THE ROLE OF THE MEDIA AND CIVIL SOCIETY IN INTELLIGENCE ACCOUNTABILITY: THE CASES OF SPAIN AND BRAZIL

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Abstract

This article analyses the accountability of intelligence agencies in Spain and Brazil. Drawing from critical intelligence studies, this article will argue that the goal of accountability is to expand legitimacy by incorporating the civil society. This requires redeveloping the scope of intelligence and its audience beyond legal norms and traditional decision-makers. To do so, the article will consider the following actors: 1) the media; 2) whistleblowers and leaks; 3) scholars; and 4) fiction writers. These actors may complement intelligence by gathering information or acting as knowledge advisory groups. Moreover, they can also challenge intelligence by promoting deeper scrutiny and transparency, while constructing archetypes that represent secret agencies. The conclusion will summarize the strengths and limitations deriving from these actors to promote accountability. It will also claim that, through a critical approach, exploring new accountability forms are necessary to expand the social legitimacy of intelligence policies.

Introduction

This article is inserted in Critical Intelligence Studies (CIS)—a branch that interprets intelligence organization and knowledge as a sub-product deriving from power disputes within a sociopolitical context and historical time. Particularly, intelligence is related to the construction of power and cannot be simplified to rational and neutral procedures for decision-making. From a traditional perspective, intelligence should reduce complexity to promote decision-making and security. However, from CIS and accountability perspectives, intelligence decision-making is not neutral. It is covered by power relations and epistemological disputes. CIS leitmotiv "is not to reinforce consensus (or create a new one), but rather produce dissensus, i.e., a (sometimes uncomfortable) critique of taken for granted assumptions, routines, and norms of intelligence production, operation, organization, and impact" (Bean et al., 2021, p. 468).

In that sense, CIS has focused on rhetoric and language shifts aiming at stronger links between practitioners and civil society (Kreuter, 2010). Additionally, accountability and democratization studies have scrutinized intelligence beyond legal norms and efficiency demands. However, most of these studies have determined that accountability hinges on top-down policies, and consider citizens as an electorate (Esteves, 2000; Gill, 2003; Zegart, 2000). This vision resembles Schumpeter's notion between agents and principals in which official bureaucrats achieve accountability goals through the management of electoral preferences through a delegated process that is central to current democracy. Hence, this text reconnects CIS and accountability to political theory in a deeper manner, demanding to know which direction CIS can lead intelligence policies and studies.

To find an answer, we need to go back to the seminal sense of *critique*. This word reflects various theoretical positions linked to transformative challenges. But, overall, "it is part of intellectual combat to redefine concepts, theories, and methods, and contests practices that (implicitly) maintain or institute injustice and inequality" (Klein Goldewijk, 2021, p. 478). In that sense, the ultimate goal of critical studies might be to reinforce all those practices that increase citizen power, including bottom-up policies and actors.

Hence, we consider three lines of inquiry that can be addressed by CIS to foster social justice and include more voices. The first one is that intelligence should also be connected with agonism in politics. An agonistic democracy implies that an expected level of conflict and tensions is healthy for political life (Lowndes & Paxton, 2018). Rather than being a coherent and harmonic process, intelligence should address different voices, including those who dissent and contest. Despite its implication, agonism does not mean that only

conflict is important, but rather, that tensions and disputes are at the very heart of power relations and history.

The second line is that, when considering a more pluralist and diverse view of democracy (Puyvelde, 2013), it is necessary to move beyond the official channels and Schumpeter's logic between agents and principals. The concepts of consultation, inclusion, participation, and closer links between intelligence and civil society still deserve further attention. In doing so, new democracy models could be reached. Hence, this means to redefine accountability studies, it is necessary to shift from a procedural to a substantive dimension in which bottom-up demands and plural voices are fostered. In that sense, accountability should not only scrutinize top-down policies and norms. It should also create a common ground for civil society actors to increase their participation and intervene in closed decision-making. This relates to direct participation and its controversial integration in restricted policies such as intelligence.

The third line is the quest for a new social contract or society. Despite sounding distant or utopian, the movement from a representative to a participative model means that CIS and accountability should not be merely interested in social effervescence and civil society recovery (after disasters and crisis, security attacks, or authoritarian trends). There should be a direction to re-calibrate traditional authority and increase social legitimacy. The final form of this new social model is unforeseeable. Yet, broader social legitimacy stemmed from bottom-up actors can work as a teleological principle to guide CIS and accountability projects. In that sense, this article reconsiders the dialectical relationship between authority and legitimacy as core elements attached to accountability principles. This ultimate orientation for legitimacy allows one to focus on those actors specifically attached to a more diverse power perspective, rather than to a vertical one (e.g., the media and civil society, instead of public authorities such as legislators and courts).

That does not mean that civil society actors can promote definitive solutions to intelligence accountability. Yet, in times in which liberal democracy regresses and the evolution of states is challenged by extreme polarization and redefinition of institutional channels (Bakir, 2018), placing people at the heart of politics is essential (again). Moreover, this text aims to expand a key notion supported by previous scholars: intelligence accountability is ultimately related and must be supported by a robust civil society (Gill & Pythian, 2018). At the same time, a robust culture of accountability cannot be conjured into existence by merely introducing new laws and regulations. A more complex pattern of "ambient accountability" (Aldrich & Richterova, 2018, p. 1003) is necessary; a wide and deep combination of institutional and social actors should produce legal and cultural changes, even in the long term,

to create the ideal conditions to the three mentioned lines: agonism, participation, and a new society (Schaap, 2006).

This article will consider Spain and Brazil as case studies. In critical studies, the author must assume their social position and view to formulate an analysis. The author of this study has researched and worked in both countries, possessing the potential to formulate situated knowledge and conduct an immersive cultural study. Yet, the author must also assume limitations in their view. In this sense, the choice is because it sheds light on intelligence studies, expanding their range to Southern European and Latin American countries.[1] In these regions, the debate about the ability of social actors to produce "ambient accountability" (Aldrich & Richterova, 2018, p. 1003) is almost absent. Furthermore, the selection is justified by the fact that both countries initiated a political transition after experiencing authoritarian regimes in the last century and have developed legal mechanisms to tame their services (Huntington, 1993). Therefore, both countries have a controlled methodological difference that allows their juxtaposition and analysis in a case study approach.

Rather than considering strict similar cases, it is more appropriate to select two cases with a certain level of likeness but relatively distant in terms of polity (a quasi-federal parliamentary monarchy versus a federal presidential republic). There is also a similarity/contrast dynamic in terms of security, as such cases represent the Southern European and European economic and security complex, as well as the Atlantic and Western Hemisphere security complex (Buzan, 2003). That controlled difference enables a variance of mechanisms that could be useful to complement a broader sample of countries. Yet, there is no aim to formulate theoretical and statistical generalizations based on these samples as these regions have heterogeneous practices and legal configurations that cannot be ignored in further analysis. The selection is inductive and theoretical, and does not aim at explaining similarities and differences using comparative politics. Rather, this article will use two case studies to extract content and actors' roles in order to analyze their accountability. This difference is subtle, but must be highlighted.

In the first part, this article will define accountability and the principles used to assess it. In the second part, it will consider media coverage from five major newspapers during the last two decades (as modern Spanish and Brazilian intelligence agencies were respectively created in 2002 and 1999). In this

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[1] See, for instance, civil society and pressure groups in the US (Puyvelde, 2013, p. 139), the role of the media in France (Tréguer, 2017, pp. 17-28) and students in Spain (Díaz-Fernández, 2018, p. 22), legal reforms in the UK (Phytian, 2018), in Germany (Hillebrand, 2019, pp. 38-61), Argentina and Chile (Gimate-Welsh, 2018, pp.161-188), and Nigeria and South Africa (Fagbadebo, 2019, pp. 19-44).

section, the role of the media will oscillate between dependency on security agencies towards constructing narratives, and the intermittent investigative role in scrutinizing information from governments. In the third part, the role of whistleblowers and leaks will emerge as a critical, yet sporadic front to monitor intelligence. As this role is not legally protected, disclosing information is contingent here on personal motivations, showing its limitations towards sparking accountability. In the fourth part, this article will consider coverage from the most important academic journals (*Intelligence, Security, and Public Affairs* in Spain and *The Brazilian Journal of Intelligence* in Brazil) from 2005 to 2019, showing the main topics addressed by scholars when researching accountability and intelligence. Finally, the fifth part will demonstrate that writers of fictional stories, ranging from novels to documentaries, are essential in placing intelligence on the communicative radar of the citizenry. Yet fiction should be treated carefully by ensuring that it is a complementary source to studies in this field. The conclusion will illustrate a holistic landscape regarding the oversight of intelligence, as well as the main accountability principles promoted by the above-mentioned actors and roles. This part will also show the limitations from those mechanisms and claim that further reforms are needed to render intelligence policies even more accountable and legitimate.

Accountability

In the field of accountability, intelligence studies have focused on institutional channels, such as legislative control and judicial warrants to protect fundamental rights. However, the role of non-institutional actors from civil society remains underdeveloped in comparison to previous studies. Despite the production of media and intelligence (Caparini, 2004, 2016; Matei, 2014), this area still needs to be explored and complemented with other forms of accountability. This expansion is essential because intelligence aims to protect the state and the government of a country. At the same time, this activity might sometimes collide with freedom of speech, political opposition, and legitimate dissidence.

In order to assess accountability, some scholars have supported the use of benchmarks to analyze the relationship between intelligence and social actors, like the media (Bakir, 2017). However, this article supports an analysis in which general principles need to be formulated beyond institutional procedures. Accountability, as expressed above, needs to be redirected to the broad sociopolitical structure where intelligence agencies operate in order to reshape power asymmetries. In other words, accountability should restrain authority (the capacity to execute power) to promote social legitimacy (the validation of authority emanated from the people). The top-down authority should encounter bottom-up legitimacy.

Thus, based on previous accountability studies (Schedler, 1999; Yauri-Miranda, 2020), accountability is defined as the activity conducted between two or more social actors, through institutional and non-institutional means, in order to bargain or potentially reallocate authority and legitimacy. The reallocation can be conducted within short-term outcomes that affect the initial actors, or in unforeseen and long-term consequences that affect those, and more. Hence, accountability can be deemed as the dialectical tension that links authority (the object) to the replenishment/creation of legitimacy (the objective) before a certain audience (commission, court, organization, the public, society, etc).

In terms of a sociopolitical order, social legitimacy can be defined as the major legitimization given by the people or the governed. This normative condition is the ground in which power and accountability can be inserted and evaluated to deep democracy. Therefore, social legitimacy is not abstract, and grows to the extent that there are channels that enhance participation and even agonistic preferences from the people. Rather than being subject to the major will of the people, it is possible to list concrete accountability principles that help grow social legitimacy (Dowdle, 2006). As such, there are four significant principles. These are:

- Responsibility: Duties and missions expected of one player and aimed at a certain audience through formal and informal means. It allows identifying the actors and content of the accountable action.
- Transparency: The degree of visibility, exposition, and openness. During the process of accountability, transparency allows one to verify its range and scope (actors, audiences, processes, content, time, and outcomes).
- Answerability: The capacity to demand "answers" and formulate corrections to an accountable actor(s) through soft means. It relates to restoring trust and mutual oversight, including checks and balances.
- Enforcement: The capacity to demand answers and impose corrections to an accountable actor(s) through hard means. It relates to the "Rule of Law" and to the preservation of individual rights.

There might be more principles, but the above-mentioned go beyond institutional channels and can promote the construction of social legitimation. In that sense, if social legitimacy consists of the normative condition emanating from the general will of the people, this concept is improved by the presence and convergence of such principles. For example, intelligence is more accountable and legitimate if this field continuously promotes or is permeable to responsibility, transparency, answerability, and enforcement.

Relying on such principles, the main goal of this text is to assess the accountability of intelligence agencies by analyzing specific actors and roles from the civil society: 1) the media; 2) whistleblowers and leaks; 3) scholars; and 4) fiction writers. Those fronts are expected to be representative forms of accountability beyond institutional or official channels.

This text is based on the review of local references, legislation, and primary sources such as the press, government archives, and journal articles. As a result, this article will make an analytical induction (analytical generalization) alongside deductive processes (theoretical propositions). That is, the internal and external validity of this text will be constructed through theoretical, interpretative, and contextual analysis to reach consistency in the accountability assessment. Due to these characteristics, this text could be interpreted as descriptive, explanatory, and especially exploratory. Through the case studies which will act as units of analysis, I will consider the main strategic intelligence agencies in both countries: the Center of National Intelligence (*Centro Nacional de Inteligencia* – CNI) in Spain and the Brazilian Intelligence Agency (*Agência Brasileira de Inteligência* – ABIN). Considering these units, let us analyze the first role.

The Media Role

One of the most appreciated qualities to expand the base of the government's legitimacy is the capacity to develop a robust civil society that can influence policies, monitor governments, and resist authoritarian trends. In that sense, the media can show news and report facts but also create substantial coverage that can help connect the public with policies. In the field of intelligence democratization, Matei (2014) identified some points of importance for the media, with the first expressing that the media can inform the public about government policies.

Based on this point, the media is defined as the array of communicative agencies (public or private) whose basic function is to inform the citizenry and shape public opinion. Few citizens have the time and resources to do their own research on politics and government policies. In terms of intelligence, the media informs citizens on security issues—from threats and challenges to national security to everyday government policies. The informative role of the media in our cases can be visualized as follows.

Media coverage of intelligence in Spain

Figure 1

Media coverage of intelligence in Spain
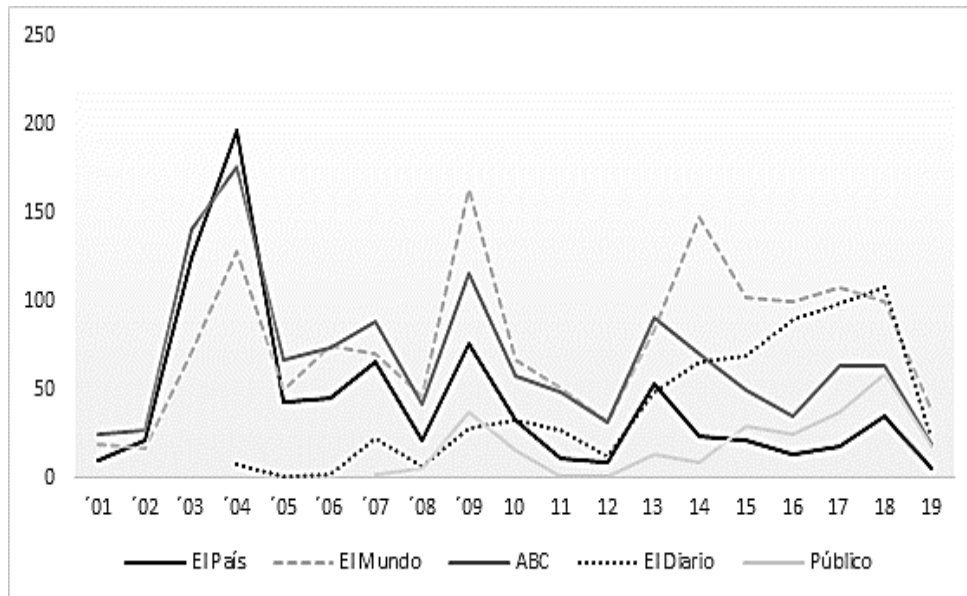
Source: author

Figure 1 shows the media coverage of intelligence since the last institutional reform of the Spanish intelligence community (from January 2001 to July 2019). The vertical axis shows the number of online articles released by five major newspapers in terms of audience and publications. To create the graphic, articles that were tagged with "CNI" (Centro Nacional de Inteligencia) at least once were selected. Thus, not all the articles have CNI as their main object. Yet, the early years depict a scenario dominated by traditional media like *El País*, *ABC,* and *El Mundo*. It is possible to detect a coverage peak in 2004 as the Madrid bombings at the hands of Al Qaeda opened a huge discussion about the role of intelligence to protect the country. In the following years, the articles covered issues like the CIA rendition flights and the War in Afghanistan and Iraq. In 2009, another peak (169 articles by *El Mundo* and 116 articles by *ABC*) was produced by CNI internal crisis that caused the replacement of director Alberto Saiz with Sanz Roldán, who was at the head of the Center until 2019. In the same year, *El Mundo* focused on military operations like "Alakrana" (in which Somali pirates hijacked a Spanish ship). In the following years, *El Mundo* echoed official narratives and supported the Center on many occasions, such as in efforts against separatist and nationalist groups. Since 2012, it is important to notice that other newspapers, sometimes more critical to official narratives, have reached a considerable space in the media. Independent leftwing newspapers like *El Diario* and *Publico*, despite a late reaction, developed a consistent

number of publications (more than 50 articles per year). These newspapers have focused on issues such as the Snowden revelations, the control of reserved funds, the legislative commissions to oversee defense policies, scandals of corruption within the Ministry of Interior (*Cloacas de Interior*), etc. In the past few years, the issues covered by almost all Spanish newspapers included corruption cases such as *Villarejo* and *Pequeño Nicolás*, as well as the *WannaCry* cyberattack and Barcelona terrorist attacks in 2018.

Media coverage of intelligence in Brazil

In the Brazilian case, Figure 2 shows the media coverage of intelligence since the last institutional reform (from ABIN's creation in 1999 to July 2019). The vertical axis shows the number of articles released by five of the major newspapers in the country in terms of audience and publications. To create the graphic, online articles that are tagged with "ABIN" (Agência Brasileira de Inteligência) at least once were selected. Thus, not all the articles have ABIN as their main object. Yet, the time series in this country shows an average of 100 articles per year, demonstrating an amount of information similar to the coverage received in Spain. In this country, traditional newspapers like *Folha*, *Estadao*, and *O Globo* (*O Globo* changed its name to *G1* in 2009) dominate the series. However, independent leftist newspapers like *Carta Capital* (since 2012) and *Carta Maior* (since 2009) had an inexpressive volume of publications or did not address intelligence in their publications.

Figure 2

Media coverage of intelligence in Brazil
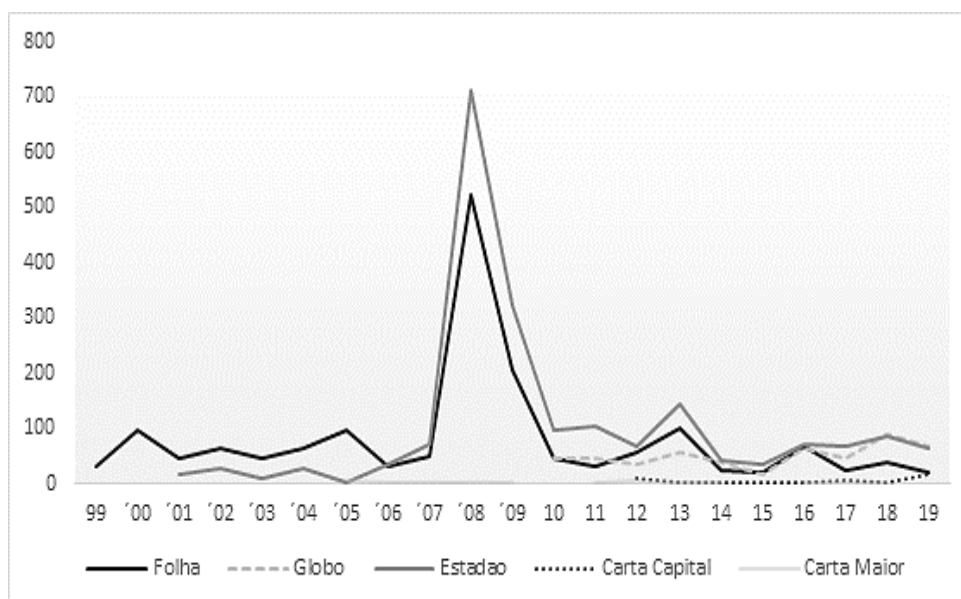
Source: The author

In Figure 2, during the initial years, the press covers topics such as the memory of the dictatorship, terrorist attacks in the Middle East, foreign intelligence and diplomacy. It is interesting to note the huge leap in 2008 (713 articles by *Estadao* and 522 by *Folha*), because of espionage against the Supreme Court and the political turmoil caused by collusion between the Federal Police and ABIN in the *Satiagraha Operation*. This case can be considered the "Brazilian Watergate" in terms of political scandal and media coverage, which led to the removal of high officials in both agencies. In the aftermath, the media focused on the alleged infiltration of jihadists in Brazil, massive protests in 2013, and security in the 2016 Olympic Games. This explains two minor peaks in those years. More recently, the newspapers have focused on topics related to fake news and leaks as in the case of the last presidential campaign, and revelations of the *Intercept Brazil* echoed by other newspapers in the *VazaJato* case. This case revealed illegal investigations during *Lava Jato* (Operation Car Wash), the biggest anti-corruption operation in Brazil, and one that unleashed a political crisis in the country starting in 2016.

Comparison of media coverage between both countries

Both figures show that the presence of intelligence has grown in the selected newspapers in the last decade. However, whereas leftist Spanish media has acted sometimes as a challenger of official narratives, Brazilian media has been marked by a scarce number of counter-narratives and critical stories. Naturally, publishing does not automatically entail citizen information and assessment. However, the presence of news and stories is a first precondition to communicating to the public that intelligence agencies exist and are part of the political life. Notwithstanding, even when the number of publications increased (as attested in the figures' peaks), the media generally followed specific criteria rather than a deeper analysis and scrutiny. For example, the topics that received more attention included general policies (e.g. military cooperation in the Middle East), political scandals (e.g. the cases *Villarejo*, and *Pequeño Nicolás* in Spain, or the *Satiagraha Operation* in Brazil), institutional changes (e.g. the appointments of new intelligence directors), and security threats (e.g. Jihadist attacks in Spain and the security of mega sports events in Brazil). On the other hand, the media has scarcely addressed either the formulation and evaluation of policies, nor the functioning and goals of intelligence. They have also not addressed disclosure and rules of information. Briefly, the media assumed a descriptive role rather than an investigatory role to promote accountability. In addition, both Spanish and Brazilian media mostly depended on official institutions to convey their stories, like the security problems, the appointments of directors, the diplomatic tensions in military campaigns, and the oversight of intelligence, on a few occasions. However, if the number of publications is important to

shed light upon intelligence issues, the use and impact of those publications deserve more attention.

How can the media connect the government with citizens? And how can the media impact government legitimacy? Since the media can promote debates, connecting security institutions with policymakers and the citizenry, these links in the intelligence field could create opportunities for feedback from the media, which could shape both public and government agendas. However, it is harder to shape intelligence policies as information flows mostly from the government to the media. In Brazil, for example, ABIN invited journalists to the first conference on "Intelligence and Democracy" in 2005, whereby the Agency expressed the need for intelligence in a democratic system to enhance transparency and efficiency. Aside from this passive role, the media can also leak information from intelligence services. In that sense, the media can act as a transmission mechanism of classified information released to journalists by internal practitioners when parliaments and courts are reluctant to receive sensitive information by unofficial channels. In this respect, the media can contribute to dodge rules of declassification. In Brazil, for instance, technical information from the *Satiagraha Operation* was leaked to *Veja* and *Globo*, exposing the Federal Police and ABIN's illegal espionage against politicians, ministers, bankers, public servants, lawyers, and judges. In Spain in 1995, Juan Alberto Perote, chief of the Operative Group in the *Centro Superior de Información de la Defensa* (CESID), leaked 1,200 intelligence documents to *El Mundo* newspaper. The leaks revealed intelligence wiretapping against politicians, journalists, and public figures, including former King Juan Carlos. In this case, the media also revealed historical operations such as death squads created to kill 27 people from 1983 to 1987, during the 'dirty war' against Basque terrorist groups.

Those punctual cases altered the reputation of intelligence agencies and even promoted institutional reform, especially in the case of Spain, as the CESID papers boosted CNI legislative and judicial updates through the Act 11/2002. That does not mean that the media caused legal reforms. Yet, the media helped to reshape public information that in turn promoted 'ambient accountability'. In this regard, the media can help government legitimacy. Through the media, intelligence agencies can obtain trust and support from elites and the public, even when working in secrecy. However, the agencies in these countries have scarcely reached the media as an important space for public access to intelligence legislation, structures, personnel, reforms, declassified data, and overall subjects. In Spain and Brazil, intelligence agencies own institutional websites where the public can obtain general information regarding their norms and missions, such as the external control conducted by the legislative branch. And when intelligence practitioners aim to reach society, agencies like the CNI usually promote seminars and courses

to reach academia and think-tanks to create trust and links.[2] This point will be further analyzed in the scholars' roles to promote accountability.

In short, can the media exercise informal and external oversight of intelligence? In these countries, the media can be deemed an informal external mechanism to monitor the government. According to Matei (2014), the media can act as a "watchdog" (pg. 76) against government wrongdoing and abuse of power, exposing their transgressions to domestic and international audiences in a deeper manner. That is, not only do the media inform with regards to the government's actions, but they can foster public scrutiny and demand prompt responses from the government.

To verify this statement, it is necessary to assess whether the *Parliamentary Commission for Reserved Funds* in Spain and the *Congress Commission for the Control of Intelligence Activities* (CAAI) in Brazil have used media information to demand answerability and explanations from the executive. If we consider the legislative control of intelligence as the main legal accountability mechanism in both countries (executive and judicial oversight depend less on social actors, like the media, to do their job), it is essential to briefly describe the activities of the Spanish Parliament and the Brazilian Congress on this matter.

Legislative accountability within Spanish Parliament and Brazilian Congress

In Spain, since the CNI creation in 2002, the literature related to legislative accountability is still scarce (Díaz-Fernández, 2005, 2018). In this regard, specific content of each session is not available since they are covered by secrecy or are reserved to members of the commission. Thus, available information relates to a search that was conducted in the Congress of Deputies' database.[3] The search returns entries according to the date of the commissions, the motive of the initiative, the parliamentary group who initiated or requested the accountable action, and the result of the initiative (signified as either processed without accordance, rejected, or expired).

During the Legislature VIII (2004-2008), almost all the initiatives were related to Spanish collaboration with the CIA rendition flights, in which the American agency captured alleged terrorists in the Middle East and used European airports to transfer them to the USA. In those years, Catalan and Canarian parliamentary groups used information from the media and organizations like International Amnesty to promote legislative initiatives.

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[2] See intelligence culture and CNI partnerships with civil society retrieved from https://www.cni.es/es/culturainteligencia/convenios/, consulted in 10/29/2019.
[3] See Reserved Funds Commission. Activities retrieved from https://www.congreso.es/web/guest/busqueda?p_p_id=buscador&p_p_lifecycle=0 in 12/04/2019.

However, these have expired. The only successful initiative was made by the Popular Party (the opposition at the time) and related to the prosecution of Roberto Flores Garcia, a CNI agent who allegedly disclosed secret files to Russian liaisons.

During Legislature IX (2008-2011), the media role was more evident, as the Commission for Reserved Credits conducted 22 initiatives. Some initiatives echoed media outlets as the Commission demanded answers regarding the alleged Russian interference within the Repsol company; the Alakrana ship liberation and negotiations with Somali pirates; and the nearly 30 substitutions promoted in the CNI office of anti-terrorism during those years. On the other hand, some parliamentary groups promoted initiatives to clarify CNI collaborations with Spanish troops in Afghanistan (*Izquierda Unida* and *Esquerra Republicana* groups) and obtain explanations from the CNI Director about the alleged surveillance of PNV leaders (Basque Nationalist Party), including the former Basque Prime-Minister José Ibarretxe.

During the Legislature X (2011-2016), the Commission for Reserved Credits conducted sixteen initiatives. This period attests to the plurality of initiatives and Parliamentary groups that emerged in those years. For example, the group *Convergencia i Unió* demanded answers from CNI concerning political espionage targeting social and business leaders in Catalonia. The group *Izquierda Unida* demanded justifications about the use of intelligence funds in the *Corinna* case (a media case in which an alleged mistress of the Spanish King might have been pressured by intelligence services to avoid leaks and preserve the Royal House's reputation). This same group was the first to promote an initiative about the counterintelligence measures taken by Spain in face of Mr Snowden's revelations and the NSA's mass surveillance programs in 2013. As the revelations redefined the intelligence agenda across the world, the Spanish Government itself convened the CNI Director to clarify the NSA's surveillance on October 30th. There are no records of the meeting aside from the media coverage after the sessions, in which the Parliament was appeased by Felix Saenz's explanations. Saenz, himself denied collaboration with the NSA's programs and assured that the service never targeted Spanish citizens (RTVE, 2013). However, Snowden's files of the same year cannot prove the CNI's role but attest to Spanish collaboration with the NSA to intercept metadata and electronic signals (Aranda, 2013).

During Legislature XI (January 2016–May 2016), the political parties did not establish a government and no Parliamentary commissions controlled the intelligence activity. During Legislature XII (May 2016–May2019), the Socialists and *Ciudadanos* convened the CNI director to clarify the impact of the WannaCry cyberattack in Spain and its consequences to companies and business in 2018. The Socialists also demanded justifications related to the

alleged Russian interference in the Catalonian separatist referendum that same year. In parallel, media corruption scandals of bribery and corruption in high spheres of the Interior Ministry, such as *Villarejo* and *Bárcenas,* resulted in initiatives to demand deeper accountability related to those episodes by the Mixed group.

During Legislature XIII (May 2019–December 2019), no Parliamentary commissions were held for intelligence activity. In Legislature XIV (December 2019–2021), the Socialist Pedro Sánchez established a government through a coalition with *Unidas Podemos*. The Commission for Reserved Funds did not organize meetings during this period as a consequence of the pandemic crisis and partisan clashes. The Popular Party opposed giving access to official secrets to nationalist parties such as EH Bildu (Basque) and the Republican Left of Catalonia (ERC). The same veto to ERC was exercised by the Popular Party from 2011 and 2015 as the Catalan party was part of the mixed Parliamentary group. However, in this legislature both nationalist parties have more representation in the Parliament compared to previous years, and the work of the Commission has reached a political impasse. Tensions have also increased since right-wing parties, such as *VOX*, were reluctant to integrate *Unidas Podemos* leftist leaders into the Commission.

As this brief history of Parliamentary initiatives shows, legislative control is remarkably reactive and sometimes its success depends on the media, and especially on the predispositions of the Executive. More recently, the performance of the Commission has been blocked due to partisan clashes, alleged fear of information disclosure, and reluctance to establish a continuous evaluation of intelligence, specifically in regard to nationalist parties that could have been potential targets or have had a dubious role in overseeing this field.

In Brazil, the Congress Commission for the Control of Intelligence Activities (CCAI) was born only in 2013. Yet, it is important to remember that the media had a previous role in boosting accountability as attested in the 2008 *Satiagraha Operation* (see peak in Figure 2). According to Carpentieri (2016), phone calls between the president of the Supreme Federal Court (STF), Gilmar Mendes, and senator Demosthenes Torres were leaked during that operation. This was a proof of evidence that ABIN spied on the STF magistrate. In September 2008, CCAI convened the ABIN director-general and the Federal Police Director. It was discovered that police officers allowed intelligence agents to participate in criminal investigations without acknowledgment from their superior ranks. Yet, the directors of those agencies were removed due to the media and legislative pressure. The impact of the operation sparked a debate about the use of intelligence agents

alongside police investigations and the ability to conduct enforcement activities. These points are still unresolved as ABIN lacks policing power and judicial oversight.

After 2013, the Senate and House of Deputies databases were used to reconstruct the Commission meetings.[4] Only the metadata and summary of those meetings were published. In May 2014, General José Joselito, who supervised ABIN, was convened to clarify the alignment between the Landless Workers' Movement (MST) and the Venezuelan government, as alleged by *O Globo* (2014) newspaper. The author of the initiative was the representative Domingos Savio from the Brazilian Social Democracy Party (PSDB). The initial request was approved but due to the lack of *quorum*, the initiative did not pass and remained excluded from the secret session held with the General. On November 11, another meeting had as objective to set the CCAI agenda and clarify the links between the MST and the Revolutionary Armed Forces of Colombia as alleged by *Veja* and *O Globo,* but the initiatives expired. On November 18, a scheduled session based on article 22 of Congress' Resolution N.2/2013 was not held. On November 25, a new meeting was yet again canceled.

In 2015, Senator Aloysio Nunes from PSDB proposed to convene General José Elito again when the newspaper *Estadao* denounced that the Islamic State (ISIS) was about to recruit Brazilian people (Castenheda & Matais, 2015). Nunes also requested to clarify the alleged infiltration of Cuban agents in the Medical Cooperation Program (*Mais Médicos*) between Cuba and Brazil. The proposals were accepted in the deliberative session but the results remain unclear. In the same year, Heráclito Fortes, a member of the Brazilian Social Party (PSB), asked the ABIN Director to act in regard to the Haitian and South American waves of migrants heading towards Brazil. Director Wilson Trezza answered that the agency was informed about this issue, but he tried to emphasize the importance of intelligence to obtain more funds and political support from legislators, avoiding the discussion of media information.

Since 2017, CCAI members have discussed proposals related to the National Defense Policy, the National Defense Strategy, and the White Book on National Defense. While amendments to increase the budgets of intelligence were approved in public deliberations, General Sergio Etchegoyen answered questions in a secret session in April of the same year. Since then, the commission has acted as a front aligned with government security demands, instead of being an external controlling body. Representatives were not necessarily co-opted by the Executive, but they could have already had a

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[4] See CCAI Commission, Federal Senate Brazil, retrieved from
https://legis.senado.leg.br/comissoes/comissao?0&codcol=449

security and intelligence mentality. In the following years, the Commission has established few meetings. It remains unclear why Resolution N. 2 of the National Congress of 2013, which demands monthly sessions and annual reports, was not implemented in recent years.

In short, during the last decade, most of the legislative commissions in Spain and Brazil only used pieces of information from news outlets to boost the capacity of legislative members to demand answerability from the government. The media served as a panel of visibility and information to legislators, but it did not entail more accountability principles. That is, the legislative role was reactive and still strives to be consolidated, especially in Brazil. Besides, in both countries, it seems that the basic mechanism applied in most of the meetings was inviting key figures, such as military and intelligence members, in order to receive vague explanations about particular events. Although many Spanish initiatives were promoted by nationalist and leftist parties (like the CIA rendition flights and the *Corinna* and *Villarejo* cases), the Brazilian initiatives were specifically invoked by right-wing representatives (e.g. to discuss the security of sports events, the issue of migration, etc.).

Only on sporadic occasions, the media acted as a catalyst mechanism to activate reactions by legislators that produced deeper scrutiny in turn. As mentioned above, this is because the media are mainly attached to a descriptive role, even if they can contribute to unveiling power abuses, misappropriation of funds, or other infractions. In turn, the representatives might be devoted to following their particular agendas, paying less attention to demanding more information from the media and from the executive to boost legislative oversight (Wills, 2012). A descriptive media and a reactive legislative branch produce a scenario in which accountability can only be promoted in limited circumstances. However, when this happens, crucial changes can be promoted to intelligence.

In the studied cases, and despite concerns about objectivity from the press, major changes occurred in moments of social turmoil and political reform. For example, in 1992, the Brazilian press was the first channel to investigate corruption and abuse of power committed by former President Fernando Collor. This case was acknowledged as the first "Brazilian Watergate" and it eventually produced Collor's impeachment by the Congress that same year. Another example was the formerly mentioned *Satiagraha Operation*, which resulted in investigations commanded by the National Congress and the dismissal of ABIN and Federal Police directors (Gonçalves, 2010). In Spain, the formerly mentioned CESID papers resulted in the removal of the Socialist Deputy Prime Minister, Narcis Serra, the Defense Minister, Garcia Vargas, and the CESID director, Emilio Manglano (Lazaroff, 1997). More recently

in Spain, the 2009 allegations by El Mundo of CNI Director Alberto Saiz's misappropriation of public funds, nepotism, and other abuses eventually led former President José Luis Zapatero to dismiss Saiz (Fernández, 2010). Currently, the *Kitchen* case, released by *El Mundo,* has revealed that former Interior Ministry and National Police officials were involved in political espionage and illegal use of public funds. Those examples were produced by the press' investigative function, in which a group of journalists searched and received evidence of wrongdoing, law-breaking, or abuse of power within the government and other institutions. Thus, on the investigative front, the access to classified information and potential clashes between intelligence and the media are worthy of mention.

The media and access to intelligence information

Whereas freedom of speech and expression by the media are guaranteed in the Spanish and Brazilian Constitutions, access to information is denied, particularly in military and national security domains (Aba-Catoira, 2002; Bueso, 1997; Moretón Toquero, 2014). Thus, it is difficult to assess government information, especially when it comes to intelligence. Furthermore, despite pressure from nationalist parties, Spain lacks a modern legal framework to declassify official secret information, which is ruled by the Official Secrets Law (Act 9/1968) established during the Franco era. According to this law, people and journalists are required to report the findings of secret documents to the government, even though the rule has no measures to sanction disobedience.

However, Article 584 of the Spanish Criminal Code mentions "helping a foreign power, association or international organization, by falsifying, disabling or revealing information classified as reserved or secret […] will be punished as treason, with the penalty of imprisonment from six to twelve years" (p. 172). This creates a legal line that must be considered by informants and media journalists disclosing sensitive information. Moreover, professional secrecy can become a double-edged sword when it comes to revealing secrets and protecting sources. Although it ensures compliance with the fundamental right to transparency, in some cases, it can help disseminate information that cannot be checked or contrasted. This dilemma happens when,

> The data offered is rarely supported by auxiliary documents, so we [the journalists] have no choice but to trust blindly in the accuracy of information. We should not be surprised, in this way, by the abuses, the lack of rigor, and, to some extent, the predisposition towards the defense of all kinds of conspiracy theories (Falque, 2005, p. 31).

Despite issues of reliability and validity of information, the media can protect sources in the same way intelligence protects agents and operations. In some

cases, the media can use professional codes to protect witnesses when they are demanded by enforcement authorities to reveal sources. In 2019, Brazilian journalists received leaks on the collusion between judges and prosecutors to charge politicians, like the former president Lula da Silva. These revelations questioned the impartiality and legality of the biggest anti-corruption operation in the country: *Lava Jato* ("Car Washing"). In this case, the messages were leaked to *The Intercept Brazil*, a minor investigative newspaper founded by Glenn Greenwald, the same journalist who had published the Snowden revelations in the British daily newspaper, *The Guardian,* in 2013. In 2019, when Greenwald was forced to reveal the sources of the information, he pleaded professional secrecy and invoked freedom of press rights to protect the whistleblowers. The Federal Police employed cybersecurity methods to identify the leakers; thus, avoiding a legal clash. The case is still open but reveals the tensions between disclosing national security and protecting journalistic sources. Thus, this role still needs to be addressed.

Whistleblowers and leaks

Initially, whistleblowers are individuals who act for different reasons. In ideal situations they sound the alarms when facing unlawful actions in the public or private sector. Also, it is common that they become targets of attacks and retaliation. To define whistleblowers' actions, a multidimensional analysis (i.e. personal motivations, organizational attachments, and political and legal culture) would be necessary. Yet, one can follow the legal dimensions to analyze whistleblowers' role and trace their accountability impact.

In considering the legal dimension, it is important to note that some countries have passed laws to protect these figures. For example, Directive 2013/36/EU of the European Parliament and the Council protects whistleblowers based on further measures, such as the Directive 2019/1937 on the protection of persons who report breaches of European law. The regulation recognizes the importance of these people since recent scandals such as Dieselgate, Luxleaks, the Panama Papers, and Cambridge Analytica. According to the Directive, these cases show that whistleblowers can play an important role in uncovering unlawful activities that damage the public interest and welfare of citizens. The text indicates that the media can select whistleblowers as a means of disclosure, particularly when authorities collude with the object of accusation. However, the Directive does not apply in cases of national security. In this case, if the Member States decide to extend the protection provided by the Directive to more areas, "it should be possible for them to adopt specific provisions to protect essential interests of national security in that regard" (Art. 24). Hence, parallel mechanisms to protect whistleblowers still need to be developed in exceptional areas such as intelligence. For

example, one suggestion is to create Ombudsman figures that are linked to judicial courts, so that they can receive legal complaints from whistleblowers, rogue practitioners, and citizens affected by intelligence activities. Currently, these figures do not exist in Spain and Brazil.

In Brazil, law proposals to protect whistleblowers also emerged in the last few years. For instance, Bill 3.165/2015 by Deputy Onyx Lorenzoni aimed to establish a disclosure incentive program for information of public interest. The bill justifies that "reprisals against whistleblowers should be characterized as another form of corruption"; thus, it supports "the protection of information revealed by leaks" and "the prohibition to disclose the author of said leaks." The Bill was restructured in 2019 and is still awaiting approval by the National Congress. Another proposal is Bill 13.608/2018 that mentions: "The union, states, and towns should reward those who stand, reject, or investigate crimes and wrongdoing in the administration." However, the legislator did not specify the kind of reward. Even if the proposals pass the law-making process in the Congress, they do not address intelligence and national security matters. Thus, in those domains, whistleblowers will probably continue to use the media as a safer channel to reveal information.

In the last decade, alternative sources of information have also emerged and must be examined as new accountability mechanisms. For example, WikiLeaks is one of the biggest websites to release confidential information from governments and companies. Since 2010, WikiLeaks has released documents including Spanish and Brazilian intelligence agencies. An examination of the "Global Intelligence Files" retrieves 216 results and press notes that include the word "CNI" from 2010 to 2019.[5] For example, on July 31, 2011, WikiLeaks' database mentioned that the Spanish government tried to stop the financial activities of Islamic groups in Spain. The action was allegedly important to stop money laundering from the Maghreb and the Middle East. In those documents, CNI reported that financial transfers were causing negative consequences, such as the emergence of parallel societies and Islamic ghettos. During that same year, the CNI financial intelligence division was also investigating alleged attacks from foreign companies that speculated in the stock market to erode Spain's financial stability. Also, documents dated November 28 announced that CNI was working against the infiltration of Colombian drug cartels. The same database contains 42 files of the Italian company "Hacking Team", a private cybersecurity contractor. Most of these documents are emails exchanged between the company and security partners, such as the National Police and CNI. The documents reveal technical negotiations and contracts to sell surveillance technologies in Spain.

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[5] See WikiLeaks. Database available at https://search.wikileaks.org, retrieved on November 6, 2019.

Yet, the service has always claimed the legality of those contracts (RTVE. 2013).

In the case of Brazil, the same method can be applied to the word ABIN. From 2010 to 2019, 241 results and press notes were retrieved from the section, Global Intelligece Files, and 116 results related to the section, Hacking Team. In the first section, diplomatic cables in 2005 mentioned that ABIN monitored indigenous communities. It also targeted alleged Al Qaeda operations in the city of *Foz do Iguaçu* with information obtained from USA intelligence partners. In 2019, the section mentioned internal reconfigurations in the agency. This was because the Executive had spied on the Supreme Court due to former president Michel Temer being investigated for clientelism, prevarication, and collusion involving meat company entrepreneurs. The same section mentions smaller actions of the agency, such as ABIN's subscription to the American strategy magazine Stratfor. In the second section, the files mention that Hacking Team also sold espionage software to Brazilian police authorities during the 2016 Olympics Games.

The above-mentioned findings are just some examples of WikiLeaks investigating around the world, including Spain and Brazil. For intelligence practitioners, one can argue that WikiLeaks compromised the reputation of security, sparking the fire to increase internal conflicts and undermine foreign diplomacy. Meanwhile, for activists of internet rights, WikiLeaks' leader Julian Assange can be considered a hero. Yet, it is essential to move beyond the dichotomy between demons and heroes. The organization has been categorized more as a leaker outlet rather than a whistleblowing agency (Arnold, 2019). For Davis & Meckel (2013), this organization failed to promote accountability from and to the people, especially because this website is not an online social movement. For those authors, even if individuals are aware of their preferences regarding policy issues covered in the leaked documents, the volume of data might pose a disincentive to individuals otherwise interested in evaluating governmental performance. In that sense, WikiLeaks not only fails to provide for accountability, but is also insufficient even for transparency. Institutionalized and professional procedures are required to decode data into information that could be useful to support individual and collective action. In their vision, WikiLeaks demonstrates that "total transparency" is not enough to spark accountability and that leaking for the sake of leaking is ineffective. "Leaking itself neither provides for the contextual information necessary for an informed public, nor facilitates new forms of political participation" (p. 479). That aside, as expressed by Arnold (2019), "let us fairly criticize overclassification as well as reckless disclosure" (p. 38) with no consequential assessment and bare accountability outputs.

However, WikiLeaks will be part of history as being one of the first global attempts to counterbalance the opaqueness of institutions, including intelligence services. It is essential to recognize that organizations from civil society, such as this, act like mechanisms to spark accountability in the initial moments of revelations. The major impact tends to occur after the first leaks as they shed light upon possible wrongdoings and scandals. Yet, despite the many civil organizations committed to changing politics, their final goals are open to continuous reconfiguration by other media players and reaction of the organizations whose content was leaked. Leaking has limitations but is crucial to oxygenate permanent accountability mechanisms. In this regard, the connection between intelligence and more social actors beyond the media is still relevant.

Academic role

Scholars can become overseers of elected officials, particularly lawmakers, and can act as informant figures that increase interest in intelligence issues creating awareness about security institutions (Matei, 2014). This explains, in part, why intelligence agencies have contributed to creating journals and publications with the collaboration of scholars. Not only can this help increase the legitimacy of intelligence services, but it can also promote an environment where practitioners, policy-makers, and academics interact to share specific knowledge that can be used to reshape intelligence practices. However, is this contribution enough to enhance ambient accountability? Can the link between practitioners and scholars expand the legitimacy of intelligence towards other social actors and society?

To answer this matter, this section will depict the general topics addressed by intelligence scholars. Table 1 below shows the number of academic articles released by the main intelligence journals/magazines in Spain and Brazil. In Spain, these publications are released specifically in *Inteligencia y Seguridad* (2006-2016), renamed *International Journal of Intelligence, Security, and Public Affairs* since 2016. The journal began as the first Spanish scientific journal dedicated to the study of intelligence. According to its official website, "the main goal is to investigate and study intelligence for decision-making in a broad sense. It is a meeting point for professionals and academics that acts as a medium in which they can rigorously tackle a wide range of subjects in the field, including issues related to the practice of intelligence in democratic societies". In Brazil, the interaction between intelligence practitioners and academics is coordinated by ABIN itself in a series of papers released each year by "Cadernos da ABIN", renamed *The Brazilian Journal of Intelligence* (RBI) in 2009. This is an annual publication of the Superior School of Intelligence (ESINT). According to its official website, RBI seeks to "promote the study, debate, and reflection on current issues related to the

activity and discipline of intelligence. RBI accepts the participation of academic and practitioners whose work deals with theoretical and practical issues of intelligence from the perspectives of applied social sciences, humanities, natural sciences, and technology".

Table 1

Academic coverage of accountability in intelligence journals

	Spain		Brazil	
Year	Inteligencia y Seguridad (2006 -2016) Intelligence, Security, and Public Affairs (2016 - 2019)		Cadernos da ABIN (2005 - 2007) The Brazilian Journal of Intelligence (2009-2019)	
	Number of articles (total)	Subjects	Number of articles (total)	Subjects
2005	–	--	2 (9)	External control, Ethics
2006	0 (6)	--	2 (19)	Democracy and intelligence, Professionalization
2007	3 (12)	Legislation, Intelligence and academics in Iberoamerica, official secrets, and transparency	0 (13)	–
2008	2 (14)	External control (Peru), Judicial control and official secrets	--	–
2009	0 (18)	--	1 (9)	Intelligence and users
2010	2 (8)	Legislation (competitive intelligence), Legislation (Ukraine)	--	–
2011	1 (12)	Legislation (Germany)	2 (10)	Democracy and intelligence, Legislation (general)
2012	5 (19)	Democracy and intelligence (Latin America), Legislation (Italy), External control (CNI economics), Official secrets and Criminal Law, Parliamentary control	0 (10)	–
2013	0 (16)	--	1 (10)	Legislation (Information access)
2014	2 (11)	Judicial control (CNI), Parliamentary control	--	–
2015	–	--	1 (7)	Legislation (Privacy)
2016	1 (17)	Ethics (Snowden revelations)	1 (6)	External control (financial control of ABIN)
2017	1 (11)	Legislation (Australia)	2 (8)	Legislation (Information access and official secrets), Ethics (Human security)
2018	2 (11)	Legislation (Costa Rica), Official secrets and external control (Poland)	1 (9)	Legislation (Law proposals and Bills)
2019	1 (6)	Legislation and external control (United States)	--	–
Total	20 (161)		13 (110)	
Total (%)	12,4 %		11,8 %	

Source: the author

The table shows the number of articles published per year and subjects covered by the mentioned journals. The topics that can contribute to the accountability of intelligence were separated from overall production (number in parenthesis). In light of that, topics include legislation and institutional design, external controls, ethics, democracy and intelligence, and official secrets. These categories are specified in each year and country as seen above. Yet, considering the amplitude and importance of these topics, the percentage of accountability articles in these journals are only 12.4% in Spain and 11.8% in Brazil from 2005 to 2019.

If these spaces aimed to be a meeting point between academics and practitioners, accountable actions were quantitatively less addressed. Intelligence has many fronts and issues, but the main production relates specifically to strategic/security studies, professionalization, and intelligence methods and organization. This pattern suggests that academics tend to act as stakeholders, working as a complementary expertise group for practitioners (Arcos, 2013). In that sense, the labor from academics mainly pertains to meliorate intelligence internal procedures. Additionally, whereas the Spanish sample constitutes an independent space for the exchange of many disciplines on an international level, the Brazilian sample still depends on the editorial line imposed by ABIN. In both cases, the publications are more oriented to practitioners rather than constituting a space for more societal actors. For example, in July 2015, Brazilian academics were invited to discuss legislative reforms and intelligence during the legislative control of CCAI. During this session, they insisted on the importance of intelligence as a key component of decision-making. For one of those scholars, intelligence was valuable to different users, "as the military in the Amazon, to governors of the states, the President of the Republic, and CEOs of large companies."[6] Yet, no mention was given to other societal actors beyond decision-makers.

And even when intelligence penetrates university courses, as in the case of Spain, scholarly research is thought to reshape the traditional remit of commonly held notions of security and state intelligence, expanding these concepts to universities instead of promoting their reformulating (Gearon, 2019). This is not a definitive social role. However, the table above demonstrates that academic writing on intelligence studies in these countries might become "too introverted, appearing too focused to intelligence 'training' paradigms" (Glees, 2015, p. 282) rather than alternative forms of education between universities and the society.

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[6] See CCAI Commission, Federal Senate Brazil, retrieved from
https://legis.senado.leg.br/comissoes/comissao?0&codcol=449.

Fictional Stories

Finally, another front refers to fictional stories produced by journalists and overall writers. Even fictional productions are important to interpret the role of intelligence and its relationship to broader audiences, beyond practitioners and scholars.

In Literature Theory, Wolfgang Iser (2002) affirms that fiction, reality, and imagination constitute what he calls the act of pretending. This emphasizes the importance of the "experience of happening", which permeates the perception of what we understand to be the real world, "shaping and reaching the sensibilities and imagination of readers and viewers" (p. 956). Hence, the actual vs. imagination shapes our visions of reality itself.

In that sense, the assimilation of fiction has an impact on the interpretation of politics and social practices. In the case of intelligence, an audience might be attracted by feelings such as honor, discipline, darkness, or fondness of conspiracy theories, and so on. For this reason, journalists and publishers have been efficient in putting this type of product on the market, even in the form of documentaries or realistic fiction based on investigative journalism.

In Spain, 1993's *La Casa del Cesid: agentes, operaciones secretas y actividades de los espías* (Cesid: Agents, Secret Operations, and Activities of Spies) by Fernando Rueda is perhaps the foremost publication about espionage and intelligence. Rueda helped introduce the intelligence field to the public debate long before it became an object for the media and parliamentary control. More recently, he has written several bestsellers such as *Las Alcantarillas del Poder* in 2011 (The Drains of Power) *El Regreso del Lobo* in 2015 (The Return of the Wolf), and *El Dosier del Rey* in 2017 (The King's Dossier).

Given the editorial success of these kinds of publications, Mikel Lejarza and Elena Pradas also promoted the marriage of espionage-intelligence in Spain, authoring *Yo Confieso: 45 años de Espía* (I Confess: 45 Years as a Spy). The plot of these books usually includes agents who are inserted in a narrative of deception, wiretapping, and covert actions. Another aim is to depict a historical synthesis, such as *Servicios Secretos* (Secret Services) by journalists Joaquín Bardavío, Pilar Cernuda, and Fernando Jáuregui, published in 2000. Even gender approaches are present, such as in *No Sabes Nada Sobre Mí* (You Don't Know Anything About Me), in which Pilar Cernuda constructed a book based on the story of female spies in Spain in 2019. More recently, *El Alma de los Espías* (The Soul of Spies) in 2020 by Pablo Zarrabeitia creates a double agent story that involves Russian espionage.

In Brazil, some examples are *Ministério do silencio: a história do serviço secreto brasileiro de Washington Luís a Lula* (Ministry of Silence: The History of the Brazilian Secret Service from Washington Luís to Lula) by Lucas Figueiredo. The author aimed to summarize the evolution of the Brazilian intelligence community in the last century in a realistic form. Other examples are *A contra-espionagem brasileira na Guerra Fria* (Brazilian Counterintelligence in the Cold War) by Jorge Bessa. More celebratory books are *Ex-agente abre a caixa-preta da ABIN* (Former Agent Open ABIN's Black Box) by journalists Andre Soares and Claudio Tognolli and by the former Federal Police director, Romeu Tuma. Even Brazilian soap operas (*telenovelas*) such as *Poder Paralelo* (Parallel Power), written by Lauro César Muniz and directed by Ignácio Coqueiro, portray a series of criminal investigations inspired by the *Satiagraha Operation* but in a more spectacular fashion.

In these examples, fiction can be more celebratory than realistic. However, it always brings a popular image that links intelligence with absolute secrecy. Thus, it is worth noticing that the mystery surrounding this field is not dissipated to the extent that many actors (even media coverage) tend to use those allegories or archetypes to represent intelligence services. That does not imply that fictional stories should be realistic or avoided by serious readers. Fictional stories always carry a message for us. Even intelligence agencies work thanks to the use of 'serious' fiction. To a certain extent, every political scenario endures, thanks to meta-fictions (i.e. nationalism, political ideology, culture, and tradition), to rule a country or coalesce society. However, the above-mentioned publications hardly disassociate the intelligence-mystery archetype. Also, these allegories hardly promote deeper scrutiny from an institution that is also part of the government. As in the case of leaks, there is no automatic correlation between publishing and creating public awareness.

Therefore, traditional fronts to scrutinize intelligence, such as the media, should consider, but not mistake, the mental archetypes that are used to construct literature and novels. In this field, publications can be celebratory of idealistic stories or more critical. In the case of realist novels and documentaries, literature and journalism work resembles historians' ability to analyze social events. For example, when it comes to reconstructing the past, literary writing is close to historical writing, although there are clear differences in terms of facts and objectives (White, 2014). Historians can use fictional and literary productions, but those need to be critically interpreted alongside primary sources to create collective memory.

This is not suggesting that historians must adopt a positivist perspective in which only facts and objectivity are important to produce stories. It is known that memories change, and past testimonies are always open to interpretation

and receiving new futures. Besides, omission and silence in stories could be more transcendental than speeches and words. The ideal script to create a story might not exist. Yet, for writers and historians that wish to construct reliable stories, objectivity is essential to construct awareness and assess intelligence agencies.

In this regard, the production of testimonies, memory, and analysis of the past are limited by official secrets and access to information rules. The overproduction of literature tends to repeat the archetype of mystery, secrecy, hidden power, heroes, demons, and even conspiracy. But this production can evolve if contrasted with written/oral testimonies from declassified secret documentation (Kastenhofer & Katuu, 2016; Ruiz Miguel, 2005). In Spain, for example, modern declassification rules still wait to be updated. There are no expiring rules for official secrets and these cannot be disclosed by citizen petitions. In that sense, one important step for the development of fiction and historiography is to establish new mechanisms of declassification to overcome bureaucratic shields preventing access to past documents.

Conclusion

Considering the media and other civil society actors, what are the main accountability principles promoted in Spain and Brazil? As Table 2 shows, these actors tend to focus on intelligence to demand general information, clarify political scandals, notify institutional changes—such as the replacement of Directors. However, the media did not promote substantial coverage regarding the formulation of policies, the evaluation of intelligence (most of the time due to secrecy), and the disclosure of information, especially in the case of Spain.

Intelligence services and the government as a whole are accountable by direct and indirect accountability mechanisms. By direct mechanisms, intelligence can communicate to media players or release documents and reports on official websites. Moreover, the media can become, on one hand, an echo chamber of intelligence policies rather than a vehicle of communication. On the other hand, the media can develop independent and investigative stories to scrutinize the government more deeply. Yet, this article found that the latter dimension is restrained in both countries by the dependence on official information to release stories.

Despite being sporadic, investigative journalism can be reinforced by indirect accountability mechanisms. One of these is the role of whistleblowers as mentioned in some political scandals involving intelligence in both countries (like the *CESID Papers* and the *Satiagraha Operation*). Other indirect mechanisms consist of leaking information, as in the case of WikiLeaks. In addition, academic journals constitute limited yet important spaces to

exchange ideas between practitioners and scholars from different fields. Finally, even writers of fictional narratives and "pop culture" contribute to the formation of intelligence archetypes. By doing so, they put this field on the public radar of communication and reshape notions of reality. However, ubiquitous publication does not necessarily contribute to public awareness.

Table 2

Accountability in the role of the media and civil society

Accountability dimensions	Cases	
	Spain	Brazil
Who is accountable?	National Intelligence Agency (CNI) and the government in a broad sense	Brazilian Intelligence Agency (ABIN) and the government in a broad sense
To whom are they accountable?	To the media and civil society	To the media and civil society
About what are the services accountable?	More addressed: - *general policies* - *political scandals* - *institutional changes* Not addressed: - *formulation and evaluation of policies* - *functioning and goals of intelligence* - *disclosing of information*	More addressed: - *general policies* - *political scandals* - *institutional changes* Not addressed: - *formulation and evaluation of policies* - *functioning and goals of intelligence*
How are they accountable?	Direct means - *Official communications* - *Media as echo-chambers* - *Investigative and independent media* Indirect means - *Whistleblowers* - *Leaks and revelations* - *Scholars and journals* - *"Pop culture"*	Direct means - *Official communications* - *Media as echo-chambers* - *Investigative and independent media* Indirect means - *Whistleblowers* - *Leaks and revelations* - *Scholars and journals* - *"Pop culture"*
Assessing accountability according to its internal principles	Did the accountability action result or promote at least one of the following principles? -Answerability -Transparency -~~Responsibility~~ -~~Enforcement (punishment)~~	Did the accountability action result or promote at least one of the following principles? -Answerability -Transparency -~~Responsibility~~ -~~Enforcement (punishment)~~

Source: The author

According to the initial conceptualization, when some authority is called to give an account, this action needs to promote more legitimacy through specific principles (responsibility, transparency, answerability, and enforcement) in order to improve accountability quality and scope. Using that logic, when intelligence authority is accountable to civil society, the table above suggests that accountability is especially promoted through answerability and transparency.

This is due to the fact that the media and society lack sufficient strength to demand responsibility (change in government policies and roles) and corrective capacity (they have no capacity to enforce and establish sanctions). Yet, they have certain strength to promote answerability. For instance, this article analyzed how legislative bodies in both countries used information from the media to demand justifications and explanations from the executive. This usage helped conduct direct oversight especially through the lens of scandals, such as the exposure of power deviations (e.g. CIA rendition flights in Spain, the misappropriation of funds in the cases *Corinna* and *Villarejo*), and other violations (e.g. illegal espionage in the *Satiagraha Operation*) forcing corrective measures and bureaucratic renovation in a few occasions.

In short, the media and other civil actors lack formal power to promote accountability by responsibility and enforcement. Their role is not a precondition to answerability but they can boost this principle in specific situations, particularly in contexts of political turmoil. Only in specific circumstances, civil actors can indirectly spark judicial investigations, and even change legislation. For instance, the CESID papers scandal covered by the media in the 1990s helped to create ambient accountability through the convergence between public awareness and institutional reform which led to modernization of CNI in 2002. Also, the media coverage of events such as terrorist attacks in Spain or the security of mega sport events in Brazil (as attested by Figures 1 and 2) served to inform society about the role of intelligence.

Meanwhile, indirect accountability forms, such as investigative journalism, whistleblowers and leaks, can work for the sake of transparency. When compared to direct accountability mechanisms, the media and civil society, as actors with less power before the state, use their asymmetric position to shed light upon government policies to reveal what is happening/what has happened. Transparency works as a complementary and valuable tool of accountability that is scarcely used in intelligence. Yet, this principle has a tremendous impact on a sensitive area of secrets, especially when combined with the regular media coverage, such as in the 'Brazilian Watergate' cases (*Collor* and *Satiagraha*) that led to an impeachment in 1992 and the removal of intelligence directors in 2008. Nevertheless, total transparency can be misleading to promote accountability. In the digital era of WikiLeaks, for example, it was mentioned that leaking documents failed to consolidate transparency as a sufficient element to achieve the accountability of governments. Transparency matters, but is not necessarily a precondition to accountability; it does not entail policy change and citizen participation by default.

Nevertheless, transparency actions from civil society are stronger mechanisms to create ambient accountability in certain situations, like in the initial moments of revelations. Their particular strength consists of the potential capacity to plant accountability seeds in other citizens and organizations, even if leaks and whistleblowers' motivations are controversial. In civil society, the ending goals and strategies dedicated to change politics are always open to continuous reconfiguration and reaction by other players. In that sense, the media and other civil actors have a limited range in terms of scope and temporality. Yet, they can complement and oxygenate permanent accountability mechanisms from parliaments and courts. Using that logic, it is important to mention that civil actors are directly involved in the construction of social legitimacy and the production of a wide and inclusive idea of accountability and robust civil society in CIS. They are the direct source of legitimate power and that is something that any public authority should retain.

For this reason, it would be valuable if CIS and intelligence services consider deeper institutional reforms. Prospective studies should address whether deep democracy, such as citizen participation, is compatible with intelligence. It is thought that intelligence, despite its secrecy, can become more accessible to citizens. For example, intelligence organizations could discuss the goals of intelligence with the public creating new technical-citizen bodies (Dover, 2020). Comprised by practitioners, journalists, scholars, writers, educators, and other civil actors, these bodies can obtain more power and complement legislative and judicial mechanisms. They might have access to secrets for a limited time preserving operations and assets. These bodies can release reports to the public, showing that intelligence policies might be secret in their implementation but not in the overall formulation and evaluation. By doing so, intelligence can go beyond the Schumpeter's framework imposed by elected policy-makers, incorporating political agonism and direct participation from civil actors as teleological principles. By these, the integration of a wide spectrum of groups and voices to intelligence and national security policies are essential to reach greater legitimacy levels and integrate institutional roles and bottom-up action.

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