A Global Security Vision: The Portuguese Intelligence Perspective

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Considered an essential pillar of any coherently structured human society, security – more specifically, collective security – is a recurrent topic both within the framework of international relations and at the national level. In conceptual terms, the definition of collective security has progressed beyond its primary attribution to individual states, coming to be regarded as a kind of composite notion – as National Security – understood as

"the condition of a Nation expressed in the permanent guarantee of its survival in peace and freedom; while ensuring sovereignty, independence and unity, territorial integrity, collective safeguard of persons and assets and of spiritual values, the normal performance of state tasks, freedom of political action by public authorities and the full functioning of democratic institutions".[1]

Given the historical connotations of the traditional Portuguese term "State Security", enshrined in the Penal Code – "Crimes against state security" -, this article utilizes the expression "National Security", commonly found in countries of Anglo-Saxon tradition. In addition, "State Security" is more formal and restrictive than the term "National Security", which covers not only state responsibility but also the nation as a whole: its power, its people (including the Diaspora), its territory and the national interest.

The concept of National Security therefore encompasses two basic notions consecrated in the Portuguese legal order: Internal Security and the External Security/National Defence. Such concepts have been historically and juridically independent in Portuguese law, and are acknowledged as different functions of the state. They are merged in this article so as to provide a more effective safeguard of the National Interest.

However, what should be understood as National Interest remains a moot question to the extent that it varies according to time and place. It becomes particularly complex in nations such as Portugal, where national interests that have expanded ever since the founding of the country – broadening during the Discoveries and expand-

1   Definition adopted by the Portuguese National Defence Institute (IDN).

ing during the ensuing migratory waves –, determined an extensive definition of interests that are particularly difficult to manage by an average-sized (or even small) state with limited resources.

Portuguese national interests

Portuguese National Interest has been materializing in four different basic spheres: the *European sphere* (enhanced after 1986, although quite clear since the country´s 1977 submission of the request for membership in the European Community); the *Atlantic sphere* (with the aim of integrating the "Western World", albeit in what specifically concerns North Atlantic Security and Defence); the *Portuguese-speaking Countries' sphere* (that has particularly enhanced the *Atlantic sphere* as of late, by focusing on the South Atlantic continental triangle, on two sides of which lie major Portuguese-speaking powers – Brazil and Angola – and on Portuguese-speaking countries that, in spite of their smaller economies, population and territories, are strategically relevant because of their maritime area and of the enhanced historical relations with Asia, particularly Timor-Leste/East Timor and China's special autonomous region of Macao); and the *Western Mediterranean sphere* (an area that is both distant and well-known to Portugal, the first modern European country to reach the African shore and the first to withdraw from such territories, leaving behind an indelible mark of contiguity and "neighborhood).

The component interests making up the Portuguese National Interest hence remain broadly international in na-

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ture. That is, Portugal's National Interest is the product of a centuries-old interaction with the outside and of an extremely significant Diaspora – decisive to the country's open character – rather than of any given, conjunctural political will. And while this could be considered Portugal's main asset, the fact that it is such a deeply globalised country may at the same time represent our main weakness in the realm of security.

In fact, the country's open character, partially a consequence of centuries of migratory waves, could lead to the opposite phenomenon. Portugal has recently been faced with immigration, originating not only in countries where Portugal was historically involved (Africa, in particular), but also from several Eastern European countries with no previous ties to Portugal. The consequences of this "new" phenomenon have naturally impacted on the area of Internal Security, especially through the "importing" of certain security problems found in the immigrant's countries of origin.

For example, recent immigration debates at the European and national levels have come to focus on the flows originating from the Maghreb – the main border between the European Union and the African continent. This is due to a soaring humanitarian crisis in the region, resulting from the huge flow of nationals from (mostly sub-Saharan) African countries who, in the hope of reaching European soil, have concentrated in the Maghreb in the past few years. Likely to fail in their attempts to reach Europe, these sub-Saharan immigrants end up lingering in the Maghreb countries, straining social conditions, potentially fomenting the anger of host populations and possibly creating internal security problems.

At the forefront of this problem, and because they are particularly struck it, certain countries – primarily Spain, France and Italy – have attempted to place the issue at the heart of the European Union´s agenda. Due to multiple political, cultural and historical factors, they have not, however, managed to deal with the problem in an ideal way. Given its cultural affinities and historical ties with the region, Portugal may be a worthy partner and a well-positioned interlocutor in the Mediterranean dialogue between the European Union and the Maghreb countries – not only regarding issues such as immigration and terrorism, but also on a broad range of regional problems, including territorial disputes and energy – and contribute to establishing new relationship arrangements in the western Mediterranean.

However, before pursuing such goals, it will be necessary to cultivate a real European Security and Defence Policy (ESDP). The current ESDP lacks coherent linkage between EU mechanisms and internal security, particularly from the intelligence perspective. This article seeks to offer a contribution to this debate.

ESDP and Intelligence co-operation

Despite various elements holding it together, the European Union remains a mosaic of different national interests. Most countries do not have a full, global perspective and their vital interests continue to rest on regional spheres and issues. That situation, against a geo-strategic backdrop dictated by major territorial powers, must not, however, continue to be an obstacle to the development of a single external policy. For that reason, it is necessary first to align interests that are common to the 27 member-states and to the European Union itself, understood as a geo-strategic power.

One of the oldest countries in Europe, and given the long established skills of its representatives in building consensus and ensuring peace, Portugal provides a good example in this field. Also, while chairing the European Union, Portugal demonstrated its skills as a negotiator, bringing parties together while contributing new ideas to the so-called acquis communautaire that have helped deepen it.

This step should be followed by such instruments as the ESDP, building upon pre-existing skills of the member-states.

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Hence, it is within the European Union that one expects this scenario to develop. So far, just like in any other organization, all intelligence multilateral cooperation at the EU level is not made available community-wide. Currently, the Terrorism Working Group (TWG), under the Third Pillar (Justice and Home Affairs), is the only EU forum where some member-States' intelligence services participate officially. Other intelligence services, under their national laws, also participate in EUROPOL activities.

The major problem with TWG is its hybrid nature, the result of bringing together various national bodies, from intelligence services to criminal police, including civil and military police and central services under the province of several ministries. It is certainly not the best format to conduct these activities.

Insofar as TWG is not a group limited to intelligence services, initiatives by some active delegations have resulted in a relatively free-wheeling style of business. Some past decisions by the Group have sided with EUROPOL, mixing at an European level issues and principles that would be extremely difficult to discuss in Portugal – to say the least – such as the circulation of information for police purposes that is provided by intelligence ser-

vices. On the other hand, such decisions have placed police activities at the hub of the struggle against terrorism. This is a serious error of perspective.

Concerning the distribution of remits between intelligence and police services, the mixing of criminal information and intelligence – which is now on the table – may be a serious matter, especially given the fact that police bodies are not subject to checks under the guarantees provided by the constitutions and laws of the different legal systems of the individual member-States. This situation – given the problems that it raises concerning EU citizen rights, freedoms and guarantees – is crucial to the future of the zone of freedom that the EU should be. It also challenges the legal tradition of certain states still bearing the scars of their troublesome pasts.

In the aftermath of the September 11, 2001 attacks, and of the Justice and Home Affairs Minister´s Extraordinary Council Decisions, and the EU Heads of State and Heads of Government meeting that decided the reinforcement of co-operation between intelligence services of member-states to fight international terrorism, a high-level meeting was held between the Heads of European Intelligence Services Club – a body that, since the 1960´s, has brought together Europe's main intelligence services. At that meeting – bearing in mind that the Services used to meet prior to it, carrying out joint actions and regularly exchanging information on various aspects concerning national and European security – cooperation procedures to fight terrorism were intensified through the *Counter-Terrorism Group* (CTG), the nature of which is operational. This unit's main tasks are to monitor, analyze and co-ordinate joint actions and consider pre-emptive measures that should be adopted (from an integrated perspective) to fight extremism and international terrorism, particularly when inspired or motivated by islamists.

To reinforce the CTG, some non-EU countries initially participated as observers in its meetings. At the Second Pillar level – dealing with External, Security and Defence Policies –, some positive steps were taken through the development of the *Joint Situation Centre* (SITCEN). This entity has some analytical cells that support Javier Solana, the High Official for the Union's External, Security and Defence Policies. But, in the final analysis, intelligence continues to be produced by each participating country.

Positive experiences within the European Union should be consolidated within this context of deepening cooperation in the field of security and of intelligence. Such consolidation, alongside gradual joint decision-making procedures, should take place without jeopardizing the absolute safeguarding of the national interests and security of each state. Such is the case within the European Union's SITCEN: it has proved to be a positive experience in the sharing of strategic and military intelligence, and intelligence production (in the sense of the analytical outcome aimed at supporting decisions in those areas). Therefore, this experience should continue to be enhanced by consolidating mutual trust and definitely integrating – alongside the threat assessment skills that are limited to the EU's external and military policies – analytical skills in matters of the Union's internal security and counter-terrorism.[2] For that purpose, SITCEN would benefit from the cooperation of all internal and external intelligence services of individual member-states. This integrated approach of the various security chapters – an extrapolation of what Portugal has endorsed at the national level – will allow EU bodies to better manage (further consolidate) information and, as a con-

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2 Such as those proposed, in 2004, by Javier Solana and Gijs de Vries, the European Union's anti-terrorism co-ordinator between March 2004 and March 2007.

sequence, improve decision-making procedures or, at the very least, improve the contribution made by these bodies.

In fact, within the framework of the Lisbon Treaty, it will not make sense to limit community co-operation in counter-terrorism issues to the incipient co-operation of the CTG within SITCEN.[3] If, as slated, SITCEN actually expands its tasks to the internal security intelligence sphere, the fact that, as far as organization is concerned, the Joint Situation Centre is under the province of the Union's High Representative for Foreign Affairs and Security Policy should be assessed. Perhaps it would be more coherent to provide the President of the European Council – the highest body in the Union – with such tools.

New paradigm of conflicts – new solutions

The Maghreb countries are essential to any European Union counter-terrorism strategy. The "Western World" shares a relatively generalized notion that the first and single aim of international islamist terrorism is to eliminate the western way of life.[4] This statement is intended to stress how important it is to alert Europe to the complex nature of such phenomena[5] and to the essentially exogenous facts that lie at the core of current national and international threats; that it is absolutely necessary to adopt an integrated perspective of security according to the National Security concept examined in this article.

This theoretical framework is an important tool for re-examining phenomena and discussing the future mission

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of the states. Unfamiliar with this framework, many authors have favored substituting the classical confrontation scheme (between states) in international relations with a new paradigm.

However, as some had foreseen, the new paradigm – characterized both by the scattering of conflicts and mutations in the nature of threats[6] – has not managed to decrease the general feeling of insecurity. The opposite is actually true. Phenomena such as international terrorism justified by political Islam reveal a tremendous capacity to inflict severe damage with relatively simple means. The dramatic terrorist attacks of 11 September, and of those in Madrid in March 2004 and in London in July 2005, made this lesson apparent. Besides causing significant material destruction, the attacks shook these societies' trust in their governments, as well as the citizens' trust in their social models and values, generating a psychological condition of "terror" that prevented the very identification of those producing the threat agents and the struggle against them.

The difficulties in establishing who the "new threat agents" are do not prevent the identification of two main types of criminal syndicates: ideological or religious organizations interested in pursuing political ends; and criminal multinational-like organizations engaged in making profits and obtaining material benefit. These organizations exchange experiences and share intricate financing and training arrangements.[7]

Varied and complex, the so-called "new threats" – terrorism, organized crime, proliferation of weapons of mass destruction (WMD) – do not exhaust the spectrum of challenges to international security. After a short break of less than twenty years, modern examples have emerged of classical conflicts that some were too quick to consider resolved. Indeed, these conflicts are now

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3   In 2003, CTG entered an association protocol with SITCEN, supplying data for the establishment of a terrorism analysis cell, hence making up for deficiencies in this vital area.

4   This is an equivocal concept insofar at it ignores that the primary aims of this criminal – purported – Jihad are the destruction of moderate Islamic systems in those countries.

5   To effectively combat such phenomena, it is necessary for the EU to engage in a true aid and co-ordination policy with the Maghreb and other Islamic moderate states. If the above-mentioned threats become effective, they will not affect just Southern European countries but also Northern ones (given the risk of offensive copycats – as has already occurred, for example in Denmark in the case of Muhammad's cartoons).

6   The treat to international security mutated from decentralised and massive to diffuse and asymmetric.

7   A typical example of such crime syndicates is provided by Afghanistan, where, for years, peculiar connections between the Taliban, international terrorism and heroin drug traffickers have developed.

intensified by the growing shortage of basic resources, particularly energy. Under this item, we may also include certain states' strategies to re-establish their role as global or regional powers and to exert control over their own areas of immediate influence. Such strategies include the use of proxies pursuing the direct interests of those states or simply operating as decoys while adopting terrorist or criminal actions.

Globalization - classical conflicts and terrorist attacks

A consequence of the globalization process has been the general access provided to global media that formerly were solely in the hands of the state. In this fashion, individuals have been turned into real "information switchboards". This phenomenon is hard to counteract since individuals have the ability to inform (and misinform) public opinion and use, with relative ease, the *mass media* to carry out terrorist activities.

Strategically, this environment increases conflict management problems. As a result, old international *fora* (for instance, the UN) have proven highly unfit to reach consensus in today's globalized world where it is increasingly impossible to define the "front line" (today it may be our street, our city, an Embassy in Afghanistan...).

At the same time, the classical "Rear-Guard/Home-Front" notion no longer exists and it increasingly difficult for governments to mobilize citizens, as well as to take responsibility for casualties in conflict scenarios or for sacrifices in the name of the country. Obviously, such a situation limits the states' strategic options immensely. States are therefore often prone to adopting policies causing the least damage possible.

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Against this backdrop, the traditional supreme power of coercion and deterrence available to states – military power – shows little effectiveness in intimidating and containing new threats, particularly because such rigid and formal power is unable to respond to the mobility and flexibility of terrorists.

Such limited capacity of sates, together with its poor use in certain settings, has led to the gradual loss of credibility of the armed forces, allowing a feeling of powerlessness to take root. This, however, has encouraged some militarily weaker countries to resort to terrorism to achieve some of their goals.

This has been evident for the world's major power, the United States. Its ability to win battles in wars with level playing fields has not translated into final victory. This has re-kindled national ambitions in other powers eager to re-establish their "glorious past." Hence, the (sometimes too obvious) convergence of classical conflicts and terrorist attacks.[8] Under close examination, in the main ongoing classical conflicts, the usual concentrated ethnic, tribal or religious violence is to be found side by side with violent actions tied to transnational organized crime – namely, various types of trafficking originate in most of those areas. On the other hand, and notwithstanding unlikely immediate successes and the need to plan for the future, it may be worth considering using military forces against terrorist disruptive schemes directed at less consolidated nations (Somalia being the ultimate example and, in the very near past, Afghanistan) with the purpose of turning them into safe havens for terrorist organizations.

Such situations foster and encourage cooperation be-

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8 The cases of Kashmir and Lebanon suggest a partnership (random, often-times) between classical and modern agents.

tween states against terrorism since the constraints of sovereign states to fight on their own a transnational scourge that, most of the times, has no internal roots, are considerable.[9] Hence, terrorism preemption and prevention depend greatly on networking with foreign countries, on international cooperation and also on each country's ability to find its operational specificity – often by way of complementing each other.

As was mentioned elsewhere, in this field intelligence services are on the defence frontline, particularly in smaller countries endowed with few resources. For those who support the "war on terror" narrative, mutable new threats have largely made the military machinery ineffective. With the mission of foreseeing and anticipating threats to states' National Security, Intelligence Services are, in that sense, the first and most effective defensive and offensive frontline of the rule of law – given the possible and actual *modus operandi* of the intelligence services that is preventive and pre-emptive in a "surgical" sense.

This statement does not presuppose any type of positive conflict of jurisdiction between entities mentioned above. Rather, it endorses close cooperation between all national bodies with jurisdiction over security and defence, and linkage between international cooperation mechanisms. It is no longer possible to ignore the relevance of international cooperation between intelligence services. This is a direct consequence of the growing intertwining of Western countries' security, particularly among EU members.

> Intelligence exchange is a multinational activity bringing together national and international skills. It is tribute to the lessons learnt by international cooperation insofar as the needs of governments are met by multi-hued national and international efforts. These should be joined, however, by progressive endeavours to harmonize analytical products and threat assessment procedures – a tool that is crucial for supporting decision-making at the European Union level.

The reform of the Portuguese Intelligence System (SIRP)

The above vision of internal security entails a strategy that should be developed at the intelligence level. This has been our concern and has required, on one hand, the gradual reform of the Portuguese Intelligence System (SIRP) and, on the other, a further deepening of the powers of the EU (given special relevance in this text since it is the area of National Interest indicating a higher level of interdependence and integration).

While fulfilling that mission, SIRP has been establishing several devices aimed at improving intelligence in Portugal. SIRP´s reform was undertaken by Organic Law No. 4 of 6 November 2004, modifying the SIRP Framework Law No. 30 of 30 September 1984. For a number of reasons, the Portuguese intelligence system required a profound reform for quite some time. First, the decisive role of the Intelligence Services in the fight against the new framework of threats was broadly acknowledged; second, it was crucial to put and end to the system's poor development, due in large measure to the difficulty in establishing an intelligence system in the country within the framework of a democratic regime.

Against this background, while deeply modifying the SIRP Framework Organic Law, Law No. 4 of 6 November 2004 was a decisive milestone in the history of intelligence in Portugal. It has come close to a re-foundation of the system, namely by altering its leadership and co-ordination, presently in the hands of the SIRP Secretary-General. This was a truly innovative solution. Unparalleled in the country´s Public Administration, the legal changes uni-

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9   Even though criminal or terrorist organizations operate in many countries, most are national in their origin, structure and aim. However, even in these cases, there are increasing signs of international ties.

fied the leadership of the Strategic Defence Intelligence Service (SIED) and the Security Intelligence Service (SIS), whose Heads of Service now report both to the Prime-Minister and to the SIRP Secretary-General. It was also an innovative solution in that, for the first time, a security body or organism was established from a National Security perspective. At its level, it integrated internal intelligence and external security intelligence, hence rendering it a better international partner, in particular within the European Union context.

In an environment governed by secrecy, often isolated, intelligence exchange (at the international level and in particular within the EU) has a pivotal role in pre-empting the multiple threats that confront us.

Portugal, a somewhat peculiar country on account of its external policy, size, cultural affinities and history may make a significant contribution to an intelligent redesigning of European Union bodies in the area of collective security.

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