point of comparison, in 2000 the New York City Police Department reported a rate of 8.4 murders or nonnegligent manslaughters per 100,000 people in the city. The Los Angeles Police Department reported 14.9 per 100,000 (US, DOJ).\(^6\) The size of Rio’s population lies between that of these two cities.

**Favela Youth**

The number of deaths in Rio is startling; the profundity of these numbers increases only when the age of those killed is considered. The following section reflects on one of the most vulnerable populations in Rio, *favela* youth, in an effort to investigate

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5. IBGE considers violent deaths to include car accidents. The Institute’s webpage states “violence increased over the 1990’s in almost all Brazilian regions, reaching especially the male sex, a group in which the occurrence of deaths was almost three times higher than among women.” This information suggests that the numbers are high due to violent crime and not just car accidents; however, this thesis does not claim any certainty. In spite of uncertainties, these statistics were included as they provide a point of departure. Also, as mentioned, the institute is one of the most reliable sources for statistics on Brazil.

6. These numbers are likely even more startling than they appear, as they compare death by firearm with murder.
how the presence of gangs affects *favela* residents. In order to do so, this thesis first presents statistics on violence relating to children. The thesis then analyzes the connection between violence and drug gangs. Finally, one of the many consequences of violence and the presence of drug cartels in the *favelas* is examined—decreased school attendance.

In 2000, there were 352 homicides of youth under the age of eighteen in the city of Rio, equivalent to 23 per 100,000 inhabitants. 307 of these homicides (equivalent to 17.5 per 100,000) were firearm related (Dowdney 2003: 164).

At the *favela* level the violence-related numbers increase exponentially. Homicide rates are highest “where *favela* communities dominated by rival factions are in close proximity to one another. Some areas of the city have firearm mortality rates for 13-14 year olds of between 201-501 per 100,000 inhabitants (Dowdney 2003: 166).” Much of the literature agrees that the high rates of violence, especially inflicted on youth in the *favelas*, are linked to the presence of drug gangs and occur during inter-gang conflicts or confrontations between gangs and the police (Dowdney 2003: 166; HRW 2009: 10-11).

In 2001, 420 youths under the age of eighteen were convicted for illegally carrying firearms in the city of Rio. This high number is likely related to the large quantity of armed jobs carried out by adolescents working for drug gangs (Dowdney 2003: 120). Indeed, after 1996, “Children and adolescents began to substitute older traffickers in positions previously only held by adult traffickers. This was due to many adult traffickers being imprisoned or killed: this paved the way for more children to enter the drug trade as a full time occupation (Dowdney 2003: 120).”
How are youth brought into the drug trade? Traffickers first send children to run simple errands, such as getting them a soft drink from the store. In return, the traffickers pay them in presents, such as sneakers or clothes. Gradually, children become lookouts, flying kites or shooting off fireworks if the police or a rival gang have encroached the cartel’s territory. Later, children are selected to hold guns, ammunition, or drugs for which they are paid. Eventually, after the adolescents have proven themselves, the traffickers give them salaries to run drugs or serve as ersatz soldiers (Arias 2004: 2; Dowdney 2003: 31, 46, 119).

Children living in favelas—affected by the stigma they receive from inhabiting the poorest parts of the city—have few options other than working for the drug gangs. Indeed, “Within favela communities it is common for children and adolescents to work in order to contribute to the family income. Employment opportunities for children and youth have diminished at the same time as drug trafficking as a means for financial advancement has become more accessible (Dowdney 2003: 121).” The following evidence supports this claim: the city of Rio, in 2001, registered 1,584 convictions of minors committing drug-related criminal offences. This number is high likely due to the generalized acceptance of drug trafficking in the community. This level of acceptance emboldens adolescents, around the age of twelve or thirteen, to begin “running errands” for the traffickers (Dowdney 2003: 120-121).

Outside of violence, the presence of youth in drug gangs has countless reprehensible consequences. One of the many is that after joining drug gangs most adolescents leave school.
Education is compulsory in Brazil from the age of seven to fourteen and is free at public institutions. The federal government is responsible for providing technical and financial assistance to the states; developing national education plans; and legislating guidelines, such as the compulsory age (UN, Brazil).

The literature reveals that many adolescents drop out of school shortly before or immediately after entering the drug trade, often at an age younger than fourteen. Dowdney points to the average age for entering the drug trade as a fulltime occupation as thirteen years and one month (2003: 123)—meaning that half enter the traffic younger. Unsurprisingly, school attendance for boys and girls in Brazil aged ten to seventeen in 2001 was 90.6 percent and 90.2 percent respectively (Cardoso and Souza 2004: 26).7 However, in the second half of the decade, IBGE statistics reveal rates for compulsory school around 95 percent (IBGE 2008). This may be the result of the recently aggrandized bolsa familia plan under former President Lula da Silva, which provides money to parents if they send their children to school.

Outside of students joining gangs in place of attending school, another problem affecting attendance is violence preventing schools from staying open. Shootouts between rival gangs or a drug gang and the police may force school directors in the favela and neighboring areas to close down their school. “In some cases, this is a spontaneous reaction caused by the fear that students…may be caught in the crossfire. In other cases, traffickers may order closure for a period of time as a mark of respect for a local trafficker who has been killed (Dowdney 2003: 110).”

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7 These statistics are at the national not city level. Also, they go beyond the age of 14. As mentioned before, finding city-level statistics proved very challenging.
The above sections make it clear that the Brazilian state has failed to monopolize violence—one of the primary functions of a strong state. This level of violence, when paired with the drug gang’s level of organization and tactical skill, prevents the state from routinely penetrating the *favelas* to implement rules and norms—such as school attendance—and provide goods and services. Chapter three analyzes this further.
CHAPTER III

ABDICATED SOVEREIGNTY

In the third chapter, this thesis considers the Brazilian state’s abdication of sovereignty over pockets of national territory. In addition to synthesizing the primary argument, this chapter offers a statistical analysis of the provision of public services in Rio and considers the Brazilian state’s attempts to reestablish sovereignty over the favelas. Additionally, the chapter contrasts the Brazilian case against the literature on the rule of law, while also briefly considering democracy and human rights.

Statistical Analysis

Statistical Model\(^8\)

In this section, I employ statistics to study the degree to which the presence of drug cartels prevents the state from penetrating swaths of Brazilian territory. More specifically, this section seeks to determine whether a correlation exists between district type (favela or neighborhood) and the provision of state services in the year 2000. Strong correlation would serve to support the argument that the Brazilian state is infrastructurally weak to such an extent that it is unable to penetrate swaths of national territory, particularly those controlled by the drug cartels.

The independent variable—district type, specifically favela or neighborhood—serves as a proxy for the presence (or absence) of drug cartels, as well as the poverty and crime with which they are associated. District type serves as a predictor of the presence of drug cartels, because cartels effectively control the majority of favelas and none of the neighborhoods, according to the literature (Dowdney 2003; Barclay 2010: 33). The

\(^8\) See the appendix for an in depth discussion of variable selection, the validity of measures, the statistical results, and causal direction.
dependent variable—state services—measures the construct state penetration. This is supported in the literature: several scholars consider the provision and administration of public services to be a strong indicator of state presence (see, for example, Centeno 2002: 2 and Englehart 2009: 163). This thesis makes use of district-level data from the 2000 countrywide census as it pertains to the city of Rio, taken from the government webpage (IPP).

<table>
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<td>0.0413</td>
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</tbody>
</table>

| stateserv~s | Coef. | Std. Err | t     | P>|t| | [95% Conf. Interval] |
|-------------|-------|----------|-------|------|---------------------|
| favela      | 0.11912 | 0.0555  | 2.15  | 0.037 | 0.0075847 to 0.230655 |
| cons        | 0.84004 | 0.0392  | 21.42 | 0    | 0.7611726 to 0.918907 |
Findings

This thesis now turns to the findings of the statistical analysis. The chart and graph demonstrate that district type (*favela* or neighborhood) affects the provision of state services. More specifically, as the independent variable increases one unit (from *favela* to neighborhood), the dependent variable (the percentage of residences on the water network) increases approximately twelve units. These findings are in line with the statistical work completed by Soares and Soares (2005: 9) on state services in the *favelas* and neighborhoods of Rio in the early 1990s.

As statistics is merely a tool to make inferences about the real world, this thesis now turns to the substantive results of the analysis. First and foremost, this analysis demonstrates that the Brazilian state is, in fact, infrastructurally weak, as it fails to
uniformly penetrate national territory in order to provide services. Clearly, state presence is lower in the *favelas* than in the neighborhoods.

I argue the presence of drug cartels limits the state from penetrating the *favelas*. One of the primary functions of the state is to achieve uniform sovereignty throughout its territory (Mann 1986: 114). The Brazilian state, however, was infrastructurally weak to such an extent that it was unable to completely penetrate the *favelas* and provide public services to all of the residences. Indeed, I contend that drug cartels possessed such a high degree of weaponry, and control over the residents, that the weak Brazilian state was unable to completely suppress them. This analysis primarily serves to reaffirm a relationship of which the scholarly community is already aware (see, for example, Arias 2006: 54; Penglase 2005: 3-5).

*Further Considerations*

While the findings are substantively significant enough to include in a thesis, I had expected a lower percentage of residences in the *favelas* to be hooked up to the public water grid. A high percentage, like 84, signifies a higher-than-expected degree of state penetration into the *favelas*. Nonetheless, the state has a noteworthy absence when this percentage is compared to the neighborhoods, making the findings substantively significant.

The high percentage of residences in the *favelas* hooked up to the water grid may be the result of the survey methodology: IBGE only gathered data for this question on *permanent* residences. Though many of the residences in the shantytowns are long-standing—some of them precariously climb two or three stories—many are made of plywood and tarps and may not have been considered permanent. It also merits
considering whether the Brazilian state possesses a higher capability at providing water than other services. Soares and Soares, for example, demonstrate in their quantitative analysis that in the early 1990s the availability of garbage collection was 34 percentage points lower in the favelas than in the neighborhoods (2005: 9).

What Explains the State’s Absence from the Favelas?

The above section confirms that the state is absent from portions of the national territory by making evident that more than ten percent of residences in the favelas do not receive basic services. I argue the absence is explained by bellicose drug cartels preventing state officials from entering the territory. It is likely that police are unable to guarantee the security of the construction workers and state employees necessary to hook up and supply the absent services. I put forth that inter-gang conflicts and police-gang shootouts are a valid explanation as to the absence of state services in certain portions of the favelas. Other explanations exist, however.

A dearth of financial resources comes immediately to mind as an explanation; however, after further consideration this is unlikely to be the best answer as to why the state is absent from the favelas. The data employed in the above statistical analysis was collected in 2000. That same year, Brazil’s annual growth in gross domestic product (GDP) was 4.3 percent (World Bank). In 2010, Brazil’s GDP rose to 7.5 percent, and, in 2011, Brazil overtook Great Britain as the world’s seventh largest economy (CIA Factbook Brazil). Yet, reports continue to emerge about the state’s absence from these communities. In addition, Rio is a thriving transportation, manufacturing, and tourism hub; in 2008, the city of Rio generated 5.4 percent of the country’s GDP, behind only São
Paulo (IBGE 2011). It thus appears unlikely that a lack of economic resources prevented
the state from maintaining a presence in the favelas.

The broken ties between favela residents and politicians may, on the other hand,
provide part of the answer. As discussed in chapter two, on their rise to power the cartels
disassembled the residents’ associations under which people once organized, diminishing
greatly favela inhabitants’ capacity to make demands on the state as a unified front. In
addition, the cartels often persuade residents to vote for a particular political candidate.
This limits residents’ political right to vote into office politicians who will update state
services, as well as throw out the ones who fail to do so. Moreover, as discussed, the
cartels benefit from the state’s absence because they gain residents’ loyalty by providing
state-like services; this, in turn, leads cartels to discourage residents from demanding
services from politicians. Thus, it is possible that the state remains absent because
residents’ demands for services are so stifled by the cartels that the state can easily
remain unresponsive.

Another possible explanation is a shortage of elite consensus. Centeno affirms
that centralization of state power requires a preexisting political logic, as well as elites to
support it (2002: 141). Brazilian elites may have considered the costs of providing
services to be higher than the value of potential tax revenue, human capital, and other
resources found in the favelas, and thus unworthy of building a consensus.

Finally, scholars such as Arias and Pino maintain that the state fails to respond to
the needs of favela residents due to their race and socio-economic status (2006: 20; 1997:
31, 38). They even go so far as to suggest that Brazilian companies and powerful
members of society require a nearby exploitable workforce, found in the favelas. These
scholars point out that low-wage, non-unionized workers hold down the wages of the working class, and, in the case of women, domestic service frees middle-class female employers to work.

Whatever the cause, the state is generally absent from the favelas, and the cartels have taken its place.

Attempts to (Re)gain Sovereignty

Between the years of 2000 and 2010, gang violence in Rio soared to new heights. Responding in kind, the police successfully (re)gained control of more than a few favelas.

Regained Territories?

In December 2006, Rio drug gangs killed nineteen people and left 22 wounded, when they coordinated assaults on police officers and public buildings, and set fire to passenger buses on one of the city’s major roadways (HRW 2009: 11). Several years later, the respected Brazilian newspaper Folha reported that a Military Police helicopter was shot down over a Comando Vermelho-controlled hillside favela, in October 2009, killing two officers (Folha 2009). These are not isolated events, but rather two representative examples of a prolonged confrontation between the drug gangs and the Brazilian state.

Rio police began to make meaningful incursions into the favelas in the middle of the decade, successfully occupying 35 communities by 2010. In January of that year, for example, the state captured control of the Cidade de Deus—the favela made famous by the 2002 film City of God—after weeks of shootouts between the gangs and the Military Police. At least eight civilians were killed in the raids; nonetheless, after establishing
authority over the favela, the police had made over 200 arrests by October 2010, and crime had significantly fallen within the community (Barrionuevo 2010; BBC 2010).

After the Military Police cleared the streets of Cidade de Deus from gangs, Police Pacification Units (Unidade de Polícia Pacificadora; UPP) entered to maintain a continuous, 24-hour police presence and to gain the trust of residents. The peace police, as they are known, currently operate in 35 communities; Rio’s Security Secretary, José Mariano Beltrame, plans to expand them to 160 favelas by 2014—the year Brazil hosts the World Cup (Beltrame 2009; Barrionuevo 2010). Often recruited directly from the police academy to avoid exposure to corruption, the peace police not only patrol, they also teach community karate, English, and guitar lessons and visit daycare centers in an effort to build trust between the police and the community. The uninterrupted presence of law enforcement has resulted in regularized garbage service and an increase in school attendance—up 90% in one high school (Barrionuevo 2010). Rio’s Security Secretary guarantees the presence of Pacification Units in the communities until at least 2014 (Barrionuevo 2010; UPP Histórico). According to The New York Times, in the Cidade de Deus favela “children now play outside without fear of stray bullets. They skip rope and play table tennis with paddles made from floor tiles. Soccer matches, formerly violent affairs, have become more civil, with officers sometimes joining in the games (Barrionuevo: 2010).”

The Police Pacification Units, according to the official webpage, “is a new model of Public Security and policing that intends to bring police and population closer together, as well as to strengthen social policies inside communities. By reestablishing control over areas that for decades were occupied by traffic and, recently, also by
militias, the UPPs bring peace to communities… (Beltrame 2009; Liotta and Miskel 2012: 134 my emphasis).”

The state had established its authority in approximately thirty-five *favelas* by the end of the time period examined within this thesis. The state maintains a monopoly of violence within these communities through the continued presence of the Pacification Units—315 officers work round-the-clock in twelve-hour shifts in the City of Gold *favela*, for example. Officers of the state come into contact with *favela* residents through the community lessons; the Peace Police even receive tips from residents regarding the whereabouts of criminals (Barrionuevo 2010). In addition, school attendance is up and residents are receiving other public services. These praise-worthy efforts have established state presence in significant swaths of Rio, as well as gained the hearts and minds of many residents. However, by the end of 2010, over 550 *favelas* remained outside the control of the state. Indeed, the quote above, from the public security webpage, demonstrates that the *favelas* were outside the state’s control before the Pacification Units entered and that still more communities remain to be pacified.

*Mixed Messages: Complexo do Alemão*

In May and June 2007, Brazilian authorities undertook one of the largest offensives against drug gangs in Rio’s history. Tanks, helicopters, and approximately 1,350 machine-gun wielding soldiers invaded *Complexo do Alemão*, where the primary headquarters of *Comando Vermelho* lay. Located in the North Zone of Rio, the *Complexo* is a network of twelve *favelas* that are home to over 200,000 residents. Around the time of the incursion, Luiz Inacio Lula da Silva’s government announced
investments of one billion reais (approximately five million US dollars) into several 

Police killed nineteen Complexo residents in one day, on 27 June; the police 
claimed that all nineteen had criminal records and were killed in “resistance” cases 
(UNHRC 2008: 3; HRW 2009: 24). According to the UN Special Rapporteur on 
Extrajudicial, Summary or Arbitrary Executions, Philip Alston, autopsy reports and 
family interviews failed to corroborate these claims. He also points out that, in the 27 
June incursions, no policemen were killed and no drug dealers of any importance were 
among the dead or arrested for that day. In his report, Alston adds that the Military 
Police involved in the Complexo operation had little relevant training in the use of non-
lethal force, and that the state had neglected to provide both community-based policing in 
these favelas and social services to those residents most affected by the violence (2008: 
3-4). The shootouts closed eight schools, leaving nearly 6,000 students without 
instruction and one child hit by a stray bullet while inside a primary school (Philips 
2007). Tom Philips, a journalist for The Guardian, reports concerning the incursions: 
“When the shooting subsided bloodied corpses were left lying in the narrow streets and 
many homes were sprayed top to bottom with bullets (2007).”

The incursions in May and June 2007 appear to have failed to establish state 
authority over the Complexo do Alemão. According to the Economist, until November 
2010, police would retreat after making incursions into the Complexo, allowing gang 
members to return from the neighboring favelas to which they had fled (2010). On 25 
November 2010, however, the Military Police, backed by federal troops returning from 
peacekeeping in Haiti, invaded the twelve communities in an effort to establish
permanent authority. According to *O Globo*, a prominent Rio-based newspaper, the Marines employed at least nine tanks in the operations (Noblat 2010). The incursion fused *Comando Vermelho* with *Amigos dos Amigos*, catalyzing the two former rival gangs to join forces in order to combat one of the state’s most forceful and effective invasions to date. At least 37 people died in the conflict. The army remained for six months, until freshly trained Pacification Units were ready to provide 24-hour community policing (*Economist* 2010). Having conducted a failed, rights abusive incursion into *Complexo do Alemão* in 2007, the coercive arm of the state returned three years later to successfully establish a monopoly of violence and continued presence in the twelve *favelas*.

**Rights Abusive?**

Were the state’s attempts to establish authority over the *favelas* rights abusive? Many scholars, journalists, and human rights organizations suggest that in its attempts to regain authority over Rio’s low-income communities between 2000 and 2010, the Brazilian state committed extrajudicial killings and used excessive force while rarely carrying out investigations into the murders committed by officers. In other words, yes, within the timeframe examined in this thesis, the Brazilian state violated the human rights of *favela* residents.

According to Human Rights Watch, between 2003 and 2009, Rio police killed more than 7,600 people. In the vast majority of cases, the police officer involved reported the killing as a legitimate use of force in self-defense against criminal gunfire, called a “resistance” killing (2009: 11). Rather than the Civil Police conducting a full investigation in all cases, the policeman who committed the murder is the one responsible
for determining whether it was a resistance or unlawful killing (UNHRC 2008: 3; AI 2005: 39-40). A 2009 Human Rights Watch report and the UN Special Rapporteur agree that based on credible accounts made by witnesses and public officials, as well as studies of autopsy reports and case files, many “resistance” killings in Rio are, in fact, extrajudicial executions (UNHRC 2008: 3; HRW 2009: 20). According to the same Human Rights Watch report “in many of these cases, gunshot residue patterns were consistent with the victim having been shot at point blank range (2009: 3).” The study goes on to state “in several cases, autopsy reports showed gunshot entry wounds to the back of the head or nape of the neck of the victim, injuries that would seem unlikely in most shootout situations but are consistent with executions (2009: 22).”

In addition to extrajudicial killings, Rio police often use excessive force when attempting to retake the favelas, or when making single day incursions without plans to maintain a presence. According to a 2006 Amnesty International report concerning policing in Rio, armored vehicles—called caveirãos, or big skulls, in reference to the emblem on the vehicle’s side—enter low-income communities firing at random. The police inside these military-style vehicles are armed with Belgian-made rifles capable of piercing a series of targets (2006: 4-6). Amnesty contends the rifles are “an extremely dangerous weapon in the densely populated and flimsily built environment of the favela (2006: 6).” The report goes on to express concern over the anonymity enjoyed by police who fire from an armored vehicle that is fully encapsulated save slits for rifles, arguing that the caveirãos make pursuing cases against the police even more difficult than usual (2006: 6).
Other than the Pacification Units, established in 2008, which succeeded in maintaining a constant presence, police stations are typically located outside of the favelas; as such, the officers fail to cultivate links with favela residents. When paired with police violence, this solidifies the residents’ impression that police operations are invasions into their neighborhoods, rather than efforts to protect the residents and communities the police are meant to serve (AI 2005: 27; AI 2006: 7). A 2005 Amnesty International report concerning policing in Rio states, “Above all, residents said that they feared the police, who are supposed to protect them, more than they feared the criminal gangs which dominate and brutalize their communities (25).” Residents’ statements elaborate that the police treat them with disrespect and contempt, including the use of discriminatory and racist language. The report continues on to cite complaints made by residents of abusive and sometimes illegal stop and search procedures, and of illegal detentions made by the police (AI 2005: 25). The Military Police are able to do so through both a loophole in the law, which allows police officers to search out drug trafficking without a warrant, as well as collective search and arrest warrants issued for entire communities rather than particular individuals or addresses. The above mentioned report cites residents that allege the police indiscriminately entered their homes and ransacked their belongings looking for drug traffickers that were not present (AI 2005: 25, 30-2).

Another source of extrajudicial killings in Rio, as well as abuse and torture, are the militias—made up primarily of off-duty police officers. These state agents control a territory and offer a population so-called protection by threatening, abusing, or killing those who do not obey the established rules and expectations. According to the
abovementioned 2009 Human Rights Watch report, in Rio “the militia kills and extorts the community with mafia-like tactics, earning money by insisting residents pay a ‘security tax’ and charging for natural gas and illicit cable television provision (49).”

Many apologists for the state’s use of force contend that the lives of policemen are at great risk. While this thesis has examined the advanced weaponry wielded by gang members and the coordination with which they often act, few police officers have lost their lives when compared to the number of favela residents killed at the hands of police. According to a 2009 Human Rights Watch report, police in Rio killed 43.73 people for every one on-duty officer killed in 2008. Police in the US, by comparison, killed only 9.05 people for every officer killed (35). Moreover, the same report demonstrates that on-duty police killed 6.86 people per 100,000 Rio residents in 2008, while US police killed 0.12 people per 100,000 (HRW 2009: 32). Furthermore, in his report on the protection of human rights in Brazil, the United Nation’s Special Rapporteur, Philip Alston, states “in 2006, in Rio de Janeiro 146 police were killed, but only 29 of those were killed while on duty (UNHRC 2008: 3).” He goes on to argue “a very significant proportion of those 117 killed off duty were likely to have been engaging in illegal activities when killed (UNHRC 2008: 3).”

According to Amnesty International, “Brazil’s police forces use violent and repressive methods that consistently violate the human rights of a large part of the population (2005: 8).” Article three of the Universal Declaration of Human Rights states “everyone has the right to life, liberty and security of person (UN, UDHR).” As

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9 Though the 2009 Human Rights Watch report compares a city to a country, it nonetheless illustrates the significant number of Rio residents killed by the police. Also, the report fails to disaggregate favela residents from residents of the city as a whole. However, taking interviews and other information presented into account, it is significantly more likely that the police killed favela residents than residents living in Rio’s middle-class and wealthy neighborhoods.
discussed above, when the state indiscriminately kills *favela* residents, by sending officers into low-income communities shooting at random, it ignores the rights that its citizens inalienably posses as persons. Article five of the Declaration pronounces “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” while article seven affirms “all are equal before the law and are entitled without any discrimination to equal protection of the law (UN, UDHR).” The Brazilian state fails to respect the former by subjecting its citizens to degrading language and to stop and search procedures, while it disregards the latter when police officers commit extrajudicial murder.

*Parting Remarks*

This section discussed the 2010 success story of the state reestablishing its presence in the *Cidade de Deus favela*, the mixed messages the state sent over three years in *Complexo do Alemão*, and the state’s rights abusive incursions into yet other low-income Rio communities. These accounts of the state’s attempts to establish control in Rio’s *favelas* paint a nuanced picture—one in which only a mere fraction of rival-controlled territory was overtaken by 2010; at times territory was gained through the inhumane tactics employed by certain members of the Military Police, at others through the efforts of the Peace Police to treat community members with dignity.

*Analysis*

The central research question of this thesis asks: how were drug cartels able to achieve and exercise *de facto* sovereign control over the *favelas* of Rio de Janeiro, Brazil between 2000 and 2010? A thorny question such as this warrants a complex answer that
explores the numerous factors that converged in these communities during this time period. The answer may be traced through the history of the favelas and favela-state relations, as well as through the weakness of the state and the tenacity of the cartels.

I argue that the drug cartels were able to achieve and exercise de facto sovereign control over the favelas as a result of state weakness and cartel strength. The Brazilian state forfeited these territories early on, because it was infrastructurally weak to such an extent that it was unable to systematically penetrate them in order to monopolize violence and uphold official laws. The cartels, in turn, gained supremacy over these territories by exploiting what the favelas offered in order to organize into well-armed, bellicose entities prepared to perform state-like duties. In due course, the cartels amassed sufficient control over the communities to thwart most state encroachments.

The favelas first sprang up in 1898. Over the next hundred years, the Brazilian state failed to systematically penetrate these communities, as it oscillated between incorporating residents, ignoring their presence, and forcibly removing them. Despite attempts at the latter, the shantytowns grew exponentially; by 2000, approximately one million residents came to reside in 600 favelas—most lacking routine policing and many without regularized public services.

The Brazilian state failed to penetrate the favelas from 1898 forward because it was infrastructurally weak. Indeed, the Brazilian state did not follow the same path as its infrastructurally strong European counterparts in several significant ways; this divergence prevented the South American state from acquiring the attributes necessary to uniformly penetrate national territory. Namely, the absence of a civil war and war of independence—due to the elevation of Brazil to seat of the empire and the crown’s
subsequent bloodless departure—deprived the Brazilian state of the opportunities that wars offer to centralize and extract resources. Moreover, outside the Spanish-speaking countries’ wars of independence, the continent has remained nearly conflict-free for the last two centuries. Tilly’s theory holds that wars make states; the Brazilian case, however, lacked the wars necessary to make the state.

Without wars, the Brazilian state was denied the mandate to extract capital and soldiers from the populace. In order for a state to penetrate society and extract these resources it must first monopolize violence. Tilly contends that establishing a monopoly of violence is a very slow process, as two intricate courses of action must occur simultaneously (1990: 69). Along the first, the civilian population is disarmed in small steps. This is accomplished by, among other things, seizing weapons, prohibiting duels, and restricting public displays of armed force. Along the second course, the state expands its armed forces and the weaponry they wield in order to surpass that of its domestic rivals. The dearth of wars, however, made it unnecessary for the state to penetrate society in order to establish a monopoly on violence. Indeed, the high number of convictions from the illegal possession of firearms in Rio confirms that the state failed to seize citizens’ weapons.

In addition, Brazil’s distinct geography and populace have stood as hurdles to the full penetration of society. The country’s role as a client state and past governments’ implementation of neo-liberal economic policies, also, hindered the state from accumulating domestic power and establishing a strong, centralized bureaucracy. All of the above factors interlaced to make the Brazilian state infrastructurally weak. The result is a state lacking the monopoly of violence, bureaucratic strength, expertise, manpower,
and resources necessary to penetrate official territory uniformly—particularly the *favelas*. In fact, the statistics on the provision of state services, presented at the beginning of this chapter, demonstrate that the Brazilian state was absent from parts of its territory in 2000.

While the Brazilian state remained infrastructurally weak into the 2000s, well-organized, pugnacious drug gangs, such as *Comando Vermelho*, rose up in the 1980s. The *favelas* served as the ideal spot for the cartels to amass power: the communities’ narrow streets and ample hiding spots proved indispensable for the clandestine movement and repackaging of drugs, the ample unemployed youth provided a workforce, and the acquiescent residents remained silent. In order to maintain control over the *favelas*, the gangs established rules and norms, such as the *lei do silêncio*, which precluded residents from speaking to the police. In an effort to increase legitimacy, the drug gangs also provide the residents goods and services, such as transportation, loans, protection from rival gangs, and certain utilities. In other words, the cartels acted like the state. Within several years of operating freely in the *favelas*, the gangs were able to purchase startlingly advanced weaponry to rival the coercive means of the Brazilian state, including surface-to-air missiles. In fact, the cartels’ weaponry is advanced enough so as to call into question whether the police forces’ armaments surpass that of its domestic rivals, as Tilly suggests is necessary to establish a monopoly of violence.

The drug cartels quickly came to possess near supreme, independent authority over the *favelas*. For example, the normalization of *favela* youth leaving school to enter the drug trade at an average age of thirteen years and one month challenges the state law that children attend school until the age of fourteen. Youth, their families, and the communities must then choose between the rules and norms established by the state and
those promulgated by the cartels. The goods and services provided by the cartels, as well as their weaponry, often led residents to follow the drug gangs’ unwritten laws. This aligns with the literature; Migdal, for example, contends that marginalized populations are particularly vulnerable to the rules and norms of social organizations other than the state (1988: 29).

Drug cartels were able to maintain control over the favelas because the state abdicated authority over them. Without a uniform monopoly of violence throughout national territory, agents of the state were unable to enter the favelas to influence citizens’ social behavior or provide them public services. As the Brazilian state was not present to enforce its laws, citizens began to follow the rules and norms of rival social organizations.

Attempts to enter the favelas after 2000 demonstrate that the Brazilian state was not in possession of the infrastructural strength necessary to immediately overcome these rival sovereigns. Well-organized and heavily armed, and with many residents loyal to them, the cartels prevented the state from seizing territory. This coincides with the literature in which Migdal argues that “tenacious and resilient organizations” throughout society are at times capable of thwarting a state’s attempts to achieve predominance over them (1988: 32). As established above, between 2000 and 2010, the Brazilian state successfully established authority over a mere 35 out of approximately 600 favelas, at times violating the human rights of residents to do so. The result is that pockets of national territory remained beyond the reach of the state, and the Brazilian citizens living in them remained unprotected by the rule of law.
*Weak Rule of Law*

The infrastructurally weak state’s abdication of national territory to drug cartels left the rule of law weak in Brazil. Several pieces of evidence reveal the weakness of the legal state in Rio’s *favelas*. By definition, for the rule of law to be supreme no areas may remain dominated by organized crime (Diamond and Morlino 2005: xiv). As shown above, however, cartels gained and maintained control over many of the *favelas* from 2000 to 2010. Moreover, these swaths of territory constitute what O’Donnell has termed “brown areas”—peripheries of large cities where official law competes with the informal edicts promulgated by the criminal gangs that control the area (2005: 12). For example, the law requiring Brazilian children to attend school until the age of fourteen competes in these communities with the norm established by the gangs that youth leave school to run drugs at an average age of thirteen years and one month. The legal state remains weak, finally, when courts and the police fail to apply the law equally irrespective of class. Marginalized sectors in Brazil are not afforded the same access to justice as privileged segments of society—*favela* residents, for example, fear turning to law enforcement, as many instances of police brutality exist. The rule of law clearly extends only intermittently throughout Brazilian territory.

Consequences of the weak rule of law are numerous and severe. As organized crime remains above the law, crimes committed by gang members are likely to go unpunished. If gang members commit significant crimes, such as murder, *favela* residents cannot turn to the Brazilian judicial system, because the state is absent from the communities and the *lei do silêncio* prohibits communication between residents and law enforcement. This often leaves residents under the authority of the gangs’ *de facto*
courts, which surely fail to apply verdicts impartially and consistently. In addition, when police officers commit abuses they are unlikely to be held accountable by their superiors, because the complaints of underprivileged classes are routinely ignored by the Brazilian justice system. In sum, the rights guaranteed in the constitution are not upheld in practice, because an impartial judiciary remains outside the reach of favela residents.

Undermined Democracy

Liberal democracy is undermined in Brazil, because civil liberties are not uniformly upheld throughout the entirety of the country. Despite the grand proclamations of respect for human dignity in the opening paragraphs of the 1988 Brazilian constitution, in practice many rights are not upheld due to the weakness of the state and its inability to guarantee the rule of law. Until the rights of nearly every individual throughout the country are upheld in day-to-day life, a democracy is neither fully consolidated nor liberal.

Diamond and Morlino (2005: xv) state, “The rule of law is the base upon which every other dimension of democratic quality rests.” The individual freedoms integral to any democracy are frail without a strong rule of law. In Rio’s favelas however, the lei do silêncio, as well as the torture and summary execution of a Brazilian journalist in 2002 in Vila Cruzeiro by a drug gang he was investigating (HRW 2009: 11), undermine freedoms such as speech, press, and assembly. Moreover, a weak rule of law undermines the tenants of equality and meritocracy central to democracy by allowing certain classes greater access to justice while depriving many favela residents of the same. Finally, a strong rule of law prevents the patrimonial practices that often erode democracy (Mainwaring et al. 2010: 19). This is not the case in the favelas however, as only the
politician preferred by the drug gang is allowed to campaign, and it is only this politician’s campaign signs that are hung in civic association windows and other locales (Arias 2006: 79, 115).

Additionally, scholars suggest violent crime strains public trust in democracy and the state, as well as encourages the infringement of civil liberties. Bailey and Taylor, for example, argue that high violent crime rates are correlated with reduced support for democracy (2009: 23). Elevated crime rates also lead to distrust in the state and support for restricting rights and increasing the repressive powers of law enforcement, according to Bailey and Paras (2006: 59).

**Human Rights Violations**

A weak rule of law and unconsolidated democracy often go hand in hand with human rights violations. In the case of Brazil, the infrastructurally weak state has failed to guarantee the rule of law uniformly throughout national territory. This failure has allowed agents of the state, para-state militias, and members of the drug gangs to commit countless human rights abuses.

Under international human rights law, the Brazilian state has an obligation to prevent its police forces from committing rights abuses, such as torture and extrajudicial killings. The state also has a duty to investigate any violations, in a prompt, thorough, impartial, and independent manner, and to ensure the perpetrators are held accountable for their actions. These obligations stem from treaties such as the International Covenant on Civil and Political Rights, which contains binding commitments that relate to particular articles in the Universal Declaration of Human Rights. The right to life guarantees under article six of the Covenant, in particular, prohibit law enforcement
agents from using excessive force and committing unlawful murders (UN, ICCPR 1966; HRW 2009). Though the Brazilian government ratified the Covenant in 1992 (UN, ICCPR 2000), it has failed to stem the police force’s high rates of extra-judicial killings. As discussed above, the UN, Human Rights Watch, and Amnesty International have all identified scores of cases of summary killings committed by the police in Rio’s favelas. These organizations also agree that the judicial branch has failed to adequately investigate the thousands of “resistance” killings committed during the time period investigated within this thesis. Upon consideration, it is clear the Brazilian state violated the human rights of its citizens living in the favelas of Rio between 2000 and 2010.

The state is not only obligated under international law to prevent official agents from committing rights violations, but also to prevent unofficial militias and death squads from committing such violations. The Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions from the UN Human Rights Council reads, “The State has direct responsibility for the actions of non-State actors that operate at the behest of the Government or with its knowledge or acquiescence. Examples include private militias controlled by the Government … as well as paramilitary groups and death squads (2010: 11).” As discussed above, police-linked death squads operate largely unchecked in parts of Rio. Composed mostly of off-duty police officers, these groups are responsible for “numerous” extra-judicial killings and cases of torture, according to Human Rights Watch. According to the rights group, the death squads are rarely subject to effective investigation, prosecution, or punishment (2009: 46-7). The Brazilian state is clearly in violation of international human rights law, as it allows these rights-abusive groups to operate with near impunity.
The state also has a duty to protect citizens from gang violence, as well as investigate violent crimes, under international human rights law. Discussing gang murders, the UN report mentioned above states “where there is a pattern of killings and the Government’s response (in terms either of prevention or of accountability) is inadequate, the responsibility of the State is engaged.” The report continues on to say, “Under human rights law, the State is…required to ensure the right to life, and must meet its due diligence obligations to take appropriate measures to deter, prevent, investigate, prosecute, and punish perpetrators (UNHRC 2010: 11).” This thesis has discussed in detail the state’s inability to prevent the scores of murders committed by gang members in Rio, as well as the limited prosecutions of those responsible for the violence. As a result of its infrastructural weakness (and perhaps unwillingness), the Brazilian state allows significant rights abuses to occur within official territory despite its obligations under international law.

This thesis also demonstrated that the Brazilian state fails to respect several other articles of the Universal Declaration of Human Rights. This can be said for many, if not most, states, as the articles are meant to serve as aspirations (Glendon 2001: 121). Like its fellow states, Brazil must continue to work towards securing these rights on behalf of its citizens. In addition to article seven—equality under the law—article 26 of the Declaration proclaims, “Everyone has the right to education (UN, UDHR).” In addition, the International Covenant on Economic, Social and Cultural Rights in article thirteen provides, “Secondary education in its different forms…shall be made generally available and accessible to all by every appropriate means (UN, ICESC 1966).” Brazil acceded to the treaty in 1992 (UN, ICESC 2001). The drug gangs operating in Rio, however,
limit this freedom when they force school closings and persuade youth to join the drug trade rather than attend school, as discussed above. In this case, education is a positive, rather than negative, right, requiring the state to take the actions necessary to ensure that another actor does not prevent students from attending school. As mentioned in the literature review, states typically uphold international human rights treaties by passing domestic legislation. In Brazil, education is compulsory until the age of fourteen—the state need only enforce its own law uniformly, regardless of socio-economic class, in order to guarantee this fundamental right. Furthermore, this thesis considered the state’s inability to fulfill other rights listed in the Declaration. These include a fair and public trial (article ten), which gangs infringe when they issue punishments in altercations between *favela* residents; genuine elections (article 21), limited by gangs’ favoritism of one candidate; and the freedom of expression (article nineteen), undermined to an extent by the *lei do silêncio*. 
CONCLUSION

In the conclusion, this thesis discusses an alternative theoretical explanation of gang-state relations, makes suggestions for further research, and presents questions concerning the future of the rule of law in Brazil.

Conclusion

This thesis posed one primary research question: how were drug cartels able to gain and maintain *de facto* sovereignty over Rio’s *favelas* between the years of 2000 and 2010? This question also begs a second, more implicit, query: how are *favela* residents affected by the cartels’ control over their communities?

In this thesis, I demonstrated that drug cartels achieved *de facto* sovereign control over the *favelas* as a combined result of state weakness and cartel strength. First, I pointed out that the Brazilian state forfeited these territories early on, because it was infrastructurally weak to such an extent that it was unable to systematically penetrate them in order to monopolize violence. Without routine policing in the *favelas*, I argue, agents of the state were unable to enforce official laws, provide public services, or build the loyalty of residents. This thesis also evidenced that the cartels viewed the forfeited pockets of territory as ideal for the repackaging and sale of drugs due to the ample hiding spots, abundant unemployed youth, and acquiescent residents. The second chapter makes the case that the gangs benefited from the profits of illicit activities enough to transform into well-armed, bellicose organizations capable of maintaining authority over the communities by performing state-like duties, such as establishing rules and norms and providing goods and services. Finally, in the third chapter, I pointed out that the cartels had amassed sufficient control over the communities to thwart most state encroachments.
In the case of Brazil, the infrastructurally weak state failed to guarantee the rule of law uniformly throughout its national territory between 2000 and 2010. This failure has allowed agents of the state, para-state militias, and members of the drug gangs to commit countless human rights violations against favela residents.

**Critiques and Consequences**

The best critique of the arguments made within this thesis likely comes from Arias (2006). Arias contends that the hypothesis that rival powers control an enclave of territory in Rio offers little explanatory power, arguing instead that the absence of the rule of law is best explained by intricate social networks between traffickers and state officials. He suggests, “The conflict in Rio’s favelas does not occur because favelas are cut off from the state but, rather, because of the way the state is present in those communities and the relationships state actors maintain with criminals who operate in them (2006: 4).”

Looking outward, an interesting case to compare with Brazil may be Colombia from 1990 to present. This thesis analyzed enclaves within an enormous city where a competitor of the state wielded the means of coercion. In Colombia, on the other hand, vast swathes of land—distant from metropolitan areas—are controlled by a social organization other than the state. Cocaine connects the two cases together; in fact, one of Colombia’s most notorious drug traffickers was arrested in Rio, in April 2010 (USA Today 2010). Other cases that merit exploration include the hinterlands of Brazil, the shantytowns surrounding Buenos Aires, and the trafficking corridors of Central America.

Looking to the future, it will be interesting to see if a relative monopoly of violence is achieved in Brazil before the country hosts the International Federation of
Association Football (FIFA) world cup in 2014, several games of which will be played in Rio. Perhaps greater still, the city hosts the Summer Olympics two years later. The Unidades de Policia Pacificadora (Police Pacification Units) that first began to take control of favelas in 2008 have seen commendable results. As of August 2011, their presence is felt in seventeen favelas with plans to increase their authority into another 23 by 2014. A law requesting that the Pacifying Units remain in the favelas for twenty-five years is currently under review by the Brazilian Congress (McCloughlin 2011).

Though the drug cartels at present pose what is arguably the most significant threat to the Brazilian state, I propose that the drug gangs will in fact prove necessary to strengthen the state. If the state in Europe indeed centralized and strengthened by amassing the requisite capital and then fighting wars with one another, drug gangs may provide the Brazilian state a similar impetus. Bringing down such well-funded, tenacious foes will surely require a large amount of capital—a pretext to raise the comparatively low rates of taxation. Resources drawn from citizens will make possible the purchase of sophisticated weaponry and the training of coercive agents, both of which will in turn aid the state in monopolizing violence throughout official territory. In addition, the state will have to provide goods and services to citizens, in order to pry loyalty away from the cartels. In due course, all of these actions would serve to strengthen the state bureaucracy. Unlike the smaller Central American countries, Brazil is likely to come out stronger on the other side of a campaign against the drug cartels. A liberal democratic government, of course, would have to be at the helm of the state bureaucracy to ensure the equal application of the rule of law and human rights.
Centralizing the state on a continent with a long history of authoritarian regimes is an obvious risk. However, a strong state is necessary to overcome the cartels and to protect Brazilians from the caprices of these non-state actors. Though scholars may argue that the state is retreating (Strange 1996), and more inter-state cooperation may be necessary, what alternatives exist to combat such bellicose, rights-abusive foes? Arming non-governmental organizations, multi-national corporations, and other transnational actors seems an improbable solution. Around the world, it is undeniably strong states—that citizens hold accountable through liberal democracy—that most effectively and humanely combat the cartels and best protect human rights.
This thesis favors district type over potential alternative measures of the independent variable in order to ensure reliability. For example, one alternative measure, rates of violence, appears to have low reliability, because much of the violence committed in the shantytowns goes unreported (HRW 2009: 11), and patterns are likely difficult to predict. Also, violence alone does not closely approximate the construct presence of drug cartels, as actors outside of the cartels might be committing the violence.

The provision of state services appears to be the best measure of the dependent variable, as other indicators of state penetration proved either difficult to gather data on or invalid measures of the construct. For example, I was unable to find data on three of the most accepted indicators of state presence at the *favela* level: post offices, tax evasion, and registered births. Police incursions into the *favelas*—perhaps the best indicator of state penetration—proved to have low validity because it is common for police chiefs to accept bribes from the drug cartels and then send the squadron into *favelas* at agreed upon times and places to avoid confrontations (Arias 2004: 3). Thus, police incursions are not indicative of the construct state penetration, but rather they indicate the drug cartel’s competence at challenging the Brazilian state.

This thesis employs data from the city of Rio de Janeiro’s government webpage (http://portalgeo.rio.rj.gov.br/portalgeo/index.asp). Residents of Rio were asked how their household receives water; the data was then tabulated at the district-level for the nearly 700 districts. I then sampled the data from a population of all of the districts in the city of Rio. I then calculated the percentage of residences hooked up to the public water
network for each of the sampled twenty-five favelas and twenty-five neighborhoods. This was accomplished for each district by dividing the number of residences hooked up to the public water grid by the total number of residences in the district. Outside of the public water grid, some residences received water from wells (piped into their house or otherwise), while additional households obtained water from rivers and other sources. In addition, I assigned favelas the value zero as a dummy variable and separated them from the neighborhoods I assigned a one. In this case, the city labeled the districts as a favela or neighborhood and no measurement was necessary.

This thesis measures state penetration by identifying the percentage of residences hooked up to the public water network in both favelas and neighborhoods. The data for state penetration trap the construct because the data consist of individual observations of how a residence receives water. Zeros simply trap the construct, and ones mark its absence. If the household receives water from the state, then the state is present; the state is absent, if the residents of the household must obtain their water elsewhere.

The model does not include additional controls for three primary reasons. First, several of the control variables I considered are simply manifestations of the independent variable already in use. As the dummy variable favela already includes violence and poverty, controlling for them is unnecessary. Second, as is often the case when collecting data on emerging countries, it is difficult to find reliable district-level data on other possible controls. Corruption and nepotism likely go a long way in explaining why many neighborhoods and some favelas have more residences hooked up to the water grid than others, however I was unable to find systematic micro-level data of this type. Finally, two potential control variables, for which data is readily available, do not apply to this
case. In many Latin American cities, the distance a shantytown is from downtown or from the utility infrastructure likely affects the percentage of the shantytown’s residences that are on the water grid. This is not the case in Rio, however, as many favelas are squeezed between two neighborhoods, and nearly all of the neighborhoods have high percentages of residences on the water grid. Also, it is unnecessary to control for time—or how recently the residences were constructed—because migrants established most of the favelas several decades before the 2000 census data was gathered, and both favelas and neighborhoods should have newly constructed residences (Arias 2004: 3).

Turning to a discussion of statistical findings, the 95% confidence interval does not trap zero; as such, the thesis rejects the null hypothesis that district type does not affect state services.

Rather than simply accept or reject the null hypothesis (Hnull: beta=0) at the 5% confidence level, the p-value itself may also be considered. The probability in the tail beyond this observed value of t is the p-value .037.

The r-squared in this analysis is .087. A low r-squared signifies that the data deviates significantly from the y-hat line, and that regression only explains 8.7% of the sum of squares. In other words, the model does not explain all of the variation in the data. Including another variable such as corruption or nepotism, for example, would raise the r-squared.

Also, as the data is very scattered and thus deviate significantly from the line, knowing x does not allow us to accurately predict y. Accordingly, the standard error of b is large and the confidence interval is wide.
A regression cannot determine causality; however, I am confident that the causal arrow runs in the proposed direction. The alternative—that the level of state penetration of Brazilian territory causes the presence of drug cartels—is unlikely for several reasons. First, (lack of) state penetration may be necessary, but it is certainly not sufficient to cause drug cartels. The Brazilian state, for example, is only marginally successful at penetrating the Amazon, but few drug cartels control that territory. Second, in the timeframe covered by this thesis, the drug cartels were already present. In addition, it runs contrary to the objectives of the modern state to allow a pocket of territory to fall out of its control (Mann 1986: 114). The cartels wrested control of the favelas from an infrastructurally weak state that lacks the strength to retake them from such a strong rival. Finally, the state penetrates the rest of Rio and nearly all of the country, why, other than the drug cartels, would it remain absent from pockets of one of the country’s most important cities?
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