

STRUCTURAL CHANGE AND DEMOCRATIC CONTROL OF INTELLIGENCE IN BRAZIL

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Structural change has been the main feature of the Brazilian intelligence sector since 1999. In order to evaluate the achievements, failures, and consequences of this structural change, this chapter will explore two separate paths simultaneously.

Regarding the first path, one must start searching for an explanation for the causal nexus between the processes of institutional transformation (i.e., organizational and legal changes) and degrees of democratic control. It is important to know how much the changes observed in a country are congruent with the nature of a political regime. It is similarly important to note how different levels of democratic control over intelligence activities are affected by these same empirically observed structural changes. The second path is also a rough one, because the information that exists regarding the aforementioned structural changes is varied and diverse. The intent in this chapter, then, is to show the processes that exist within the reformed Brazilian intelligence system and to analyze both their limits and their potential.¹ In order to do this, the chapter is organized into four parts. First, in this introduction, two general premises about intelligence are briefly stated, and the working hypothesis that bounds this work is specified. Next, I will discuss the nature of the present Brazilian political regime, as well as some indicators of the current level of the state's capability to conduct intelligence activity. Then changes in the organizational and legal framework of the intelligence system of this country throughout the period 1999–2005 will be presented. I will conclude with a brief and tentative evaluation of the impact of such changes on the level of democratic control and on the effectiveness of Brazilian intelligence services.

The first premise supposes the presence of intelligence services that are legitimate and effective as a necessary condition for a democratic

country to guarantee the safety of its citizens and to promote its public interests.² In this sense, intelligence services are an essential part— together with the military forces, the police, and the diplomats— of the bureaucratic apparatus of any state with minimal intentions of having autonomy in the international system.

The second premise is related to the inherent tension that exists between the requisites of security and the minimal procedural criteria of democracy, especially in the areas of defense, foreign policy, and provision of public order. Besides the problems that are common to democratic controls existing in other areas of the state's action, in the area of security there are specific tensions and difficulties that may be summed up in two dichotomies: state security versus individual security, and governmental secrecy versus the right to information. Obviously, these two dichotomies are not inherent only to developing countries or to those countries that have been through authoritarian regimes but also manifest themselves in the more established democracies.³

I consider, however, that the challenge in bringing intelligence services under democratic control and making them effective (and efficient if it can be known) in the so-called new democracies is particularly fundamental for democracies like Brazil. This is primarily due to the institutional and behavioral inheritance received from the previous dictatorship and the relative frailty of the state in these countries. The problem of democratic control over intelligence services is a part of the more general challenges associated with the solution of civil-military relations and of the building up of the state's capability.⁴

The working hypothesis that informs this chapter is that although the Brazilian political regime is comparatively democratic and consolidated, Brazilian total capability in the area of security is relatively low, which makes it harder to maintain both democratic control and the effectiveness of the new intelligence structures that were implemented after 1999. In the current phase of development in the country, a persistent vulnerability in terms of state capability tends to be detrimental for both the stability and the quality of democracy. Although the democratic legitimacy and the effectiveness of intelligence services are closely related, in the case of Brazil the present challenges related to the institutionalization of these services are more strongly related to effectiveness than to democratic control.⁵

THE BRAZILIAN POLITICAL REGIME:
DEMOCRATIC CONSOLIDATION?

I accept with reservations some minimum and necessary criteria that enable us to characterize a political regime as democratic: First, the leaders both of the executive power and of the legislative power are selected through periodic, competitive elections, which are considered clean by participants and external observers accepted by the candidates. Second, the political rights of voting and being voted for include the whole adult population. Third, basic political and civil rights (speech, organization, and physical integrity) of each citizen are not violated without the political and legal indictment of the governing leadership. And fourth, the elected representatives can govern without the tutelage of nonelected groups of power, be they military, of the business community, foreign governments, or any other groups of interest.⁶

Whether one agrees or not with such criteria, as far as Brazil is concerned there is a consensus in the literature about the democratic nature of the country's political regime.⁷ By the same token, in projects that use continual measurements of democracy instead of static classifications, such as the Polity Project of the University of Maryland or Freedom House's index, Brazil is evaluated as being strongly democratic.⁸

Although the duration of the Brazilian democratic regime has not yet gone beyond the threshold of twenty years of stability, as proposed in a study by Arend Lijphart,⁹ whether one considers the year of transference of a military president to a civilian one (1985) or the year of the first democratic direct election of the country's president under a democratic constitution (1989), the country is now closer to that threshold, and all prospective international evaluations of a political risk for a period of five years are consistent in stating that, in the case of Brazil, there is no possibility in sight of an interruption of the democratic process.¹⁰

Finally, the election itself of President Luiz Inácio Lula da Silva, known commonly as Lula, at the end of 2002 and the ascension into power in the federal level of the Workers' Party (PT—Partido dos Trabalhadores) has been pointed to as a sign of maturation and consolidation of the Brazilian democracy.

It is important to notice, however, that the criteria of classification mentioned in the beginning of this section are strictly procedural. This

implies a negative and/or weak conception of a democratic consolidation represented by the mere absence of backsliding. In other words, it is the external observation of behaviors of relevant collective subjects (civilian elites, various social groups, foreign governments, the military, etc.) and the empirical verification of the occurrence (or not) of a singular event (a violent interruption of the democratic procedures above defined). As Andreas Schedler and Guillermo O'Donnell correctly argue, consolidation measurement problems tend to become exponential if one adopts a "positive and strong" conception of consolidation, with more-demanding normative expectations of depth of the desirable characteristics of a democratic regime "with adjectives."¹¹

Whatever the case may be, the central point here is that the ability to establish control over intelligence services is vastly different, depending on the prior political regime. In this sense, it is fair to say that the structural changes that have taken place since 1999 in the Brazilian intelligence community should be consistent with the evaluation of the Brazilian political regime as a consolidated democracy. In order to assess that, those changes are presented in the next section.

BRAZILIAN INTELLIGENCE SYSTEM: STRUCTURAL CHANGE AND CONTROL

Having established the context in which recent structural changes have been made in the area of intelligence in Brazil, it is necessary now to look at these changes and analyze the problems of democratic control associated with the emergence of these new organizations and procedures. This will be done in four stages. Initially, I will summarize the most important legal changes to the Brazilian intelligence structure. Second, I will discuss organizational changes within the intelligence community that affect its control. Third, the priorities and thematic emphases over the last two governments will be examined. Finally, I will discuss the theme of effectiveness in the current Brazilian system, examining professionalization and resource problems.

Legal Framework for Intelligence in Brazil

The current framework of the intelligence sector in Brazil was established by Law 9.883 of December 7, 1999, through which the Congress created the Brazilian Intelligence Agency (ABIN) and instituted the

Brazilian Intelligence System (SISBIN). Legally, ABIN is considered a central agency of the system and is responsible for regulating the flow of information produced by the institutions linked to it. Enactment of this law not only reflected the weight of a tradition of very generic definitions about the legal mandate of intelligence agencies in Brazil but was also the result of several legislative initiatives presented by the leftist parties and by the government, internal negotiations in the executive, and pressure from civil society throughout the 1990s.¹²

In the first articles of Law 9.883, intelligence activity was defined as that which intends to "obtain, analyze, and disseminate knowledge within and outside the national territory on facts and situations of immediate or potential influence on government actions and decision processes and about the protection and security of society and the State." Equally generic, counterintelligence was defined as "the activity that intends to neutralize adverse intelligence." The specific content of the priorities and thematic emphasis of both activities was left to be defined by a national intelligence policy to be established by the president after hearing suggestions from the external control agency in Congress.

Initially quite slowly, but with a quickening tempo in the last few years, an important legal structure regulating intelligence activities has emerged in Brazil. For a comprehensive view of this legal framework, it would be necessary to analyze the Federal Constitution of 1988, as well as existing legislation that defines crimes against the security of the state and of individuals, regulates instruments combating crime (including telephone tapping), establishes the policies of information security and government secrecy, establishes the procedures for the control of public administration in general, and so on. Obviously, such a legal analysis is far beyond the possibilities of this text.¹³

That said, it is worthwhile to emphasize a number of decrees and administrative guidelines of the executive (e.g., that which in 2002 regulated the functioning of SISBIN), as well as some specific laws (such as the law defining a career path for the analysts of the intelligence system, approved in 2004) that have contributed decisively in shaping the activity in the sphere of federal government. Even considering that different organizations and functions of the Brazilian intelligence system receive more or less attention in terms of explicit regulations, it can be said that today Brazil has fairly developed legislation in the areas of intelligence and information security (see Table 6.1 for a list of the main legal instruments).

TABLE 6.1 BRAZILIAN FEDERAL INTELLIGENCE AND RELATED LAWS

Type of law	Number	Year enacted	Main focus	Comment
Constitution	Art. 5	1988	Freedom of expression and right to information	State security-related exceptions
Constitution	Art. 142	1988	Roles and missions of armed forces	External defense; uphold the Constitution and, by request of the constitutional government, keep internal law and order
Ordinary law	7.170	1983	National security	Passed under military rule; still in place. Congress is examining a bill (6.764/2002) dealing with crimes against the state and democracy
Ordinary law	8.028	1990	Termination of the National Information Service (SNI)	SNI was the powerful intelligence and security service of the Brazilian military regime
Ordinary law	8.159	1991	National archives policy	Main regulation regarding access to government files
Executive decree	4.553	2002	Information security	Security classifications and clearances
Ordinary law	9.034	1995	Use of operational means (i.e., technical surveillance) to prevent and repress crime	Some articles changed by Law 10.217/2001

TABLE 6.1 CONTINUED

Type of law	Number	Year enacted	Main focus	Comment
Ordinary law	9.296	1996	Judicial advance authorization for telephone interceptions	ABIN is not allowed either to ask for such an authorization or to engage in tapping operations
Ordinary law	9.883	1999	Establishes the Brazilian Intelligence Agency (ABIN) and the Brazilian Intelligence System (SISBIN)	Missions are defined in fairly general terms based on a broad definition of intelligence and counterintelligence
Complementary Law	97	1999	Establishes the Defense Ministry (MD) and the EO Defense General Staff (EMD)	MD structure and resources were detailed by Decree 4.735/2003 and Policy Directive MD 1.037/2003
Executive decree	3.695	2000	Establishes the Public Security Intelligence Subsystem (SISP)	SENASP/MJ as coordinator; Decree 3.348/2002 first defined ABIN as SISP central agency, but the Ministry of Justice was able to regain its coordinator role for the SISP
Executive decree	4.376	2002	Specifies SISBIN's organization and membership	Defines members of the SISBIN and its Consulting Council; complemented decree 4.872/2003
Policy directive, Ministry of Defense	295	2002	Establishes the Defense Intelligence System (SINDE)	Strategic Intelligence Department (DIE) of the MD as the central organ

TABLE 6.1 CONTINUED

Type of law	Number	Year enacted	Main focus	Comment
Ordinary law	10.862	2004	ABIN's Special Career Plan	Defines the information analyst career, from entry through training and advancement, until retirement; includes ethos and ethics requirements
National Congress's internal resolution	08	2000	Joint Commission for the Intelligence Activities Control (CCAI)	CCAI was established in 2000; as of December 2006, the Brazilian Congress had not approved the commission's internal rules

Organizational Changes in the Brazilian Intelligence System

With regard to the most important organizational changes that occurred after the establishment of ABIN in 1999, it is important to highlight at least four: subordination of the ABIN to the Institutional Security Cabinet (GSI) of the President of the Republic; the creation of the Joint Commission for the Control of Intelligence Activities (CCAI) and other control committees in Congress; regulation of the participation of the ministries in the sphere of SISBIN; and creation of two intelligence subsystems, the Public Security Intelligence Subsystem (SISP) and the Defense Intelligence Subsystem (SINDE). Figure 6.1 depicts the current Brazilian intelligence system.

In the case of subordinating ABIN to GSI, the government tried to justify this decision, made during the second term of President Fernando Henrique Cardoso (1999–2002), citing the need to guard the president from the daily managerial demands and the potential crises resulting from scandals and tensions inherent to the relation between intelligence and policymaking. In practice, the subordination of ABIN to GSI corresponded to a number of responsibilities that GSI had ac-

quired over time because of the trust the president had in General Alberto Cardoso (no relation). GSI became the main instrument for bringing together the flow of information from various federal agencies and the center for managing crises in internal and external security. Although ABIN is legally defined as *the* central agency of the intelligence system and, in practice, plays the role of *primus inter pares*, its subordination to the GSI increased the control of the decision makers in setting priorities and collecting and analyzing information, while at the same time reducing the ABIN's authority over the other participating agencies.

The second relevant structural development since 1999 was the creation in November 2000 of the Joint Commission for the Control of Intelligence Activities (CCAI) in the Congress.¹⁴ After eleven meet-

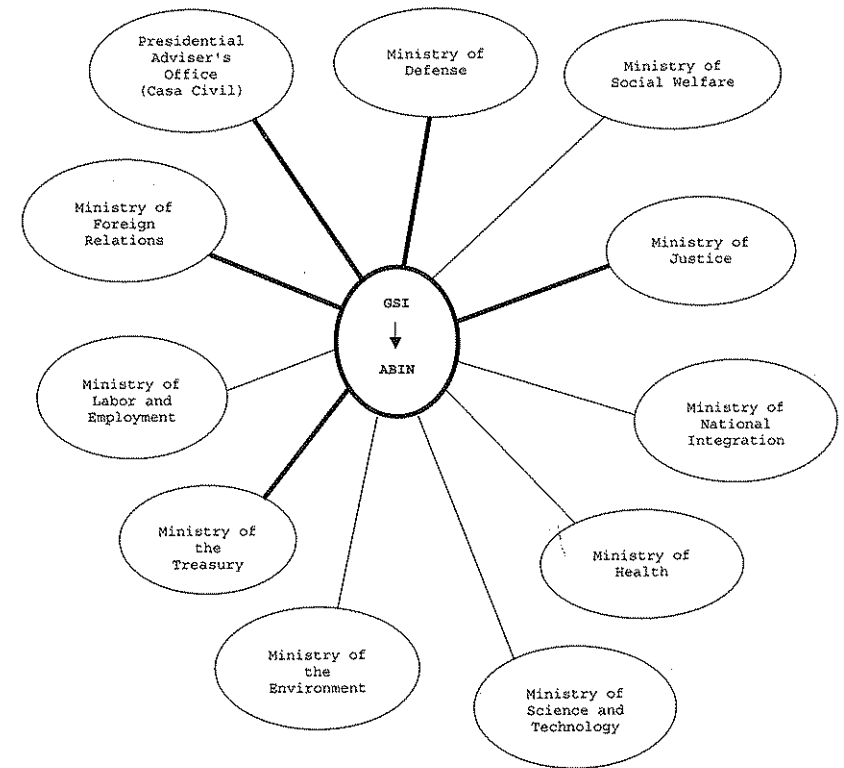


FIGURE 6.1. Brazilian Intelligence System. The bold rules link the members of the SISBIN Advisory Council.

ings up through July 2004, the CCAI faced enormous difficulties in carrying out its control functions. These difficulties result in part from the very institutional design of the agency—it is presided over each year in turn by the president of the Commission of Foreign Relations and National Defense of the Senate and the House of Representatives. But problems have also arisen because of a lack of technical resources and personnel. For example, the only employee of the Senate who specialized in intelligence and decisively contributed to the existence of the CCAI also worked to support several other commissions and different tasks of the heads of the Senate. From 2000–2003, parliamentary members of a center-left coalition presided over CCAI and carried out important joint initiatives with agencies of the executive. These included the first-ever seminar on intelligence control (which was actually broadcast to the public) and consultation with civil society in 2003 (another first) about the priorities of the National Intelligence Policy. In spite of this, as of July 2006, the CCAI still had not managed to get its bylaws approved by Congress, and the sporadic meetings and activities were overly occupied with reaction to scandals and accusations in the press, rather than intelligence control priorities.

In addition to CCAI, four other commissions have been established in Congress to support the control of intelligence activities: the defense commissions in both the House of Representatives (CREDEN) and the Senate (CRE); the Commission of Public Security against Organized Crime (CSPCC) of the House of Representatives; and the permanent subcommission of Public Security of the Commission of Constitution, Justice, and Citizenship in the Senate. With regard to budgets, monitoring intelligence is the responsibility both of the Internal Control Office of the President of the Republic and of the Union Accounts Tribunal (TCU).¹⁵

The publication of Executive Decree 4.376 in 2002 was an important step in outlining the organizational frontiers of SISBIN and represents the third important structural change in the Brazilian oversight regime. The spirit of the 1999 law was to incorporate not only ministries and agencies of indirect federal administration but also state and municipal organizations and even private companies and entities from civil society. By 2004, SISBIN was made up of GSI, ABIN, the Ministry of Defense, the Ministry of Foreign Relations, the Presidential Adviser's Office (Casa Civil—the agency responsible for managing the Amazon Protection System), the Ministry of Justice, the Minis-

try of National Integration, the Ministry of Science and Technology, Ministry of the Environment, Ministry of Health, Ministry of Social Welfare, as well as the Ministry of Labor. As can be seen in Figure 6.1, at least two ministries participate in SISBIN through three units or more (Justice and Defense), whereas the Ministry of the Treasury participates through both the Office of Tax Revenue and also in the Intelligence Unit of the Central Bank. Together with GSI and ABIN, these two ministries, along with the Ministry of Foreign Relations and the Presidential Adviser's Office (Casa Civil), make up the Advisory Council of SISBIN. Some organizational stability has been obtained in SISBIN in that each ministry has appointed a single person responsible for interaction with SISBIN.

Finally, it is important to highlight the establishment of two important intelligence subsystems in Brazil: the SISP and the SINDE.

PUBLIC SECURITY INTELLIGENCE SUBSYSTEM

The Public Security Intelligence Subsystem (SISP) was established in 2000 through Executive Decree 3.695 and is coordinated by the Public National Security Office (SENASP) of the Ministry of Justice. The main operational components of SISP are the Department of Federal Police (DPF) and the Department of Federal Highway Police (DPRF), in the Ministry of Justice, as well as members of the Ministry of Treasury (SRF, the Federal Revenue Secretariat; the Central Bank; and COAF, the Financial Activities Organizing Commission), the Ministry of National Integration, the Ministry of Defense (SPEAI), the Institutional Security Cabinet of the President of the Republic (ABIN and SENAD, the National Anti-Drug Secretariat), as well as the civil and military police of the twenty-six states and the Federal District.

Although defined as a subsystem of SISBIN, in practice the number of organizations involved in the police intelligence networks tends to transform SISP into a system only partially integrated to SISBIN, in spite of the participation of ABIN and other federal agencies in both advisory committees.

Through an unusual initiative in the first half of 2003, efforts to formulate a national plan of public security intelligence (PNISP) within SISP were under way. This was, unfortunately, interrupted. A policy such as this would have been essential for the country to fight organized crime and urban violence, which present the gravest threats to the security of citizens and to the state itself.

Generally, the SISP is not operating as effectively as it could be because not much has come from the potential to integrate the flow of information in the areas of criminal (internal) security intelligence, counterintelligence, and counterterrorism.

THE DEFENSE INTELLIGENCE SYSTEM

The Defense Intelligence System (SINDE) was formally established in June 2002, through an internal administrative decision within the Ministry of Defense (Regulation 295/MD). This subsystem was created to bring together intelligence components of the navy (CIM), the army (CIE), the air force (SECINT), the defense heads of staff (EMD-2), and the Ministry of Defense. The Strategic Intelligence Department of the Ministry (DIE-SPEAI), which is also responsible for representing SINDE in SISBIN and in the National Congress, is responsible for coordinating the SINDE effort. The intelligence service of each branch of the armed forces is subordinated both to the Ministry of Defense and to the offices and heads responsible for strategic and operational intelligence, though they each operate in a very decentralized manner.

The idea of "system" derives precisely from the idea of a whole that is maintained by the functional differentiation of its parts. Unfortunately, this is not the case with SISBIN, SISP, and SINDE. One reason is that the degree of hierarchical centralization that SISBIN carries out is low. Another is that all three systems tend to focus on either national issues or the operational aspects and bureaucratic imperatives of the organization itself, rather than focusing on areas or functions that they are best organized to support. I will come back to this issue later in the chapter. In the best of all possible worlds, the overall systems of intelligence have the potential of integrating vital informal flows and improving the security of the state and of citizens. In addition, the new comprehensive "systems" have simplified the process of external control, since they create more-focused points of interaction between a number of intelligence organizations, the interested politicians in the Congress, in the executive, and in society itself.

In summary, Figure 6.2 represents the relationship between the three systems, which, in my opinion is closer to the real dynamics of power and distribution of resources than the formally based idea that military and police intelligence are merely subordinated to GSI and ABIN through the SISBIN rules of operation.

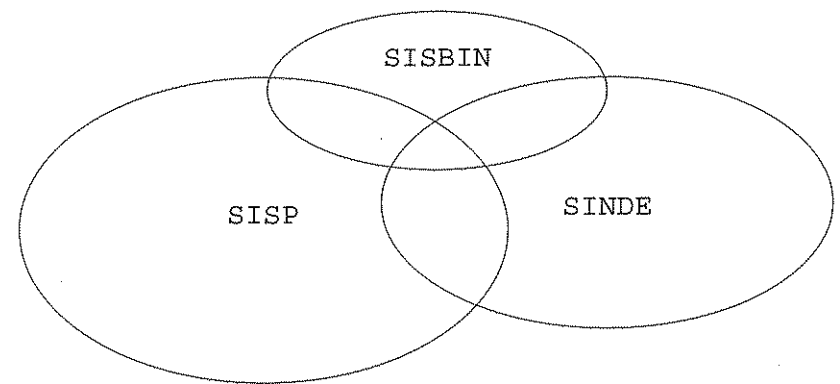


FIGURE 6.2. *The three intelligence systems in Brazil.*

Policies and Priorities in the Last Two Governments

According to the law that created SISBIN, intelligence priorities are established for the system as a whole, through both National Intelligence Policy (PNI) and annual guidelines. The executive branch, with approval from the Joint Commission of Congress, is responsible for establishing the PNI and annual guidelines. The current PNI was sent to Congress in May 2000 and approved by CCAI in November 2001, with some amendments. However, the PNI dealt mainly with procedures, limits, and responsibilities of the newly created SISBIN and provided little clarification about intelligence priorities.

A more precise indicator of intelligence guidelines may be found in public statements by heads of the intelligence sector during the second term of President Cardoso (1999–2002). For example, in the opening ceremony of a seminar held in the National Congress in November 2002, General Alberto Cardoso (then head of the GSI) mentioned several areas in which the intelligence agencies had made significant impacts on government decisions. Among the areas General Cardoso mentioned were the monitoring of separatist movements; the monitoring of answers to demands from social movements; land issues; the protection of the indigenous population; biodiversity and the environment; opportunities and obstacles to national development (mainly in areas of leading technologies and the use of natural resources); squatting (mainly in the Amazon region); the proliferation of weapons of mass destruction (in support to the Brazilian delegations and multilateral agencies); public security in the Brazilian states (in partnership

with SISP); the fight against transnational organized crime, drug, and weapons trafficking, and money laundering; the prevention of terrorism and monitoring the movements of members of international terrorist organizations; monitoring and evaluation of external conflicts (and their potential impact on Brazil); and monitoring actions resulting from Plan Colombia and their possible consequences in Brazil. General Cardoso also mentioned the implementation of the National Program for the Protection of Knowledge (PNPC) and the work of the Research Center for Safe Communications (CEPESC/ABIN), both of them very important for the initiatives of information security, cryptography, and counterintelligence in Brazil.¹⁶

Although there is not yet a similar public discussion of the full range of issues on intelligence work in the Lula government (2003–present), the Foreign Relations and National Defense Chamber of the Government has defined four main themes as priorities in 2003: public security and organized crime (including terrorism and illegal immigration); information security (including protection of sensitive knowledge); threats to national interests and opportunities, mainly in South America; and internal and external threats to the state and to democratic order.

In July 2004, President Lula gave a speech at the inauguration of the new ABIN director, Mauro Marcelo de Lima e Silva, in which he emphasized that the intelligence agency should once and for all put behind it the heritage from the past by strengthening its collective analytical capacity and the relevance of its products, an effort that clearly depends directly on professionalizing ABIN's employees.¹⁷ Undoubtedly, these are some of the challenges faced by the Brazilian intelligence services after the implementation of the current structural changes. A further difficulty is the allocation of the scarce resources to carry out an intelligence mission that has been defined in a very generic and vague way—according to the political crisis of the moment. This can be seen in the wide range of issues and the emphasis on internal security themes (which is rarely questioned). These two themes—resources and professionalization—need further comment.

Ongoing Difficulties: Effectiveness of the ABIN

The wider context of the difficulties of institutionalizing the new intelligence structures in Brazil highlights a lack of willingness of the political elites in the executive and legislative branches in dealing with

the problem of effectiveness in the services. In Brazil, effectiveness can be observed in professionalization of intelligence personnel and the state's capacity to develop these personnel. Professionalism can be observed in three categories: professional training and educational standards, a viable career path, and a code of ethics.¹⁸

PROFESSIONAL TRAINING AND EDUCATIONAL STANDARDS

In Brazil the federal government's intelligence organizations, both in the armed forces and in the civil sphere (ABIN, the Federal Police, the Treasury Ministry, and so on), maintain their own continuing education and refresher course centers for their collectors and analysts. The two best-known centers of this kind are ABIN's Intelligence School, which offers short courses and specific training to a number of other areas in the federal public administration, and the army's Intelligence School, which serves mainly the ground forces.

The curriculum at the ABIN school is primarily divided into two areas: intelligence methodology and a broader set of courses that include foreign language instruction. Overall emphasis is on the methods and techniques that develop specific abilities in the employees and that complement academic knowledge already acquired by these personnel (ABIN analysts are required to have a college degree). The focus of the curricula is on strategic intelligence rather than tactical intelligence, and great emphasis is placed on the employee's ability to analyze and summarize information, to think logically, and to work under pressure. Interestingly, a number of institutions devoted to the formation of professions for the federal administration (among them the Advanced School of Treasury Administration and the National School of Public Administration, to note just two examples) collaborate with the professionalization process at ABIN. In the case of the Escola Superior de Guerra (ESG), there is even an exchange on a regular basis, so some instructors from ABIN's Intelligence School instruct in the Advanced Strategic Intelligence Course at ESG.

ABIN also promotes symposia and gives courses to private and public companies about how to protect sensitive information, as occurs with the Financial Intelligence Course at the Federal University of Rio de Janeiro, as well as in a course given at the Brazilian Bar Association.

A VIABLE CAREER PATH

The existence of a professional career track in intelligence is very important in developing a cadre of officials to provide stability within the

intelligence services. In ABIN's present structure, two functional personnel categories have been created: the information analyst, which requires a university degree, and the information assistant, for which a high school diploma is necessary. The Special Career Plan of ABIN (Law 10.862 of 2004) defined the educational and promotion criteria for the intelligence career and also addressed retirement issues. The plan outlined intelligence personnel development in four distinct phases. The first phase is a Profession Familiarization Course, designed to qualify new candidates for specific assignments within ABIN. A second phase includes a three-year period in which the analyst must achieve qualification to become a part of the agency's staff and leads to a first functional advancement. After eight years at ABIN, selected personnel go to a Post-Qualifying Course, a third phase. Seven years after that they attend an advanced course, the fourth phase. The passage of this Career Plan law was a critical step toward greater professionalization of the Brazilian intelligence system.

CODE OF ETHICS

Defining the ethical standards of an intelligence organization is much more complex than doing so in other professions, such as dentistry or medicine. A survey administered to forty-seven permanent ABIN employees (twenty-five managers, twelve senior analysts, and ten intelligence analysts) set out to determine whether ethical standards did, in fact, exist within ABIN. Respondents were asked about the type of professional characteristics needed (in terms of personal qualities, attitudes, capacities, and intellectual abilities), the products of intelligence (nature of the information, kinds of problems), and the status of the profession (profile of tasks, degree of institutionalization, relations between decision makers and analysts).

Although the data collected were widely dispersed, information provided by the managers in particular offers a glimpse of the professional ethos being developed in ABIN. Not surprisingly, values pointed out as desirable by the managers were performance of lawful duties, tasks, and responsibilities. They also noted that the practice of "intelligence" must be carried out with sound judgment, security awareness, and impartiality. These respondents also saw intrinsic value in the search for "truth" as a basic element of analyst behavior, expected discretion when employees dealt with work-related issues, and presupposed that professionals would not make use of the information they have access to as public agents for private purposes. These

expressions of behavioral expectations on the part of intelligence professionals of the Brazilian government imply their adoption of a set of beliefs and values that guide attitudes and behaviors, contributing to the necessary confidence in personal and professional actions, even after they retire or leave intelligence service—in short, a code of ethics.

STATE CAPACITY TO DEVELOP INTELLIGENCE

It should also be noted that overall effectiveness of developing intelligence will partly depend on the relative importance that intelligence is given within the state. One way to view this is simply by reviewing the resources allocated to intelligence. As indicated in the introduction to the book, estimating government spending on intelligence is a difficult process and one that is prone to error. Roughly speaking, one may estimate the Brazilian spending on intelligence by adding the budget of ABIN to the sums that appear in the subfunction "intelligence and information" in all the units of the Ministry of Defense and the Ministry of Justice. The estimate derived in this way is \$63.6 million.¹⁹ While I recognize that the margin of error in the figure presented here is quite high, it does represent a reasonable estimate of intelligence spending. Relative to overall defense spending of about \$11 billion, this figure represents slightly less than 0.6 percent. The fact that so much of the budgets of defense, public security, and intelligence are committed to personnel and debts makes the challenge of professionalization even harder. As Dunning puts it, "in spite of the difficulties in estimating the relationship between input indicators and consequences, in terms of capacity, usually, most of the governments end up receiving the level of services they are capable of paying for."²⁰ In short, you get what you pay for.

In summary, overall effectiveness in the Brazilian intelligence system is improving because the professionalism of those individuals serving in the system is advancing. Effectiveness is, however, hindered by the state's relatively low interest in developing intelligence vis-à-vis other defense issues.

CONCLUSION

Brazilian structural reforms in intelligence have been mostly successful from the point of view of adapting to the context of a consolidated democratic regime. Even more, they are an important part of demo-

cratic consolidation itself. The question one must ask is whether the intelligence services are both under democratic control and effective.

In reviewing the control of Brazil's intelligence apparatus, one can say that democratic institutions are in place. The executive and legislative offices clearly have structures and procedures to define intelligence missions, review intelligence practices, and apportion funds. The establishment of the CCAI is particularly noteworthy. The fact that ethical standards have developed within the intelligence services themselves also speaks well to the degree of control the government has over the intelligence community. This is quite an accomplishment when one considers that the entire intelligence community has been redeveloped over the last fifteen years.

With regard to effectiveness, Brazil has created interesting structures in an attempt to coordinate and control intelligence in the two main integrating instances (the GSI itself and the councils of the three systems). Defining ABIN as the central agency of SISBIN is clearly important, but Brazil has gone a step further by incorporating into the system the most important civil ministries, such as the Presidential Adviser's Office and the Ministries of Justice and Foreign Relations. That the same structure is reproduced in the case of the intelligence system of defense, coordinated by the Strategic Intelligence Department of the Ministry of Defense, also speaks well of the intelligence services potential. Although in the case of SINDE, the degree of autonomy of the intelligence agencies of the three branches of the military may be considered excessive, it is in part neutralized by the very allocation of resources, mostly controlled by the civilian members of SISBIN.²¹

Development of a cadre of intelligence professionals with a viable career path and a professional ethic is clearly on the right path, though increased spending in this arena would be beneficial to effectiveness, as well as to control.

In the final analysis, it is fair to say that the intelligence services in Brazil are under democratic control. Their effectiveness, while on the right path, remains in need of further development.

NOTES

1. This text was developed from two previous essays published in coauthorship with Priscila Antunes: Priscila Antunes and Marco A. C. Cepik, "The New Brazilian Intelligence System: An Institutional Assessment," *International Journal*

of *Intelligence and Counterintelligence* 16, no. 3 (July–September 2003): 349–373; and Cepik and Antunes, "The Professionalization of Intelligence in Brazil: Knowledge, Career Path, and Values," in Russell Swenson and Susana Lemozy, eds., *Intelligence Professionalism in the Americas* (Washington, DC: JMIC Edition, 2003).

2. "Legitimate" in this context means that the intelligence services are under democratic control of elected officials.

3. *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks* (New York: W. W. Norton and Co., July 2004) highlights these issues; available at <http://www.gpoaccess.gov/911/>. See especially chaps. 11, 12, and 13.

4. The need for a stronger connection between intelligence studies and the area of civilian–military relations is pointed out by Tom Bruneau and Steve Boraz in the introduction to this book. For an excellent general view of these studies on civilian–military relations in Latin America, see David Pion-Berlin, ed., *Civil-Military Relations in Latin America* (Chapel Hill: University of North Carolina Press, 2001); Harold Trinkunas, "Crafting Civilian Control in Emerging Democracies: Argentina and Venezuela," *Journal of Interamerican Studies and World Affairs* 42, no. 3 (Fall 2000): 77–109; Ruth Stanley, "Modes of Transition versus Electoral Dynamics: Democratic Control of the Military in Argentina and Chile," *Journal of Third World Studies* 18, no. 2 (Fall 2001): 71–91; Samuel Fitch, *The Armed Forces and Democracy in Latin America* (Baltimore: Johns Hopkins University Press, 1998). For a useful comment on the different epistemic communities in the areas of intelligence and international relations, see Michael G. Fry and Miles Hochstein, "Epistemic Communities: Intelligence Studies and International Relations," *Intelligence and National Security* 8, no. 3 (July 1993): 14–28.

5. For Samuel Huntington, the level of institutionalization of a political system can be measured according to the following pairs of variables: adaptability/rigidity, complexity/simplicity, autonomy/subordination, and coherence/separation. If such variables could be unfolded into measurable indicators, it would be possible to evaluate empirically and comparatively the degree of institutionalization of specific organizations and procedures within a political system (such as the intelligence services). See Samuel P. Huntington, *A ordem política nas sociedades em mudança* (São Paulo: Forense/EdUSP, 1975), 24–25. For a more normative perspective, see Robert E. Goodin, ed., *The Theory of Institutional Design* (Cambridge, UK: Cambridge University Press, 1999), 39–43. Goodin offers some useful principles of an institutional design that might work also as parameters for the evaluation of organizations, rules, and procedures: revisability, sturdiness, sensitivity to motivational complexity, publicity, and variability.

6. With minimal differences in wording and emphasis, these are the same criteria proposed by Scott Mainwaring, Daniel Brinks, and Anibal Perez-Linan in "Classifying Political Regimes in Latin America, 1945–1999," *Studies in Comparative International Development* 36, no. 9 (2003): 1031–1067. Their criteria, in turn, derived from the concept of polyarchy proposed by Robert Dahl, *Polyarchy: Par-*

ticipation and Opposition (New Haven, CT: Yale University Press, 1971). These are procedural criteria, but while the first two components are relatively simple to measure in concrete situations, the two others are much more demanding in logical and empirical terms. For a recent discussion of such classification criteria of authoritarian regimes, see Barbara Geddes, *Paradigms and Sand Castles: Theory Building and Research Design in Comparative Politics* (Ann Arbor: University of Michigan Press, 2003).

7. See Adam Przeworski (series ed.), Michael E. Alvarez, Jose Antonio Cheibub, and Fernando Limongi, *Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990* (Cambridge, UK: Cambridge University Press, 2000); and Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-six Countries* (New Haven, CT: Yale University Press, 1999).

8. In the last *Country Report* available within Polity Project IV (2003), Brazil was classified as highly democratic (8 points on a 0-to-10 scale), and the last transition to democracy was placed as the year of 1985. Available at <http://www.cidcm.umd.edu/inscr/polity/>.

9. Lijphart, *Patterns of Democracy*.

10. See Peter Kingstone and Timothy Power, eds., *Democratic Brazil: Actors, Institutions, and Processes* (Pittsburgh: University of Pittsburgh Press, 2000). Also see Political Risk Services 2004, <http://www.prsonline.com>.

11. See Andreas Schedler, "Measuring Democratic Consolidation," *Studies in Comparative International Development* 36, no. 1 (Spring 2001): 66–92; and Guillermo O'Donnell, "Comparative Politics and Democratic Theory," *Studies in Comparative International Development* 36, no. 1: 7–36.

12. During the military regime (1964–1985) and in the first government after the transition (1985–1989), the National Information Service (SNI) was the central agency of a powerful state security apparatus. The central information agencies of the three armed forces (navy, army, and air force) received new names after 1990, and the SNI was disbanded by President Fernando Collor de Melo in that same year. For a review of this period and the legislative debates in the executive about substitutes for the SNI, see Priscila Antunes, *SNI e ABIN: Uma leitura da atuação dos serviços secretos brasileiros no século XX* (Rio de Janeiro: Editora da Fundação Getúlio Vargas, 2001); and Antunes and Cepik, "The New Brazilian Intelligence System."

13. For the complete Portuguese text of the Brazilian legislation, as well as follow-up of various kinds of proposals in the National Congress, see <http://www.interlegis.gov.br>.

14. The CCAI was initially called the Agency for Control and External Inspection of the National Intelligence Policy (OCFEPNI), established by Law 9.883, December 7, 1999. The Joint Commission was established about one year later.

15. Marco A. C. Cepik, *Espionagem e democracia* (Rio de Janeiro: Fundação Getúlio Vargas, 2003).

16. For the full text of General Cardoso's speech, see Brasil Congresso, *Anais*

do *Seminário Atividades de Inteligência no Brasil: Contribuições para a soberania e a democracia* (Brasília, DF: ABIN e Congresso Nacional, 2002), 179–198.

17. Ricardo Mignone, "New ABIN Director Says the Agency Will Be Transparent," *Brasília Folha Online*, July 13, 2004, <http://www.folhaonline.com.br>. The full speech of the president is available at <http://www.info.planalto.gov.br/download/discursos/pr471.doc>.

18. This section was adapted from Cepik and Antunes, "The Professionalization of Intelligence in Brazil."

19. In the case of ABIN, the budget for 2003 was about \$40 million, of which 73 percent was committed to personnel expenses, 21 percent to costs of and investments in the agency's activities (or about \$8.5 million), and 6 percent for other types of expenses. In the case of the Ministry of Defense, the values authorized for subfunction 183 (information and intelligence) in 2004 amounted to approximately \$1 million. As an analytical exercise, if the same proportions were maintained as found in ABIN for the relation between the end activity and expenses with personnel (respectively 21 percent and 73 percent of a hypothetical total), the allocation of resources for activities related to "intelligence and information" in the area of defense would be about \$5.1 million in 2004. In the case of the Ministry of Justice, the subfunction "information and intelligence" received expense authorization of about \$3.9 million for 2004, which leads to an extrapolation of about \$18.5 million for the effort of that ministry. The total here is \$63.6 million.

20. James Dunning, *How to Make War: A Comprehensive Guide to Modern Warfare in the 21st Century*, 4th ed. (New York: Quill, 2003), 633.

21. In contrast to Brazil's case, in the United States the Pentagon is reported to control more than 80 percent of the available intelligence resources and capabilities. Of SISBIN's approximately 1,600 workers in 2004, about 400 were analysts.