

# LOW-COST TERRORISM OR THE INVISIBLE THREAT: TERRORISM AND BRAZILIAN ANTI-TERRORISM POLICIES

Marcial A. G. Suarez<sup>1</sup>  
Igor P. Acacio<sup>2</sup>

## Introduction: Terrorism in the XXI century as a complex phenomena

Terrorism gained political significance during the nineteenth century as an instrument of political demand used by nationalist, anarchist, and revolutionary groups. During the late nineteenth and early twentieth centuries, there was a sharp increase in the use of terrorism as an instrument of political action. Violence ceased to be a type of action by States and was commonly practiced also by non-state actors (Schmid 2004, 399).

Among the main features of contemporary terrorism, we can list decentralized organization, the use of state-of-the-art technologies, drawing resources from flaws in the international financial system, and the use of means of communication in real time. If at the beginning of the 20th century, most terrorist attacks were assassination attempts using firearms or explosives in the 21st century the phenomena of terrorism can only be limited by the sophistication and resources of the perpetrators and conversely sophistication and resources of authorities responsible for counterterrorism policies. These include biological terrorism, nuclear terrorism, symbolic terrorism, chemical terrorism.

Bauman (2002) developed an argument highlighting the perennial character of the assumption that territory grants security. The attacks on 9/11 showed how fragile this assumption is, as the states were largely incapable of detecting features that could lead to the prevention of such attacks. This

---

<sup>1</sup> Marcial A.G. Suarez , Department of Political Science, Fluminense Federal University.

<sup>2</sup> Igor P. Acacio, University of California, Riverside.

fallibility has an intrinsic relationship with the growing access societies have on sophisticated means of communication and the fluidity of the new frontierland:

“The global space has assumed the character of a frontierland. In the frontierlands, agility and cunning count for more than a stack of guns. In the frontierlands, fences and stockades mark intentions rather than realities. The efforts to give the conflicts a territorial dimension, to pin the divisions and mutual enmities to the ground, seldom bring results. Suspected from the start to be ultimately ineffective, they tend to be half-hearted anyway: wooden stakes signal the lack of self-assurance manifested by stone or concrete walls. Capturing the territory, they occupied yesterday does not mean today’s victory over the adversaries, let alone the ‘termination of hostilities’. Most certainly, it does not assure a secure tomorrow. In the course of interminable frontierland warfare, trenches are seldom dug. The adversaries are known to be constantly on the move. Their might and nuisance-making ability lie in their speed, and the inconspicuousness and randomness of their moves. For all practical intents and purposes, in a frontierland adversaries are extraterritorial” (Bauman 2002, 83)

Conflicts ultimately develop in a territory, but Bauman refers to fluidity that inherently derives from technological advances and faster flows of people, information and finance in globalization. It is hard to distinguish allegiances, hard to separate combatants from non-combatants and alliances between groups are matters of convenience (2002:85). Additionally, insecurity that stems from contemporary is amplified by the sense that attacks with chemical, biological and nuclear weapons can occur at any time in states that cannot keep everyone safe given the territorial fluidity aforementioned.

Kaldor (2003), reacting to the post-9/11 attacks questions the motivations under which the British government adhered to the Global War on Terror (GWOT) efforts. The author mentions that there was limited interest in sharing information with Parliament or the population. Terrorism is defined as technique increasingly used by religious extremists and/or nationalist movements as part of a set of forms of violence directed primarily at civilians. The individuals who make up the ranks of these groups are young people who do not find their place in modern societies, unable to insert productively into society because of their low financial income, and sometimes need to legitimize semi-criminal activities through which they derive their benefits. These young people who would find themselves in a gap between tradition and globalization, in which they cannot clearly recognize their space and their social roles. Terrorism is seen by Kaldor as a form of Regressive globalization.

Transnational terrorist groups use the technical amplitude provided by globalization, that is, they use the media such as television and the internet to share in their ideology, tactics, and strengthen their organizations. To Kaldor (2003), transnational terrorist groups have four main characteristics:

A) Their goal is political power, generally aiming towards controlling the State.

B) Groups see themselves as opponents of modernity.

C) Emphasis on the need to regenerate and unify a corrupt society.

D) They believe to be part of a great war against the other<sup>3</sup>:

To sum up, contemporary terrorism is not only directed against targets indicated as strategic of the opposing state and is a complex phenomena that draws from vulnerabilities of technologically globalized world. It presents indiscriminate violence against anyone, not just state agents and such violence is not merely symbolic and likely to occur on what Kaldor (2003) calls the “black holes of lawlessness”, that is, places where a culture of violence is created. Aside from this first section introducing terrorism in the XXI century as a complex phenomena, the this paper will proceed as follows. The new section frames the issue of anti-terrorism policies as a macrossecuritization process, drawing from insights of critical security studies. The third section describes and defines an important tactical change in the terrorist attacks, by which one can perpetrate such acts with causing considerable damage with limited resources. We label it “low cost terrorism”, provide descriptive data of this growing trend and briefly narrate some of these events that happened in European cities in the last five years. The fourth section reviews a recent literature in political science addressing a tradeoff between security and freedom in the context of democracies facing the challenges of crafting counterterrorism policies. The fifth section discusses Brazil’s counterterrorism policies relying on brief historical narrative and analysis of legislation, pointing out the tensions between the recently crafted framework and its potential uses for non-terrorism related activities, as well as highlighting its inadequacy to tackle “Low Cost Terrorism”. The last section concludes this paper and addresses some implications of our arguments.

## Anti-Terrorism policies as macrossecuitization process

Twentieth-century terrorism after World War II could be summarized

---

<sup>3</sup> The idea of the “other” acquires meaning not merely the other as non-self, but as someone who with whom groups do not share core beliefs.

according to the tactics that were used in each attack: the 1960s were the time of bombings, the 1970s were the time of airplane hijackings, and the 1980s and 1990s were the time of both. On September 11, 2001, however, something new happened in New York City when two commercial airplanes were used as missiles against two of the most famous buildings of the city, and another plane was deliberately crashed into the Pentagon in Washington, DC.

What did these attacks demonstrate to the world? Several answers to this question are possible, but we would like to stress that the primary objective of the terrorists was not only to spread fear among the American public, but to demonstrate that world's most powerful military power was vulnerable to attack from 'unexpected weapons'. Pandora's Box was opened on that morning, and counterterrorism became the most pressing issue on the international security agenda.

The extreme violence used by al-Qaeda in the 9/11 attacks mobilized the entire international community to question how such attacks were possible. The answer to that question can be analyzed if we understand what took place that morning. The terrorism of global reach differs sharply from previous terrorist attacks and other forms of violent struggle.

When we take into account the political environment, we have to regard the nonlinear relationship imposed by multiple scenarios, which means that we are analyzing different states, each one with its interests, regional and global status, population, and so on. The definitional problem of terrorism arises as one of the central issues in political science because the essence of this research question does not lie with the most familiar aspects of terrorism, like violence, tactics, and objectives, but with a broad understanding of the political sphere.

Terrorism is also related to the issue of weapons of mass destruction (WMD), as the technological capability to produce them does not exclusively belong to the great powers anymore, but has also been achieved by small and weak states and potentially non-state actors. This increases the difficulty of reaching a broad agreement about the definition of terrorism. It is necessary, then, to account for different political environments and the possibility of unpredictable scenarios.

The very process of defining terrorism after the 9/11 attacks can be characterized as troublesome because it started to embrace too many different types of violence that populated the imagination of the entire international community—biological, chemical, nuclear terrorism, to name a few. Since the possibilities of terrorism were boundless, the concept became as broad as possible. In that sense, what the US government called Global War on Terrorism (GWOT) could be considered as a part of a process of macrose-

curitization of a security issue on the global agenda. According to Buzan and Weaver (2009: 257), macrosecuritization can be understood as a securitization process on a larger scale, in which the level of aggregation is higher than the nation state:

Macrosecritizations are defined by the same rules that apply to other securitizations: identification of an existential threat to a valued referent object and the call for exceptional measures. The key difference is that they are on a larger scale than the mainstream collectivities at the middle level (states, nations) and seek to package together securitizations from that level into a "higher" and larger order.

They present a more inclusive logic and seek more decisively to convince the general public of the need to protect themselves from a threat. Examples are the GWOT, the Cold War, or global warming. One condition for processes of macrosecuritization is the availability of universalist ideologies. Buzan and Waever (2009) categorize four types of universalism, which function as a cohesive and inclusive element to occupy a privileged position in the global security agenda. 'Inclusive universalism's refers to beliefs on how to optimize the human condition (whether by religious means or not - for example, Liberalism, Marxism, Christianity, Islam). They are universalist in the sense that they apply to all humankind. In turn, those ideological beliefs that claim superior rights and status for one group over the rest of humankind are called 'exclusive universalism'. Examples include European imperial doctrines and Nazism. 'Existing order universalisms' are political claims about threats to one or more of the institutions of international society, which are universalist in the sense that they refer to the global level international social structure. 'Physical threat universalisms' have as referent object the physical future of the humanity, with potential damage on a global scale due to terrorism, nuclear weapons, infectious diseases, or global warming (Buzan and Waever 2009: 260-1).

To Bigo (2006), the post-9/11 international security environment is marked by the upsurge of electronic surveillance of individuals and the use of security rhetoric to legitimize practices of exception. It is a period, which reinforces a permanent state of exception or emergency, strengthening the discourse that the insecurity is the central feature of the global environment. One of the solutions that became spread out was the use of surveillance technology to prevent terrorist attacks, with the worrying downside of an potential harm to fundamental rights of privacy and human dignity (Bigo 2006, 49).

The riskiest consequence of GWOT (besides torture and preemptive

war) is the ongoing process of normalization which allows these emergency measures to be widely perceived as solutions to tackle security issues in the post-9/11 context (ibid, 63).

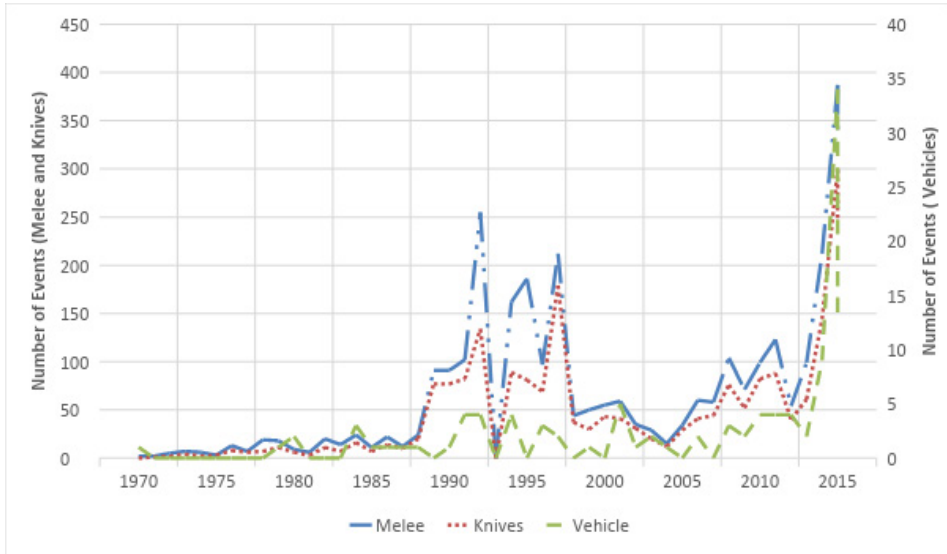
[...] to focus on governmental antiterrorist policies alone, on Guantanamo Bay and torture in Iraq or elsewhere, without seeing the relationship to the daily treatment of foreigners at the borders and the suspicion concerning any deviant behavior, is misleading. We need to insist on this normalization of emergency as a technique of government by unease, and on the success of the differentiation between a normalized population which is pleased to be monitored “against danger” and an ‘alienation’ of some groups of people considered as dangerous “others”. The surveillance and monitoring of the movement of each individual is growing, but effective controls and coercive restrictions of freedom are concentrated on specific targets. These targets are constructed as “invisible and powerful enemies in networks” and the narratives concerning these threats predate September 11 and even the end of bipolarity[...]

Drawing from insights provided by authors like Bigo (2006) and Buzan and Waever (2009), we can notice that terrorism is presented as an existential and perennial threat to the whole international system – according to the government of United States. Such securitization process, in turn, provides countries with considerable incentives for adopting counterterrorist policies that rest on exceptional measures (i.e. beyond the spectrum of democracy).

### *Low-cost terrorism: the threat of the invisible terrorism*

We have witnessed in the beginning of 21st century terrorist groups acting in the international arena using some combinations of well-known methods of attacks and organization (e.g) using fire arms, bombs, etc. However, Low cost terrorism means violent attacks which use a minimum amount of organization and technical requirements from the method or even from the perpetrator.

The consolidated databases on terrorism do not specifically classify events as “low cost terrorism”. Therefore, it is necessary to look for events that could be roughly included in our definition in order to have an estimate of the size of this problem. Graph 1 shows the number of terrorist attacks classified by the Global Terrorism Database (GTD) under three rubrics.



**Graph 1 – Number of Attacks of “Low Cost” terrorism (1970-2017)**

Source: Global Terrorism Database (2018).

Under the rubric “melee”, the GTD coded attacks perpetrated using knives and attacks perpetrated using vehicles as a weapon of choice (excluding, car-bombs). A melee attack targets people and does not involve a projectile in which the user and target are in contact with it simultaneously. The weapons used in melee attacks are usually blunt objects, hands, feet and fists, knives and sharp objects, rope and strangling device and suffocation (GTD Codebook:29). Vehicle attacks happen when automobile that is used in an incident that does not incorporate the use of explosives such as a car bomb or truck bomb (GTD Codebook:27).

In total, from 1970 to 2016, 3338 melee attacks took place, 307 in Western Europe, 60 in North America, 188 in South America, and 1160 in the Middle East and North Africa. The Global Database compiled 116 events for terrorist attacks perpetrated using vehicles, with a radical spike in the occurrence of such events: 50% of all attacks in this modality happened after 2013. 10 of these attacks happened in Western Europe, 12 in North America and 60 in the Middle East and North Africa. Such attacks still represent a small percentage of the total number of terrorist attacks documented since 1970 but it is important to stress both its growth tendency and the intense media coverage they have been receiving.

Aside from showing some aggregate data from a well known database of terrorist events, the approach we have chosen to advance our argument is to demonstrate the relevance of the concept of low cost terrorism by examin-

ing more closely the recent attacks in western developed democracies, which have received tremendous attention from news outlets. Let us analyze, albeit superficially, the attack on the Charlie Hebdo newspaper.

Brothers Said and Chérif Kouachi killed 12 people on January 7, 2015, at the headquarters of the French satirical newspaper in Paris. Among the victims were the director of the publication, some of that country's most renowned cartoonists and two police officers. The Kouachi brothers were French of Algerian origin, orphans, who grew up in an educational center in Treignac, in the Limousin region of central-western France. Both Said and Chérif, accused of the acts against the headquarters of Charlie Hebdo, were part of a group of young French Muslims indoctrinated during the 2000's in Paris.

Another emblematic recent case of terrorism was the actions that resulted in 129 deadly victims in Paris, just ten months after the attack on the satirical newspaper Charlie Hebdo. The terrorists carried out a series of attacks on the French capital, killing more than 120 people, 70 at the Bataclan concert hall. The investigations reached the terrorists who were between 20 and 31 years old, most of them of European nationality. In addition to the Bataclan, the bombers attacked caused explosions in the vicinity of the Stade de France, north of Paris, in which there was a friendly game between the French and German team. The Bataclan terrorists were killed during the police raid, but more than 100 people had been held hostage, and 70 of them were killed.

The forms of grooming have taken on new contours since the launch of the Telegram application, which has an encrypted messaging system that has gradually become the preferred platform for members of terrorist groups such as the Islamic State. Previously the online actions of terrorists have come up against barriers imposed by censorship on violent content on platforms such as Facebook, Twitter, and YouTube. In this sense, the Russian-based app has helped to facilitate contact between those who co-opt and possible new jihadists thousands from miles away.

Another factor, equally crucial, beyond the platforms used, is undoubtedly what Farhad Khosrokhavar (2015)<sup>4</sup> calls "charisma at a distance". To that end, the presence of a convincing and popular leader is enough. In at least eight cases between 2016 and 2017 perpetrators used their vehicles as weapons. These include attacks in cities like Edmonton, Barcelona, Paris, Stockholm, London, Berlin, New York and Nice. In all of these cases, there seems to be a pattern of violence: the use of automobiles as a way of carrying

---

4 French-Iranian Sociologist, researcher at the Fondation Maison des Sciences de l'homme – FMSH. Paris.

out terrorist acts. Such attacks are relatively low cost and almost impossible to prevent, as agglomerations of people are a part of everyday life and so is the use of automobiles. Although this terrorist tactic is not exactly something new, its employment is a growing reality in the international scene. In an era where diffusion of information happens at the speed of light – and so does recruitment for terrorist groups – it is fair to expect that such attacks will keep happening, as their occurrence might fuel others. This trend, we argue, will be reinforced in the future years as counterterrorist policies enforce since 9/11 have substantially restricted the means by which individuals can perpetrate terrorist actions. For instance, it is considerably harder to take control of planes or be in a position to set an explosive device where there are large agglomeration of people.

## Tradeoff between freedom and security

A recent literature in political science has been trying to assess empirically the causes and effects of counterterrorist policies and their relationship with democracy. In an analysis for the period between 1990 and 2010, Chenoweth (2012) shows that Terrorism is a phenomena prevalent in democracies and it has increased on “anocracies”. On review of the literature on the relationship terrorism and democracy, the author has highlighted that “If there is a common message emerging from recent research, it is that a country’s best defense against terrorism is to enhance its legitimacy, not only through democratic practices but also through genuine liberal practices both at home and abroad”(Chenoweth 2013:375). Ash (2016) shows that democracy and representation might be a way to deal with terrorism in the long run because it galvanizes political actors and creates broad consensus to fight these threats. The problem then seems to be when democracies adopt illiberal practices.

Review of cross national quantitative evidence shows that occurrence of terrorist attacks weakens civil liberties and political rights considerably in democracies. The effect of terrorist attacks on weakening democracy is more preponderant in less consolidated democracies, but a word of caution is necessary in comprehensive counterterrorism policies, as there is always the possibility of generating a pervasive effect in for democracy (Hunter 2016, 187).

Potential solutions to the pressing problem of dealing with international terrorism while balancing interests of national security and individual rights are vary from not adopting such intelligence gathering practices at all to ignoring individual rights in the name of “protecting the realm”. And intermediate solution is building up solid judicial institutions that apply pro-

portionality on a case by case bases evaluating the merits based on need and evidence (Lowe 2016).

Aside from the tradeoff between security and freedom, states should then identify principle to establish and ethical approach to intelligence gathering. There, the methods, the context and the target need to be evaluated to navigate between privacy and security (Walsh and Miller 2016). Garcia and Geva (2016) empirically assess the tradeoff between liberty and security in the United States using experimental evidence. The authors provide evidence that the public is more willing to accept greater reductions in civil liberties under a greater threat of terrorism only when the perceived effectiveness of those policies to prevent future acts of terrorism is high.

Attacks that can happen anywhere under the premise that perpetrators do not need resources or high levels of organization imply a substantial rise on the sense of uncertainty about the occurrence of such attacks. The literature points to a debate on prioritizing security over liberties in the context of security threats, states are compelled to enact security policies that prioritize surveilling individuals within their territories in order to prevent the occurrence of attacks. The endpoint of this process is the system of states normalizing practices of surveillance and exception by which control is a priority of security policies.

## Counterterrorism Policies: the Brazilian Case<sup>5</sup>

How about the potential Brazilian responses to the terrorist threat? When analyzing the concept of terrorism and its frequent use in the international political environment, it is necessary to emphasize that its importance has risen considerably. One could thus say that terrorism has gone through a process of securitization. This process in South America is marked by the absence of a precise definition of terrorism, which makes room for the flexible use of this political concept, allowing the states to give it the meaning that is best suited to their political interests. Brazil's counterterrorist policy, by way of an "anti-terrorism" law was only passed in 2016.

In order to understand Brazil's delay in reacting to such "Macro-securitization process", one needs to acknowledge the meaning of the terrorism in South American countries. Terrorism has had a unique character in South American politics, especially during 1960s and 1970s. During this period, both state and non-state actors used tactics to employ political violence.

---

<sup>5</sup> This section is an updated version of our previous writings. For a more detailed version of the adoption of counterterrorism policies in Brazil, see Suarez, Brancoli, and Acácio (2017)

After 1959, year of the Cuban Revolution, and in the context of the Cold War, the government of the United States was keen in lending systematic support to the rise of right-wing military regimes in the Americas. Terrorism in South America was mainly meant, on this key, state terrorism, by which authoritarian regimes repressed brutally the citizens they regarded as political opponents. In this context, resistance groups against the military regimes emerged. Examples include MR-8 and ALN in Brazil; the Montoneros in Argentina; the Tupamaros in Uruguay; the MIR in Chile; the FARC and ELN in Colombia. These groups were regarded as terrorists by the governments of such countries while they might have been called insurgents or guerrillas abroad.

In Brazil, the securitization of terrorism occurred in a complex manner. This is especially true if one takes into consideration Brazilian history and the ambiguity with which the term 'terrorism' was used in policy and law. During the period of the military dictatorship that ruled the country from 1964 to 1985, 'terrorists' were members of left-wing armed groups who opposed the government. The government carried out major armed campaigns against 'terrorist' groups both in urban and rural terrain. In this sense, the military labeled national groups opposing the regime as potentially destructive elements of society, an 'existential threat', and employed the armed forces against them despite their status as citizens. Actions against these groups were characterized by disregard of fundamental human rights. The existence of those 'enemies of the motherland' constituted a state of exception in which the military confronted the opposition by means of torture, unlawful killings, and disappearances. The discursive annexation of 'terrorist groups' thus authorized state agents to operate through extremely coercive measures.

This historical detour is insightful to explain why the Brazilian Constitution of 1988, approved after the military left power, condemns acts of terrorism, without actually defining what they actually are. The new civilian government wanted to repeal the discursive uses of domestic terrorist threats by the previous regime, while also distancing itself from the human rights violations committed in the past. Additionally, part of the new political elite (left-wing politicians, journalists, lawyers and social activists) was arrested under terrorism charges during the dictatorship and are very careful in referring to this term to frame any violent behavior.

The post-9/11 context in Brazil is unique for three specific reasons. First, Brazil sought to increase its projection in the international system. Second, the macrosecuritization of terrorism as a global threat. Third, the consolidation of Brazilian democracy and the lack of legitimacy of an anti-terror framework that was created during the authoritarian regime. After the 11

September 2001 attacks, legislative panic swept many countries, and under the guidance of the United States' Global War on Terrorism efforts, criminal laws were changed to give strong responses to terrorism. As a result of this process, even countries that had never been victims of terrorist attacks adopted draconian laws against terrorism. By all indications, Brazil faced a very complex problem to try to respond to international demands for an anti-terrorist framework. The country needed to update its policy, legal and strategic perspectives to handle the situation of being a potential target for major terrorist attacks. Lafer (2003) provides an overview of the Brazilian status in the midst of the rapid adjustments that the securitization process of terrorism as a global threat required in the post-9/11 context. In this period, Brazil quickly adopted a set of international standards. The country bandwagoned this global process of securitization of terrorism in a mimetic way. It must be pointed out that the country did so without having a profound domestic debate that would allow an adaptation of the international norms to Brazilian domestic and foreign policy goals and interests. Domestically, Brazil at first resisted the pressures to adopt new anti-terrorist legislation and did not succumb to the trend of using terrorism as a justification to restrict individual rights. Immediately after 9/11, Brasilia managed to express its rejection of the attacks against civilians, while at the same time it kept its distance from the US-sponsored GWOT. Washington repeatedly asked Brazil for support to deal with individuals suspected of being part of Islamic terrorist groups in the its shared border with Argentina and Paraguay. Besides illicit activities, the biggest issue there is that the area is home to a growing Muslim population of about 30.000 – about 10% of the local population –, mostly of Syrian and Lebanese origin. This caught the attention of US security policy after 9/11. The Bush administration argued that members of the Lebanese Hezbollah group operated in that area without control. In this sense, we agree with Villa (2014) when analyzing the impact of the macrosecuritization process carried out by US foreign policy on South America. Yet, the refusal of the Brazilian government to label such groups as terrorists demonstrated that the country was not completely entangled in the US sphere of influence.

Brazil's Federal Constitution (article 4, paragraph VIII) names the condemnation of terrorism as one of the principles governing Brazil's international relations, and Brazil has a significant participation in international counterterrorism instruments. The need to absorb international counterterrorism legislation is undisputed. On 19 February 2001, Brazil adopted via decree the UN Security Council Resolution 1333, passed in 2000.<sup>6</sup> The coun-

---

6 The UN Security Council Resolution 1333 from the year 2000 was, among other penalties, aimed at blocking the financial and organizational resources of Osama bin Laden.

try also moved firmly in the fight against money laundering, corruption and criminal organizations. While Brazil repudiates international terrorism, it has an extremely cautious stance on the use of military force to address such threat, highlighting the need for peaceful resolution of conflicts and addressing economic and social “root causes” of the phenomena.

The Brazilian Constitution does not offer a definition of terrorism, and the development of specific domestic legislation on the issue of terrorism has largely been irregular or unclear. Brazilian laws that had some anti-terrorist content were the ones passed during the authoritarian period and its the chief example is the National Security Law 7.170/83, which allows for sanctions against terrorist acts. Initially, no changes were made in reaction to 9/11 and Brazil refrained from creating a legal framework to deepen counterterrorism.

The transformation in Brazil’s legal framework to address terrorism had its roots in the country’s substantial economic growth, after the election of President Lula da Silva (2003). Brazil benefited from rising commodity prices and China’s economic growth, taking advantage of the financial wind-fall to try to drum up symbolic capital in the international arena. It is mainly due to these developments that the country started to host a series of major events, including the Environmental Conference Rio + 20 (2012), the Soccer World Cup (2014) and the Summer Olympics (2016).

The intention to internationalize the country by hosting international delegations with an increasing frequency clashed with a lack of operational capabilities to deal with the threats that such events eventually lead to. The absence of Islamic terrorist attacks in the country meant that the military and national security agencies did not possess expertise or structure to deal with terrorist acts. Also, as mentioned before, the very speech act of naming ‘terror’ a threat made some sectors of the society recall the criminal actions of the military dictatorship, which increased the political cost of changes in security policy with regarding terrorism. Two events exemplify the problem of denominating situations of violent upheaval: In 2006, PCC, a criminal organization in São Paulo, undertook attacks that ended up killing 86 people; in 2010 attacks by the Red Command gang in Rio de Janeiro were also regarded as ‘terrorist’ by parts of the public opinion. The institutional response, however, has always been not to treat those events as terrorism, but as common crime.

The security forces’ response to the Brazilian protests in June 2013 was particularly violent<sup>7</sup>. During these events, young people in several cities

---

<sup>7</sup> Even the UN Human Rights Council expressed concern about the Brazilian security forces’ turn towards more repressive practices. On 10 June 2015, an addendum to the Report of the Special Rapporteur on the right of freedom of peaceful assembly and of association (UN Human Rights Council 2015) referred to the episodes of political violence: ‘The Special

resorted to the strategy of closing off large avenues as acts of social contestation. Images of the Military Police of Rio de Janeiro using excessive violence against protesters quickly spread on the internet, which encouraged certain segments of the protesters to also operate violently. The manifestations were accompanied intense debates in public opinion, with the front pages of newspapers filled with pictures of protesters attacking banks and buses. Conservative politicians and the press began to employ the word 'terror' to describe those actions.

Meanwhile, some international bureaucratic structures that had gained strength during the Bush era continued to exert influence over countries to prioritize counterterrorism on their security policies. One of these structures is the Financial Action Task Force (FATF). That group, created to improve international cooperation in combating money laundering, gained super powers in 2001 to be also responsible for financial measures to combat terrorism. The FATF makes a number of recommendations and publishes a blacklist of countries that do not implement them. Being on the blacklist can seriously affect the credit of a country. During the Lula administration, FATF bureaucrats tried to pressure Brazil to create specific legislation to criminalize terrorism.

The combination of external pressures for an anti-terrorist framework for the mega-events and conservative forces' discourse against the protests ultimately made the country update its anti-terrorism law. In this process which one can define as a securitization bandwagon, Brazil started to accelerate the development of its legal framework on anti-terrorism through Presidential Decree 7606 of 17 November 2011. This piece of legislation expressed the Brazilian commitment to fight terrorism and to implement Resolution 1989 of the UN Security Council, adopted in 2011<sup>8</sup>. The process became more narrowly focused on domestic security threats after the June 2013 protests. In the case of Rio de Janeiro, then Senator Crivella proposed bill 728/2011, which sought to increase security by limiting access to areas around the stadiums for the Confederations Cup and World Cup matches to those individuals who had tickets. This bill was not approved, among other things because of the vagueness of the concepts used.

---

Rapporteur remains disturbed by allegations of excessive use of force by the police against peaceful protestors in a series of assemblies and at the allegations of mass arrests of individuals aimed at intimidating critics and discouraging participation in public demonstrations.'

8 This Resolution reaffirms an extensive set of earlier counterterrorism resolutions: 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and 1988 (2011).

On the national level, the bill 2016/2015 was a first attempt to establish a definition of the crime of terrorism in the country. It is highly controversial and was subject to numerous modifications. In its original version it characterized terrorism as follows (Brazilian National Congress 2016):

Terrorist organizations are those whose preparatory and executory acts occur for ideological and political reasons, for reasons of xenophobia, discrimination or prejudice based on race, color, ethnicity, religion or gender, and whose purpose is to cause terror, endanger people, property, public safety or public peace, or coerce authorities to do or not to do something.

When the bill afore mentioned was finally approved by the Brazilian Congress – and after considerable societal pressure - it eliminated from its content ideological and political reasons among the motivations for terrorism. There was considerable controversy about what would be considered acts of terrorism, especially since the law project listed a number of tactics frequently employed by demonstrators, such as sabotaging or seizing control of the means of communication or transport, ports, airports, railway or bus stations, hospitals and places that carry out public services. The contested nature and fragility of the concepts used is also manifest in the exclusionary clause foreseen in the third paragraph of draft bill 2016/2015, which stated that certain types of political activity could not be classified as terrorism. This brings to light the problem of vagueness in the definition of terrorism. This article was vetoed by then President Dilma Rousseff on sanctioning the law.

Terrorist acts are defined by Brazilian law as “use or threaten to use, carry, store, carry or carry explosives, toxic gases, poisons, biological, chemical, nuclear or other means capable of causing damage or causing mass destruction” (Brazilian Government, 2016).

Additionally, the language to define terrorist acts as potentially disruptive to critical infrastructures of the country was kept, as a terrorist act means to “obstruct the operation or seize, with violence, serious threat to the person or using cybernetic mechanisms, full or partial control, even temporarily, means of communication or transportation, ports, airports, railway stations health facilities, schools, sports stadiums, public or local facilities where essential public services operate, power generation or transmission facilities, military installations, exploration facilities, refining and processing of oil and gas, and banking and your service network” (Brazilian Government, 2016). The penalties imposed, pending on the violation, range from five to thirty years in Prison and fines to be established by a judge.

It is important to highlight that the definition of terrorism adopted by

Brazil's current anti-terrorism law is already outdated to deal with actions that would fit the description our definition of "Low Cost Terrorism". If an individual, motivated by political reasons decides to stab someone or drive a car into a crowded area such as in the attacks briefly narrated in the in this paper, that is simply not considered a act of terrorism under Brazilian law. Perpetrators would have to be trialed under other articles of Brazil's penal code.

The anti-terrorist law 13.260 of March 2016<sup>9</sup> clearly responded to the urge to tackle 'international terrorism' as the 2016 Summer Olympics approached the horizon. At the same time, it leaves sufficient definitional gaps that open the possibility of its application to domestic groups and social protest. There is an excess of emergency discourse in this context. The speech act of pointing to protesters as terrorists ultimately authorizes a series of emergency measures. By understanding the process of securitization as the displacement of a broad political process into a political agenda dominated by security discourse, one can consider that Brazil is belatedly adhering to the macrosecuritization process described by Buzan and Waever (2009).

## Conclusions

When democracies need to address the threat of terrorism, they must also reflect carefully about the implications that the application of such policies might have for the necessary protection of human rights of individuals that inhabit such territories. More often than not, counterterrorist policies grant the executive power with a heavy dose of discretionary power under the premise that in the tradeoff between security and freedom the former trumps the latter. With low cost terrorism on the rise, the international community has limited alternatives other than boost efforts on surveillance of individuals and information-sharing, possibly with limited effectiveness – as it is virtually impossible to prevent attacks that rely employ tactics such as an individual pulling a knife or racing a vehicle on an open crowd.

As we understand the implications of the growing threat of Low Cost Terrorism is, we will be able to clearly think and see what the issue is. Our point is to explore the new profile of some violent non-state actors, embedded in high-tech societies and how they use all possibilities to take technological advances against those societies.

Aside from this conceptual discussion, this paper has sought to contextualize Brazil's counterterrorist policies, briefly narrating how it was craft-

---

9 Available at [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2016/lei/l13260.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13260.htm), accessed June 8, 2018.

ed in a context of both macrosecuritization and domestic needs. The output of our proposed debate is that Brazilian state faces a permanent challenge of setting a legal framework to address the issue of terrorism without resorting to legal and political emergency measures. The ‘state of emergency’ environment that can be enacted by wrongful application of counterterrorist policies is a risk which Brazil incurs without having a profound debate about the issue of terrorism. There are potential problems of adopting a legal framework largely based on international norms and perceptions which are not adequate to new forms of terrorist attacks and that are not able to grasp a new kind of political actors perpetrating violence. Additionally, the vagueness of concepts in the laws adopted might create a gray area in which social protest – which is entirely reasonable in a democracy – could be framed as terrorists which is particularly troublesome in times of social and political unrest with which the country has had to deal with since 2013 and which include street protests, impeachment procedures of a president, military intervention in the public security of one of Brazil’s major states (Rio de Janeiro) and a general strike of truck drivers which caused major disruption to the flow of goods, people and the deliverance of public services in most of the country.

The process of securitization of international terrorism raised a broad range of issues with regards to its implementation by domestic legislation. In the case of Brazil, it can be seen that this process moved the adoption of anti-terrorist legislation onto the Brazilian security agenda. It remains to be seen whether it will leave further marks in the country’s institutions, particular regarding the future application of the recently created legal framework. As with regards to Low Cost Terrorism, Brazil’s belated adoption of anti-terrorist laws is largely unable to address such problems and if they happened in Brazilian soil the courts in the country would probably have to trial perpetrators for other common crimes present in Brazil’s penal law.

## REFERENCES

- Ash, Konstantin. 2016. “Representative Democracy and Fighting Domestic Terrorism.” *Terrorism and Political Violence* 28 (1): 114–34. doi:10.1080/09546553.2014.880836.
- Bauman, Zygmunt. 2002. “Reconnaissance Wars of the Planetary Frontierland.” *Theory, Culture & Society* 19 (4): 81–90. doi:10.1177/0263276402019004006.
- Bigo, Didier. 2006. “Security, Exception, Ban and Surveillance.” In *Theorizing*

- Surveillance: The Panopticon and Beyond*, edited by David Lyon. London: Willan Publishing.
- Buzan, Barry, and Ole Waever. 2009. "Macrosecuritisation and Security Constellations: Reconsidering Scale in Securitisation Theory." *Review of International Studies* 35 (35): 253–76. doi:10.1017/S0260210509008511.
- Chenoweth, Erica. 2012. "Is Terrorism Still a Democratic Phenomenon?" *Uluslararası İlişkiler* 8 (32): 85–100.
- . 2013. "Terrorism and Democracy." *Annual Review of Political Science*, no. 16. doi:10.1146/annurev-polisci-032211-221825.
- Garcia, Blake E, and Nehemia Geva. 2016. "Security Versus Liberty in the Context of Counterterrorism: An Experimental Approach." *Terrorism and Political Violence* 28 (1). 2016: 30–48. doi:10.1080/09546553.2013.878704.
- Hunter, Lance Y. 2016. "Studies in Conflict & Terrorism Terrorism , Civil Liberties , and Political Rights : A Cross-National Analysis Analysis." *Studies in Conflict & Terrorism* 39 (2). Taylor & Francis: 165–93. doi:10.1080/1057610X.2015.1084165.
- Kaldor, Mary. 2003. "Terrorism as Regressive Globalisation." *Open Democracy*, no. September 23: 1–6.
- Khosrokhavar, Farhad. 2015. *Inside Jihadism: Understanding Jihadi Movements Worldwide*. London and New York: Routledge.
- Lafer, Celso. 2003. "A Diplomacia Brasileira e o Terrorismo." In *Terrorismo e Direito: Os Impactos Do Terrorismo Na Comunidade Internacional e No Brasil – Perspectivas Político-Jurídicas*, edited by Leonardo N. C. Brant. Rio de Janeiro: Editora Forense.
- Lowe, David. 2016. "Surveillance and International Terrorism Intelligence Exchange: Balancing the Interests of National Security and Individual Liberty." *Terrorism and Political Violence* 28 (4). Taylor & Francis: 653–73. doi:10.1080/09546553.2014.918880.
- Schmid, Alex. 2004. "Terrorism - The Definitional Problem." *Case Western Reserve Journal of International Law* 36 (2/3): 375–419.
- Suarez, Marcial A. G., Fernando L. Brancoli, and Igor D. P. Acácio. 2017. "Counterterrorism Policies in Brazil: A Securitization Syndrome?" In *Power Dynamics and Regional Security in Latin America*, edited by Marcial A.G. Suarez, Rafael Duarte Villa, and Brigitte Weiffen, 273–93. London: Palgrave Macmillan. doi:10.1057/978-1-137-57382-7.
- Villa, Rafael Duarte. 2014. "O Paradoxo Da Macrossecuritização: Quando a Guerra Ao Terror Não Securitiza Outras 'Guerras' Na América Do

Sul.” *Contexto Internacional* 36 (2): 349–83.

Walsh, Patrick F, and Seumas Miller. 2016. “Rethinking ‘ Five Eyes ’ Security Intelligence Collection Policies and Practice Post Snowden.” *Intelligence and National Security* 31 (3). Routledge: 347–70. doi:10.1080/02684527.2014.998436.

## ABSTRACT

We propose to study a tactical change into the violent political action of terrorist attacks: in addition to the car bombs and the attacks on public spaces performed by organized terrorist cells, attacks can growingly be pursued at a lower organizational and material cost. We propose to define such attacks as “low cost terrorism”, referring to recent events (Paris, London, Brussels, and Barcelona). Aside from the theoretical discussion and characterization of terrorism as a macrosecuritization process, we discuss Brazil’s anti-terrorist legislation in this context and highlight inconsistencies and inadequacies of the country’s to address the phenomena of terrorism, especially when referring to “low cost terrorism”.

## KEYWORDS

Low-cost terrorism, Brazilian anti-terrorism, Securitization.