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### Brazil's New Intelligence System: An Institutional Assessment

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MARCO CEPIK and PRISCILA ANTUNES

## Brazil's New Intelligence System: An Institutional Assessment

Brazil's security and intelligence moved from being a very powerful apparatus during the military regime (1964–1985) to one characterized by imprecise goals and lack of resources under President Fernando Henrique Cardoso (1994–2002).<sup>1</sup> At issue is whether the reforms of the military and civilian intelligence services carried out between 1991 and 2002 were able to solve the main problems detected earlier in the transition of regimes.<sup>2</sup>

Analysts of Brazil's slow transition process to democracy (1975–1985) focused on the military's high levels of autonomy of decision and its many prerogatives. The consolidation of democracy depends on, among other things, the subordination of the state organizations which manage the use of force to institutional rules that regulate the processes of formation and exercise of government. Insofar as intelligence and security organizations may be both informational and coercive in their nature, the public control of their activities is very decisive and challenging for democracy. In this sense, the analysis of the institutional performance of Brazil's intelligence agencies is part of a broader discussion on civil–military relations in the country during the transitional period.

### ANALYZING THE BALANCE

Two very different approaches can be identified when studying the civil–military relations in Brazil.<sup>3</sup> The pessimistic approach may be found in two books written by Jorge Zaverucha, *Rumor de Sabres: tutela militar ou controle civil* (1994) and *Frágil Democracia: Collor, Itamar, FHC e os Militares* (2000). He argues that from the time of the early Constitutional

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discussions in 1986 until the establishment of the Ministry of Defense in 1999, the Armed Forces were able to assure their autonomy and prerogatives. According to Zaverucha, the fact that military officers were not directly holding political positions in the government allowed them to devote most of their capabilities and resources to preserving power during the transition process. He explains that any governmental initiative to impose disciplinary measures or institutional controls on the military would have been considered a non-zero sum game, characterized by the capacities of each player in commanding his respective preference. Under this approach, the civilians are seen as those mainly responsible for the power granted to the military during the transition process, since they seem to have been co-opted by a non-confrontational behavior based on the calculations of costs and benefits. Also, Zaverucha believes that the unprecise legal definition of the military's role was an additional incentive to threaten the civilian governments with the possibility of a military coup in the case of a major reduction in the prerogatives and power of the Armed Forces. Therefore, the continued unbalanced equilibrium between civilians and the military, as expressed by Brazil's 1988 Constitution, served to pose a serious problem to Brazilian democracy.

The second, and much more optimistic, approach is offered by Wendy Hunter's 1997 work, *Eroding Military Influence in Brazil: Politicians Against Soldiers*. Her central point is that electoral competition since the 1980s created incentives among Brazil's congressmen to limit political participation by the military. Since democratic competition gradually expanded popular sovereignty in Brazil, Hunter asserts that the military is no longer capable of, or interested in, exercising political power. The legislative debate on the federal budget is also a powerful tool to explain how incentives to further reduce the military and intelligence budgets are created by a competitive party system. Currently, national defense spending in Brazil amounts to US\$ 10 billion, representing just 0.6 percent of the federal spending and 0.3 percent of the gross national product (GNP).

While Hunter acknowledges the existence of military prerogatives inscribed in Brazil's new constitution, she argues that their usefulness had declined throughout the 1990s. Since politicians are interested primarily in reelection, issues such as security and defense that are normally dormant become means to ensure the support of interest groups and social sectors which prefer greater budget allocations to social projects than to military spending. Hunter also asserts that politicians are likely to allocate less money for military spending when seeking reelection. The final result of these dynamics might be an erosion of whatever prerogatives the military now has.

Despite the fact that Zaverucha and Hunter have opposing views about the intensity and number of those military prerogatives, they share a common assumption regarding the importance of the level of public control over the

armed forces and intelligence services needed to consolidate democracy. Here, the emphasis is on the role of the intelligence services in the context of civil–military relations.

### TOEING THE LINE

The issue of the accountability of intelligence services is particularly acute in Latin America, where the consolidation of democracy is still very much an ongoing process. During the military regimes of the 1960s, 1970s, and 1980s, the security and information services in Latin America prioritized the combat against the “internal enemies” according to the principles of the National Security Doctrine (DSN).<sup>5</sup> Besides the moral and political abuses wrought by the extensive use of intelligence as a repressive tool, the emphasis on internal security functions produced at least two enduring consequences: (1) the difficulty in accepting even analytical intelligence as a regular and legitimate part of the contemporary democratic state; and (2) the prevention of intelligence organizations in many countries from recruiting, educating, and keeping personnel specialized in collecting and analyzing foreign intelligence.

How best to achieve effectiveness and public control? Although dealing with the Brazilian case, the story told here might contribute to future comparative studies about the role—and the risks—of intelligence during the transition to and consolidation of democracy.

Contained here are three main sections. Section I presents the National Information Service (SNI), showing how it managed to become a sort of “parallel power” during the military rule in Brazil, and offers a preliminary explanation about its decline and fall. Section II approaches the changes in Brazil’s intelligence arena in the early 1990s, especially the transformation of the military services, and the transitional agency named Secretariat of Strategic Affairs (SAE). In Section III, the role played by Brazil’s Congress in the reform process of Brazilian intelligence between 1994 and 1996 is analyzed. Finally, Section IV briefly presents the main provisions of Public Law No. 9,883, enacted in December 1999. This law is the main legal basis for the Brazilian Intelligence Agency (ABIN). Some of its pitfalls are discussed here later.

As in other countries, academic research on Brazilian intelligence is constrained by security restrictions related to governmental secrecy. Some of these restrictions are necessary and therefore understandable, while others are merely part of the accountability problem. But such restrictions do not preclude serious inquiry about the nature and problems of the relationship between intelligence and democracy.<sup>6</sup>

During the transition process to democracy, many security services in Latin America adopted the Anglo-Saxon denomination of intelligence

services, agencies, or centers. The problem then is to identify and, if possible, to assess the ideological and organizational changes related to these new names. To do so, the first step to be taken is toward exploratory case studies aimed at explaining the governmental capacities resulting from the reforms. "Capacities" encompass the performance of the new organization in collecting, analyzing, and disseminating intelligence, and also the degree of public control and quality of congressional oversight. These two aspects are closely related because, without public support and congressional willingness to provide budgets, no intelligence service can be effective in the long term.

### I. BRAZIL'S "SECURITY INTELLIGENCE STATE": THE SISNI

The National Information Service (SNI) was created in June 1964, just after the military coup that ousted the government of President João Goulart. The service was conceived by General Golbery do Couto e Silva to directly assist the President of the Republic. The SNI, linked to the National Security Council (CSN), was responsible for directing intelligence and counterintelligence activities in the country for the military regime (1964–1985).<sup>7</sup>

The SNI consisted of a Central Agency, divided into sections of Strategic Information, Special Operations, and Internal Security. The last was responsible for identifying and evaluating existing or future dissidents, carrying out analyses, and making a suitable distribution of the resulting studies. Its regional agencies were divided into the same sections as the Central Agency. Created by executive decree, the SNI was exempted from the need to inform Congress about its organization, operations, and personnel. Without the need for accountability to anyone, with the exception of the presidency it served, the SNI grew rapidly in the 1960s. Because its organization and functions had not been previously established by law, the agency was able to adapt itself to the circumstances faced by the new authoritarian regime. This "elasticity" also allowed the SNI to systematically penetrate all levels of government.<sup>8</sup>

With the rise of opposition to the military regime at the end of the Sixties, the SNI's regional agencies increased in number and size. The participation of the Armed Forces in the fight against the political opposition was made official through the Special Guidelines of the Médici government (1968–1974) and the creation of a National Internal Security System (SISSEGINT). Among other things, SISSEGINT included the setting up of information or intelligence services in the Army and Air Force: the Army Information Center (CIE) and the nucleus of an Air Force Security Information Center (CISA). In this process, the Navy, which had already set up its intelligence service in 1955, reformulated it, creating the

CENIMAR, a military agency noted for its competence and discretion as a repressive tool against perceived enemies of the government. The SNI grew exponentially, becoming the “head” of the military regime’s great network of intelligence services. The number of branches increased, and the SNI’s head minister gained the power of veto, a prerogative that had been granted only to Ministers of State.

Supported by the Special Guidelines, the “information community” infiltrated various levels of Brazilian society, and had the responsibility for monitoring virtually every aspect of civilian life, especially those perceived as being internal threats to the national security. Its operations resulted in the violation of citizens’ rights, since torture, violation of correspondence, telephone bugging, and arrests without warrant were accepted practices during the military regime.

The end of the rural guerilla action in the Araguaia region in 1974, and the annihilation of rural and urban armed opposition in the country, concluded a period which had begun in 1968, when the Institutional Act Number 5 (AI-5) enhanced the repressive powers of the military dictatorship in order to face the growing political and social opposition.<sup>9</sup> During the presidency of General Ernesto Geisel (1974–1979) began the “distension” (as the political opening up of the regime was called in the country), based upon a strategy of “slow, gradual and safe” transition to civilian rule devised by General Golbery, who had created the SNI. Nevertheless, the “information community” very fiercely opposed the distension. The SNI had become a sort of parallel power, or a “monster,” as General Golbery would call it later on.<sup>10</sup>

Just as the regime began to open up, frustrating the expectations of many Brazilians who had been looking forward to a reduction of SNI’s activities and those of the Armed Forces intelligence agencies as a result of the “distension,” the SNI experienced a new expansion, mainly during the tenures of President General João Baptista Figueiredo (1979–1985) and the SNI’s head minister, General Otávio Medeiros. In fact, Figueiredo, himself a former head minister of the SNI, gave Medeiros a great deal of operational autonomy. Of course, during the Cold War Brazil was not the only country led by personnel from the ranks of security and intelligence.<sup>11</sup> But the fact that two presidents of the military regime had been heads of the SNI (before Figueiredo, General Emílio Garrastazu Médici, head of the SNI in the 1960s, later became President of the Republic) shows the level of power reached by Brazil’s security and intelligence apparatus.<sup>12</sup>

Only two changes in the organization of the service reduced its power during the last government of the military period: (1) the time that army officers could serve in the SNI was reduced from six to two years, and (2) the rank of officers occupying the positions of department heads in the Central Agency and head of the Rio de Janeiro and São Paulo stations,

was reduced from general to colonel. But these changes were important mainly in reducing the presence and limiting the power of the armed forces inside the SNI.

### *Sarney's "New Republic"*

At the end of President Figueiredo's tenure (1985), a civilian president was elected after twenty-one years of military rule. But Tancredo Neves, the successful Brazilian Democratic Movement Party (PMDB) candidate, was unable to take office as President because of health problems. He died and was replaced by José Sarney, a former collaborator of the military regime. The Sarney government (1985–1990) began the period of Brazilian history now known as the "New Republic."

General Ivan de Souza Mendes headed the SNI during Sarney's administration. At that time, armed opposition by the revolutionary Left had been defeated for over ten years. Even the popular campaigns for redemocratization and for the holding of direct elections, which were never violent, had reduced their intensity. After the summit meetings between United States President Ronald Reagan and the General Secretary of the Soviet Union's Communist Party, Mikhail S. Gorbachev, the Cold War itself was nearing its end. According to General Mendes, since one of the SNI's main objectives was to assure the safety of the Brazilian state, the new international scenario compelled the agency to review its priorities.<sup>13</sup>

Although the SNI kept its main focus on internal security, some concerns, from border issues to counterintelligence against threats of industrial spying, were adjusted to deal with the new international context,<sup>14</sup> and the SNI's structure was to some extent adapted to meet the new situation. Whether there was a real break with previous practices is not known, but as Brigadier Sócrates da Costa Monteiro, the Minister of the Air Force during the Fernando Collor government, stated, there was "a process of slow-down in information activity."<sup>15</sup> According to Monteiro, General Mendes sought to "suitably dose the employment of the means I had for information activity and gave greater weight to foreign information."<sup>16</sup>

During the Sarney Government, the SNI also continued to monitor workers' strikes, which, according to calculations by the agency, totaled more than 5,000 during the period. Also, according to Mendes, the SNI at that time worked in perfect harmony with the Ministry of Labor (*sic*). Its monthly reports were sent to the Minister of Labor (at that time Almir Pazzianoto, a former union lawyer) about the internal security situation. In 1987, the SNI continued to prepare reports containing "a summary of subversion in Brazil." During the presidential elections of 1989, the SNI monitored the movement of left-wing candidates in the country, and infiltrated the Sixth National Meeting of the Workers' Party (PT).<sup>18</sup>

In sum, the SNI was still concentrating most of its resources on the internal surveillance of groups and individuals capable of affecting Brazilian politics in a direction contrary to the preferences and interests of the federal government.

During this final phase of the “slow, safe and gradual” transition to democracy, accusations of the SNI’s direct involvement in repression and torture lessened, but accusations of the violation of other civil rights, such as invasion of privacy, correspondence monitoring, and telephone bugging continued. During the military period, these practices were somewhat disseminated, and carried on, not only by the SNI, but also by the intelligence agencies of the Armed Forces, and by those of the police forces (federal police, the military police, and civil police of the twenty-seven states).

The changes that occurred inside the SNI in the first years of the New Republic cannot be fully ascertained. According to former workers in some SNI offices, the agency was undergoing complex changes when it was abolished in 1990. These changes were part of the “*SNI Project*,”<sup>19</sup> through which Sarney transformed the General Secretariat of the National Security Council into the Advisory Secretariat for National Defense (SADEN), and approved new statutes for the SNI.<sup>20</sup> Despite the tasks defined by Sarney, the intention of giving priority to foreign intelligence may have been developed inside the agency. But, upon the inauguration of President Fernando Collor’s short government (1990–1992), the SNI was abolished, beginning a very confused transition period in Brazil’s intelligence community.

#### *Collor’s Alterations*

To fulfill a campaign promise, Collor, soon after taking office, made various alterations in the structure of the presidency. As part of the restructuring, he abolished the National Information Service, as well as the Security and Information Divisions or Councils subordinated to SNI and allocated to civil ministries and equivalent agencies in the federal administration. He also abolished the SADEN, and cancelled the status of minister for the head of the Armed Forces (EMFA) and the Military Office of the Presidency. This reorganization was implemented through Provisional Measure 150 of 15 March 1990, and regulated by Public Law 8.028 of 12 April 1990.<sup>21</sup>

Throughout the Sarney government, the SNI remained intact, surviving even the new Federal Constitution issued in 1988. But, by reformulating the presidency and abolishing the SNI, Collor struck down one of the main prerogatives of the military, since these alterations substantially reduced their sphere of political and institutional power. Several factors brought about the extinction of the SNI at that specific moment. Many



military officers ascribe the decision to personal problems between President Collor and the SNI's last head, General Mendes.<sup>22</sup> But this explanation is difficult to prove.

During the tenure of José Sarney, according to Luís A. Bitencourt Emilio, the SNI began to lack a legitimate base, in spite of attempts at dialogue with Brazilian lawmakers.<sup>23</sup> During the presidential campaign of 1989, Collor spoke of the SNI's extinction as one of his main commitments. Through the reorganization of the presidency he fulfilled his promise as soon as he took office. According to Emilio, the action merely made "official" something that was already a fact. Even then the measure surprised virtually everyone, skeptical as they were about Collor's bravado, considering his past collaboration with the military regime. For Emilio, Collor needed the measure to prove himself because no one believed he would be able to counter the kind of "military sanctuary" represented by the SNI, which, at that time, was headed by a retired General, and its Central Agency and its School of Information, then headed up by active duty generals. Many political leaders and analysts saw the information service as a "natural branch of the Army."<sup>24</sup>

For Felipe Aguero, the SNI's dissolution was the "seizing of an opportunity" by President Collor at a moment when things were not very clear. Aguero relates Collor's maneuver to the influence of outside factors, that is, it was possible only because of the new international situation, marked by the fall of Communism and the end of the Cold War.<sup>25</sup>

The SNI's ability to survive during the redemocratization of Brazil, and its apparently sudden extinction in 1990, clearly demand further research. Nonetheless, the downgrading of the nation's security and intelligence apparatus did not mean the end of its former capacities, especially when considering the whole system, including the armed forces and police intelligence sections. Changes have occurred in those sections also, but during most of the 1990s the ideological base provided by the National Security Doctrine and the Cold War remained the same.

## II. EARLY 1990s: CIVIL AND MILITARY INTELLIGENCE

In the period following the SNI's dissolution, both the President and the Congress avoided dealing with issues related to intelligence, thereby preventing the establishment of a new doctrine and legal framework. The armed forces component of Brazil's intelligence capacities became more isolated from the public debate and remained virtually untouched. The civil component, the intelligence department of the Secretariat of Strategic Affairs (SAE), established in 1991, was tolerated rather than reformed.

In creating the SAE, some of the SNI's structures and *modus operandi* were preserved.<sup>26</sup> The SAE's "new" intelligence department became the heir to the

spoils of the dissolved SNI, and was charged with the responsibility of implementing measures to protect sensitive government information nationwide. But it had the same size and resources of the old SNI. Placing the nation's civil intelligence functions under the SAE, the President gave the Secretary of Strategic Affairs considerable discretion in deciding the status of the new department. As a whole, the SAE more closely resembled the former General Secretariat of the National Security Council (SG/CSN), or the transitional SADEN, than the old SNI. All the SG/SN's routine activities were transferred to the SAE, and the new agency became responsible for reviewing the so-called National Strategic Concept, as well as for studying topics related to national security policies.<sup>27</sup>

In carrying out those duties, during the tenures of the Admiral Mario Flores and Ambassador Ronaldo Sardenberg as Secretaries of the SAE (1992–1994), there was a noticeable disregard for the intelligence inputs. As the intelligence department lost resources, personnel, and technical capacity during the 1990s, its inability to make itself useful to the decision-making process reinforced the perception of the politicians and the general public that intelligence was either dangerous or useless. Another cause of this official disregard was the difficulty of the Ministry of Foreign Relations (MRE) staff to cope with intelligence activity of any kind. Therefore, during the early 1990s the civil component of the Brazilian intelligence capacities experienced a very painful process of power decadence, with no public signs of adjustment in terms of priorities and practices.

#### *Military Agencies Retain Strength*

Reorganization of the military components of the Brazilian intelligence during the first half of the 1990s was also slow, and did not change public perception of the authoritarianism engendered by their actions during the military dictatorship (1964–1985). But the new intelligence centers of the three armed forces displayed no signs of diminishing resources or lack of power.

The Air Force was the first to adopt the term “intelligence” to distinguish the “new” service's role from the tradition inherited from the military regime. Although created during the administration of President José Sarney, the Intelligence Secretariat (SECINT) was sanctioned by executive decree only in 1991, during the presidential term of Fernando Collor.<sup>28</sup> Brigadier General Sócrates da Costa Monteiro, Collor's Minister of the Air Force, tried to change the focus of the Air Force intelligence service from the collection information on internal threats to the area of foreign communications.<sup>29</sup> Later, during Brigadier General Mauro Gandra's tenure as Minister of Aeronautics in President Fernando Henrique Cardoso's first term (1995–1998), the SECINT began giving its highest attention to the moral state of the Air Force itself, particularly to

preventing the involvement of its officers in drug trafficking and smuggling activities. This priority helped turn an intelligence service into a security service, thereby making more difficult the comparison of the Brazilian service and those of other countries.

The Navy's adoption of the term "intelligence" became official in January 1991.<sup>30</sup> The Navy's Intelligence Center (CIM) was created for the function of "producing and upholding knowledge related to the spheres of National Power, which are of interest to the Brazilian Navy." According to Admirals Serpa and Mauro Rodrigues, the CIM's activities are connected with harbor-related and internal Navy problems. The CIM produces monthly reports on disciplinary violations and other aspects of personnel management, including the impoverishment of Navy officers.<sup>31</sup> CIM also gave assistance to some civil ministries before the publication of Provisional Measure 150 which created ABIN in 1995 and ended the Navy's intelligence support on economic matters.

In the political area, Admiral Serpa declared that CIM worked primarily on behalf of the Navy, going so far as to investigate the lives of congressmen involved in the national budget distribution to find out which of them could be convinced to defend the Navy's interests. But another CIM focus was the Landless Workers Movement (MST). Serpa asserts that CIM is no longer concerned about "subversion," but that it is still concerned about MST, "[a movement] which wants to bring subversion back, to cause tumult. . . We follow their activities, look on, watch them. Now and then a guy from CIM holding an MST flag shows up in a demonstration. He infiltrated to get to know what those folks are saying. . ."<sup>32</sup>

The Army was the last of the Armed Forces to rename its information agency as an "intelligence" unit. According to General Zenildo Lucena, Army minister of President Itamar Franco (1992–1995), the most sensitive changes in the Army's Information Center (CIE) were initiated in President Collor's term, when General Carlos Alberto Tinoco dissociated the CIE from the Army Ministry and put it under the control of the General Staff. This change caused discomfort inside the Army, and was so resisted by the information personnel that the transfer of the Center never occurred.<sup>33</sup>

Only during Franco's term did the CIE actually become the Army's Intelligence Center, having a mandate "to plan, guide and supervise" the management of the Army's Intelligence Service, carrying out and giving orientation to the intelligence activity necessary to the Army departments that have a political-strategic status. According to General Lucena, the remains of the military regime were very noticeable in the Army's intelligence area until 1992. The CIE continued the monitoring of internal politics, and watching certain political parties, labor unions, and religious movements that were considered "radical."<sup>34</sup>

When the Ministry of Defense was created in June 1999, with the Ministries of the Navy, Army, and Air Force subsumed as Force Commands, the military intelligence components became subjected to the commanders-in-chief of each General Staff.<sup>35</sup> The Ministry of Defense is now formally responsible for strategic and operational intelligence aimed at defense, as well as the formulation of a common operational intelligence doctrine. In addition to the intelligence services of each armed force, the Ministry has its own Strategic Intelligence Department (DIE). Yet, despite recent organizational changes, the statements of higher-rank Brazilian military commanders clearly indicate that the main priorities of the military intelligence are still defined by each force, and continue to be concerned with "internal enemies," as well as with the problems of investigation and inspection of the armed forces themselves.

With the end of SNI Brazil's intelligence structures were emptied but not "changed." The reforms were of only minor importance within the SAE's structure thereby allowing its agents to continue operating without regulation, doing "business as usual." To deal with this new reality, characterized by a mixture of organizational decadence and lack of public control, the executive branch and National Congress legislators introduced two measures aimed at controlling and setting mandates for the civilian and military intelligence agencies.

### III. SEARCHING FOR A MISSION: CONGRESS STEPS IN

The role of the National Congress in the establishment of the aims and mandates of intelligence organizations is crucial, especially in countries where democracy has not yet been consolidated. Congressional supervision must focus on two basic issues: (1) the control of government agencies whose operational effectiveness depends on secrecy, and (2) deciding on the proper amount of budgetary resources for a highly specialized activity with technological demands not easily understandable by congress members.<sup>36</sup> While many of the bills (called law projects in Brazil) introduced since 1990 addressed those two issues, none was very successful in resolving them.

Law Project 1862, for example, submitted to Congress by the executive branch in 1990, was specifically related to the monitoring and control of intelligence activities. It charged the SAE with the development of intelligence activity and the advancement in strategic expertise necessary for the exercise of constitutional responsibilities regarding the defense of the state and its institutions, as well as with upholding the interests of the state against external threats. The devised role for the SAE's intelligence component was to include actions aimed at obtaining data and assessing external situations that could complicate or impede the progress of Brazil's strategic interests internationally. The SAE would also have been required

to identify, assess, and neutralize espionage by rival intelligence services or other foreign organisms, whether under state control or not, and to protect scientific and technological knowledge considered to be of national interest. The intention was to aim civil intelligence activity toward foreign issues, to obtain and produce intelligence, and to protect knowledge sensitive to the economic and technological projection of the country into the international arena, in addition to establishing legitimate channels for the agency's supervision. Its monitoring would have been carried out by a Joint Parliamentary Committee (made up of congressmembers from both chambers) authorized to have access to all classified documents. The violation of the information secrecy was defined in the Law Project as a serious crime.

Hailed by some and criticized by others, Law Project 1862 was opposed by three alternative bills introduced by members of Congress. The first, submitted by Representative José Dirceu (PT), offered a more precise definition of intelligence and counterintelligence activity. It also proposed that the executive branch should accurately define the intelligence service's powers and search mandates, as well as internal preventive rules against civil rights violation. The executive would also be responsible for the training and supervision of new agents, and the retraining of those who had worked for the SNI. External control would be exercised by Congress, and be carried out by both the Foreign Affairs and National Defense Committees of the Senate and the National Defense Committee of the lower chamber of Congress.<sup>37</sup> The proposals of Representatives Alberto Haddad (PMDB) and José Fortunati (PT) less strictly defined the legal boundaries of intelligence activity, and repeated Dirceu's proposals about congressional control.

Before the appraisals of those projects by the *Camara dos Deputados's* (Chamber of Deputies) National Defense Committee were made public, President Collor submitted a substitute measure. His reasons were never made clear, but the first law project had probably failed to achieve a consensus among the involved government agencies regarding the new legal framework for the intelligence sector.

Another bill, Law Project 3031, relieved the Secretariat of Strategic Affairs (SAE) from intelligence activities, and proposed the creation of a Federal Intelligence Center.<sup>38</sup> This project attempted to respond to Collor's request concerning the SAE's reorganization. His intention was to have the SAE focus its activities on planning, supervising, and controlling programs of a long-term nature. The law project also would establish a Federal Intelligence Center, whose functions would involve "planning, coordinating, and executing the civil intelligence activities of the federal government; uphold secrets of interest to the State; [and] develop programs and projects to train and promote the development of staff in the field of

intelligence.” The project did not mention the creation of joint committees, congressional supervision of intelligence activity, or budget control, other than that exercised by the executive.

The political turmoil that marked 1992 in Brazil culminated in the impeachment of President Collor. The political crisis compelled the withdrawal of the intelligence law project from Congress's voting schedule as part of the general effort to avoid any subjects that were controversial and not essential (in the eyes of the President, at least) at that time. Once again, the structure of the presidency was changed by executive decree when Vice President Itamar Franco came into office. President Franco (1993–1995) reorganized the SAE, promoted its director to the post of minister, and created a division named the Under-Secretariat of Intelligence (SSI). Subordinated to SSI were the Department of Intelligence and the CEFARH (the intelligence school and training center), thus integrating the SAE's second hierarchical level. But the chief government official for intelligence still had no direct access to the President. In order to have it sanctioned, the then minister of the SAE, Admiral Flores, presented the new regulatory structure of the Undersecretary through Executive Decree 782, sanctioned on 25 March 1993.

Also in 1993, Representative Dirceu presented a new project regulating the intelligence sector. Law Project 4349 attempted to improve on certain aspects of his previous measure. Proposing the creation of a central agency, it would be responsible for both establishing national guidelines for intelligence activity, and coordinating the execution of intelligence activities by civil and military agencies.<sup>39</sup> This was the last bill to be submitted before the creation of ABIN in 1995.

### *The Control Mechanisms*

A good analysis of the role played by the Brazilian legislature in the field of intelligence is Luis Antonio Bitencourt Emílio's *O Poder Legislativo e os Serviços Secretos no Brasil (1964/1990)*.<sup>40</sup> In discussing how the activities of the secret services and the new Brazilian democracy could be made compatible, Emilio focused on the control mechanisms, their limits and possibilities, and the lack of congressional interest in establishing such mechanisms. Using the SNI's creation in 1964 and the elaboration of the Federal Constitution in 1988 as indicative examples, he argued that Congress's role with regard to the secret services was extremely tenuous. The central point of Emilio's book is a comparison among Brazil, Canada, and the United States after the 1970s, wherein he concluded that “the Brazilian legislature is mostly indifferent about the secret services.”<sup>41</sup>

Even though the Brazilian legislature has, over time, not shown much interest or capacity to establish mechanisms to monitor and control the intelligence services, attempts were occasionally made to define the field.

In 1994, the *Camara dos Deputados*'s National Defense Committee held a seminar on "Intelligence Activities in a Democratic State: Current Issues and Outlook," in which government officials, congressmen, foreign representatives, and Brazilian university professors participated. The public had free access to the meeting. But however praiseworthy the committee's initiative might have been, the seminar's impact on the new intelligence agency was hardly noticed.

The new Brazilian Intelligence Agency (ABIN) was created through a Provisional Measure issued by the federal government in 1995.<sup>42</sup> This measure again restructured the organization of the presidency, maintaining the SAE as an agency to assist the President. The Undersecretary of Intelligence (SSI) remained temporarily subordinated to the SAE. Through this measure, however, the executive was able to create the ABIN as a federal agency directly subordinated to the President. The new President, Fernando Henrique Cardoso, named General Fernando Cardoso, a former director of the CIE (Army), as its head.

In response, Worker's Party Representative Jacques Wagner (PT) presented a new bill, Law Project 1279.<sup>43</sup> That project displayed a clear concern about possible abuses by intelligence officers and personnel. But, as had happened with all previous law projects introduced by members of Congress, discussion was suspended after the public hearing held by the National Defense Committee in May 1996. The congressmen decided instead to wait for a new law project from the executive branch.

#### IV. THE "NEW" BRAZILIAN INTELLIGENCE AGENCY

By the time that public hearing took place in Brasilia on 21 May 1996, General Cardoso was no longer in charge of ABIN's implementation. By the time he left the post of Undersecretary of Intelligence, control of ABIN was transferred from the General Secretary of the presidency to the Military Office, then under the direction of General Alberto Cardoso. When the Undersecretary's job was handed over to him on 14 April 1996, Alberto Cardoso declared that the agency to be created would predominantly take care of questions related to the security of society and state, tackling problems like drug traffic, weapons smuggling, counterespionage, and similar themes related to national strategic interests.<sup>44</sup>

Attending the May public hearing, Alberto Cardoso emphasized the importance of a deep ethical sense inherent to the production of information and to full respect for democratic rules. He justified this ethic by noting that intelligence activity is menacing because it is always invested with great potential power. The ABIN, he explained, should not be an ideology-bound agency but rather a state agency to be created by Congress.<sup>45</sup>

The ABIN would then become the central agency of an intelligence system which would also include the intelligence units of the Federal Police, the three Armed Forces, other Ministries, and, if agreed upon by the parties involved, institutions at other levels of both the public and private sectors. General Cardoso highlighted the fact that these agencies would be completely different from SNI's former Internal Security Divisions, located in many government agencies, sectors, or branches to search for "subversion." The function of the new system would be "producing knowledge for a decision-making process of the highest level of state administration." The new agency should also be controlled by the legislature, acting through the Defense Committees of the Chamber of Deputies and the Senate, and by the judiciary. The judiciary would be responsible for authorizing secret activities. The National Defense and Foreign Relations Chamber (CREDEN) of the Government Council would issue directives for ABIN. The agency's head would have to be nominated by the President and approved by the Senate.<sup>46</sup> This proved to be the general outline of the agency established by Congress almost four years later. (See Figure 1.)

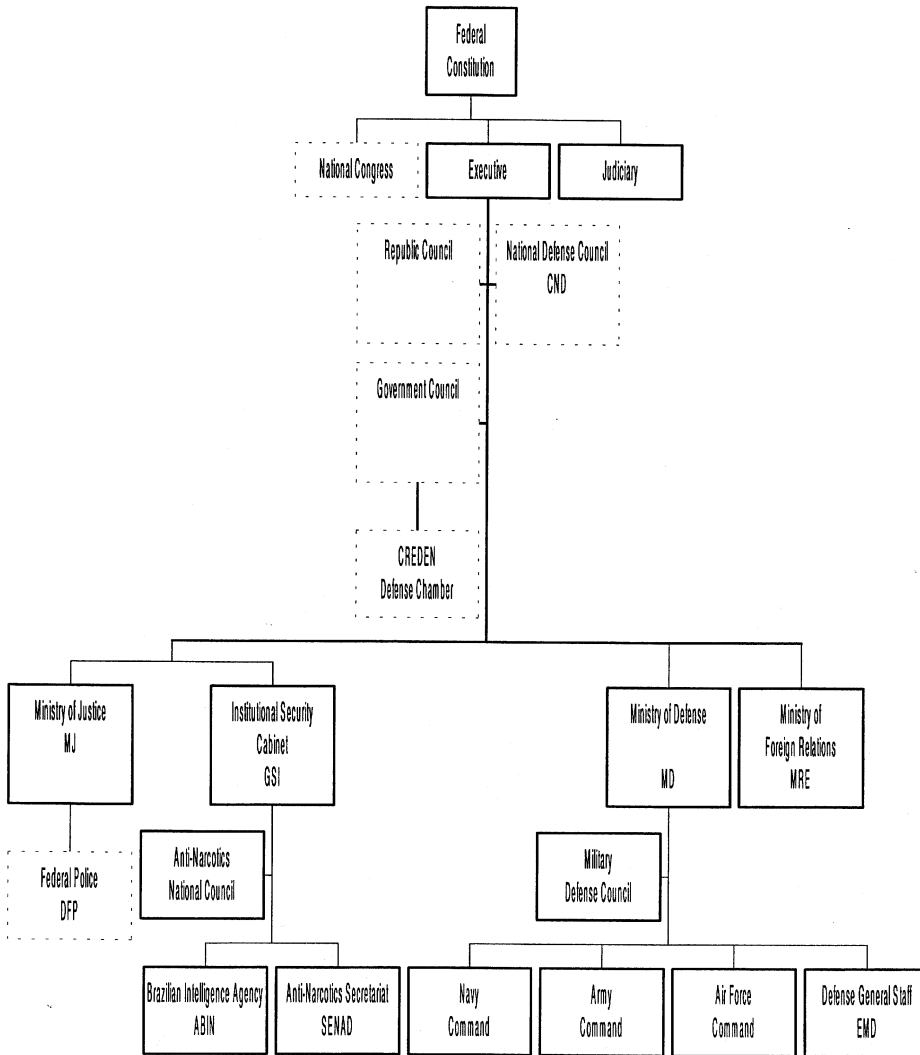
### DEFINING THE ABIN'S ROLE

In 1996 Alberto Cardoso defined intelligence activity as an "action concerned with the interests of the State as to foreign groups or powers and based on hypotheses about obstacles or impediments to the interests of the State itself." He defined counterintelligence as a defense activity targeted against foreign intelligence, and restricted it to activities put in practice within the country. On a central question in Brazil (and elsewhere), namely, the actions taken by the intelligence sector toward domestic violent and nonviolent groups, Cardoso argued that the defense of the country against them would be indispensable, and that it would require seeking information "about national groups that might be a threat to the continuity of the State, its survival, and the interests of the Brazilian Nation"<sup>47</sup>

Besides the lecture given by General Cardoso, the congressional hearing requested by Representative José Genoíno (PT) also featured the participation of academics, generals, and the heads of the intelligence services of the Army and the Air Force. Most of the contributors to the hearing underscored the need for the Executive's project to include the adoption of external control, a clear-cut legal and functional separation between intelligence and counterintelligence activities, and the need for such control to be combined with clear and unequivocal mandates.

But public discussion about intelligence activity continued to be scarce after the hearing, and even after December 1997, when the Executive branch finally submitted the new Law Project 3651.<sup>48</sup>





**Figure 1.** Brazilian National Security—Organization Chart (2001). *Source:* Cepik and Antunes (2001).

The law project went through a long period of negotiation in the Camara dos Deputados, where four amendments were presented. In January 1999, the project was sent to the Senate. There, it was first analyzed by the Constitution, Justice and Citizenship Committee, and later delivered to the Foreign Affairs and National Defense Committee, where it was again subjected to amendments. One sought to restrict the number of retired military officers allowed to work for the new agency. Another, submitted by Senator Marina da Silva (PT), proposed that at least two-thirds of the

agency's new employees should be civil servants or active duty military, not retired officers or contractors. This amendment was discharged on the basis that it could prevent the full cooperation of universities and the private sector.

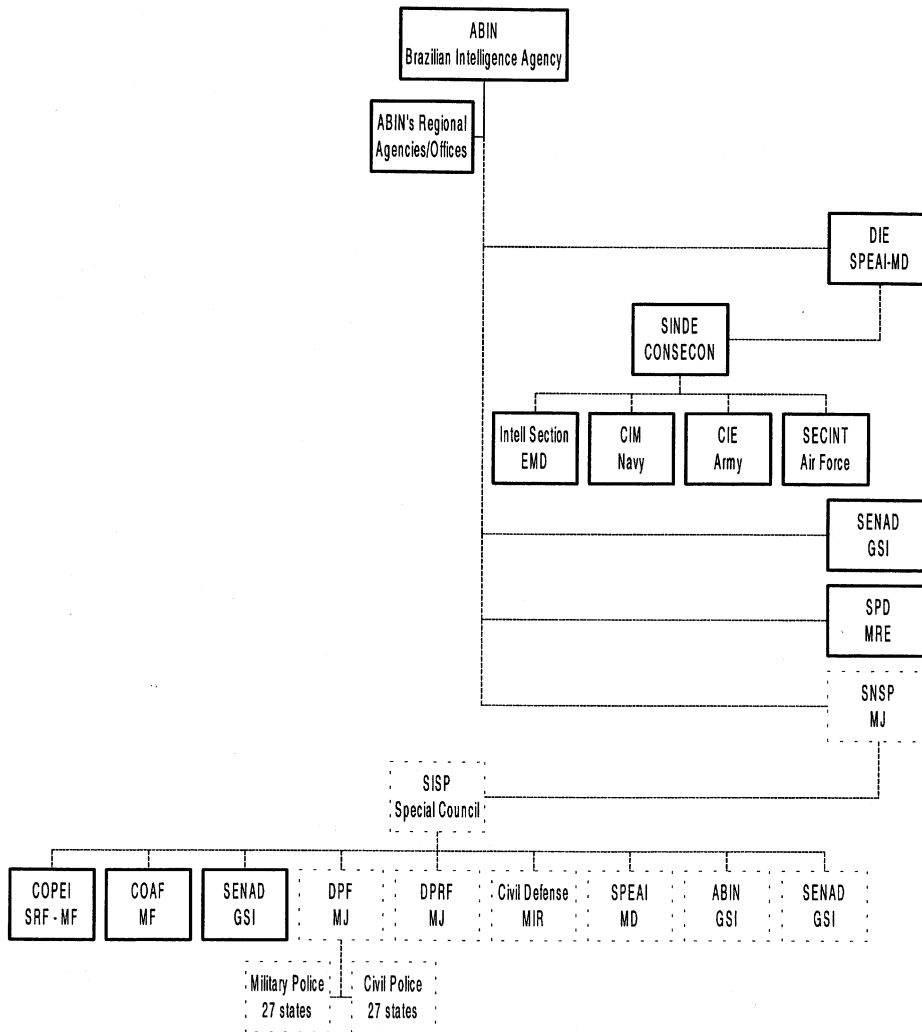
Having undergone modification in the Senate, the bill then returned to the Camara dos Deputados for approval. President Fernando Henrique Cardoso sanctioned it as Public Law 9883 on 7 December 1999. Henceforth, the SSI no longer existed, and ABIN was instituted as a direct assistant agency of the presidency.<sup>49</sup>

#### *ABIN and SISBIN*

Public Law 9883 also established the Brazilian Intelligence System (SISBIN). The SISBIN was designed to integrate the planning and execution of intelligence activities in the country. This includes the gathering, analysis, and dissemination "of information necessary to the decision-making process of the executive," as well as the protection of information "from the access of unauthorized persons or agencies." The law defines the national sovereignty, the rule of law, and the dignity of human beings as the fundamental reasons for the very existence of the system, providing it with its mission and objectives. The second article of this law also determines that all the agencies and institutes belonging to the Federal Public Administration, especially those responsible for defense, internal security, and foreign affairs, will be part of the SISBIN. Even agencies belonging to the twenty-six states and the Federal District may be part of the SISBIN if the federal and regional governments so agree. Another relevant provision was related to the National Intelligence Policy (PNI), to be carried out by the ABIN under the supervision of the Government Council and Congress. From an institutional point of view, a couple of developments in the years since the new intelligence law was sanctioned in Brazil have been positive. (See Figure 2.)

First, after the legal establishment of the ABIN in December 1999, complaints to the press continued regarding illicit surveillance and telephone tapping against government officials, opposing political leaders, and other social activists. Protests were also heard against the appointment of former SNI operatives to ABIN managerial positions. Considerable criticism developed about the weakness of the agency's analytical performance, even when attempting to monitor the activities of the MST (a major priority for the government). And, more recently, some questions have been raised about the agency's role in areas like the security of the electronic ballots used for Brazilian elections.<sup>50</sup>

As a result of this increased public awareness about the roles and risks of the intelligence activities in a democratic state, during the second term of President Fernando Henrique Cardoso (1998–2002) ABIN's first director,



**Figure 2.** Brazilian Intelligence System—SISBIN (2002). *Source:* Cepik and Antunes (2002).

Colonel Ariel de Cunto, was fired and replaced. The Senate appointed Marisa Diniz, the first woman to be in charge of an intelligence agency in Brazil. To create some distance between the President and the intelligence agency, Executive Decree 3493 in May 2000 transferred ABIN to the newly created Institutional Security Cabinet (GSI), under the command of General Alberto Cardoso.

Second was the regulation of the Joint Oversight Commission on ABIN in the National Congress. According to Public Law 9883 of 1999, external control of SISBIN's intelligence activities was to be carried out by

Congress through a mixed commission, formed by the integration of the leadership of the minority and majority of the National Congress, as well as by the chairmen of the Foreign Relations and National Defense Committees within both the Chamber of Deputies and the Senate. The leadership of the Joint Oversight Commission was to alternate between the chairmen of the Foreign Relations and National Defense Committees of both the Chamber of Deputies and the Senate. In December 2000, the ABIN received its first official visit from the Joint Oversight Commission in Brasilia. Since then, the CSI Minister and ABIN's director have been mandated on a number of occasions to appear before Congress to discuss the National Intelligence Policy.

#### *New Subordinate Units*

Finally, the SISBIN was expanded through the regulation of two important subsystems: a Public Security Intelligence Subsystem (SISP) and a Defense Intelligence System (SINDE).

The SISP, established in December 2000 through Executive Decree 3695, was tasked to organize, in a cooperative form, the flow of criminal intelligence, couterintelligence, and security intelligence under the coordination of the Public Security National Secretariat (SNSP), a component of the Ministry of Justice. Also, different elements come from the various Ministries that form the SISP. Within the Ministry of Justice, besides the SNSP, are intelligence components from the Federal Police Department (DPF) and the Federal Roads Police Department (DPRF). From the Ministry of Treasury come numerous elements (COAF, COPEI, and SRF), from the Ministry of the Regional Integration, the Ministry of Defense (SPEAI), the Institutional Security Cabinet (ABIN and SENAD), and the twenty-seven State Police Forces. Because this subsystem incorporates ABIN's representatives, the products of security intelligence relevant to the other parts of SISBIN should be adequately disseminated.<sup>51</sup>

#### *The Military Intelligence Hierarchy*

Some of these institutions are also members of SINDE, the defense intelligence system established in June 2002 by an administrative measure of the Minister of Defense, MD Decision 295. SINDE is an attempt to articulate the components of intelligence within the Navy (CIM), the Army (CIM), the Air Force (SECINT), and the Defense General Staff (EMD-2) with the Ministry of Defense's central level of administration. For this reason, the central role in the system is played by the Strategic Intelligence Department (DIE-SPEAI), which is responsible for representing the SINDE within SISBIN and with the Congress. But the degree of hierarchic centralization in Brazil's military intelligence is much lower than is the case

with SISBIN and SISP. For this reason, SINDE's consulting council (NOSINDE) was created to help coordinate the activities of the Armed Forces' intelligence centers without crossing any traditional military levels of command. Therefore, the commanding generals in charge of the intelligence centers of each force are not under the operational control of any other relevant subordination to the DIE or ABIN.<sup>52</sup>

Despite the formalization of the management structures and improvement of the external controls of Brazil's intelligence system in recent years, the development of these capabilities still has a long road ahead.

### IMPEDIMENTS TO REGULATION

Because the debate that led to the creation of SISBIN had been going on for almost a decade, the general character of the resulting regulations of Brazilian intelligence makes them unsatisfactory, for at least three reasons:

(1) Even after the establishment of the SISP and the SINDE, what is understood by "components of the system" is not clear, for the current definition can encompass agencies from the National Education Council, at the federal level; to the Research Sponsor Foundation of the State of Rio de Janeiro, at the state level; to the intelligence sections of any Army battalion; or even the police forces of the country's many states. The kind of coordination that can be exercised over the system's members remains relatively unregulated. Whether ABIN will have operational control (OPCON) over those members, or will just coordinate them, is also not clear. The law simply establishes SISBIN, charging it with the responsibility to respect the Federal Constitution. From an institutional point of view, this is obviously problematic.

(2) The legal definitions of intelligence and counterintelligence are also problematic. Their lack of precision virtually implies a search for omniscience in running governmental affairs. According to Public Law 9883, all "facts and situations that can bear an immediate or potential influence on the government's decision-making process or on the protection and security of the state and society" are of interest to the Brazilian intelligence system.

(3) The criteria for the establishment of the degrees of governmental secrecy are not presented in the law or in the related executive order. This lack of specificity raises such question as: To what extent should information be kept secret? Who would be responsible for the decision about what should be kept secret? What are the penalties that those responsible for the leaking of secret information would face? In its current wording, the law allows for an infinite number of interpretations as to the competence of the intelligence system, which could lead to abuse or inefficiency in the exercise of duty.

On the limits and techniques of intelligence activity, the new law establishes that intelligence activity is to be run on the basis of unrestricted compliance to constitutional principles. More precise details are yet to be drawn up for the missions and mandates of ABIN's counterintelligence sector. Besides being responsible for the protection of state information, especially against hostile intelligence agencies, counterintelligence operations also involve activities abroad, and security and counter-espionage programs that seek to apprehend and neutralize foreign agencies through the use of available resources, but the law is basically negligent in this respect. The same is true regarding covert actions. In very general terms, covert action, which seeks to directly influence international political events, is an activity situated in the gray zone between diplomacy and warfare. As a matter of policy and moral conviction, the Brazilian government's official policy is to not carry out such operations, but there is no specific word about it in the law.

Supervisory and reporting mechanisms are poorly specified. This is not exactly a surprise, insofar as Congress has shown little interest in this field during the past ten years. The changes introduced by the Senate to guarantee that the outside monitoring of intelligence activity will be conducted by a joint oversight committee were big improvements in the legislation. But Congress must put the new joint committee into action; whether it will be done effectively remains in question.

For example, the intelligence law approved by Congress does not specify the mechanisms to be used for reporting on the system's annual budget and expenses. It merely charges the agency's director—who must be appointed by the Senate—with the task of elaborating and editing ABIN's internal rules to be approved by the President. It also authorizes the "special access" publication of secret regulations and information management, and authorizes ABIN to communicate with other agencies of public administration "with the previous knowledge of the highest-ranking authority in the relevant agency or his/her representative."

Among the administrative measures of the new intelligence law, Article 11 authorizes the creation of the positions of Director General and Assistant Director. The Exposition of Motives prepared by the Presidency in 1997 established that the costs of ABIN's creation, including the 111 new staff and managerial positions, would be relatively low. But General Alberto Cardoso told reporters that it would be necessary to double the intelligence budget from 17.5 million dollars in 1996 to 35 million dollars in 1997.<sup>53</sup> Colonel Ariel de Cunto, the ABIN's first director, made clear in a 1999 interview that this \$35 million budget covered the whole organization, including the salaries of both active and retired personnel. According to de Cunto, only nine to ten million dollars are available for ABIN's running intelligence activities. Neither the government nor Congress can tell if that

is enough money. The level of spending (for ABIN, not the entire SISBIN) in 2002 was 36 million dollars, including all personnel costs.<sup>54</sup>

These are important points to consider in assessing the future performance of Brazil's intelligence system. Unfortunately, all the new Brazilian intelligence legislation merely mandates that SISBIN coordinate the collection of information to support the decisionmaking process, particularly through the central agency (ABIN); that the Federal Constitution be respected; and that Congress and the executive periodically monitor intelligence activities.

Recent reforms of the country's intelligence apparatus support the idea of a consolidation of democracy in Brazil, mainly because of the new congressional oversight provisions. Yet, the vague legislative framework and the system's erratic priorities and missions raise the same challenges and conflicts faced by other democratic countries: efficiency and public control.

## NOTE

The departing point for this article was Priscila Antunes's Master's degree thesis, "The Brazilian Intelligence Agency: Genesis and Historical Precedents," defended in August 2000. In addition to an extensive documentary survey, Antunes's thesis relied on her exclusive unpublished interviews with some of the main participants in the reform of the Brazilian intelligence community. A draft version of this article was reviewed and presented by Marco Cepik as a lecture at the National Security Affairs Department of the Naval Postgraduate School (NPS), Monterey, California, October 2000. The authors would like to thank Dr. Thomas Bruneau, director of the Center for Civil-Military Relations at Naval Postgraduate School, as well as Dr. William Smith from the University of Miami, for their critical comments.

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- <sup>2</sup> An important review of the literature on transitions is: Felipe Aquero "Legacies of Transitions: Institutionalization, the Military and Democracy in South America," in *Mershon International Studies Review*, Vol. 42, 1998, pp. 383–404. A more recent account is the collective volume organized by Maria Celina

D'Araudo and Celso Castro, *Democracia e Forças Armadas no Cone Sul* (Rio de Janeiro: Editora Fundação Getúlio Vargas, 2000).

<sup>3</sup> See, for example, Walder de Goes "Militares e Política, uma estratégia para a democracia," in Fábio Rets and Guilherme O'Donnell, orgs. *A democracia no Brasil: dilemas e perspectivas* (São Paulo: Vértice, 1998). Two opposing views of the same process are: Jorge Zaveruca *Rumor de Sabres: tutela militar ou controle civil* (São Paulo: Ática, 1994). From the same author, see *Frágil Democracia: Collor, Itamar, FHC e os Militares* (Rio de Janeiro: Civilização Brasileira, 2002). For an opposing view, see Wendy Hunter, *Eroding Military Influence in Brazil: Politicians Against Soldiers* (Chapel Hill, NC: The University of North Carolina Press, 1997).

<sup>4</sup> <http://www3.senado.gov.br/orcamento>

<sup>5</sup> The National Security Doctrine (DSN) was very influential in Latin America during the 1960s and 1970s, but it is still alive in a less authoritarian version in many countries. See, for example, Escola Superior de Guerra (1999), *Fundamentos Doutrinários da ESG* (Rio de Janeiro, Brasil: Ed. ESG).

<sup>6</sup> See for example, Thomas C. Bruneau, "Intelligence and Democratization: The Challenge of Control in New Democracies," *International Journal of Intelligence and Counterintelligence*, Vol. 14, No. 3, Fall 2001. Also see Eduardo E. Estevez, "Estructuras de Control de los Sistemas, Organismos y Actividades de Inteligencia en los estados Democráticos," paper read at the "Seminario Internacional: La Inteligencia en las Organizaciones del Siglo XXI," Chile, 2000. About the Brazilian case, see also: Luís Antônio Bitencourt Emilio, *O Poder Legislativo e os Serviços Secretos no Brasil (1964–1990)* (Brasília: Faculdades Integradas da Católica de Brasília, 1992). The best book dealing with security intelligence and accountability problems is the one written by Peter Gill, *Policing Politics: Security Intelligence and the Liberal Democratic State* (London: Frank Cass 1994).

<sup>7</sup> Information on the organizational chart and main operations of the SNI and the CSN in: Ana Lagoa, *SNI: como nasceu, como funciona* (São Paulo: Brasiliense, 1983).

<sup>8</sup> The judgments presented in this section are based on interviews given by Generals Moraes Rego (President Geisel's Military Cabinet Chief) and Carlos Alberto Fontoura (former SNI chief in 1967–1969). The actual numbers of the SNI presence are still classified. Both interviews may be found in Maria Celina D' Araujo, Glaucio Soares, and Celso Castro (eds.) *Os Anos de Chumbo: A memória militar sobre a repressão* (Rio de Janeiro: Relume-Dumara, 1994).

<sup>9</sup> A useful and didactic review of this time period of the Brazilian history is Boris Fausto, *História do Brasil* (São Paulo: Edusp, 1995) 2nd ed. See specially Chapter 9, The Military Regime: 1964–1985, pp. 463–515.

<sup>10</sup> Baffa, 1983, p.17.

<sup>11</sup> Even among the main players of the Cold War some heads of intelligence and security agencies became political leaders of their countries. Among them were George H. W. Bush of the United States, Yuri Andropov of the Soviet Union,



- and Chaim Herzog of Israel. Cf. Norman Polmar and Thomas B. Allen, *Spy Book: The Encyclopedia of Espionage* (New York: Random House, 1997).
- <sup>12</sup> To compare the prerogatives of the Brazilian SNI to the intelligence services of established democracies, see Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton, NJ: Princeton University Press, 1988), pp. 19–20. For a more general approach, see Thomas C. Bruneau, *Op. cit.*
- <sup>13</sup> Ivan Mendes, p. 144.
- <sup>14</sup> According to his statement, at that time there were foreign activities of the United States, Holland, and France in Brazil. The Dutch had problems in Suriname, and France had problems in French Guinea.
- <sup>15</sup> Sócrates da Costa Monteiro, 1998.
- <sup>16</sup> Ivan Mendes, p. 166.
- <sup>17</sup> *Ibid.*, p. 157.
- <sup>18</sup> Otto Sarkis and Luiz Antônio Novais, “O SNI nas pegadas do PT,” *ISTOÉ*, São Paulo, 4 May 1994, pp. 20–23.
- <sup>19</sup> More information about these changes is to be found in Lúcio Sérgio Porto Olwerlra, *A História da Atividade de Inteligência no Brasil* (Brasília-DF, ABIN, 1999).
- <sup>20</sup> Decree 96.814 of 28 September 1988.
- <sup>21</sup> The President can order provisional measures that last for 30 days or “Medida Provisórias” while Congress is discussing a Law Project. At that time those provisional measures could be renewed indefinitely while the Congress was analyzing a Law Project, but now it can be renewed only once.
- <sup>22</sup> During Fernando Collor’s campaign, he supposedly referred to General Ivan de Souza Mendes as a “generaleco” (a pejorative term). Based on this episode, some military officers believe both men were not very fond of each other, and that the shutdown of the SNI could have been based on this explanation.
- <sup>23</sup> Emilio, pp. 113–134.
- <sup>24</sup> *Ibid.*, p. 129.
- <sup>25</sup> Felipe Agüero, “Perspectivas para o futuro,” in Maria Celina D’ Araujo and Celso Castro, *Democracia e Forças Armadas no Cone Sul* (Rio de Janeiro: Editora Fundação Getúlio Vargas, 2000), pp. 268–269.
- <sup>26</sup> Interview given to CPDOC by Carlos Tinoco, 1998.
- <sup>27</sup> Admiral Mário César Flores’s interview given to Eugênio Diniz, in Eugênio Diniz, “Estratégia, Informação e Defesa Nacional,” *Novos Estudos*, CEBRAP, No. 39, July 1994, pp. 115–132.
- <sup>28</sup> Decree-law 15 of 28 January 1991 is about SECINT.
- <sup>29</sup> Interview given to the Center for Contemporary Brazilian History Research and Documentation (CPDOC) by Sócrates Monteiro, 1998. The CPDOC is an important research center hosted by the Getulio Vargas Foundation in Rio de Janeiro, Brazil.
- <sup>30</sup> The Information Center had previously been subordinated to the Minister of the Navy. With the Decree-Law 16 of January 1991, it was subordinated to the General Staff.

- <sup>31</sup> “Favelado” is someone who lives in shantytowns. Statements by Admirals Ivan Serpa (1997) and Mauro Borges (1998).
- <sup>32</sup> Interview given to CPDOC by Ivan Serpa, 1997.
- <sup>33</sup> Interview given to CPDOC by General Fernando Cardoso, director of CIE at the beginning of Fernando Collor’s government, 1999.
- <sup>34</sup> Interview given to CPDOC by Zenildo Lucena, 1999.
- <sup>35</sup> Decree-law 3080 of June, 1999.
- <sup>36</sup> Emilio, 1992, p. 9.
- <sup>37</sup> The lower chamber of Congress is named Camara dos Deputados in Brazil.
- <sup>38</sup> Projeto de lei 3031-A, of 29 June 1992.
- <sup>39</sup> Luis Bitencourt Emílio did prefer to use the secret services to emphasize the differences between international intelligence agencies and the Brazilian organization. Cf. Emilio, op.cit., p.7. We kept the current international denomination of intelligence and security services.
- <sup>40</sup> Already mentioned above: Luís Antônio Bitencourt Emilio, *O Poder Legislativo*.
- <sup>41</sup> Ibid., p. 173.
- <sup>42</sup> Provisional Measure 813 of 1 January 1995.
- <sup>43</sup> Law Project 1279 of 29 November 1995.
- <sup>44</sup> Alberto Cardoso, Brasília, 21 May 1996. Shorthand, revision and editing department. Nucleus for Commissions Reviews. Camara dos Deputados.
- <sup>45</sup> Ibid.
- <sup>46</sup> Ibid.
- <sup>47</sup> Ibid., p. 14.
- <sup>48</sup> “ABIN will have a bigger budget in 1997,” *O Estado de São Paulo*, São Paulo, 30 October 1996 (<http://www.estado.com.br>).
- <sup>49</sup> Interview given by Ariel de Cunto to CPDOC in 1999.
- <sup>50</sup> For a review of the recent political crisis and the main critics about the ABIN, see [www.estado.com.br](http://www.estado.com.br).
- <sup>51</sup> As a matter of fact, the Executive Decree 3448 of 5 May 2000 first established the Public Security Intelligence Subsystem of the SISBIN and had ABIN as its central organ and its director as president of the subsystem. Due to operational problems and bureaucratic turfs between ABIN and DPF, the new Executive Decree 3695 of 21 December 2002 transferred the coordination role in the SISB to the SNSP of the Ministry of Justice.
- <sup>52</sup> Portaria Normativa 295/MD, 3 June 2002.
- <sup>53</sup> Cf. the interview General Cardoso gave to *Época* magazine, November 1998.
- <sup>54</sup> Interview given to Priscila Antunes by Ariel de Cunto in 1999. For budgetary information regarding Brazilian intelligence, see the following Web page: <http://www3.senado.gov.br/orcamento>.