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## Democratization

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## Intelligence reform in new democracies: factors supporting or arresting progress

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## **Intelligence reform in new democracies: factors supporting or arresting progress**

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This article examines an important (and most problematic) component of the democratic civil–military relations (CMR) concept (understood in terms of democratic control, effectiveness, and efficiency of the armed forces, police forces, and intelligence agencies). It focuses (1) on the democratization of intelligence, that is finding a proper balance between intelligence effectiveness and transparency, and (2) on what particular factors support or arrest progress in the democratization of intelligence. The article provides supporting examples from Brazil and Romania, two developing democracies that have been undergoing major reforms of their intelligence systems for almost 20 years, in terms of both transparency and effectiveness.

**Keywords:** civil–military relations; democratization; intelligence and democracy; intelligence reform; democratization of intelligence; civilian control and oversight of intelligence; security sector reform

### **Introduction**

This article seeks to contribute to a better understanding of the contemporary significance for democracy and democratic consolidation of the relationship between elected leaders and intelligence services in developing democracies. It draws from an earlier article, published in *Democratization* in 2008, entitled “Towards a New Conceptualization of Democratization and Civil–Military Relations”, which expanded the prevalent civil–military relations (CMR) concept, (concerned primarily with the armed forces and narrowed to issues of military intrusion in domestic politics through coups d’état and asserting civilian control) to a conceptualization and framework that better suit the twenty-first century security landscape – a trinity of democratic civilian control, effectiveness (fulfilling the assigned roles and missions – from war, to peacekeeping, to intelligence, to counterterrorism), and efficiency (fulfilling the assigned roles and missions at a minimum cost) of the security forces. We believe intelligence can

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be analysed in terms of the CMR trinity for several reasons: in most of the newer democracies, intelligence was a monopoly of the military, and trying to reform it leads to familiar issues in the CMR literature on transitions and the dismantling of lingering military prerogatives;<sup>1</sup> in some established democracies (including the USA and France) the military still plays a predominant role in intelligence;<sup>2</sup> in other countries, while most attention is given by civil societies actors to reforms leading to new, civilian organizations, military intelligence often remains central to the whole intelligence system, intact, and commonly overlooked; and, both intelligence and the armed forces share the same ultimate goal, to safeguard national security. It must be acknowledged up front that only two-thirds of our CMR framework can fruitfully be applied to matters of intelligence due to secrecy; while both democratic civilian control and effectiveness can be determined (although with regard to effectiveness, the data are much more available in older democracies than newer ones, and even there, limited due to inherent secrecy surrounding intelligence work), the same cannot be said of efficiency, which is almost impossible to quantify as budgets are most often secret and intelligence is most successful when nothing is publicly heard about it.

Reforming intelligence in a newer democracy (i.e. institutionalizing intelligence agencies that are under democratic control and effective) is an extremely challenging process. That is, first of all, because all democracies, both new and long established, confront a fundamental and unavoidable dilemma, or even paradox: democracy, which is based on accountability of the governors to the governed, requires transparency, including working within the rule of law and respecting human rights, checks and balances, and defined mandates; conversely, intelligence at least at some level, requires secrecy to be effective, which negates to some degree both accountability and transparency. There is no solution to the “security–democracy” paradox; rather, all democracies must grapple as best as they can with balancing transparency and secrecy. Well-established democracies, like USA or Great Britain, have developed institutions to deal with this dilemma, but balancing security with transparency is always a work-in-progress. To exemplify, Sir David Omand, former security and intelligence coordinator in the UK’s Cabinet Office and former Permanent Secretary in the Home Office, makes an apt analogy between the “intelligence–democracy” dilemma and the “Cheshire Cat” in “Alice’s Adventures in Wonderland”,<sup>3</sup> and questions whether it is possible to benefit from the Cheshire Cat’s grin (i.e. transparency regarding intelligence work/activity), while the body, and more importantly the claws, remains hidden (i.e. secrecy inherently involved in intelligence work).

This article will examine crucial factors that either support or arrest progress in the democratic reform of intelligence (or democratization of intelligence). It will start with a brief review of the relevant themes in this topic, followed by a discussion on what factors facilitate and what hinder the democratization of intelligence. The analysis will draw on the experience of two developing democracies that have been undergoing major reforms of their intelligence systems since their transitions

to democracy: Brazil and Romania. While a comparison between Romania and Brazil may seem a stretch at first glance due to different geographic locations and historical backgrounds, the two countries are worth comparing with regard to intelligence, for at least the following reasons: they include two now classic democratization areas (Latin America and Eastern Europe); they were both very repressive dictatorships, in which the intelligence agencies were the chief props of the authoritarian leaders; despite the dictatorial pasts, they are both widely considered to be consolidated democracies after 20 years or so; they are currently important security actors both regionally and globally (e.g. contributors with security and intelligence forces to various international security and peace operations and missions); in their path toward intelligence democratization, they both have had to overcome a tortuous “labyrinth” of more or less similar challenges and complexities involving intelligence reform, but appear to be developing intelligence agencies that are effective and under democratic control; in our interviews we have discovered that reformists in the area of intelligence in both countries see similarities between their experiences; and, the two governments have sought to broadcast and popularize their progress in intelligence reform, which has resulted in a relative openness which offers the authors a high level of access to reliable information on this topic in both countries.<sup>4</sup>

Romania and Brazil have implemented major reforms of their intelligence systems for more than 20 years seeking to transform the dictatorships’ nefarious intelligence apparatuses into agencies that safeguard Romania’s and Brazil’s citizens and democracy. Since the regime change in 1989, intelligence reform in Romania followed two paths: one imposed by democratic consolidation, which focused on increased transparency (by establishing new institutions and bringing them under democratic control) and the other, imposed by the country’s security environment, which focuses on increased effectiveness. By contrast, intelligence reform in Brazil, at least for the first two decades since 1985, was mainly imposed by priorities of democratic consolidation, and less by the current security trends/effectiveness. However, with the 2007 PANAM games, The World Cup in soccer in 2014, and the 2016 Olympic Games, all held or to be held in Rio de Janeiro, effectiveness of intelligence, too, has become a priority in the democratic reform of intelligence. In both countries, balancing effectiveness with democratic civilian control has required an overhaul of the intelligence structure and personnel, creating a legal framework for intelligence and security, as well as the institutionalization of democratic control mechanisms to guide and monitor the intelligence work. Despite challenges arising from discrepancies within the legislation, scattered politicization and abuses, corruption and ineffectual democratic control, in the long run (much more rapidly in Romania), the countries’ efforts to democratize their new intelligence systems are gradually leading to professional intelligence systems that fulfill their mandates effectively and within the framework of sound domestic and international partnerships, while accountable to the elected officials, and ultimately to the citizens.

### Relevant literature on intelligence democratization

There is a very large and rich literature on intelligence in established Western democracies. Authors writing on intelligence failures include such luminaries as Richard K. Betts, Robert Jervis, Gregory F. Treverton, James Wirtz, and Amy Zegart.<sup>5</sup> Other scholars examine the larger issues involved in intelligence in consolidated democracies. They include, to name just a few, Sherman Kent, Mark M. Lowenthal, Michael Hermann, Loch K. Johnson, Peter Gill, Harry Howe Ransom, Kate Martin, Christopher Andrew, Richard J. Aldrich, and Wesley K. Wark. Together they make important contributions to our understanding of the dynamics involving the relationship between intelligence, rule of law, ethics, human rights, and other democratic values, but all focused on Western case studies.<sup>6</sup> Then too, there is a huge outpouring of studies and reports on the USA from the Congressional Research Service and the intelligence community itself.<sup>7</sup>

In stark contrast, there is extremely little literature on intelligence reform in newer democracies. For example, in three of the most widely used and recent anthologies or handbooks of intelligence, in which there are a total of 124 chapters, only five deal with intelligence in countries that have made transitions from dictatorships to democracies. And, the two authors here are responsible for two of the five.<sup>8</sup> In addition, we have reviewed a very comprehensive bibliography on intelligence prepared and updated by Greta Marlatt of the Naval Postgraduate School library for teaching and research purposes; of the approximately 470 books, reports and documents listed only maximum of 17 deal with newer democracies.<sup>9</sup> This is due to many reasons, but probably most important is the fact that in all but a small number of newer democracies intelligence is not a respectable topic for study; it has yet to be accepted as valid in the academic environment so very few researchers have even attempted to study it.<sup>10</sup>

### Democratic reform of intelligence

Whether a dictatorship or a democracy, all countries have at least one intelligence organization of some scale, focus, and competence. The difference, however, between an intelligence service operating in a democracy and that operating in an authoritarian regime is that in the former, intelligence operates within a balance between secrecy/effectiveness and accountability/transparency, while in the latter, intelligence is enshrouded by virtually total secrecy, law breaking and abuses, to ensure effectiveness (in terms of defending the regime, most often against its own people). From this perspective, for newer democracies, transitioning from authoritarian to democratic regimes, finding a balance between intelligence effectiveness and transparency is extremely difficult.

In dealing with the intelligence services in new democracies, what must be done to achieve the democratization of these organizations? What reforms must be undertaken in order to reach an acceptable balance between effectiveness and transparency? The fundamental question is, of course, what is meant by *democratization of intelligence*? And, leading to the next question, *acceptable* to whom?

One of the few scholars studying intelligence in new democracies, Timothy Edmunds, views successful democratization of the intelligence services as a three-level reform process, including: establishing standards and procedures for democratic civilian control and oversight of the intelligence agencies; consolidating the democratic nature of this control through explicit mechanisms; and, developing relevant expertise and capacities to support intelligence activities (to include organizational reform, openness to new roles and missions, and removing the “systemic impurities” from the authoritarian past).<sup>11</sup> The first two levels deal mostly with intelligence accountability and transparency, while the third level is more concerned with effectiveness.

More explicitly, and following Edmunds’ lead, democratization of intelligence involves, at a minimum, the following steps. First, after creating new agencies (or reorganizing old ones), crafting the legal frameworks, which establish intelligence roles, control, oversight, accountability and transparency. Enacting laws that impose effectiveness and transparency is imperative to make sure the agencies refrain from oppressive and illegal activities. Next is establishing and strengthening institutions and mechanisms for control and oversight of the intelligence services, to ensure intelligence is, at some level, accountable to the citizens. Control of the intelligence agencies may involve direction and oversight by the following bodies: executive (ministries of defense, directors of intelligence communities, national security councils, or equivalent organizations for interagency coordination), which delineates priorities and directives, roles and missions, as well as basic structures and organization; legislative (standing or *ad hoc* committees within the legislatures, and their staff), which enact laws on intelligence, control and review of the intelligence agencies’ activities, budgets, and personnel; judicial, which ensures the agencies use their special powers according to the law, and protects citizens’ rights from the agencies’ intrusive collection and searches; internal legal accountability mechanisms within intelligence organizations (general counsels and inspectors general), which review and assess intelligence activity; and, external mechanisms (at both domestic and international levels), which involve scrutiny of the intelligence organizations by “outsiders” (free press, independent think tanks, non-governmental organizations (NGOs), and international organizations). Last, is recognition of the need to develop additional principles and practices that boost the effectiveness of the intelligence agencies and strengthen the democratic nature of control and oversight: raising public interest on intelligence and security matters; increasing civilian expertise in intelligence; institutionalizing processes that support transparency and effectiveness; fostering a political culture that supports intelligence in society and inside the agencies; and, professionalizing the intelligence services. In summary, the answer to what is meant by the *democratization of intelligence* is the following: establishing an institutional framework whereby democratically elected civilians can control the intelligence agencies and at the same time maximize their potential for effectiveness. The answer to *acceptable to who* is – to the population in the new democracy that vote for politicians who have responsibility for establishing and controlling

the institutions. We now turn to the factors we have identified as facilitating, or impeding, the overall process involved in democratizing intelligence, and illustrate them from our case studies in Brazil and Romania.<sup>12</sup>

***Democratic reform of intelligence: factors that support or arrest progress***

Unless a country itself fails to democratize and regresses to an authoritarian regime (such as Russia), there are neither “total” successes nor “total” failures in intelligence democratization. There are, rather, several common elements that either facilitate or impede progress in intelligence democratization.

*Factors that arrest progress*

Factors that arrest progress in democratizing intelligence in a new democracy are numerous, but the most important are the following: the complexity of reform itself; legacies of the authoritarian regime impeding the democratic reform process; resistance and reluctance to reform by the intelligence services; lack of expertise by civilians; lack of support for intelligence and intelligence culture among intelligence outsiders; corruption and organized crime; and, at least hypothetically, the threat of overall democratic regress. All these have negative impact on both effectiveness and transparency of the newly created, or reformed, intelligence systems.

*The complexity of the intelligence reform process: painstaking processes, lack of institutions and resources, competing priorities.* A first factor that hinders progress is the complexity of the intelligence reform itself. As described earlier, the democratization of intelligence is a complex process, involving a comprehensive overhauling of a host of security and intelligence concepts, policies and procedures, to seek to achieve an effectiveness–transparency balance. We find that these changes must be integrated in a more comprehensive democratic transformation of the entire security and defense sectors (e.g. reform of the military, police, border control institutions, etc), and, ultimately, of an overall economic, political and societal reform. It is extremely challenging for new governments, without experience in running a democratic state, to handle such multiple and complex institutional and policy changes. Larry Watts states, in a study on democratic reform of intelligence in Central and Eastern Europe, “the recasting of entire states has meant thinly spread resources, insufficient administrative capacity, high levels of political uncertainty, and institutional confusion”.<sup>13</sup> Transition regimes lack mature institutions in all domains of security, including intelligence, impeding their ability to achieve a balance between security and democracy. In most cases new democracies must develop from scratch structures and processes that would establish: legal and organizational provisions that set the roles and missions, direction, and prioritizing tasks for the agencies; tools of interagency coordination and cooperation between intelligence and other security organizations; avenues for

developing a working relationship with the executive, legislatures, civil society and international groups; and, effective mechanisms of democratic control and oversight. Even with institutions in place, “authoritarianism and military politics may continue behind the formalities of civilian and democratic governance”.<sup>14</sup> The new institutions need to establish sufficient legitimacy, to be able to undertake a rigorous democratic reform of the intelligence services and/or execute a robust democratic control and oversight, which affect both the effectiveness and transparency of the newly developed intelligence agencies. This is even more difficult when the legitimacy of the governments is in jeopardy, as they are repeatedly contested and questioned. Governments generally focus on maintaining their authority and not security and intelligence reform; what is more, sometimes, instead of focusing on “democratizing intelligence”, governments use intelligence in a non-democratic way (in line with “the bad old days”), to maintain control. And, even if the legitimacy issue is resolved, more pressing issues such as economic development, health care, and education, get higher priority on the governments’ agendas, which receive more resources and time to the detriment of security/intelligence.

It took both Brazil and Romania at least 15 years to institute a security and intelligence reform, and there are still areas requiring improvement. Although, Romania has gradually established a rich legal framework for its intelligence system (which encompasses the intelligence mandate, coordination, control, oversight, accountability, and transparency), it has been flawed: now, 20 years after the end of the communist dictatorship, with Romania both a North Atlantic Treaty Organization (NATO) and European Union (EU) member, part of the basic legislation still goes back to the first years of transition, when there was no security culture and knowledge, when Romania was not a global and regional security provider, and, when the security environment was different from the current one; and, parts of the legislation are unclear or at odds with other parts of the legal framework. All these have undermined the agencies’ transparency and effectiveness, in that it helped perpetuate intelligence politicization, misbehavior, and wrongdoing, and obstructed democratic control.<sup>15</sup> In addition, despite the enactment of laws and regulations on democratic control, establishment of parliamentary committees, and their relatively robust authority to exercise control and oversight, the legislative control and oversight has, for many years, been challenged by deficient parliamentary expertise, poor cooperation and coordination among parliamentary committees as well as between former and current members of the oversight committees, and resistance of the intelligence agencies. Furthermore, since, occasionally, Romania’s governments have been contested and/or impeached, garnering legitimacy to enable decision-makers to undertake a robust reform and democratic control was also problematic (sometimes especially because the authorities used intelligence to maintain their authority, or win domestic political struggles). Brazil has established a more robust and detailed legal framework for the intelligence system (including components of the intelligence and national security system, roles and missions, subordination, democratic control and transparency),



when compared with Romania.<sup>16</sup> Nevertheless, legislative control and oversight has been minimal. Even if a Joint Commission for External Control of Intelligence Activities (CCAI) had been established in the Brazilian Congress, until today it lacks a statutory basis, therefore, with no legal basis and one member of staff, legislative control and oversight had been ineffective (if not inexistent).

*Legacies of the non-democratic past.* One of the most insidious and pernicious impediments to intelligence democratization is the detrimental impact the non-democratic past has on the general perception of intelligence. In virtually all newer democracies, the intelligence agencies bear a “stigma” of their non-democratic past and misconduct. With a few notable exceptions,<sup>17</sup> after a regime change, the new agencies tend to preserve the personnel, premises and other assets of the intelligence apparatuses of the non-democratic institutions. The residual personnel may perpetuate abuses and violations of human rights for personal or political reasons. Intelligence agencies become politicized, as politicians use them to deter and remove potential political adversaries, aggressive investigative journalists, and other possible opponents.

In both Brazil and Romania, the continuity of former non-democratic personnel in the newly created agencies, had a pernicious impact on the democratic reform in general, and of intelligence, in particular. Brazil, for example, created its post-dictatorial intelligence agency – the Brazilian Intelligence Agency (ABIN) – out of the ruins of the non-democratic National Information Service (SNI), maintaining a great number of former SNI personnel. They continued to be involved in numerous scandals and abuses (especially concerning illegal wiretapping, with incriminating tapes frequently leaking to the press), and often became politicized.<sup>18</sup> Examples include allegations and complaints from Brazil’s Muslim community about the ABIN illegal surveillance of Muslims, abuses against organizations like *Greenpeace* and *Americas Watch* (which actually resulted in the firing of the ABIN director by President Fernando Henrique Cardoso), or allegations in 2008 that ABIN wiretapped the head of Brazil’s supreme court.<sup>19</sup> Romania, too, created its post-communist intelligence system by dividing the former communist political police (the notorious Securitate) in several agencies, preserving Securitate personnel, facilities and assets. Literature is replete with examples of violations of civil and individual rights and liberties for personal and political, rather than security reasons, even after the country’s accession into NATO and EU.<sup>20</sup>

*Resistance and reluctance to reform by the intelligence services.* Intelligence agencies may oppose democratic reform for a variety of ideological, political and bureaucratic reasons. Since, under the non-democratic regimes intelligence agencies used to serve a restricted and highly privileged political class and enjoyed special benefits, they are likely to be suspicious of any political change than any other government organization. Democratic reform means intelligence agencies would have to lose these prerogatives, refrain from abusive practices

and illegalities, and, undergo downsizing, vetting, and retrospective investigation of their past practices and actions, which they, not surprisingly, try to resist. They may even use their “special powers” and access to files/records to stall or influence the reform by blackmailing or coercing decision-makers. In addition, intelligence agencies challenge democratic reform (specifically, democratic control) as they generally lack confidence in the political decision-makers’ expertise on intelligence, doubt that national security is a high priority on the politicians’ agenda, and consider that too much transparency or democratic scrutiny will undermine their effectiveness. Last, intelligence agencies are bureaucracies, and bureaucracies are hard to reform even in a democratic country; harder in a transition regime.

Not only intelligence agencies, but also elected officials avoid or initially oppose reforming intelligence. To begin with, to avoid suspicion of having been involved in past political police activities, politicians may circumvent any involvement with the intelligence apparatus that carries the stigma of having been a tool of repression under the old regime; or, they may avoid taking on radical reforms of intelligence and thorough democratic control from fear that intelligence agencies may have something embarrassing on them. As Peter Gill argues, “in many transition regimes there is such a deep well of mistrust of security agencies that anyone dealing with them may find themselves under suspicion as a ‘spook’ of informer”.<sup>21</sup> Decision-makers may also wish to be able to deny knowledge of illegal operations in order to avoid any possible suspicion that they tolerate illegal activities and practices. Last, politicians may refuse to undertake significant intelligence reforms for fear of resistance (fearing that intelligence personnel have accumulated, and maybe are still collecting, information that could be used against them). An additional issue is that many new democracies tend to suffer from a so-called transition fatigue – a post-transition stagnation in political and social changes – which curbs any interest and keenness for reform.

Both intelligence and decision-makers in Brazil and Romania tried to resist intelligence reform. Once a monopoly of the military, the Brazilian intelligence services opposed civilian authority, and continued to be highly autonomous and powerful for years, after the regime change in 1985; in addition, the fact that, in Brazil, political parties that include former guerrillas became part of the government, made this issue even more problematic since the politicians harbored deep antipathy to their former enemies.<sup>22</sup> Intelligence reform for Brazilian politicians was not a priority after the abrupt abolition of the SNI in 1990. Even though Romania belongs to NATO, EU, OSCE, etc., which provide real incentives for intelligence reform, for years Romanian intelligence agencies tried to resist democratic reform as they mistrust political decision-makers’ expertise on intelligence and capability to handle classified information properly (to the detriment of their effectiveness),<sup>23</sup> they sometimes refused to respond to lawful requests for reports, data and information by the legislatures, or sent incomplete information.<sup>24</sup> In addition, strengthening domestic intelligence cooperation and sharing has been challenging, due to agencies’ bureaucratic environment (which hinders information sharing and collaboration), too many intelligence agencies (which fueled

dishonest competition and rivalry among agencies, because of redundancy and overlapping roles and missions), and politicization.<sup>25</sup> Likewise, the politicians occasionally manifested a “hands-off” attitude toward intelligence. A notorious example is the procrastination of the enactment of a national Security Law package for over 4 years. In addition, a transition fatigue also affected security and intelligence reform in the region; a regional study on “transition fatigue” in several countries from Central and Eastern Europe, including Romania, found that, between 1991 and 2004, the overall support in the region for change at the economic and political sectors was low.<sup>26</sup>

*Lack of civilian expertise.* By and large, democratic reform of intelligence agencies is a *terra incognita* for the governments in new democracies. In democratizing societies, elected and appointed officials have limited knowledge or experience on what intelligence (let alone “democratic intelligence”) involves, since their previous exposure (if any) to security and/or intelligence matters had been in an authoritarian environment, where fear and total secrecy prevailed. As a result, lack of expertise in intelligence makes it impossible for decision-makers to have an informed opinion on the topic, or choose the best reform avenues, policies and practices. With no prior knowledge, legislators are less likely to establish a vigorous legal framework for operating an intelligence system in a democracy, provide appropriate direction and tasking, conduct reviews of budgets, expenditures and activities, carry out inquiries and interpellations, and/or, provide feedback to the intelligence agencies, upon receipt of intelligence briefs and summaries. And, judicial bodies may be incapable of discerning when and if they need to grant a surveillance warrant. All these challenges, coupled with weak institutions, increase the potential for abuses (e.g. illegal wiretaps, surveillance, and informants), on the one hand, or lead to mutual tensions between decision-makers and intelligence agencies that delay or oppose the democratic transformation, on the other hand.

Intelligence agencies of transition regimes also lack professionalism.<sup>27</sup> A “professional” intelligence service in a democracy involves a series of formal and structured personnel commitments, such as strict entrance requirements, ongoing training and education programs, specific code of ethics (to include respect for human rights and liberties), and mechanisms enabling cumulative learning and improvement. Considering all these, the natural tendency of the new democracies to rely on the intelligence “experts” from the former regime (now “true supporters” of democracy) is deleterious to the professionalization of the new intelligence agencies. The recycled personnel may continue to operate as in the past for their own personal or political parties’ benefit (disregarding democratic principles of rule of law and respect for citizens’ rights, freedoms and private life), limit employment possibilities for a new generation of intelligence personnel, and/or convey their “best practices” to the new agents. And, since the legal framework and democratic control mechanisms are not robust enough to effectively question and reprimand intelligence officers, they can, essentially, do whatever they want. Hasty

retirement or firing of the old intelligence personnel, as well as hiring new personnel, are also problematic. For example, retired or fired personnel may create or join competing agencies in the private sector, often better supplied and equipped, or support or join organized crime networks.

Democratization of intelligence in Romania and Brazil was hindered (especially at the beginning of transition) by the lack of expertise and professionalism of decision-makers. In Romania, post-transition decision-makers were more or less former Communist Party (PCR) members, trained in communist schools, in country or in the former USSR. Mentalities remained unchanged, and did policies. To begin with, first post-communist president Ion Iliescu (1990–1996 and 2000–2004), a former PCR member, educated in Moscow, who had opposed Ceausescu but not communism during the Cold War, ran his policies and decisions based on communist beliefs and authoritarian-like management: he did not eliminate corruption, clientelism, and wrongdoing within the government and intelligence services, refused to consider the merging of agencies (invoking a concern of a Securitate return), and appointed two notorious Securitate officers as heads of the domestic and foreign intelligence agencies, who favored politicization and misconduct, and revived the communist era duplicity toward Western countries. Our preceding discussions have already emphasized the challenges derived from the lack of expertise and knowledge of Romanian control and oversight bodies. In Brazil, after the abolition of the SNI in 1990, there was a lapse of 10 years before ABIN was created by the Fernando Henrique administration in December of 1999. Obviously, without an active civilian intelligence agency there was no basis whereby civilian politicians and bureaucrats could learn about intelligence, its uses and how to control it.<sup>28</sup>

Precarious expertise and professionalism of the intelligence personnel also challenged the democratization of intelligence. The newly created intelligence agencies in Romania inherited the “expertise” of the Securitate agents. Given the Securitate’s loyalty to the Ceausescus and the communist regime, and not the country, as well as its notorious practices (from simple surveillance to sabotage, and assassinations), one can only surmise that “human rights” or “ethics” were not among the teaching subjects for intelligence personnel. As a result, former Securitate personnel in the immediate post-communist agencies perpetuated illegal surveillance and political police activities. Even if Romania undertook formal vetting of the legacy personnel, the purging and vetting have been challenging: the downsized personnel have been employed by other institutions, with no vetting requirements (which allowed them to continue their practices in the new institutions), opened their own private businesses, or became involved in serious corruption and organized crime activities.<sup>29</sup> On the other hand, since the Securitate stigma lingered for years, intelligence was not an attractive career. It took some time in Romania until SRI or Foreign Intelligence Service (SIE) have received a great number of job applications. Basically the same situation applied to Brazil, where the training was military and tradecraft.<sup>30</sup> In Brazil, former SNI personnel continued to fill high-responsibility positions in ABIN. A scandal occurred in 1999

revealed ABIN's involvement in illegal wiretapping for political reasons, concluding that many ABIN personnel who had worked previously for the SNI, conducted illegal surveillance thus violating basic legal rights and liberties.<sup>31</sup> Moreover, young analysts in ABIN lament they have to put up with obsolete, authoritarian and militarist mentalities, directions, and actions of former SNI personnel who hold in key positions in the new ABIN.<sup>32</sup>

*Lack of public support for intelligence and inexistent intelligence culture.* As previously stated, for the general public, the legacy agencies continue to be the *bêtes noires* of the government for a long time after the transition to democracy. Due to mistrust and even hatred, there is almost no support for the intelligence functions at the beginning of transition. Citizens (including political elites) in new democracies more or less oppose creating new intelligence systems, for fear of a return to a non-democratic regime. And, if, for whatever purpose, new intelligence agencies are established (as was the case in Brazil due to the foresight of President Fernando Henrique Cardoso), the populace has reason to doubt their democratic transformation. Lack of support for intelligence goes hand in hand with lack of intelligence culture and knowledge among the intelligence outsiders. In transition regimes, the population, civil society, as well as the elected and appointed officials, lack understanding why effective intelligence is needed, even in a democracy, do not know what effective intelligence involves (e.g. the need for some level of secrecy), and are unfamiliar with democratic control mechanisms (which would balance security with transparency). In other words, security is not "part of an accepted pattern of behavior outside of government and inside,"<sup>33</sup> thus support for intelligence is lukewarm at best.

Intelligence agencies in transition regimes lack (at least initially) both the organization and the expertise to develop robust public relations and outreach, to enable them to cleanse their image and gain popular support; due to the excessive secrecy surrounding their past work (most of the time illegal and abusive) during the non-democratic regime, it is less likely intelligence agencies had public affairs offices or other means to open to the media or citizens. In addition, in many transition states, the media, which might theoretically have the means to promote intelligence agencies' images, fail to do so (they rather seek the opposite – discrediting intelligence agencies), due to lack of professionalism (especially at the beginning of transition). And, since public debate on intelligence issues is generally dominated by the sensationalist media, and intelligence agencies tend to remain hermetic even if formal oversight mechanisms exist and politicians have security clearances, it is difficult for intelligence outsiders to attain an intelligence culture/knowledge.

The newly created intelligence agencies in both Romania and Brazil started with no support from the citizens as well as inexistent intelligence culture. In Romania, during the first days of transition, the new political elites dismantled the Securitate, and placed it under the control of the armed forces, without creating a new intelligence system. Even so, when new intelligence agencies were

established (as a response to scattered inter-ethnic issues), since they preserved the premises, personnel (especially in key positions) assets, and conduct, support from population was basically inexistent. Moreover, Ceausescu's dictatorship and rule of the Securitate had bestowed a "culture of secrecy", in which the "public's right to know" had no significance for the Romanian intelligence agencies, and which also encouraged citizenry mistrust in the openness of the intelligence agencies. A 2002 poll revealed that only 23% of the population considered that the intelligence agencies offered sufficient information to the public (2 years after a Freedom of Information Act law was enacted).<sup>34</sup> An intelligence culture was absent for many years since the regime change, due to the fact that a "civil society" was inexistent during communism, and basically commenced from scratch. Hence, the intelligence outsiders' lack of understanding of the need for intelligence in a democracy. The media, in particular, at least for the first years after the transition, lacked professionalism, thus also being unwilling or unable to help inculcate an intelligence culture in the outsiders. The fact that occasionally the heads of intelligence agencies tried to deter the press from publishing inconvenient materials, was also an obstacle in both gaining popular support, and improving the outsiders' intelligence culture.

In Brazil, lack of trust starts within the organization itself; once ABIN was created in early 2000, it brought much of the SNI personnel on board (many, also in key positions), not only focused public scrutiny on the agency, but also triggered an acute lack of confidence within the agency itself (especially the new personnel) in the old timers' capability and willingness to change and act democratically.<sup>35</sup> The media is sensationalist, and, according to intelligence personnel, not at all supportive of the organization's *raison d'être*. This, coupled with the decision-makers' reiterated hostility toward maintaining an effective intelligence (due to Brazilians' Pollyanna-like attitude that Brazil has no enemies), were detrimental to ABIN's development,<sup>36</sup> with no public support and lack of interest on those who are supposed to work hand in hand with the agencies to safeguard the security of the country, it was rather difficult and slow for an intelligence culture to develop among intelligence outsiders. Furthermore, while employees in ABIN complained about the media's sensationalism and bias, it had done little to improve its image. Finally, ABIN opened to the media and public, when it first organized a seminar on intelligence and democracy in 2005.

*Corruption and organized crime.* Following the transition to democracy, the fragile and contested legitimacy of the newly formed political elites and weakness of new institutions, open borders and free movement policies, rising poverty and inequality, potential conflicts in the neighboring areas and increased insecurity, as well as increased opportunities for enrichment through illegal avenues, led to mounting corruption and organized crime activities. Criminal groups are wealthy enough to corrupt the state institutions, or, worse, to directly penetrate into the state institutions (including intelligence agencies), therefore democratic reform, in general, and of the intelligence, in particular are seriously challenged. Weeding out

corruption and organized crime is very difficult, harder even than, for instance, increasing intelligence professionalism or, strengthening parliamentary committees' expertise in intelligence and security matters.

Corruption and organized crime harmed democratization of the intelligence in Brazil and Romania. Numerous reports draw the attention to the direct involvement of both Brazilian and Romanian government officials in corruption and criminal activities.<sup>37</sup> In both countries, corruption, favoritism, nepotism, bribery, and blackmail (including blackmail with the files kept by the non-democratic regimes) – hangovers of the dictatorships – have lingered for years after the regimes changed, which affected the capability of the intelligence agencies to fulfill their assigned responsibilities (as they had other “priorities”), and made democratic control very difficult.

*Overall democratic regress.* If transition states are incapable of providing basic human rights, freedoms and liberties for its citizens, fall short in attaining political freedom and pluralism, lack free market economies, do not possess vigorous civil societies, and are incapable of bringing their security services (including intelligence) under civilian democratic control and oversight, they, by definition, fail to democratize. As these countries remain moderately or strongly authoritarian, more likely intelligence agencies remain unreformed and non-democratic. Examples include states of the former Union of Soviet Socialist Republics (USSR) – including Russia, Ukraine, Kyrgyzstan, and Belarus – which, according to Larry Diamond, have largely regressed from democratic possibilities, or reinstated non-communist dictatorship.<sup>38</sup> In these countries, not only have the governments failed in strengthening the democratic values and norms, but there is also little support for democracy throughout the population. Intelligence agencies continue to be the chief prop of the regime, and conduct their clandestine activities against population.

Overall democratic regress has not been the case of either Brazil or Romania. Indeed, both Romania and Brazil are rated as *free*, with scores of 2 on both Political Rights and Civil Liberties.<sup>39</sup>

### *Factors that support progress*

There are several factors supporting progress in democratizing intelligence in an emerging democracy. The most important are the following: willingness of the political decision-makers to foster intelligence reform and achieve a balance between effectiveness and transparency; the role and influence of the foreign assistance; awareness of emerging security threats of the twenty-first century and thus the need for increased cooperation and intelligence sharing; and the role of the civil society and the media in advancing democratic reform of the intelligence. For all these, time is crucial; if some democracies have found a workable balance between effectiveness and transparency of their intelligence systems, it did not happen overnight, but rather after years or even decades.

*Time and willingness of decision-makers to democratize intelligence.* We have found in our research that if decision-makers are committed to investigate the work and organization of the intelligence systems inherited from the non-democratic regimes they can ultimately record significant progress in democratizing the agencies, consolidating the democratic control and oversight, and developing capabilities to support intelligence activities. With a certain amount of political will they can improve democratic control capabilities, on the one hand, and strengthen the effectiveness of intelligence work, on the other hand. In doing so decision-makers embark upon more serious reforming and advanced democratic control, aiming at raising public interest on intelligence and security matters, increasing civilian awareness and competence in the field of security and intelligence, institutionalizing processes that support transparency and effectiveness, fostering a political culture that supports and trusts intelligence in society and inside the IC, as well as professionalizing the intelligence services.<sup>40</sup> We have found that the following three factors encourage this political will and facilitate the reforms.

Lack of experience, limited knowledge on intelligence, and secretive nature of bureaucratic intelligence agencies, did not ultimately discourage decision-makers in Brazil and Romania from embarking upon reforming the new intelligence systems. Since the end of the authoritarian regimes, in 1985 and 1989, respectively, both Brazil and Romania, have gradually established legal frameworks for the new intelligence systems, covering the mandate, coordination, control, oversight, and transparency; likewise, mechanisms of control and oversight within the executive, legislative, and judicial branches of the governments have been created.<sup>41</sup> In the case of Brazil, it is worth emphasizing the central role of the Brazilian presidents in abolishing SNI, creation of ABIN, and the enactment of legislation for democratic control of intelligence.<sup>42</sup> In the case of Romania, it is worth mentioning the urgency for democratic control (despite lack of institutions) when SRI had to report to the Parliament for the first time in November 1990, due to the public fear of a Securitate return.<sup>43</sup> In order to improve democratic control as well as strengthen intelligence professionalism and effectiveness, decision-makers in both Brazil and Romania have undertaken broader reforms to raise public interest in intelligence, institutionalize processes that support transparency and effectiveness, and further promote a political culture that supports and trusts intelligence in society and inside the community. Public debates and meetings on security and intelligence matters (e.g. on improving the legal framework, strengthening democratic control, national, regional and global security threats, security and intelligence cooperation, etc.) have taken place in Brazil and Romania, on a regular basis.<sup>44</sup> In Brazil, particularly, public debates have been a direct result of political and institutional bargains made during the transition to democracy that saw the prerogatives diminished and finally largely eliminated. International terrorism and recent intelligence failures by the USA and UK have also invigorated more open discussion on the “effectiveness–transparency” matrix, in the two countries. In both countries, military and intelligence education and training institutions are now open to civilians who might one day become



involved in controlling intelligence, while in Romania, some intelligence agencies have allowed citizens, who do not deal with intelligence or security, to study in their education institutions, without any constraint to work for the intelligence or in any control mechanism. Agencies' conferences, the press, and the open source materials are additional avenues for civilians to develop intelligence knowledge. To boost transparency and effectiveness, responsible civilians in Brazil and Romania (e.g. National Security Councils, which in Brazil is called the Secretariat for Institutional Security and in Romania the National Supreme Defense Council) took a keener role in reviewing and updating legislation and documents related to national security and intelligence, monitoring intelligence budgets, and activities, ensuring protection of intelligence data and ongoing missions, as well as fostering interagency coordination/cooperation. Professionalization of the Brazilian and Romanian intelligence agencies has involved standards for recruitment (in parallel with old-personnel removal) and promotion of new personnel, continuous education and training programs for intelligence personnel (including ethics, human rights, transparency and accountability), security clearances to access to classified information, as well as instilling a responsibility for democracy.<sup>45</sup> Currently, intelligence personnel in both Brazil and Romania are adequately educated and trained to tackle contemporary and future intelligence requirements; they are technically, linguistically and culturally educated and trained specialists, adroit in their functional, regional or country areas of expertise, and competent analysts. With regard to enhancing professionalism and effectiveness, it is worth mentioning the most recent reform initiatives in Romania ("Strategic Vision 2007–2010") launched by the Romanian Domestic Intelligence Agency (SRI) director George Cristian Maior, aimed to accomplish the following: ample de-bureaucratization at the management level, information flow, decision-making and dissemination; organizational transformation to allow for more flexibility and better horizontal cooperation among SRI structures, strengthening the analysis capacity. Maior's endeavors to modernize and strengthen SRI's effectiveness and professionalism are even more praiseworthy considering the legislation on national security and intelligence personnel is still obsolete. Admittedly, today, general awareness of the current security threats (ergo recognition of the need of an increased intelligence effectiveness) exists among intelligence agencies, governments, civil societies, and citizens in Brazil and Romania. Likewise, there is increased awareness of the need for accountability (ergo recognition of the need of strengthened control and improved information sharing).

*Foreign influence and assistance.* The end of the Cold War and advent of the twenty-first century have spawned democracy and security promotion by the Western states to the transition states, to assist the new democracies achieve better standards of development and governance, eliminate internal security challenges (e.g. ungoverned spaces), fight terrorism, organized crime, drug trafficking and other transnational security menaces. Programs initiated by the USA, other Western countries, as well as international economic and security organizations

and alliances, have involved aid, education and training, in the economic, politic, financial, social, defense and security areas. Even if, initially, the Western countries were more focused on economic and social assistance programs, they eventually attached some importance to security and intelligence reform and assistance. On the one hand, the continuity of old-timers in the new democracies' intelligence agencies, their recurring abuses and violations of democratic norms, as well as misuse of intelligence by parties and politicians, worried the Western democracies and international cooperation institutions. On the other hand, the post-Cold War increased need for international security cooperation in fighting terrorism and organized crime networks, has urged Western democracies look for partners and allies among the transition nations, and propelled them to help new democracies consolidate their intelligence and defense reform initiatives. US democratic CMR assistance programs (aimed at strengthening democratic control, effectiveness and efficiency of the security (including military, police, and intelligence) initiations, or the United Nations and Western Europe's security sector reform initiative (aimed at the same thing), illustrate the shift on foreign aid and support toward security. Moreover, in Europe, the NATO and the EU have decided to accept former Eastern European Communist Block countries in their organizations, provided the new democracies had fulfilled a range of criteria, including democratic reform of intelligence. The two security organizations' membership requirements coupled with their assistance and partnership programs, as well as Eastern European countries' eagerness and receptivity toward foreign involvement in their security reform, have augmented the democratic consolidation of aspirant countries' intelligence (military and civilian).<sup>46</sup> As a result, countries in Eastern Europe have currently more effective and transparent intelligence and better accountability mechanisms, when compared with Latin American or African nations.

Visits, exchange of experts and advisors, education and training for intelligence personnel and outsiders, have resulted in improved legislation, and increased expertise of the intelligence agents, as well as the executive and legislature committees' members. Direct involvement of security organizations in vetting and screening of personnel expected to handle classified information has resulted in purging of former personnel and better standards of securing and protecting classified information. Assistance provided by international groups, think tanks, and NGOs – such as the DCAF, United Nations Development Program, United Kingdom Department for International Development, the Global Facilitation Network for Security Sector Reform (GFN-SSR), the Security and Defense Network in Latin America (RESDAL), Latin American Faculty of Social Sciences (FLACSO), Chile, and others – have particularly strengthened the capacity of new democracies' executive and legislative control bodies, as well as civil societies to better exercise their intelligence watchdog functions. The flurry of literature and studies of democratic reform of the intelligence made available by DCAF or GFN-SSR, as well as their dialogue with decision-makers and civil societies in

several new democracies, has helped civilians learn about intelligence, thus contributing to enriching their intelligence culture.

Both countries enjoyed foreign support and assistance with regard to security and intelligence reform, but Romania far more than Brazil. Romania's ardent desire to contrast itself from its Slavic neighbors, and become on a par to the rest of the Romance nation family, urged the country to pursue integration into both NATO and EU, where "Roman" Italy, France, Spain and Portugal had long been members. Romania embraced the two organizations' assistance and partnership programs (e.g. NATO's Partnership for Peace, Individual Partnership Program etc.) as well as membership requirements (e.g. NATO's Membership Action Plan, EU *Acquis Communautaire*), which urged the country to undertake major reforms (including intelligence) and greatly contributed to the democratization of the Romanian intelligence. Results of the Atlantic Alliance and EU's contribution to intelligence transformation in post-communist Romania included: purging of Securitate personnel who were involved in abuses during the Ceausescu regime, from the new intelligence agencies; screening of intelligence personnel assigned to work with classified information (including NATO information); enacting/amending legislation on and securing standards of protection of classified data and information; strengthening professionalism, expertise and effectiveness of intelligence personnel; fostering interagency cooperation and coordination; and, boosting transparency, democratic control and oversight. In addition, assistance programs of and special partnerships with individual Western countries, as well as involvement of international non-profit organizations or think tanks in the intelligence reform, have also advanced Romanian intelligence' democratic consolidation. Within the framework of the partnership and as part as the US security cooperation initiative, Romania's intelligence has received education and training in intelligence, security, defense, counter terrorism and other security-related issues. On the other hand, as NATO and/or EU do not have much say in Latin America, foreign influence and assistance consists mostly of US programs. Nevertheless, ABIN has a long relationship with the US Central Intelligence Agency (CIA), Defense Intelligence Agency, the Federal Bureau of Investigation, Drug Enforcement Agency, the Secret Service and others.<sup>47</sup> US CIA has contributed to increasing ABIN personnel's professionalism and effectiveness, through exchange visits, education and training programs, and direct advice.<sup>48</sup> The USA has also worked bilaterally with Brazil to improve its counterterrorism capabilities by providing counterterrorism training, and implementing the Container Security Initiative at the port of Santos.<sup>49</sup> In addition, Center for Civil-Military Relations (CCMR) assisted the Brazilian Congress in developing intelligence control and oversight committees, while the Department of National Security Affairs (NSA) of the Naval Postgraduate School (NPS) and the Department of Defense Analysis, in Monterey, California, has been educating Romanian officers and civilians, in their five quarter-long master degree program resident courses (covering intelligence and democracy, and, respectively, intelligence and countering terrorism topics). The CCMR has also conducted residence courses and Mobile Education

Team Seminars in both Romania and Brazil, on intelligence and democracy, intelligence and combating terrorism, and interagency cooperation, for intelligence professionals, parliamentarians, and the civil society.

*Pressure by active civil society and media.* In some new democracies, when formal oversight mechanisms have failed to exercise their power, civil society and, especially, the media, have stepped in and exposed intelligence (and government) scandals, wrongdoing, abuses, and politicization, to both domestic and international audiences. By revealing intelligence scandals and misconduct to the domestic and international public, not only have NGOs, think tanks, and the media kindled regular debates on the intelligence and security matters, but also forced the hand of the decision-makers to undertake intelligence reform and exercise control and oversight more thoroughly. Despite the media's natural proclivity to sensationalism and economic gain, when "making" democratic change happen in the intelligence realm (e.g. stirring up vetting and weeding out former non-democratic personnel, bringing about enactment or amendment of intelligence legislation, to equate transparency with effectiveness, and furthering accountability and transparency), the media has proved a more effective oversight tool than the overall formal control and oversight machinery.

In Romania, and, to a much lesser extent in Brazil, the civil society and the media have played a role in encouraging intelligence reform and boosting democratic control. In Romania, despite the government's sporadic attempts to impede the media coverage or reporting, and its penchant for sensationalism, the Romanian press has continuously watched the government and intelligence agencies, pointing out every mistake, delay, or failure in the democratic reform, to both the Romanian citizens and international audiences. The media in Romania has helped ensure the intelligence apparatus does not regress into the former Communist oppressive service, on the one hand, and that the NATO and EU requirements are fulfilled, on the other hand. The media's informal oversight accomplishments include: contribution to the reduction of the number of intelligence agencies (from at least nine to six); speeding up the vetting, screening and firing of the former Securitate officers and promoting the recruitment of young personnel; supporting the process of granting Romanians access to Securitate files; and exposing current public authorities who either collaborated with or were employed by the former Securitate during the communist regime.<sup>50</sup> Spirited civil society organizations (e.g. the Center for Institutional Analysis and Development, the "Grupul pentru Dialog Social" ("Group for Social Dialogue") organization, "Revista 22", "European Institute for Risk, Security and Cooperation Management" foundation, the "ALIANTA" association, the "Casa NATO" organization, the "Manfred Wornier" association, "Pro-Democracy" Association, "Media Monitoring Agency", the "Association for the Defense of Human Rights in Romania" (APADOR-CH), the "Center of Juridical Resources, the Center for Independent Journalism", the "Center of Assistance for Non-Governmental Organizations", the Foundation for the Development of the Civil Society, and others) have

brought to public debate issues regarding national security (including the importance of amending the dated and quaint national security laws), the democratization of the security institutions, as well as other aspects and challenges to intelligence and national security. Hopefully, the media will continue to exercise its watchdog power, now that Romania is in both NATO and EU and therefore lacks outside catalysts for balancing transparency with effectiveness of the intelligence, and admittedly, the formal democratic control and oversight mechanisms attach less importance to intelligence reform and supervision. In Brazil, since the 1990s, the media has been exposing reform challenges and failures, as well as abuses and wrongdoing, in the social, economic, political, and security (including intelligence) realms. Newspapers and journals are in general very critical to the Brazilian government and intelligence agencies, and regularly contain ample coverage of human abuses and violations. For example, in the early 1990s, the Brazilian press was the first to investigate allegations of corruption and abuse of power against then President Fernando Collor (dubbed by some as the "Brazilian Water-gate"), which eventually led to the impeachment of Collor by Congress in 1992.<sup>51</sup> Or, in the late 2008, the Brazilian media covered a wiretapping scandal involving ABIN (alleged to have wiretapped the head of the country's supreme court), which led to the suspension of the ABIN directors, and stimulated the government to further overhaul Brazilian intelligence agencies (e.g. clearer roles and missions, personnel vetting, etc.).<sup>52</sup> Despite concerns on the objectiveness of the press, the media's open criticism on the Brazilian intelligence community (inexistent under the SNI), coupled with its influence on the government and intelligence reform and oversight, have contributed to an increased transparency of the intelligence agencies in Brazil.

*Increased perception of the emerging threats of terrorism and organized crime.* (1) Awareness of and need for effectiveness: Post-Cold War security is threatened by international terrorism, drug trafficking, money laundering, organized crime, and other challenges, operated mainly by non-state actors, and led by less predictable and less rational individuals or groups than during the Cold War. For emerging democracies, even if the main focus of the intelligence democratization has long been transparency and accountability, after the terrorist attacks in the USA (2001), Spain (2004), and UK (2005), India (2008), and ongoing attempts on the USA and other countries, avoiding major intelligence surprises, as well as better responses to international terrorism and organized crime, have called for increased effectiveness of the intelligence agencies. As a consequence, newer democracies are pressured to amend legislation, change or create new structures, doctrines, improve personnel education and training, and deepen interagency cooperation and coordination, to join the international efforts to counter terrorism and organized crime.

(2) Awareness of and need for enhanced national and international cooperation: It is virtually impossible for a government, let alone a single security institution to fight the above enumerated security threats alone; without coordination and information

sharing at the national level, and without cooperation with other nations. The 2001 terrorist attacks in New York and Washington, DC, and the failed terrorist plots in late 2009 and early 2010, appear to confirm this assumption: on the one hand, notwithstanding the US unrivaled intelligence capabilities, it was the lack of coordination and cooperation among security agencies, as well as shallow international cooperation, that caused the intelligence “failure” of the September 11, 2001 terrorist attacks;<sup>53</sup> on the other hand, the successful prevention of the “liquid bomb” terrorist threat in the UK in 2006, was due to the cooperation of British intelligence and law enforcement organizations. Unsurprisingly, the terrorist attacks in the USA (2001), Spain (2004), and UK (2005), etc., have compelled countries to adjust their intelligence systems – to become more network-like and more open toward sharing (including sharing with foreign counterparts) – in order to prevent future failures. Although tremendously challenging (e.g. information sharing between national intelligence agencies tends to remain restricted and the information/intelligence flow is seldom equal at the international level), intelligence sharing and cooperation have been a goal for the twenty-first century governments. For a long time the general view of Brazilian politicians was that Brazil had no enemies, and faced no challenges to national security, even if the Tri-Border Area (a region bordering Brazil, Paraguay and Argentina) is alleged to harbor not only criminal but also elements raising finances for terrorist groups (e.g. Hezbollah and Hamas). Even if decision-makers have emphasized all along the threats arising from globalization concerning science, technology and natural resources, especially in the Amazon, all Brazilian officials had stated, until very recently, that there was no terrorist threat to Brazil.<sup>54</sup> Even more recently, during an ABIN-sponsored international seminar on intelligence, held in Brasilia in 2005 (to which both authors were invited to provide lectures on democratization of intelligence), there was no focus on the escalating threat of international terrorism. However, the following international intelligence Seminar, held in December 2006, was entitled “Second International Seminar on State Intelligence, the Media and Terrorism” and focused on terrorism due to a series of concerns: Brazilians have become more aware that international terrorists may attack a foreign target (e.g. an embassy) in a host country, as was the case in Kenya, Tanzania, and Argentina; the 2004 terrorist attacks in Spain, which linked Al Qaeda to criminal groups, have increased concern that Brazil, too, could be a target; third, was the 2007 pan American games hosted by Brazil, and later by awarding the 2014 World Cup and 2016 Olympic Games. The Brazilian government now clearly acknowledges there are several security challenges (including high homicide rates, organized crime, and possibly terrorism) in Brazil, and have emphasized the need for intelligence effectiveness. As previously stated, Brazilian government officials have eventually become aware of the need for effective collaborative fight against transnational organized crime, drug trafficking, money laundering, and even terrorism. At the national level, interagency cooperation and coordination is the task of the top level of the executive branch of government, the Secretariat for Institutional Security (GSI), functioning directly under the president. GSI coordinates the flow of information and intelligence from various federal agencies, and acts as a crisis management center for internal and external security.<sup>55</sup>

A positive result of ABIN's subordination to the GSI is that the agency has now less authority over the other intelligence agencies, including military and police intelligence. Internationally, Brazil has focused on strengthening cooperation and intelligence sharing on countering terrorism and organized crime, especially focused on the "Tri-Border Area". Even if the Tri-Border region has been characterized by limited formal counter terrorism legislation, corruption and organized-crime permissive government, and limited border-security capabilities, cooperation has progressed in the region. An example includes the establishment in 2007 of a Joint Intelligence Center to combat trans-border criminal organizations in the Tri-Border Area, following the USA's accession into the "3 + 1 Group on Tri-Border Area Security" in 2002.<sup>56</sup>

In Romania, on the other hand, there has always been awareness of the threat of terrorism and organized crime. Debates by Romanian government representatives on the elaboration of a National Security Strategy and a White Book on National Defense, prior to 9/11, have focused on Romania's position at the convergence of many international money laundering, arm trafficking and organized crime routes, and emphasized the gravity of the terrorism and organized crime for Romania and the entire region. Moreover, the current security challenges have urged Romania accelerate the pace of the intelligence reform, to focus intelligence effectiveness. Immediately after 9/11, to adjust to the international efforts for countering terrorism, rapid changes occurred in the following: the legislation (e.g. on preventing and combating terrorism, terrorist financing, organized crime and human trafficking); structures (e.g. SRI became the national anti-terrorism authority, hosting a Department for Preventing and Combating Terrorism in 2001, in which functions the Center of Counter-Terrorist Operational Coordination, while a special forces anti-terrorism battalion for out-of-area operations under NATO or Multinational Forces command, was set up in 2001); doctrines and policies; and, personnel, education and training. In Romania, the "unknown unknowns" in the global "security equation" have knitted security and intelligence agencies together more closely, even if, by law, their roles and missions may differ. Besides bilateral agreements and cooperation between various intelligence and security organizations, overall, the National Defense Supreme Council (CSAT) coordinates the activity of all security institutions, informs and advises the president on security issues, produces security-related documents, and integrates all information provided by the intelligence agencies and other national security institutions. Within the CSAT functions a National Intelligence Community, which is the coordination body of all current intelligence agencies, as well as an integrated structure that provides a centralized processing of intelligence gathered by all its components (fair competition among services), and disseminates it to relevant consumers – and ensured integrated intelligence briefs/products dissemination.<sup>57</sup> Internationally, Romania has strong cooperation ties, as a result of NATO and EU membership and membership requirements, as well as of Romania's contribution (including intelligence) to different peace operations and anti-terrorism missions, alongside foreign partners. Besides being a NATO and EU member, Romania is part of the South East Europe Initiative Center for Combating Trans Border Crime, the European Network and

Information Security Agency, the European Police Office (EUROPOL), the International Bomb Data Center, the Balkan Communication Network, and others.

## Conclusion

This article explores a central (and maybe the most challenging) component of democratic consolidation: the democratization of intelligence (combining democratic control with effectiveness). It attempts to identify the factors either supporting or impeding progress of the democratization of intelligence, and illustrates them in Romania and Brazil, two countries that transitioned to democracy from authoritarian regimes, and have strived to reform their intelligence services.

Achieving a balance between effectiveness and democratic control is an ongoing challenge in any democracy. If older democracies can fail one way or another to balance democratic control with effectiveness, (as with successful terrorist attacks in the USA, Great Britain, and Spain) how can new democracies be expected to be successful? From our research and work with the intelligence agencies in developing democracies, we have learned that, with few exceptions, there are neither “total” successes nor “total” failures in democratic reform of intelligence agencies. There are, rather, several factors impeding progress of intelligence reform (which include, besides bureaucratic hurdles to intelligence reform, which are common in every democracy, the complexity of reform itself, legacies of the former authoritarian regimes, resistance and reluctance to reform, lack of expertise, non-existent support for intelligence and lacking intelligence culture, and corruption and organized crime), as there are important factors supporting progress of democratic reform of intelligence (reform-oriented decision-makers, prospective foreign security assistance and incentives, unavoidable or undeniable security threats of the twenty-first century, and dynamic civil societies). Nevertheless, democratization of intelligence is not an impossible job for new democracies. Time is very important also; even in long-established democracies, having intelligence agencies that are both effective and accountable does not occur overnight. The same applies to emerging democracies, but more so.

Using the case studies of Romania and Brazil, we argue that neither was able to overcome the past easily, and for many years democratizing their intelligence has been plagued with many of the aforesaid causes of lack of reform. More recently, factors that support progress are becoming obvious in their impact. In Brazil it has been the awareness of projection on the world stage, with, for example, sending peacekeepers to Haiti, and the upcoming highest possible profile world sports events of the World Cup and the Olympics. Nevertheless, although for both Romania and Brazil democratizing their new intelligence systems has been an enormously challenging process, and despite setbacks, after decades of effort, the two countries (more Romania than Brazil, mostly due to NATO/EU membership desire and requirements), managed to institutionalize effective and transparent new agencies, with robust legal bases, improved personnel standards, better information sharing, more capable democratic control and oversight mechanisms, and increasing public understanding and support for intelligence.



## Notes

1. For an excellent discussion on the issue of prerogatives see Stepan, *Rethinking Military Politics*, 93–9.
2. Betts states “In all major states it has always been assumed that the primary function of intelligence is to support the military’s readiness for war and its capacity to wage it effectively.” Betts, *Enemies of Intelligence*, 151.
3. The cat appears and vanishes at will, and, when sentenced to death perplexes everyone by making its body disappear, yet displaying a grinning head, thus leaving room for debate on whether one can decapitate something that does not have a body. Omand, ‘Can We Have the Pleasure’.
4. We understand that assessing successes and failures in intelligence democratization is problematic, mainly due to the closed nature of intelligence bureaucracies. It is difficult, for example, for those beyond intelligence communities to know when and how intelligence has been used effectively. Nevertheless, we, through access to the existing intelligence literature, on the one hand, but mainly through involvement in the programs conducted by the CCMR for foreign military and civilian partners, both in-residence and abroad (which enable us to discuss intelligence reform with intelligence representatives from new democracies), on the other hand, are confident we have useful insights on the topic. More specifically, both authors participated in a 3-day international conference hosted by the ABIN in 2005, and in several International Studies Association conventions. One of the authors spent 3 full days in meetings at the Romanian Intelligence Service (SRI) in Bucharest, in September 2009, and another week in both SRI and Military Intelligence Agency in May 2010; the other author, following 2- or 3-day meetings and interviews in Brasilia at least six times during the past decade, participated in a high-level seminar at the Brazilian Congress focused on intelligence oversight in November 2002 and December 2009. Both authors speak the languages of either Romania or Brazil.
5. Betts, *Enemies of Intelligence*; Zegart, *Spying Blind*; Treverton, *Intelligence for an Age*; Johnson and Wirtz, *Strategic Intelligence*; Jervis, *Why Intelligence Fails*.
6. Kent, *Strategic Intelligence*; Berkowitz and Goodman, *Best Truth*; Ransom, ‘The Intelligence Function’; Kate, ‘Domestic Intelligence’; Olson, *Fair Play*; Goldman, *Ethics of Spying*; Kennedy, *Of Knowledge and Power*; Tsang, *Intelligence and Human Rights*; Dover and Goodman, *Spinning Intelligence*.
7. See, for example, the periodic reports on intelligence reform in the USA by the Congressional Research Service. The latest is Best, ‘Intelligence Issues for Congress’, 7-5700 (July 9). See also the most recent report by the intelligence community on the intelligence community, such as Office of National Intelligence, *National Intelligence*.
8. Specifically, see George and Kline, *Intelligence and the National Security Strategist*, for the Sherman Kent Center for Intelligence Studies; Johnson and Wirtz, *Strategic Intelligence*; Johnson, *The Oxford Handbook*.
9. Marlatt, ‘Intelligence and Policy-Making’. The literature in English includes the following: Edmunds, ‘Intelligence Agencies and Democratisation’; Farson, Gill, Phythian, and Shpiro, *PSI Handbook of Global Security and Intelligence*; Williams and Deletant, *Security Intelligence Services in New Democracies*; Watts, ‘Intelligence Reform’; Bruneau and Boraz, *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness* (Austin: University of Texas Press, 2007); Caparini, ‘Democratic and Parliamentary’; Bom and Caparini, *Democratic Control of Intelligence Services*; and Bom, Johnson, and Leigh, *Who’s Watching the Spies?*. Virtually all of the publications from DCAF, the last three noted here, focus exclusively on control.
10. One of the authors assisted the research team at the Latin American Faculty of Social Sciences (FLACSO), which published the *Report on the Security Sector in Latin America and the Caribbean* (Santiago, Chile: FLACSO, 2007) in Spanish in

- English. They encountered huge problems in finding qualified researchers and gaining access the region on intelligence. They had far fewer problems in dealing with the armed forces and the police.
11. Edmunds, 'Intelligence agencies and democratisation' (Note 9).
  12. Although most of the data in the remainder of this papers are from the authors' own research, we will cite some literature which includes the following: Matei, 'Reconciling the Intelligence Effectiveness; Matei 'Romania's Intelligence Community'; Williams and Deletant, *Security Intelligence Services in New Democracies* (Note 9); Monac, *Parlamentul si Securitatea Nationala* [Parliament and National Security]; Filip, 'The Intelligence Phenomenon'; Bruneau, 'Intelligence Reforms in Brazil'; Wishart, 'Intelligence Networks'; Cepik and Bruneau, 'Brazil' (Note 9), 111–29; Antunes, *SNI & ABIN*; Cepik, 'Regime Político e Sistema de Inteligência no Brasil'; Roth, '*UTI Exploratoribus*', 1–193; Goncalves, *Atividade de Inteligencia e Legislacao Correlata*; Cepik, 'Seguranca Nacional e Controle Publico'; Cepik and Antunes, 'Profissionalizacao da atividade de inteligencia no Brasil'.
  13. Watts, 'Intelligence Reform' (Note 9), 16.
  14. Edmunds, 'Intelligence agencies and democratisation' (Note 9).
  15. For a detailed discussion on the challenges to effectiveness and transparency posed by divergences in parts of Romania's legal framework, see Matei, 'The Legal Framework'; Matei, 'Transforming Romania's Intelligence Community', 138–58; Watts, 'Control and Oversight', 1–24.
  16. See especially Cepik, 'Structural Change' (Note 9). And, the most complete and recent compilation including Brazil in a comparative framework is Goncalves, *Atividade de Inteligencia e Legislacao Correlata*.
  17. Former Czechoslovakia, which completely removed the former intelligence apparatus. Watts, 'Intelligence Reform' (Note 9).
  18. Zirker and Redinger, 'The Military, Intelligence Agencies'.
  19. Wishart, 'Intelligence Networks' (Note 12); and 'Brazil's spy chiefs suspended in bugging scandal'.
  20. For example, in Romania, the domestic intelligence agency's illegal wiretapping of Dinu Patriciu, one of President Basescu's political rivals. Or, other examples on Securitate's involvement illegal businesses such as smuggling of cigarettes, alcohol, oil and guns, targeted bankruptcy and fiscal frauds. Matei, 'Legal Framework for Intelligence', *International Journal of Intel and Counterintelligence*, 2009. Matei, 'Transforming Romania's Intelligence Community' (Note 15); Oprea, *Mostenitorii Securitatii*.
  21. Gill, 'Introduction' (Note 9).
  22. Bruneau, 'Controlling Intelligence'.
  23. Discussions with Romanian intelligence officers during an International Conference on Combating Terrorism, Slovenia, 2008 and at the SRI in Bucharest in September 2009.
  24. Information provided by members of the Romanian legislature.
  25. Matei, 'Challenges of Intelligence Sharing'.
  26. For detailed information on "transition fatigue" see: Ngok 'Civil Society and Demo and Zaicewa, 'Transition Fatigue?', at <http://ftp.iza.org/dp4224.pdf>.
  27. Marrin and Clemente, 'Improving Intelligence Analysis'.
  28. On ABIN see Cepik, 'Structural Change and Democratic Control' (Note 16), 149–69; and Antunes and Cepik, 'The New Brazilian Intelligence System'.
  29. Watts, 'Intelligence Reform' (Note 9); Bruneau and Matei, 'Intelligence in the Developing Democracies'.
  30. On the background see Antunes, *SNI & ABIN* (Note 12), especially Chapter 3 'Praticas da comunidade de informacoes no Brasil', 79–101.
  31. Zirker and Redinger, 'The Military, Intelligence Agencies' (Note 18).
  32. Meetings with Brazilian intelligence analysts, in Brasilia, 1–3 December 2005.
  33. Godson, *Comparing Foreign Intelligence*, 1–157.

34. Matei, 'Reconciling the Intelligence Effectiveness' (Note 12).
35. Meetings with Brazilian intelligence analysts, in Brasilia, 1–3 December 2005.
36. The Minister of Defense in 2002, Jose Viegas Filho, stated publicly in responding to a question from a journalist – "Is Brazil Immune to Terrorism" stated "No one can say that they are immune to terrorism, But, if you were to draw up a list of countries that are vulnerable to this problem, Brazil would certainly be in one of the lower rankings. **Brazil has no enemies.** There is not one country in the world that hates us or is prejudiced against us", *Correio Brasiliense* (9 March 2002), Emphasis added by author.
37. See: <http://www.unhcr.org/refworld/type,QUERYRESPONSE,BRA,4784def01c,0.html>; and Matei, 'Romania's Intelligence Community' (Note 12), 219–40.
38. Diamond, *The Spirit of Democracy*, 22.
39. See [www.freedomhouse.org](http://www.freedomhouse.org).
40. For more information on these tasks, see: Boraz and Bruneau, 'Intelligence Reform'.
41. Even if, as previously mentioned, the legal framework in Romania has a few flaws. See Matei, 'The Legal Framework' (Note 15); Cepik, 'Structural Change and Democratic Control' (Note 16).
42. Bruneau, 'Controlling Intelligence in New Democracies' (Note 22); Goncalves, 'The Need and Role of Intelligence Services'.
43. Watts, 'Intelligence Reform' (Note 9).
44. The Romanian government has invited civil society experts to participate in the drafting of transparency and/or security legislation. The Brazilian Congress held the first – ever international seminar, to which the media was invited, in November 2002. The results were published in Congresso Nacional, *Seminario Actividades de Inteligencia no Brasil*.
45. Bruneau and Matei, 'Intelligence in the Developing Democracies' (Note 29) and, for Brazil, Cepik, 'Seguranca Nacional e Controle Publico'.
46. Williams and Deletant, *Security Intelligence Services in New Democracies* (Note 9); Watts, 'Intelligence Reform' (Note 9).
47. Cepik and Bruneau, 'Brazil' (Note 12), 111–29.
48. Meetings with Brazilian intelligence analysts, in Brasilia, 1–3 December 2005.
49. Seelke and Meyer, *Brazil-U.S. Relations* (June 3).
50. For detailed discussion on the indirect role the Romanian press has played in the democratization of intelligence, as well as attempts by the government to curb the press coverage, see Matei, 'Romania's Intelligence Community' (Note 12), 219–40.
51. <http://www.pressreference.com/Be-Co/Brazil.html>.
52. 'Brazil's spy chiefs suspended in bugging scandal'.
53. Twenty-eight percent of the 340 intelligence recommendations issued by the 9/11 Commission Reports, emphasized the need to strengthen interagency cooperation and coordination. Zegart, *Spying Blind* (Note 5), 35.
54. On the priorities the speech of General Alberto Mendes Cardoso at the November 2002 international seminar on intelligence, reprinted in *Seminario Actividades de Inteligencia no Brasil*, 31–54 (Note 44). General Cardoso was the Minister – Chief of the Secretariat for Institutional Security in the Brazilian President's office.
55. For a comparison of Brazil, and Romania, with six other countries see Bruneau, Matei, and Sakoda, 'National Security Councils'.
56. Seelke and Meyer, *Brazil-U.S. Relations* (June 3).
57. Matei, 'Challenges of Intelligence Sharing' (Note 25).

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