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NOTES AND REFLECTIONS

SOVEREIGNTY AS CAPACITY, NOT CONSTRAINT: TRANSNATIONAL CRIMINAL GOVERNANCE AND THE U.S. DESIGNATION OF THE PCC AND CV. THE CASE OF PRIMEIRO COMANDO DA CAPITAL (PCC) AND COMANDO VERMELHO (CV) IN BRAZIL

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Introduction

On 28 May 2026, the United States designated Primeiro Comando da Capital (PCC) and Comando Vermelho (CV) as Foreign Terrorist Organizations (FTOs) under Section 219 of the Immigration and Nationality Act and as Specially Designated Global Terrorists under Executive Order 13224 (U.S. Department of State, 2026). The decision transformed an emerging policy debate into a concrete legal and diplomatic issue. It also revived a familiar question in Brazilian strategic thought: does the extraterritorial reach of foreign security law diminish national sovereignty, or can it expand the practical capacity of the Brazilian state to act against organizations whose networks cross borders?

The answer cannot be derived from the label alone. PCC and CV originated as criminal organizations and remain primarily profit-seeking rather than ideological actors. Yet both have developed capabilities that exceed the conventional image of localized gangs: territorial coercion, prison-based coordination, transnational trafficking links, financial intermediation, and the ability to disrupt public order. These developments matter because sovereignty is not exhausted by formal independence. It also depends on the state's capacity to enforce law, control coercion, protect the population, and regulate flows through its territory.

This article argues that foreign designation regimes can reinforce effective sovereignty only conditionally. They may increase access to financial intelligence, asset-blocking mechanisms, and cross-border prosecution. At the same time, an FTO designation can blur the analytical distinction between organized crime and terrorism, expose legitimate actors to broad compliance risks, and create friction when foreign measures are not coordinated with Brazilian institutions. The relevant contrast is therefore not sovereignty versus cooperation, but cooperative capacity versus unaccountable substitution.

The analysis proceeds in six stages. After setting out the methodological approach, it explains the legal effects and jurisdictional limits of the U.S. designations; situates PCC

and CV within the literature on criminal governance and territorial control; considers organizational adaptation and transnational expansion; evaluates the crime-terror nexus without equating criminal violence with ideological terrorism; and develops a framework of operational sovereignty and the safeguards required for bilateral cooperation. The conclusion summarizes the theoretical and policy implications.

Methodological Approach and Scope

This is an analytical and reflection article based on qualitative documentary analysis; it does not report original empirical research. The source base was selected purposively according to four criteria: legal authority, institutional reliability, scholarly relevance, and direct connection to the article's concepts or cases. Primary materials include the Brazilian Constitution, U.S. legislation, the official 2026 designation statement, and official security statistics. Secondary materials comprise peer-reviewed scholarship and academic books on sovereignty, criminal governance, organized violence, transnational networks, and the crime-terror nexus, together with reports from the United Nations system.

The analysis combines legal-institutional interpretation with a structured reading of the literature. Sources were used to distinguish three analytical levels: the formal legal effects of designation; the documented organizational and territorial capacities of PCC and CV; and the conditions under which international cooperation may enhance or constrain Brazilian state capacity. Preference was given to official or peer-reviewed sources, and claims not supported by judicial records, official investigations, or corroborated scholarship were treated as risks or hypotheses rather than established facts.

The article is not a systematic literature review and does not seek to measure the causal effects of the May 2026 designations, which remain too recent for robust outcome evaluation. Its purpose is interpretive and theory-informed: to clarify the relationship between foreign legal measures and sovereignty, identify plausible mechanisms and risks, and formulate conditions for sovereignty-enhancing cooperation. This scope limits causal inference but is appropriate for examining the immediate legal and strategic implications of a recent policy development.

To increase analytical consistency, the sources were read through a common matrix organized around authority, mechanism, exposure, and safeguard. Authority concerns the institution legally competent to classify conduct, obtain evidence, impose sanctions, or employ coercion. Mechanism identifies how a designation may produce effects, such as asset blocking, criminal liability for material support, compliance screening, or prioritization by enforcement agencies. Exposure concerns the actors and transactions that connect Brazilian criminal networks to jurisdictions, currencies, companies, or infrastructures affected by U.S. law. Safeguard refers to the domestic and bilateral controls required to preserve legality, proportionality, and Brazilian decision-making. This matrix prevents the analysis from treating diplomatic language, legal effects, and operational outcomes as if they were equivalent.

Legal and Institutional Framework

The U.S. FTO regime is grounded in Section 219 of the Immigration and Nationality Act. In general terms, designation requires a finding that an organization is foreign, engages in terrorism or terrorist activity as defined by U.S. law, and threatens the security of U.S. nationals or the national security of the United States (United States, 1952). One of its most consequential effects arises under 18 U.S.C. § 2339B, which criminalizes the knowing provision of material support or resources to a designated organization (United States, 1996). The parallel designation under Executive Order 13224 supports the blocking of property and interests in property subject to U.S. jurisdiction and facilitates financial sanctions.

These measures are foreign legal acts. They do not alter the legal classification of PCC or CV under Brazilian law, confer policing authority on U.S. agents in Brazilian territory, or displace Brazilian courts. Their immediate force is greatest within U.S. jurisdiction and in networks exposed to U.S. financial, commercial, immigration, or criminal-law controls. Because dollar clearing, correspondent banking, and multinational compliance systems have global reach, however, their practical effects can extend far beyond U.S. territory. This is an example of what Farrell and Newman (2019) call weaponized interdependence: states positioned at central nodes of global networks can use those networks for coercive or regulatory purposes.

The two designation instruments should also be distinguished. The FTO framework has criminal-law and immigration consequences, including the material-support prohibition, whereas Executive Order 13224 operates principally through economic sanctions and the blocking of property interests within the reach of U.S. jurisdiction. In practice, the combination matters because it joins prosecutorial risk to financial exclusion. Banks, insurers, logistics providers, digital platforms, and commercial intermediaries may adopt preventive controls broader than the minimum legally required. Such private compliance decisions can increase pressure on facilitators, but they may also affect parties whose connection to designated organizations has not been established in a court. The analytical issue is therefore not only what the law authorizes, but how regulated actors translate legal risk into operational restrictions.

The sovereignty question therefore has two dimensions. The first is formal authority: who decides, investigates, prosecutes, and uses coercive force within Brazil? The second is effective capacity: can Brazilian institutions trace assets, obtain evidence, arrest suspects, and disrupt networks operating across several jurisdictions? A foreign designation leaves the first dimension formally intact but may affect the second positively or negatively, depending on how cooperation is structured.

Brazil and the United States already possess formal channels for mutual legal assistance in criminal matters under the bilateral agreement promulgated by Brazil through Decree No. 3,810/2001 (Brazil, 2001). Such channels can reduce jurisdictional gaps when evidence, proceeds, suspects, and communications are dispersed across countries. They can also generate asymmetries. Information may flow unevenly; foreign compliance decisions may affect Brazilian individuals or businesses before domestic adjudication; and the terrorism label may encourage legal shortcuts inappropriate to ordinary criminal

conduct. For this reason, the designation should be treated as a tool within a negotiated framework, not as a self-executing substitute for Brazilian policy.

The mutual legal assistance framework provides a lawful route for requests involving testimony, documents, searches, seizures, and other evidentiary measures, subject to the procedures and authorities of each state (Brazil, 2001). Its relevance lies in converting political willingness into reviewable institutional action. Intelligence may identify a target or transaction, but intelligence alone does not necessarily satisfy the evidentiary standards required for prosecution or asset recovery. Effective cooperation therefore depends on a chain that connects actionable information, properly formulated requests, admissible evidence, judicial authorization where required, and subsequent enforcement. A designation can accelerate attention to a case; it cannot repair deficiencies in attribution, custody of evidence, or procedural legality.

The Colombian experience illustrates both the potential and the limits of external assistance. Plan Colombia combined security aid, counternarcotics measures, institutional support, and extensive U.S.-Colombian cooperation. It contributed to improvements in state reach and security capacity, but it also attracted sustained criticism concerning militarization, human rights, displacement, and policy dependence (Isacson et al., 2010; Tickner, 2007). It is therefore not evidence that external classification automatically strengthens sovereignty. Rather, it shows that outcomes depend on domestic ownership, institutional controls, policy design, and the distribution of costs.

Organized Crime, Violence, and Territorial Governance in Brazil

Brazil's security environment combines a long-term decline in some national violence indicators with persistent regional concentration and high levels of lethal violence. In 2024, the country recorded 44,127 intentional violent deaths, a rate of 20.8 per 100,000 inhabitants (Fórum Brasileiro de Segurança Pública [FBSP], 2025). The national decline is important, but aggregate improvement does not eliminate local environments in which criminal groups regulate everyday life, dispute territory, and challenge public authority.

PCC and CV differ in organizational history, internal arrangements, and territorial strategies. Treating them as interchangeable would obscure important variation. Even so, both demonstrate that contemporary organized crime may exercise forms of governance rather than merely conduct illicit transactions. In areas of entrenched influence, criminal actors may regulate retail markets, impose behavioral rules, punish residents, control access, and mediate disputes. Misse (2011) conceptualizes related processes through the commodification of political goods, while Arias (2017) shows how armed networks in Latin American cities can become embedded in political and social arrangements.

The differences between the organizations are relevant to the expected effects of designation. PCC is frequently analyzed as a network whose prison-based norms, distributed responsibilities, and commercial connections support coordination across distant locations (Dias, 2013; Feltran, 2010). CV emerged from a distinct historical and territorial environment in Rio de Janeiro, where armed control, factional rivalry, and

relationships within specific communities have played a prominent role (Misse, 2011). These are simplified analytical tendencies rather than fixed organizational essences, but they caution against a single enforcement model. Measures directed at transnational finance and brokerage may affect networked commercial functions differently from territorially embedded armed structures. The designation names two organizations, but operational policy must identify the particular actors, functions, and vulnerabilities present in each case.

Criminal governance weakens public authority through more than visible confrontation. It can change the incentives of residents, public officials, businesses, and service providers by making compliance with informal rules appear safer or more predictable than reliance on state institutions. This process may coexist with policing and formal administration rather than eliminate them completely. Arias (2017) demonstrates that criminal orders are often produced through relationships among armed actors, political networks, and communities, while Lessing (2017) shows that violence can be calibrated to influence enforcement. Consequently, territorial recovery cannot be measured only by arrests, seizures, or temporary occupation. It also requires durable access to justice, protection for witnesses, reliable public services, legitimate policing, and the reduction of opportunities for corruption and coercive brokerage.

Episodes of coordinated violence reveal another dimension of this capacity. The sharp increase in lethal violence in Ceará between 2016 and 2017 occurred amid factional competition and changing criminal alliances (FBSP, 2018). In January 2019, coordinated attacks in the state targeted transport, public buildings, and infrastructure. The strategic significance of such episodes lies not only in the number of attacks but in their signaling function: criminal organizations can impose costs on governments, synchronize action, and affect the routine provision of public services.

Lessing (2017) explains why criminal organizations sometimes use violence not simply to defeat rivals but to shape state behavior. This form of coercion remains analytically distinct from terrorism when it is driven principally by illicit-market incentives and bargaining over enforcement. Nonetheless, its effects can be political. Criminal violence may influence prison policy, policing choices, electoral behavior, and the population's willingness to cooperate with authorities.

A security issue becomes strategically relevant when its scale and organization exceed routine institutional management. Buzan's (1991) account of securitization helps explain why governments may move an issue from ordinary policing into exceptional security frameworks. Yet securitization is itself a political act and must be scrutinized. Describing criminal governance as a threat to sovereignty can mobilize resources and coordination; it can also justify disproportionate force or weaken procedural safeguards. The analytical task is to recognize the strategic challenge without allowing the category of national security to erase legal distinctions.

Organizational Adaptation and Transnational Expansion

The trajectory of PCC illustrates the evolution of a prison-based organization into a decentralized network capable of operating across territorial and functional domains. Its

internal divisions, commonly described as sintonias, coordinate areas such as finance, discipline, legal support, logistics, and external relations (Dias, 2013; Feltran, 2010). Decentralization can make the organization resilient: the removal of individual leaders does not necessarily dismantle routines, reputational mechanisms, or distributed operational ties.

Professionalization is not limited to weapons or tactical capability. Complex criminal networks require bookkeeping, communications, legal representation, procurement, transport, concealment, and money laundering. They may exploit legitimate companies and regulated markets to disguise ownership, circulate proceeds, and connect illicit revenue to lawful economic activity. The resulting interface between licit and illicit spheres complicates enforcement because the most important vulnerabilities may be found in corporate records, payment systems, logistics contracts, and beneficial-ownership structures rather than at street level.

This functional specialization also explains why organizational disruption should not be equated with the removal of prominent leaders. Networks can replace individuals when routines, trusted intermediaries, financial reserves, and access to infrastructure remain intact. Conversely, targeted action against apparently peripheral services may impose significant costs if those services are difficult to substitute. Financial investigation, corporate transparency, port integrity, customs cooperation, and analysis of communication and transport patterns therefore complement conventional policing. The potential contribution of the U.S. designations is strongest at precisely these transnational interfaces. Their limitations are equally clear: sanctions may displace activity toward less transparent channels, while aggressive pressure on one node can redistribute routes, partnerships, and risks without reducing the underlying criminal market.

Transnational expansion intensifies these challenges. Cocaine supply chains linking South America to European markets depend on ports, containers, maritime routes, brokers, and partnerships in transit jurisdictions. The UNODC (2023) documents the diversification and globalization of cocaine trafficking routes, including the strategic role of Atlantic connections. Brazilian organizations participate in this environment through flexible arrangements rather than necessarily exercising hierarchical control over every stage of the chain.

The distinction matters for policy. A monolithic-cartel model may lead authorities to overestimate centralized command and underestimate brokerage, subcontracting, and temporary alliances. Networked enforcement should therefore target functions and chokepoints: financial facilitators, corrupt access to logistics, document fraud, encrypted coordination, weapons supply, and cross-border laundering. Designation can assist with some of these nodes, especially those exposed to U.S. jurisdiction, but it cannot replace prison governance reform, territorial policing, prosecutorial capacity, or anti-corruption measures in Brazil.

The Crime-Terror Nexus: Convergence Without Equivalence

The crime-terror nexus provides a useful but easily misused framework. Organized criminal groups and terrorist organizations may share routes, financial services, weapons suppliers, document forgers, or tactical knowledge. Criminal organizations may also use spectacular violence, intimidation, and attacks on infrastructure. These similarities establish possible functional convergence; they do not by themselves establish equivalence of purpose, identity, or legal category.

The distinction between motivation and method is central. PCC and CV have historically pursued control of illicit markets, organizational survival, profit, and bargaining leverage. Terrorist organizations are ordinarily defined by the use of violence connected to political, ideological, or religious objectives, although legal definitions vary. The UNICRI (2024) accordingly treats the nexus as a range of relationships and overlaps rather than a claim that all organized crime is terrorism. Its framework supports case-specific analysis of cooperation, appropriation of tactics, and shared enabling systems.

A disciplined use of the nexus concept requires at least three separate questions. First, is there evidence of direct cooperation between identifiable organizations, or merely use of the same route, intermediary, or illicit service? Second, is the relationship sustained and organizationally authorized, or opportunistic and temporary? Third, does the observed convergence concern methods and resources, or does it extend to strategic objectives? These distinctions affect both legal qualification and policy design. A shared money launderer may justify a focused financial investigation without supporting a broader claim of organizational alliance. Similar attacks on infrastructure may reveal tactical learning without demonstrating ideological convergence. The evidentiary threshold should rise with the breadth and political consequence of the claim.The Tri-Border Area of Argentina, Brazil, and Paraguay has long attracted attention because smuggling, informal commerce, and cross-border financial flows can create opportunities for illicit actors (Amaral, 2010). Evidence of a permissive environment, however, should not be converted into an assumption that every criminal network operating there is linked to terrorism. Sound analysis requires identifying the actors, transactions, duration, and direction of any relationship.

Claims concerning the transfer of drone expertise or battlefield knowledge from external conflicts require the same discipline. Such adaptation is plausible, given the global diffusion of commercial technologies and online instructional material, but plausibility is not proof of an organizational program. Unless supported by judicial records, official investigations, or independently corroborated evidence, these claims should be framed as risks to monitor rather than established facts.

The 2026 U.S. designation thus creates a legal classification under U.S. law but does not settle the social-scientific debate. For analysis and policy, it is more precise to describe PCC and CV as transnational criminal organizations capable of criminal governance and selective tactical convergence. This formulation recognizes their strategic significance while preserving the evidentiary threshold needed to distinguish crime, insurgency, and terrorism.

Operational Sovereignty and the Conditions for Bilateral Synergy

The Brazilian Constitution identifies sovereignty as a foundation of the Republic (Brazil, 1988, art. 1). Article 4 combines principles that must be read together, including national independence, non-intervention, repudiation of terrorism, and cooperation among peoples. Article 144 defines public security as a duty of the state and a right and responsibility of all. The constitutional framework therefore does not establish a simple opposition between autonomy and cooperation. It requires public authority to preserve domestic competence while using lawful cooperation when necessary to protect society.

A capacity-based conception of sovereignty clarifies the issue. Formal sovereignty concerns recognized authority and juridical independence. Effective sovereignty concerns the ability to implement decisions across territory, institutions, and relevant networks. Krasner (1999) demonstrates that the practices associated with sovereignty have always contained exceptions, bargains, and inconsistencies. In a highly interdependent environment, absolute insulation may preserve the appearance of autonomy while reducing the state's practical ability to control transnational flows.

Operational sovereignty can therefore be evaluated through observable state functions rather than rhetorical assertions of autonomy. Relevant indicators include the capacity to define national priorities, initiate and direct investigations, protect sensitive information, obtain admissible evidence abroad, block and recover criminal assets, prosecute according to domestic law, and maintain legitimate presence in affected territories. Cooperation strengthens sovereignty when it improves these functions while leaving Brazilian institutions accountable for decisions made within Brazil. It weakens sovereignty when access to external capabilities becomes a substitute for domestic capacity, when foreign classifications determine Brazilian enforcement without independent assessment, or when the distribution of information and costs prevents reciprocal decision-making.

The U.S. designations can support Brazilian capacity in three main ways. First, financial restrictions may raise the cost of accessing institutions and intermediaries exposed to U.S. jurisdiction. Second, material-support investigations may generate evidence about facilitators located outside Brazil. Third, the designation may increase bureaucratic priority and encourage cooperation among agencies. These benefits are not automatic. Criminal networks can migrate to cash, alternative currencies, informal transfer systems, opaque companies, or jurisdictions with weaker enforcement.

The designations also carry material risks. Overcompliance may exclude lawful Brazilian businesses or communities from financial services. Broad material-support rules may complicate humanitarian, journalistic, academic, or legal activity. Intelligence asymmetries may allow foreign priorities to dominate the bilateral agenda. Most importantly, the terrorism frame may redirect resources from the institutional conditions that allow criminal governance to persist, including prison control, corruption, slow asset recovery, weak local protection, and uneven public-service provision.

International cooperation will strengthen rather than weaken Brazilian sovereignty when five conditions are met: Brazilian institutions retain operational and prosecutorial control within national territory; evidence is shared through lawful and reviewable channels; measures are targeted at demonstrable conduct and financial links; cooperation is

reciprocal and aligned with priorities defined by Brazil; and human rights, due process, and judicial oversight remain binding. Under these conditions, external tools supplement domestic authority. Without them, the same tools may create dependency, legal uncertainty, or political escalation.

These conditions can be translated into a practical bilateral agenda. Joint work should begin with agreed priority targets and clearly assigned institutional responsibilities. Requests for evidence should identify the intended judicial use and the legal basis for collection. Financial measures should distinguish designated actors and proven facilitators from sectors or communities exposed only through geography or commercial proximity. Periodic review should assess not only the number of investigations, arrests, or blocked accounts, but also evidentiary quality, assets effectively recovered, displacement to new routes, unintended effects on lawful activity, and the degree to which Brazilian agencies gained lasting capability. Such review would make cooperation adaptive and reduce the risk that exceptional measures continue without evidence of effectiveness.

The appropriate policy architecture is therefore layered. Domestic measures should focus on prison governance, territorial presence, witness and community protection, anti-corruption controls, beneficial-ownership transparency, financial investigation, and rapid asset recovery. Regional cooperation should address borders, ports, extradition, and shared criminal markets. Wider international cooperation should target global finance, maritime logistics, communications, and facilitators. The designation is potentially useful within this architecture, but it is not the architecture itself.

Conclusion

The 2026 designation of PCC and CV as FTOs and Specially Designated Global Terrorists should neither be celebrated as a complete solution nor rejected solely as an affront to sovereignty. It is a foreign legal measure with significant transnational effects. Its value for Brazil depends on whether those effects are incorporated into a strategy controlled by Brazilian institutions and directed at empirically demonstrated vulnerabilities.

The Brazilian case supports an operational understanding of sovereignty. State authority is weakened when criminal organizations regulate territory, coerce populations, penetrate lawful markets, and move resources across borders with limited constraint. Cooperation can strengthen sovereignty when it helps the state recover these capacities. Yet cooperation becomes sovereignty-eroding when it substitutes external priorities for domestic decision-making, bypasses legal safeguards, or treats contested analytical categories as settled facts.

The crime-terror nexus must therefore be used with precision. PCC and CV are transnational criminal organizations with governance capacity and the ability to employ politically consequential violence. Functional overlaps with terrorism may exist in tactics, logistics, or enabling networks, but those overlaps do not erase differences in motivation and organizational purpose. Maintaining this distinction improves both scholarship and policy.

A sustainable response combines domestic institutional strengthening with targeted international action against financial and logistical networks. Brazil should use the opportunities created by the U.S. designations while negotiating safeguards, demanding reciprocal intelligence value, and preserving exclusive authority over coercive action on its territory. Sovereignty, in this sense, is neither isolation nor passive legal status. It is the demonstrable capacity to govern, protect, decide, and cooperate on terms consistent with national law.

The principal implication is that the success of designation should not be inferred from the severity of the label. It should be assessed through verifiable changes in criminal access to finance and logistics, the quality of cross-border evidence, the recovery of assets, the resilience of Brazilian institutions, and the protection of lawful activity and individual rights. This shifts evaluation from symbolic alignment to institutional performance. It also preserves the distinction between recognizing the strategic gravity of criminal governance and importing a foreign legal category without domestic scrutiny. A sovereignty-enhancing strategy is thus selective, evidence-based, reciprocal, and subject to continuous political and judicial control.

Future assessments should compare these criteria over time and examine whether the designations produce durable disruption or merely short-term displacement. Particular attention should be paid to organizational adaptation, changes in financial intermediaries and trafficking routes, the conversion of intelligence into admissible evidence, and the institutional learning retained by Brazilian agencies. This research agenda would permit a more rigorous judgment once sufficient post-designation evidence becomes available.

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