

## **REFORMING INTELLIGENCE: THE CHALLENGE OF CONTROL IN NEW DEMOCRACIES**

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### **Introduction**

Within the realm of civilian control of the armed forces as a subset of civil-military relations, probably the most problematic issue is control of the intelligence services. This is due not only to the legacies of the prior, non-democratic regimes, in which the intelligence or security apparatus was a key element of control, and in which human rights abuses often were allowed, but also to the inherent tension everywhere between intelligence and democracy. Democracy requires accountability of the governors to the governed, and transparency. Intelligence services, by contrast, must operate in secret to be effective, thus violating to some degree both accountability and transparency (also called oversight). While well-established democracies have developed mechanisms to deal with this dilemma, new democracies are still in the process of creating them.

Any discussion of control and intelligence is difficult for several reasons. First, the terms and concepts associated with intelligence are ambiguous and frequently controversial. Second, much about intelligence -- gathering, analysis, and dissemination -- is secret; knowledge is power and those who hold it want to keep it to themselves. Intelligence professionals are a special club even within their own militaries or civilian organizations, and deliberately minimize the knowledge outsiders have about them and their activities. Third, there is relatively little written about intelligence and democratization. What good material exists usually pertains to the established democracies such as Great Britain, France, and the United States, where the goal of research is to reiterate the need to control the intelligence apparatus lest it undermine democracy. This chapter describes the structures and processes involved in the intelligence function; analyzes the challenges of democratic control over intelligence organizations particularly in new democracies; and highlights the importance of intelligence as a profession in these countries.

As will be shown in this chapter, a small but notable number of countries have undertaken to reform their intelligence systems, and in doing so have generated a public debate over the functions and responsibilities of intelligence services in a democracy. The body of useful literature that addresses these concerns is limited but recently has begun to grow.<sup>1</sup> Consequently, the authors wrote the chapter with the intention to demythologize intelligence in new democracies by providing an introduction to some of the key issues involved in the structures and processes of intelligence operations. This chapter bridges two areas that are usually examined separately: democratization and intelligence studies. Those who research and write on democracy apparently are either unaware of the centrality, or unwilling to deal with the implications, of intelligence services in democratic consolidation. Those who are experts on intelligence have not dealt directly with the different forms government can take, at least not in terms of the impact of intelligence activities on democratic consolidation.

## **Security Intelligence and the Counterintelligence State**

In virtually all authoritarian regimes (including the former Soviet bloc), the intelligence apparatus was a key means for maintaining power. In those countries with military regimes, the intelligence services also came under direct military control. In others, with communist or socialist governments, the intelligence apparatus was a mix of military and civilian services. In both, however, the problems of reform are similar.

As Kieran Williams and Dennis Deletant point out in their study of intelligence services in the post-communist states of central Europe, these governments are procedural democracies grafted onto societies that suffer from a lack of trust in state institutions in general, and intelligence organizations in particular. Reform in the intelligence sector has been difficult because of this pervasive public distrust of institutions, as well as the common problem of politicization of the bureaucracy, and the consequent lack of a corporate culture or tradition of public service. In addition, post-communist states in Europe, long dominated by the Soviet Union, have little experience in external threat assessment and prioritizing national security needs.<sup>2</sup> Our research indicates that these impediments to intelligence sector reform are not unique to post-communist European nations, however, but are, with varying degrees of significance, fairly common to most new democracies emerging from an authoritarian past.

In established, modern democracies such as the United States and Great Britain, national intelligence organizations exist for one primary purpose: to inform and support foreign policy decision-makers. In theory, these full-service intelligence organizations, both military and civilian, should function as information processing services for elected leaders. Their most essential role is to determine the capabilities and intentions of a nation's adversaries, and warn of potential threats. In virtually all these organizations, particularly those military intelligence services dealing with strategic issues, the lion's share of people and assets are focused on capability and threat assessment to support the development of plans and identify emerging issues that affect long-term planning and the strategic environment. Counterintelligence is a purely secondary mission in these services, whether military or civilian. Domestic security intelligence is primarily a "high policing" function, and in most modern democracies it is assigned to a separate civilian agency such as the U.S. Federal Bureau of Investigation (FBI), or the Security Service (MI5) in the United Kingdom.

This was not the case in most authoritarian regimes, where the boundaries and functions of military intelligence and police organizations overlapped or became indistinguishable from each other. Because these authoritarian regimes were based on something other than democratic legitimacy exercised through free elections, they had to rely on security organizations to identify domestic opponents, neutralize opposition to the government, and seek through a variety of means, including control over media, to generate at least domestic apathy. In most cases, intelligence organizations provided these services. Precisely because of this heavy reliance and its centrality to power, the intelligence apparatus in most non-democratic states grew in size and influence, with the result that it was largely autonomous even within authoritarian regimes.<sup>3</sup> In these countries, intelligence meant mainly counterintelligence or security intelligence.<sup>4</sup> That is, its purpose was to protect the state's secrets from outsiders, which meant anyone outside the central core of power. And, as almost anything could be defined as a state secret, the scope of

that which had to be controlled was immense. While in most instances the intelligence service rhetorically linked internal opposition to putative foreign enemies, the overwhelming focus of the intelligence service in most countries was on domestic opposition, not other states.<sup>5</sup>

In general, these security intelligence services functioned more as “political police” than domestic intelligence bureaus familiar to the older democracies, which are subject to a democratic process, and responsive to ministerial control and legislative and judicial oversight. As they accrued influence over time, the security intelligence organizations acquired greater autonomy from policymakers and became insulated from any type of legislative or judicial scrutiny. They tended to be responsive only to the regimes in power, and they derived their own powers and responsibilities directly from executive authority rather than through legal mandates. They inevitably gathered political intelligence on tremendous numbers of people, usually unrelated to specific criminal offenses. These security intelligence organizations were the means with which authoritarian regimes used to conduct aggressive countering operations against political opposition. In some cases, such as South Africa under President F.W. de Klerk, authoritarian intelligence services resembled what W.W. Keller and Peter Gill have called the “independent security state.” This extreme form of security intelligence organization is characterized by an almost total lack of external controls on intelligence activities. It differs from the political police in that the security intelligence organization determines its own agenda and goals, which may not coincide with those of the ruling elite. Its funding and policies remain hidden from the rest of the policymaking process, and the organization itself selects the targets for its information gathering and countering activities.<sup>6</sup>

### **A Model for Comparative Analysis**

In his book, *Policing Politics: Security Intelligence and the Liberal Democratic State*, Peter Gill elaborates on the work of W. W. Keller by creating a model for the modern state and its intelligence security services, and forms a typology by which it is possible to classify and compare the services of different states.<sup>7</sup> According to Gill, security intelligence services can be classified by the degree of power they possess, measured in the degree of autonomy from external political control and oversight they enjoy, and in the degree of their penetration of society. The classification of the services can then be used to draw some conclusions about the nature of the state. Gill groups security intelligence services in all types of political regimes, authoritarian and democratic, into three categories:

- **Bureau of Domestic Intelligence:** This organization has limited and specific powers derived from a legal charter or statute. Its primary function is to gather information relating to the criminal prosecution of security offenses, and it does not conduct aggressive countering operations against citizens. The British MI5 is a good example of this type of security intelligence service.
- **Political Police:** These operatives have greater autonomy from democratic policy-making and are more insulated from legislative and judicial scrutiny than a bureau of domestic intelligence. This type of security intelligence service responds almost exclusively to the political elites or party in power. Typically, political police focus on internal political opposition groups, often gathering intelligence unrelated to specific criminal offenses, and conducting aggressive countering operations against domestic political opposition to the

existing regime. The security intelligence services in many authoritarian regimes in Latin America and Southeast Asia would fall into this category.

- **Independent Security State:** This is a security intelligence service characterized by a lack of external controls and oversight, even from the authoritarian regime it is supposedly protecting. It differs from the political police because it determines its own goals, which may not coincide with those of the political elite. Enjoying a high degree of autonomy from the routine political process, this type of security intelligence service keeps its funding and policies hidden from the governmental policy-making process, and its targets and countering activities are authorized by the service itself, not elected officials. Examples of independent security states include the South African intelligence apparatus during periods of the de Klerk regime, and the Securitate in President Nicolae Ceausescu's Romania.

Among these three general types of security intelligence services, the independent security state's penetration of society is most extensive and it wields virtually unchecked power over the regime and population. Not only does it collect intelligence, but it also sets its own agenda and conducts countering operations independent of the ruling elite's desires. The political police, by comparison, wield less power and are more responsive to the regime in power. The domestic intelligence bureau is the ideal type of security intelligence service for a democracy. It does not conduct countering operations against its citizens, and may not even have arrest authority, but its monitoring nevertheless remains a form of power, and thus potentially susceptible to political misuse.

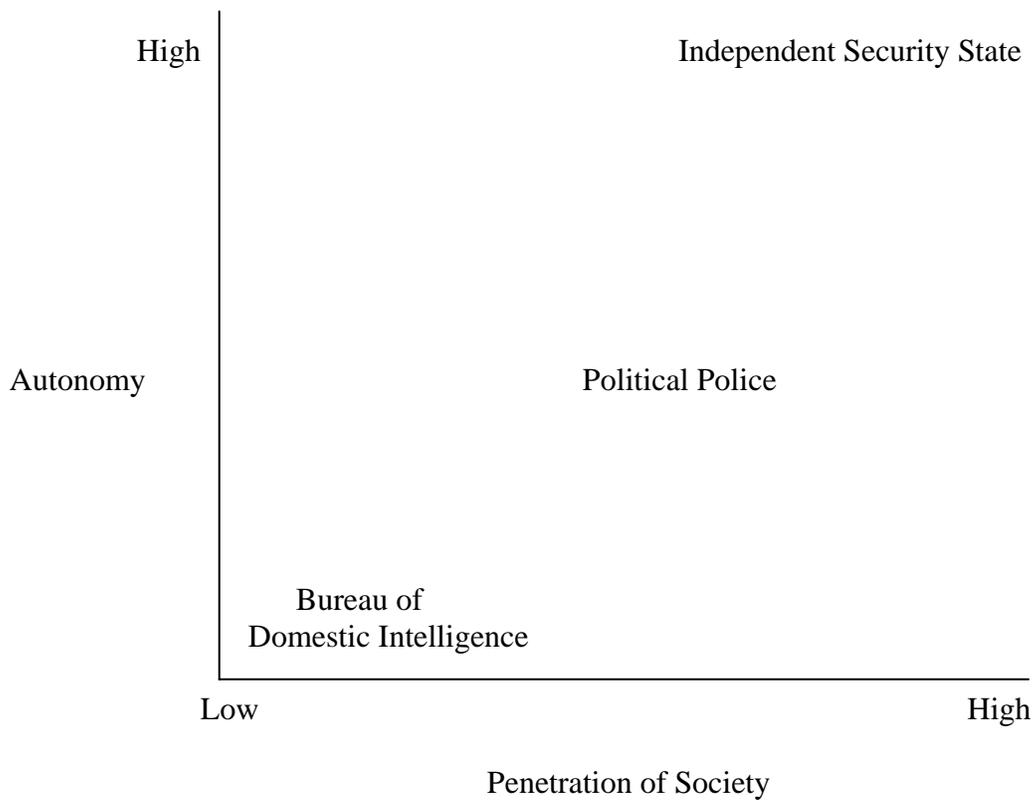
**Figure 1: Gill's Typology of Security Intelligence Agencies<sup>8</sup>**

		Penetration		
		High	Medium	Low
Autonomy	High	A Independent Security State	B	C
	Medium	D	E Political Police	F
	Low	G	H	I Domestic Intelligence Bureau

This model gives nine possible classifications for security intelligence services. Box A holds the independent security state. It is autonomous from the rest of the state and penetrates deeply into government institutions and society. On the other end of the spectrum, in box I, is the domestic intelligence bureau. It is subject to strong control by the rest of the state and does not penetrate far into government or society. In between the two extremes are the political police in box E. While the prospect of a service occupying boxes C or G seems low, it is conceivable to have a service that is highly autonomous yet exercises self-restraint, or one that is tightly controlled but highly penetrative.

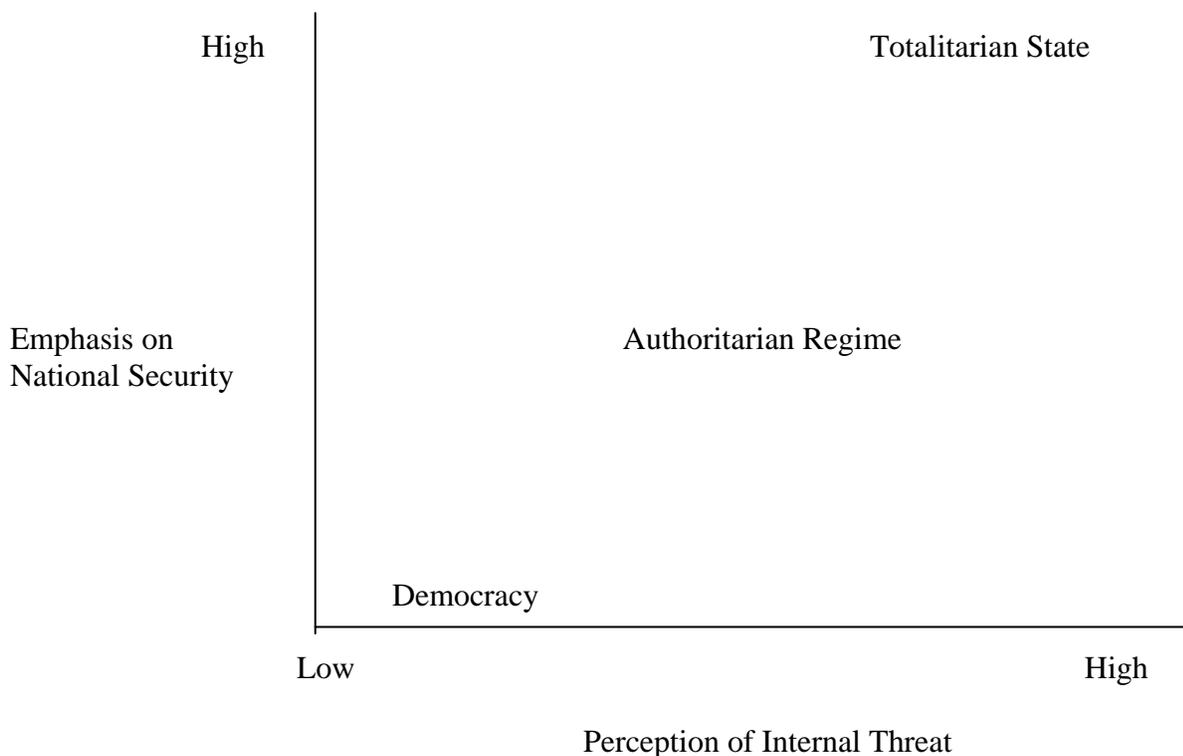
Gill's typology, while useful, suffers from its limited ability to compare and contrast relative changes in security intelligence agencies over time. Moreover, it labels only one-third of the possible combinations of agencies based on their autonomy from and penetration of society. A more accurate graphical depiction is shown below. While maintaining the three general categories developed by Keller and Gill, this graph can be used to rank and compare intelligence agencies by accounting for change in the independent variables of autonomy and penetration of society.

**Figure 2: Types of Security Intelligence Services**



A more accurate tool for comparative analysis among states and within states over time would be a pair of graphs showing the relative position of both states and their intelligence organizations. We maintain that there is a correlation between the type of security intelligence apparatus and the classification of state regimes, and that this relationship can be more easily compared in a graph rather than by simply using discrete boxes. Furthermore, rather than adopt Gill's classification of regime types (polyarchical state, national security state, and garrison state), we prefer to use the more generally accepted classifications of democracy, authoritarian regime, and totalitarian state.<sup>9</sup>

**Figure 3: Regime Types**



The citizens of a democracy enjoy the freedom to form and join organizations; the right to express themselves and their opinions; to vote and hold free and fair elections; to run for public office; to engage in political competition; to seek out alternative sources of information; and to rely on government policy-making institutions controlled by elected officials. Policymakers in a democracy must balance security needs with social welfare expectations by seeing to it that the military, police, and security intelligence organizations are subject to civilian control and oversight. The government itself is accountable to the institutions of a democracy. Consolidated democracies are likely to have as their main intelligence arm a bureau of domestic intelligence that comes under tight democratic control.

Typically, authoritarian regimes are at best purely formal democracies. If the ruling cadre do maintain a façade of democratic institutions, the persistence of political conflict allows them to resort to emergency powers at will. Often in such situations, the regime’s legitimacy is at stake, civil rights are restricted, political conflict becomes militarized, and the security intelligence services are granted exceptional powers usually only applicable during a state of emergency or war. Most authoritarian regimes rely on political police for their security intelligence needs and to protect their regime from internal threats.

Taken to its extreme form, an authoritarian regime may become so preoccupied with threats to its political power, both real and perceived, that it devolves into a totalitarian state where the military and security intelligence structures dominate political activity, opposition is outlawed, and the ruling regime retains power over its populace by extra-legal means, typically

intimidation and terror. As the ruling elites become increasingly paranoid about internal threats, they tend to cede more power to the security intelligence apparatus, leading to the eventual emergence of an independent security state.<sup>10</sup> It stands to reason that an independent security state could not exist in a democracy. As governments become more concerned with internal threats, however, they tend to emphasize national security matters over social welfare policies. Emerging democracies, where the institutions of democracy are new and still primarily procedural, are particularly vulnerable to this devolution.

The challenge of democratic consolidation and reform of the intelligence branch lies in the fact that in most countries there is little public awareness of intelligence functions and organizations. Most civilian politicians, let alone the public at large, do not know enough about intelligence to be able to have an informed opinion about it. In some countries there is justifiable concern that the intelligence apparatus was -- and is -- collecting information that could be used against average civilians and politicians. Thus ignorance about intelligence communities is combined with fear, which perpetuates inadequate dissemination of information. From our work in several regions of the world, we have found that civilian politicians very often either do not know anything about intelligence, or, if they do, don't want to deal with it. Since the intelligence services in these cases operate in secrecy, it is even more difficult to know just what they are doing. Given their historically negative impact on democratic legitimacy, however, it is unlikely that they are supporting democratic consolidation.

### **The Challenge of Democratic Consolidation**

“Consolidation” is a familiar concept in comparative politics, and is useful because it reflects the idea that a new regime’s structures and processes are becoming stable. That is, a democratic regime is consolidated when the elites and the masses accept it as “the only game in town,” and support its institutions.<sup>11</sup> This acceptance is no easy task, especially if one considers the basic characteristics a regime must have to be termed democratic. The following is a brief standard definition of contemporary democracy:

Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives.<sup>12</sup>

For accountability to function, procedural minimal conditions are necessary. As more countries began to consolidate their new democracies, it became apparent that some, such as Iran, Pakistan and Turkey, did not seem fully to empower the necessary institutions. Scholars identified a further defining characteristic of real functioning democracy, which is that no unelected body may have authority over the popularly elected officials. In all three of the procedural democracies above, the supervisory or monitoring role has been assumed by an unrepresentative body, such as a national security council or council of guardians, that has the power to veto legislation passed by the democratically elected legislature and executive. In Portugal at the beginning of the so-called “Third Wave of Democratization,” it should be noted that the Portuguese constitution of 1976 empowered precisely such a body in the form of the Revolutionary Council. Portugal only became fully democratic with the constitutional revision of

1982, which eliminated this body and distributed its powers among the democratically derived sectors of government.

Newly elected leaders face major challenges both in the institutional lack of recent experience with democracy, and the inability of a wary population to value these new political structures and processes.<sup>13</sup> Furthermore, the governments in most cases are confronting economic problems, often accompanied by social disruption. Overall, democracy is a very demanding political system both for elites and average citizens, and new democracies are highly tentative. The issue for newly elected leaders is how to develop trust and transparency while struggling with the legacies of the authoritarian regime.

The former regime's intelligence apparatus is very unlikely to have come under government control, but instead either retains power over civilian officials or operates on its own agenda. This was clearly the case in Peru under President Alberto Fujimori, and in South Africa during periods of the de Klerk presidency. We expect that this remains an issue in a great many countries. If the elected government does not control the intelligence structures, it is by definition not a consolidated democracy, since democratic consolidation requires both the institutions and culture of democracy. Legitimacy is central to the culture of democracy. If a government is monitored -- more accurately, blackmailed -- by the intelligence service, then the elected leaders' claim to democratic legitimacy will be suspect and the citizens' trust in the institutions of democracy will be damaged. Democratic consolidation is a huge challenge in the best of circumstances. Any handicap, especially one as critical as lack of legitimacy, can become an impediment impossible to overcome.

## **The Meaning of Intelligence**

As we indicated earlier, intelligence organizations perform essential functions in a democracy, and arguably the most important function is informing the government of what it needs to know about external and internal threats. At this point, therefore, it is essential to define what we understand by intelligence. Due to the scope and diversity of intelligence activities, there is understandable disagreement about its meaning.<sup>14</sup> As Mark Lowenthal points out, the term intelligence can have at least three meanings. It can be seen as a process, that is, the means by which governments request, collect, analyze and disseminate certain types of required information, and the rubric by which covert operations are planned and executed. Intelligence also comprises the products of these gathering, analysis and covert operations. Finally, intelligence can refer to the organization, that is, those agencies that carry out its functions.<sup>15</sup> Process -- the gathering and using of information for some purpose -- is the most salient of the three definitions for this discussion. Since processes vary, as do the sources and ultimate uses of information, much about them is of necessity vague. Those who become familiar with intelligence processes and their limitations are more likely to understand that not everything is knowable, let alone known.

Most discussions within the intelligence community center on "tradecraft," the "how to" of sources, methods and analysis, rather than the "what is." The intelligence community's obscure, exclusive character is cultivated intentionally, to prevent information from reaching unintended eyes. Intelligence officers are trained to collect information and sequester it, except

from those very few of their superiors with a “need to know.” Given this chapter’s focus on the functions of intelligence in new democracies, we must adopt a broad definition of intelligence in order to convey the scope of what it can include.<sup>16</sup> Glenn P. Hastedt, in his book *Controlling Intelligence*, states succinctly: “The four elements of intelligence are clandestine collection, analysis and estimates, covert action, and counter-intelligence.”<sup>17</sup> Loch Johnson describes the interrelationship between these four functions, which is the focus of this section.

Intelligence commonly encompasses two broad meanings. First, the secret agencies acquire and interpret information about threats and opportunities that confront the nation, in an imperfect attempt to reduce the gaps and ambiguities that plague open sources of knowledge about the world. A nation especially seeks secret information to help it prevail in times of war, with as few casualties as possible. Second, based on information derived from denied and open sources, policymakers call upon their intelligence agencies to shield the nation against harm (counterintelligence) while advancing its interests through the secret manipulation of foreign events and personalities (covert action). Intelligence thus involves both information and response.<sup>18</sup>

Most authors on the subject agree on the general functions of intelligence, and employ them in their functional models of intelligence systems.<sup>19</sup> While these functions are common to most intelligence organizations, however, the ways in which they are distributed within the organization differs from state to state.

For our purpose here, intelligence is understood to consist of the four functions described by Hastedt: collection, analysis, counterintelligence, and covert action. Although the term also refers both to the organization collecting the information and the information collected, the information itself is not the defining characteristic. The key characteristics are that these functions are centered in and intended for the state and that they are secret. While we will briefly examine each of them individually, it is important to remember that they operate most effectively as parts of a process, in close conjunction with one another. As Roy Godson points out in the introduction to his book *Intelligence and Policy*:

It is difficult to imagine an effective system for collecting intelligence without the analysis that provides effective guidance or “tasking” to collectors. Counterintelligence is necessary to protect collectors from becoming known, neutralized, and exploited by hostile intelligence services. Similarly, a successful program of covert action must be grounded in effective collection, analysis, and counterintelligence. All of this is to say that the nature of intelligence is such that the several elements of intelligence are parts of a single unified system, whose success depends on all parts working effectively. In short, it must be a “full-service” intelligence system.<sup>20</sup>

## **Collection**

Intelligence organizations collect information. The questions and controversies that often surround this activity concern what kinds of information they collect, and what means they

employ to collect it. At a minimum, they use what today are termed “open sources,” which include periodicals, the Internet and Worldwide Web, and seminars and conferences -- any information available to the public. There is an ongoing debate regarding the relative value of open vs. classified sources, since so much information on so many topics is readily available nowadays through the public media.<sup>21</sup> Collectors of intelligence further distinguish between human intelligence, or HUMINT, and scientific and technical intelligence, which includes signal intelligence, (SIGINT, from intercepts in electronic communications, radar, and telemetry), imagery intelligence, (IMINT, including air, satellite and ground imagery), and measurement and signatures intelligence, (MASINT, which is technically derived intelligence data other than imagery and SIGINT). HUMINT is information collected directly by people, including that provided by ambassadors or defense attaches as part of their normal reporting routines, information obtained at public and social events, and information garnered clandestinely through operatives, reading others’ mail and purloined documents. HUMINT is the traditional “espionage,” or spying, carried out mainly by agents placed in another country to provide secret information to their case officers, who then forward it to their home agencies.

### **Analysis**

Raw intelligence data is not much good without analysis. Analysis, or the anticipation of analysis, also shapes collection requirements. The difficulty at this stage lies not only in the need to process gigantic quantities of data, but even more in determining what conclusions to derive from the information. Production is only the first step; the intelligence must then be marketed. Analysis, in short, is not a simple technical issue but includes a choice of methods, and the perceptions and political preferences of both the providers and “customers.” Much of the analytical literature on intelligence operations in the United States and Soviet Union focuses precisely on whether, and to what extent, leaders use the information provided to them by their intelligence organizations.<sup>22</sup> For our purposes of definition, then, analysis includes marketing the product to the decision-maker.

From a national security point of view, timely, accurate intelligence can be a powerful tool and force multiplier. Every strategic plan is based on assumptions. Such assumptions, particularly those concerning the capabilities and intentions of a potential adversary, must be based on well thought-out intelligence estimates. The process of creating reliable, accurate strategic intelligence, however, is dynamic. This process, often referred to as the intelligence cycle, begins when the policy-maker and his planning staff -- in the United States, this will be the president and his National Security Council (NSC) staff -- express a need for intelligence information to help them make a national security-related policy decision. Intelligence managers -- in our example, the Central Intelligence Agency (CIA) at the national level -- convert these requests into information collection plans. The raw data is gathered by various intelligence methods, processed and exploited, and given to analysts for integration, evaluation, and examination, that results in finished intelligence products (written reports or oral briefings, for example). These products are disseminated to the consumers (here the president and strategic planners of the NSC), who provide feedback to the intelligence managers for additional or more focused information.

## **Counterintelligence**

At its most basic level, the purpose of counterintelligence is to protect the state and its secrets against other states or organizations. Seemingly clear and straightforward in these terms, in fact it becomes, in the words of James Angleton, the long-time, often controversial head of counterintelligence at the CIA, “‘the wilderness of mirrors,’ where defectors are false, lies are truth, truth lies, and the reflections leave you dazzled and confused.”<sup>23</sup> Abram N. Shulsky defines the scope of issues involved:

In its most general terms, counterintelligence refers to information collected and analyzed, and activities undertaken, to protect a nation (including its own intelligence-related activities) against the actions of hostile intelligence services. Under this definition, the scope of counterintelligence is as broad as the scope of intelligence itself, since all manners of hostile intelligence activities must be defended against.<sup>24</sup>

Shulsky, like most American authors on the subject of intelligence, associates counterintelligence primarily with countering foreign threats. In common usage, the term counterintelligence also is applied to those intelligence activities aimed at countering internal threats. British and Commonwealth scholars, however, prefer to use the term "security intelligence" to describe intelligence functions aimed at countering domestic threats. Gill defines security intelligence as "the state's gathering of information about and attempts to counter perceived threats to its security deriving from espionage, sabotage, foreign-influenced activities, political violence, and subversion."<sup>25</sup>

Memoir accounts by retired intelligence professionals, as well as books by students of intelligence, indicate that counterintelligence and security intelligence activities have the greatest negative implications for democracy, due to their covert surveillance of the citizenry.<sup>26</sup> The implications for democracy are much more severe in new democracies where counterintelligence and security intelligence were the principal functions of intelligence services under the old regimes. The intelligence service sought to root out real and imagined enemies of the state, often resulting in yet more opposition, thus leading to a spiral of distrust and violence. If even in established democracies a certain amount of paranoia is inherent in counterintelligence and security intelligence -- as in "there is an enemy at work here and we must root him out" -- in less institutionalized and non-democratic Third World countries this attitude routinely resulted in extreme violations of human rights and impunity for the intelligence agents.<sup>27</sup>

## **Covert Actions**

Covert actions, or "special political actions" in Great Britain and "active measures" in the Soviet Union, are actions intended to influence another state by means that are not identified with the state behind the actions. There are several categories of covert action, ranging from propaganda to paramilitary operations. Mark Lowenthal categorizes them in terms of level of violence and degree of plausible deniability. The first level, propaganda, includes the utilization of the media in another country to convey a certain message. It is categorized as the least violent means of covert action with the highest degree of plausible deniability. The second level is

political activity, which includes funding or other support to the government leaders, political parties, unions, religious groups, the armed forces and the like in another country, to induce them to follow a certain course of action. Closely linked to this level is economic activity, in which governments use economic weapons, such as destroying crops, influencing markets, and circulating counterfeit currency, to destabilize a regime. The final two levels involve much higher degrees of violence and usually provide a lesser degree of plausible deniability. The overthrow of governments by coups, usually through surrogates (for example, the 11 September 1973 coup in Chile led by General Augusto Pinochet) may be the final, less violent, method of clandestine regime change prior to paramilitary operations, which are the most violent covert action of all. This ultimate level involves the use of force, usually by means of indigenous armed elements, to launch a direct attack on the government of another state (such as the U.S.-backed Contra insurgency in Nicaragua during the 1980s).<sup>28</sup> Paramilitary operations can range from smaller actions, like assassination, or arming and training a small contingent of dissident tribal groups, or they can be as large as the 1961 Bay of Pigs invasion of Cuba. The larger the paramilitary operation, the less likely it is provide the cover of plausible deniability for the sponsoring state. Richard Bissell, an American covert operations insider, has crafted a straightforward rationale for covert action:

It becomes overwhelmingly obvious that we are deeply concerned with the internal affairs of other nations and that, insofar as we make any effort to encourage the evolution of the world community in accord with our values, we will be endeavoring purposefully to influence these affairs. The argument then turns out to be not about whether to influence the internal affairs of others, but about how.... Open diplomacy, however, has its limitations as a policy tool. There are times when a great power can best attain its objectives by acting in total secrecy.... On certain occasions, however, a great power may seek to influence the internal affairs of another nation without its knowledge or without the knowledge of the international community. These circumstances require covert action.<sup>29</sup>

Obviously, not every country has robust capabilities in all four intelligence functions, but the fact that some nations do have these capabilities means that this is the global framework within which intelligence must be understood. Intelligence is created to defend the state, within the context of potential enemies, other states and non-state actors, taking into consideration the instruments they have available. All countries are aware to some degree of the intelligence capabilities of other countries, and of the fact that they themselves will be involved in, or even the target of, data collection and covert action.

## **Intelligence and Democracy**

All countries have an intelligence apparatus of some scope and capability. The question for new democracies is, what kind of intelligence structure do they need and how can it be controlled? While the challenge is especially cogent in the new democracies, democratic control of intelligence is a subject of intense debate everywhere for at least four reasons. First, as Pat

Holt states, “Secrecy is the enemy of democracy,” because secrecy encourages abuse.<sup>30</sup> If there is secrecy how can there be accountability, the operative mechanism of democracy, especially when both the purveyors and end-users of secret information mutually benefit from the exclusion of oversight? Because intelligence organizations operate in secrecy, they largely avoid the checks and balances on which democracy is based. Second, intelligence agencies collect and analyze information, and information means power. High-level officials in intelligence organizations can leverage access to information to promote agendas and purposes of their own, including to benefit their “friends” in government, meaning those who will protect the organization’s prerogatives. Gill uses the metaphor of the “Gore-Tex” state to illustrate a high degree of domestic penetration by the security intelligence services. Information flows in one direction only: to the intelligence services, but not from them to state and society.<sup>31</sup> Intelligence structures may be autonomous from state control and, through the use of information that others do not have, even determine state policy.

Third, intelligence agents and organizations routinely break laws abroad. Although spying is illegal everywhere, intelligence managers regularly provide undeclared funds to foreign nationals to act as agents and propagandists, tap phones, steal documents and the like, all of which are outside the law. In most such cases, operatives do not admit who they are or for whom they work. In such a culture, in which people are paid to operate outside the law with impunity, there may be a problem in making the distinction between breaking laws abroad and not breaking them at home. Fourth, intelligence officials can always invoke self-justification that their work is critical to the defense of the nation. In the words of Peter Wright, “[Intelligence] is a constant war, and you face a constantly shifting target.”<sup>32</sup> It is up to the intelligence organizations to root out spies, domestic and foreign, who are threats to the nation. Their members may easily develop the perception that they know better than anyone else what is going on out there, and how dangerous the threat really is. The fact that they know things others do not, combined with their de facto license to operate outside society’s rules, may easily lead intelligence officials to develop a condescending, even adversarial, attitude toward anyone who is not initiated into the club.

### **Critical Questions for Evaluating Intelligence Services**

In view of the difficulty states everywhere have in trying to control intelligence, and considering the dangerous legacy of intelligence services in most new democracies, what are the choices to be made concerning, and what are the implications of, different options for democratic control? This section lists the most important choices, and evaluates their likely impacts on democratic governance.

To develop a model for comparative analysis regarding the relationship between the state and its intelligence services, several critical questions should be posed. Initially, and this requirement is the same for the armed forces in general, democracies must establish a clear and comprehensive legal framework for intelligence activities. Intelligence is “slippery,” and if the legal framework is not clear and explicit, intelligence agencies can never be brought under control. In Argentina, for example, long after the collapse of the military dictatorship in 1983, the intelligence law remained a secret leftover from the old regime for almost another twenty years. Despite the obvious need for new laws, the Argentine congress was unable to pass a new

legal framework for intelligence until 2000. Another, more encouraging example, is South Africa, where the government initiated legislative reform of the intelligence apparatus soon after the transition to majority rule in 1994. This involved three major bills in parliament, which together clearly defined and restructured the intelligence system.<sup>33</sup> Brazil, like Argentina, took considerably longer to institute reforms after the transition to civilian government in 1985. It finally created the Brazilian Intelligence Agency (ABIN) in 1999, to replace the authoritarian regime's National Intelligence Service. Even so, it was not until September 2002 that President Fernando Henrique Cardoso decreed into being the Brazilian Intelligence System, of which the ABIN was named the "central organ." The Brazilian congress did play a key role in the final creation of ABIN, and the legislation provides a clear legal basis for civilian control of Brazil's intelligence organs.

There are three fundamental decisions and several secondary decisions to be made regarding the establishment of civilian control over intelligence operations. These choices should be stipulated within a clear and explicit legal framework adopted by the government's legislative body. The first choice is to determine which of the four intelligence functions will be implemented and how much of the country's resources will be allocated to them. The initial part of the question can be answered only by assessing the global and regional situation, alliances, recent history, and capabilities. The latter part -- how much is intelligence worth? -- is a political decision. Obviously it is worth a great deal if it provides the nation with the means to maintain its independence in the face of a hostile neighbor. Intelligence also can be valuable in lieu of maintaining large military forces, by allowing a country to focus its capabilities on the most serious threats and thereby minimize redundancy and higher operational costs. But can the mere fact of having a certain level of intelligence capability serve to deter hostile intentions and actions? Much depends on the government's relationship with other, more powerful countries that may be willing share intelligence with it under certain circumstances. These choices should be integrated into an overall framework for defense decision-making, based on an assessment of what the nation requires and how much it is willing to pay for it. This is, of course, an abiding issue in all civil-military relations.

The empirical evidence clearly shows that the top level of the executive branch of government (the president or prime minister and relevant cabinet ministers) must take responsibility for making these decisions, and seeing that they are in synchrony with the rest of the defense apparatus. This raises the issue of how to structure the bureaucratic organization that manages or integrates the intelligence functions. In the United States, the director of Central Intelligence provides the integrated intelligence product, but it is the National Security Council that coordinates national policy. In Brazil after the most recent reforms, the Secretariat of Institutional Security has responsibility for coordination, working directly under the president. And since South Africa instituted its reforms in the mid-1990s, the National Intelligence Coordinating Committee reports directly to the president and the cabinet on intelligence matters.

The second critical choice facing a new democratic government concerns the balance between civilian and military involvement in intelligence, in terms of both production (collection and analysis) and consumption. In most authoritarian countries, the military had a monopoly on intelligence as producer and end-user. During democratic consolidation, leaders must decide whether military intelligence should be replaced in whole or in part by new civilian organizations. One alternative is to give the military responsibilities only for military

intelligence, and have civilians assume responsibility for strategic intelligence and counterintelligence. The question of who will have access to the final “goods” is as important as that of collection. To whom will the intelligence product be distributed? Will access be limited to the president of the country, his director for intelligence, members of the cabinet such as Interior, or only to the military? Should members of congress be in the loop, or anyone else? Access to intelligence information, and the form in which it is made available, such as open or classified, written reports or oral briefings, has great implications for the potential power of those who receive it. In the 1996 Guatemala peace agreement, the “Accord on Strengthening of Civil Power and the Function of the Army in a Democratic Society” stipulates the creation of “a civil department of intelligence and analysis of information.” By April 2000, the Guatemalan government had defined the new structure, which included one military and two civilian intelligence organizations. The legislature subsequently adopted plans to form the Secretariat of Strategic Analysis, which will provide open-source collection and analysis directly to the president. Full implementation of these reforms was delayed, however, due to the failure of a referendum on constitutional revisions later in the same year, and as of February 2003, Guatemala’s leaders were still debating the future structure of a civilian intelligence system.

A sub-theme of this balance between civilian and military institutions is the issue of domestic and foreign intelligence. Does the same organization have responsibility for internal surveillance, which is mainly security intelligence, as well as external operations? Should these functions be fused, and if they are, what controls need to be in place so that operations and products are not used for political purposes? In most democracies the internal and external functions are separate. For example, the FBI handles counterintelligence and security intelligence within the United States, while the CIA has responsibility for intelligence gathering and counterintelligence outside the country. In most European democracies, the functions are divided between security (domestic) intelligence and foreign intelligence, with the organizations doing their tasks wherever necessary, at home or abroad. This division has not been much of an issue in most of the new democracies, since the operations they inherited were focused internally for the most part. It should be noted that domestic intelligence is cheap in comparison to foreign intelligence, and most countries cannot afford to do the latter professionally on a large scale.

The third choice new democracies face concerns the relationship between intelligence and policy, which logically also involves the matter of coordination among the intelligence organizations. At issue is whether all intelligence operations should formally be coordinated by a director of central intelligence, as in the United States, but kept separate from the policy-making branch (the director is not a member of the president’s Cabinet)? Alternatively, should they stand alone, as with MI5 and MI6 in Great Britain, and rely on more collegial coordinating procedures? These questions reflect an ongoing debate about the implications for objective intelligence analysis when it is closely linked to policy, versus the supposed loss of efficiency by having intelligence that is not linked. There are great variations in how different democracies handle this issue.<sup>34</sup>

The answer depends in large part on the political traditions and structures of the country, but the underlying issue of policy-relevant, but not policy-driven, intelligence must be assessed. Critics of covert action in the United States claim that such operations blur the distinction between intelligence and policy within the CIA. Rather than simply providing objective intelligence, the agency develops the policy, carries it out, and largely evaluates its success.

Hastedt, who has written one of the few books on controlling intelligence, makes his position explicit on this issue: "The purpose of intelligence is to inform and warn policy-makers. The choice of what to do lies with the policy-maker. If intelligence is brought into too close a contact with policy making it runs the risk of being corrupted."<sup>35</sup> In the new democracies, it is too early to determine how decision-makers are dealing with this issue, since they are still in the process of defining and implementing structures and processes in the (often newly-created) ministries of defense and intelligence organizations. Argentina is probably the furthest along in this area, but even there the structures are still changing substantially and much policy-making remains personality-driven.<sup>36</sup> In Brazil, while the head of the Secretariat of Institutional Security, located in the office of the president, ostensibly is responsible for advising and coordinating policy, it is unclear how far his responsibility extends within the military services and the Federal Police.

All three of these decisions hold serious implications for democratic control over intelligence. The first choice, about which intelligence functions to fund, will have an obvious impact, especially on the scope of counterintelligence operations. Second, the decision whether to locate intelligence functions in civilian vs. military structures will directly affect civilian control over the armed forces, as well as civilian control over intelligence. Third, close links with policy-making can make intelligence less a function of information gathering and analysis, and more a tool used by political leaders to retain power. In the cases with which our research is most familiar -- Argentina, Brazil, Guatemala, Romania, South Africa and South Korea -- the evidence suggests that they are dealing well with decisions one and two, but resolution of the third remains elusive.

### **Explicit Mechanisms of Control over Intelligence**

A common mechanism to control intelligence is by separating it into different agencies, to prevent any single entity from having a monopoly on its production or use. This is the model in the United States. A possible arrangement could be to have separate intelligence organizations for each of the armed services and the police, and separate structures for domestic and foreign intelligence. This proliferation of organizations might not be the most efficient system, since the different agencies tend to battle among themselves over territory and access to decision-makers, but it eliminates the chances of monopoly by any single organization or individual, and creates opportunities for more democratic control. Most countries that are seeking to reform their intelligence structures have moved in this direction. In Argentina, Brazil and Guatemala, the governments have created civilian intelligence services -- two each in the case of Brazil and Guatemala -- to complement (or compete with?) their military counterparts. Romania is an extreme case, however, having created so many smaller, competing and often redundant intelligence organizations that maintaining democratic control has become even more difficult.

A second mechanism for democratic control is external oversight. Does anyone have oversight over intelligence or does the apparatus, and it alone, have responsibility for monitoring its own performance? The latter option is extremely dangerous to democracy. In the United States, oversight has expanded over time, so that now not only do the intelligence agencies have inspector generals, but the executive branch and the two houses of congress also maintain oversight bodies.<sup>37</sup> Although formal oversight remains very limited in Great Britain, democratic institutions are sufficiently hallowed as to guarantee a high level of accountability. If intelligence

is to be under democratic civilian control in countries that are seeking to consolidate their democracies, it is clear that the governments must institutionalize oversight.

As Marina Caparini notes, executive oversight generally concerns itself with issues of efficacy -- whether the intelligence services are functioning efficiently and carrying out their assigned tasks. Judicial oversight usually involves issues of propriety and legality. Legislators monitor both the efficacy and propriety of intelligence activities, and most new democracies emphasize this legislative oversight function. Argentina and Brazil now have legislative oversight, but Guatemala does not. Whether these mechanisms in fact work or not, however, depends on the composition of the oversight committee and the quantity and quality of its staff. Public oversight, mainly a function of the media, usually focuses on issues regarding the propriety of intelligence activities.<sup>38</sup>

### **Access to the Product**

Since knowledge equals power, it is important to specify who may see the intelligence and in what form. Is “need-to-know” limited only to the military, or do civilians in the executive also have access? What about the legislature? The question of access is a critical one in many countries, since democratic elections make it possible for former opposition elements, even guerrillas, to be elected to executive and legislative offices. Countries must establish criteria and processes for sharing intelligence with elected officials that will permit informed decision-making without increasing the likelihood that privileged information will be misused for political purposes. This issue is particularly interesting in Brazil, as the president of the legislature’s Joint Subcommittee on Intelligence Activities, Deputy Aldo Rebelo, is a member of the Communist Party of Brazil, and led a clandestine existence during the previous military regime. From our information, it appears that Brazil is developing protocols that will allow officials such as Rebelo access to intelligence. (Rebelo is now leader of the government party in the lower house, the Camara.) Basic questions, such as whether any or all officials “need to know” even before operations such as covert actions take place, concerns not just immediate distribution of intelligence (which here extends to covert actions as well), but also the general availability of information after a certain period of time. The possibility of wider distribution holds implications for democratic control of operations. If the intelligence agencies know that in the future their files will be open for public scrutiny, they are more likely to keep a rein on the behavior of their members.

There is a dilemma inherent in the issue of control, and that is the trade-off between democratic control over intelligence and the effectiveness of the intelligence apparatus in doing its job to defend the nation. This dilemma can be reduced conceptually to the tension between accountability, which requires transparency, and the intelligence function, which requires secrecy. For example, does legislative oversight result in secrets being leaked and agents being uncovered? Democracies wrestle constantly with this paradox, to which there is no easy or sure solution. When discussing legislative oversight in other countries, the issue of the reliability or sense of responsibility of legislators always comes up. It is very difficult to make apriori judgments on this issue, but it should be noted that since legislative oversight was imposed in the United States in the 1970s, there have been far fewer cases of members of Congress or their staffs releasing classified information than of leaks from the executive branch. More than

whether to legislate oversight, new democracies must realize the need to grapple with the questions of how and by whom oversight should be implemented.

One basic problem, paradoxically, is that democratically elected civilians may not in fact be interested in controlling the intelligence apparatus in new, unconsolidated democracies. In virtually all of these countries, the use of elections to determine leadership is a new and relatively fragile means of determining who has power. Even in old and stable democracies, leaders often prefer “plausible deniability” -- the right to claim innocence by ignorance -- rather than have access to the information required to control a potentially controversial or dangerous organization or operation. Except in a crisis, most politicians in democratic states find little to gain by serving on intelligence oversight committees, or involving themselves in routine intelligence sector activities that, by their nature, will have little public recognition and therefore accrue little political capital. The sad fact is that intelligence sector reforms usually occur only when a major scandal is revealed, thus forcing politicians to respond to public outcries that they “do something.”<sup>39</sup> Logically this situation would be even more prevalent in newer democracies for at least three reasons. First, politicians may be afraid of antagonizing the intelligence apparatus through efforts to control it, because the intelligence organization might have some embarrassing information on them hidden away. Second, they may be afraid because the intelligence organization in the past engaged in arbitrary and violent actions, and the politicians are not sure that a corner has been turned. Third, there are probably no votes to be won in attempting to control an organization that most people either don’t know about or want to ignore.

In our work at the Center for Civil Military Relations, we have found that democratic control of intelligence can be discussed profitably only in those countries that have already sorted out the more general issues of civilian control of the military, and have begun to institutionalize the structures and processes for this control. In countries that have not yet taken these steps, the environment remains too opaque or tense for open discussion of intelligence organizations and oversight. Intelligence is by no means the first issue the new civilian leadership wants to confront. Before we include the topic of democratic control of intelligence in one of our seminar programs, we determine from the U.S. embassy and the ministry of defense or joint staff whether it is an appropriate topic for discussion and debate. We have had countries threaten to refuse to participate in mixed military-civilian programs when they learn the topic of intelligence is to be discussed. We also have had U.S. ambassadors refuse our request to offer a program on democratic control of intelligence. On the other hand, Argentina asked us to cover this topic in full week seminars that took place in 1998 and 2003, and we have covered it within broader seminars in Brazil, Guatemala, Peru and South Africa.

## **Towards Democratic Control of Intelligence**

Those countries that want to begin to exert democratic civilian control over the intelligence apparatus must undertake several tasks. These tasks are similar to those of asserting civilian control over the military in general, but are more demanding due to secrecy and the penetration of state and society in line with the counterintelligence function.<sup>40</sup> Despite the fact that they are presented here as a list, the steps that follow are not prioritized, and in fact should be pursued simultaneously. They concern civilian competence, public interest and then pressure, and the profession of intelligence.

The first job is to motivate civilians to learn about intelligence so they can control it. That is, government officials need to demystify intelligence so that it can be both effective and serve to defend the nation, under civilian control. In countries that had authoritarian regimes, intelligence usually was monopolized by the military, with no role whatsoever for civilians. These countries will be unable to control intelligence unless the elected leaders prepare civilians to learn enough both to understand what intelligence is all about and to achieve some degree of cooperation, if not respect, from the intelligence professionals. The effort should begin with a formal and public commitment by the executive branch of government to review the entire intelligence structure, with the goal of establishing a new policy. This has been done in Argentina, Brazil, Guatemala and South Africa, thanks primarily to the social bargain that results from the transition to democracy.

The government's commitment to reform must also create openings for civilian employment in intelligence. As in civil-military relations in general, civilians will have no motivation to come forward unless they can anticipate viable careers in the field. They can then begin to learn about intelligence by reading the unclassified literature from different countries and taking advantage of cooperative training arrangements in intelligence offered by other governments such as that of the United States. In addition to bilateral programs, it also makes sense to establish regional programs, in which members are able to share their insights and further develop their common fund of knowledge. Regional intelligence sharing programs can be one positive, and likely, result.

The second, broader, task is to encourage a political culture that supports the legitimate role of intelligence in a democracy, but does not allow it to run rampant. James A. Schlesinger noted, "to preserve secrecy, especially in a democracy, security must be part of an accepted pattern of behavior outside of government and inside."<sup>41</sup> The responsibility for making the system work must go in both directions: from the intelligence community to those democratically elected civilians who maintain oversight, to provide complete information as and when directed; and from civilian officials to the intelligence community -- and society in general -- not to release classified information for personal or political reasons. This culture can be encouraged, as with democratic civil-military relations in general, by fostering a public debate that will break through the residual apathy or fear within the population regarding intelligence. In some older democracies, including Canada, France, Great Britain and the United States, this debate is stimulated by nongovernmental organizations (NGOs) and the media fairly regularly, and periodically dramatized by intelligence fiascoes that become public. The role of the media in maintaining oversight is crucial, and their awareness of intelligence concerns can be encouraged in the same manner as with the public. Elected politicians' commitment to establish a policy on intelligence can act as a salutary catalyst to this society-wide debate.

Such a discussion has been initiated in a few of the newer democracies. The December 1996 Peace Accords in Guatemala, between the government and opposition guerrilla organizations, stipulate in several sections that intelligence will be transformed and put under civilian oversight. These commitments have led to public seminars on intelligence, publications by NGOs, and articles in the newspapers.<sup>42</sup> In Argentina, the debate was initiated by a small number of civilians who realized that democratic consolidation requires civilian control over intelligence.<sup>43</sup> And in November 2002 the Brazilian Congress held an open two-day conference on "Intelligence in Brazil and its Contribution to Sovereignty and Democracy," with 300

attendees including co-author Bruneau, and extensive media coverage. The public discussion of the role of intelligence in democracy serves a number of important functions. Demythologizing intelligence allows outsiders more realistically to assess its necessity and value for a country; creates legitimate space for civilians who want to become intelligence specialists; and puts pressure on the government to make its functions more transparent. Several international NGOs (the Federation of American Scientists or the Geneva Center for Democratic Control of the Armed Forces, for example) are very willing to assist other countries in generating this debate.<sup>44</sup>

The third task is not about civilians or the public in general, but concerns the selection, training, and overall preparation of the state's intelligence professionals. The focus on intelligence as a profession is particularly apt since its members, more than any other type of specialist, are constrained more by professional norms than outside controls (such as oversight), even in a democracy.<sup>45</sup> While the armed forces are regulated by budgets, promotions, and a myriad of civilian control mechanisms, intelligence professionals are controlled only in the last analysis, if that, by the external structures and processes noted above. They are granted impunity to break laws abroad and have tremendous leeway to bend laws within their own country and organization. They operate secretly outside the system of checks and balances, they are ensconced in a bureaucracy with other like-minded officers and develop a closed-club mentality, and they are very suspicious of outsiders, including at times their own superiors. In new democracies, where accountability is minimal in any case, the impunity of the intelligence services from the consequences of their actions is a given.

### **Intelligence as a Profession**

Like all professions, intelligence can be defined in terms of the three criteria of expertise, corporateness and responsibility.<sup>46</sup> The first criterion, expertise, encompasses the four intelligence functions of collection, analysis, counterintelligence and covert action. While the range of what intelligence professionals do is extremely broad, what unifies them, or defines them as intelligence professionals, is secrecy. (The military profession also has elements of secrecy, but these pertain mainly to intelligence.) With regard to covert actions, prominent American intelligence specialist Richard M. Bissell Jr. emphasizes both the diversity of intelligence operatives, and secrecy as their defining characteristic:

The professional competence of a clandestine service consists of, and is measured by, its ability to carry out operations secretly (or deniably), much as lawyers' competence consists in their ability to win cases, and doctors' in their ability to prevent or treat illness. The clandestine service may number among its members brilliant journalists, able warriors, and superior political analysts, but the professional skill for which, presumably, they are hired is the ability to organize and conduct operations covertly. This is a rather specialized skill not widely found outside of intelligence and internal security services.<sup>47</sup>

Second, an intelligence service's corporateness lies in its access to secret systems, documents, information, sources and operations. Clearances are the control mechanism for entry into and continued membership in the profession. There are few hard and fast educational

requirements for intelligence professionals, or even among different intelligence organizations within one country, and little defines their corporate identity beyond their access to classified information.<sup>48</sup> The security clearances and the work done together in secret on secret information and projects reinforce a deliberate culture of identification as a member of a unique, even elite, club. It may also breed a dangerous level of arrogance, including a sense of impunity -- if nobody else knows what really going on, then how can “outsiders” control those who do? Furthermore, how can those same outsiders presume to judge the value of the product, or the effectiveness of operations, when they don’t have access to all the facts?

Third, the responsibility of the intelligence professional is to serve in defense of the democratic state. But if we consider the first two criteria of expertise in secret matters and a corporate culture based on security clearances, we are led inexorably to the view of intelligence as a profession that largely governs itself, according to its own definition of responsibility. In new democracies this is doubly serious, not only because the previous regime was not accountable to the general population, but further, intelligence officers may not even have been responsible to the small group controlling the state. This legacy begs the question, who should know what, and who is in control? An institutionalized ethos of responsibility is extremely important to democracy, and even in stable democracies enough incidents of wrongdoing come to light to cause concern that intelligence officers may not be serving the state. Or rather, they are serving it in their limited organizational terms and not those of the democratically elected leaders. In new democracies this situation is all the more difficult and destabilizing, due to the fact that there is no tradition within the intelligence community of responsibility to the democratic state, and the process of building professionalism, as we have defined it here, will be problematic at best.

### **To Change a Profession**

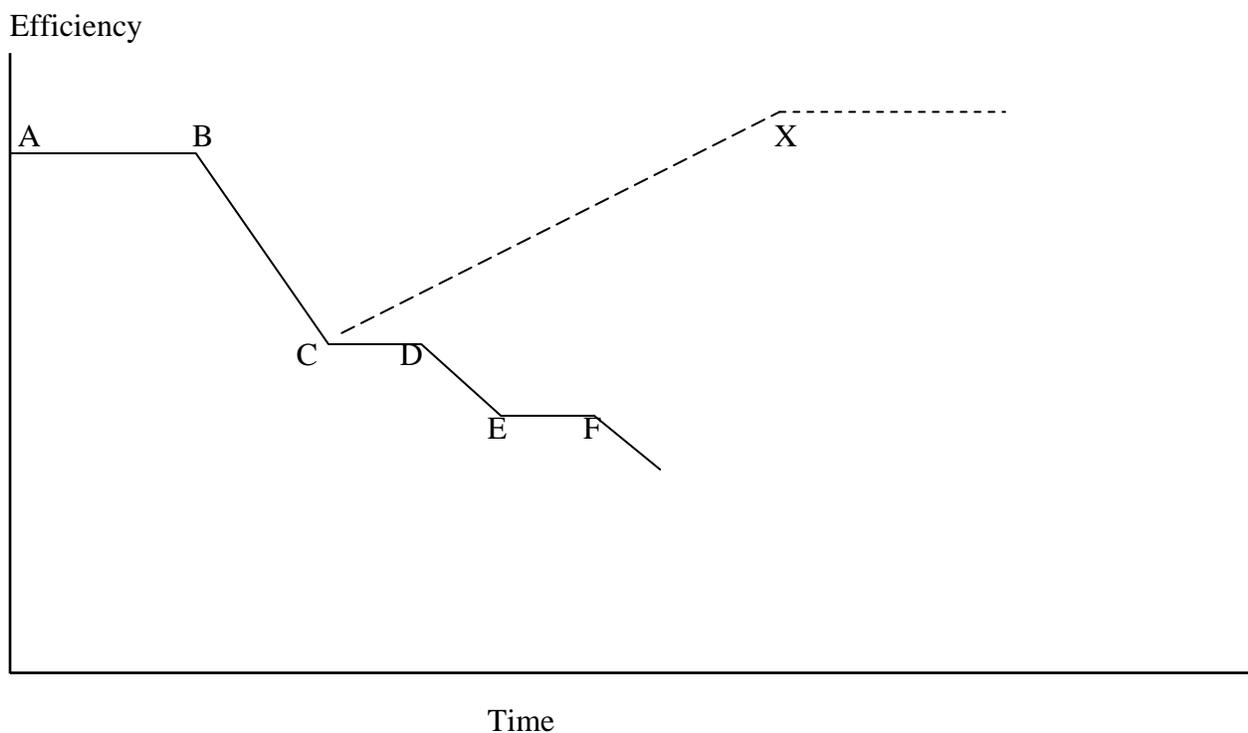
It is clear that major efforts must be taken in the new democracies to promote and inculcate a sense of professional responsibility by making intelligence officers and agencies answerable to the state via its democratically elected leaders. This can be accomplished only by committing serious attention and resources to recruitment and training, and by obligating the services to remain involved in the larger polity and society. The specific elements of this prescription have to be defined separately for each nation.

One of the greatest obstacles is the tendency of governments to recruit retired military personnel into civilian intelligence positions. These former officers may have taken off their uniforms, but their attitudes and loyalties tend to remain what they were during their military careers. If new personnel cannot be found, the question becomes whether retired military officers will be able -- and willing -- to shift their ethic of responsibility from their former organization to the state. In most countries, including the older democracies, there is little explicit attention paid to promoting this ethic of service to the state within the intelligence community.<sup>49</sup> In the older democracies there is less need to promote the ethic, as it is a generally embraced societal norm. In the newer democracies, however, the need is clear, and goes along with the need for an open debate on intelligence, and the active recruitment of civilians into the field.<sup>50</sup>

A practical problem in reforming intelligence activities involves the organizational dynamics of transforming a bureaucracy. One of the most persistent arguments against reforming

intelligence agencies is that the transformation process will leave the nation vulnerable to both internal and external threats. In most organizations, a radical transformation process will inherently involve a period of declining organizational task efficiency. One goal during the transformation process is to limit this decline while minimizing the time it takes for the organization to recover. As a high level South African official described it, a dilemma arises when the organizational level of efficiency reaches a lower plateau and seems to stagnate, rather than improve to the level of the old organization. A common reaction to this problem is to attempt to reorganize further in order to improve efficiency (or as one long-time intelligence officer suggested, to increase managerial control over the organization). The result usually is another decline in organizational task efficiency as the agency struggles to adapt to these new changes. The problem can become systemic if the agency's leadership does not recognize it and allow the organization sufficient time to adapt and gradually recover efficiency. Figure 4 illustrates this dilemma.

**Figure 4: Problems in Organizational Transformation**<sup>51</sup>



- A = Operating Level of Efficiency of Old Organization
- B = Transformation Point
- C = New Organization Level of Efficiency
- D = Reorganization Point
- E = Reorganization Level of Efficiency
- F = Reorganization Point
- X = Desired Level of Efficiency after Transformation

The first critical point of divergence occurs at the new organizational level of efficiency (C). Management expects to see improvements in efficiency along a gradual slope toward a desired level (X), when instead the organization seems stuck at the lower efficiency. When improvement does not occur in the expected timely manner, there is a tendency to reorganize (D), thus leading to another decline in efficiency (slope D-E) and another reorganization (E). Obviously, this can become a self-defeating process for a consolidating democracy attempting to transform its intelligence apparatus into a more democratically accountable, yet efficient organization.<sup>52</sup>

## Conclusion

All nations engage in intelligence activities on some scale. Most leaders believe they must do so because other countries do, and no government can afford to be ignorant of what is going on outside and inside its territory and society. Furthermore, leaders must be prepared, if necessary, to counter other states' efforts to influence developments in their country. After the terrorist attacks of 11 September 2001 there has been renewed emphasis on the need for effective and efficient intelligence services, along with greater attention to non-state actors. In most of the world, however, the legacy of intelligence services that supported authoritarian regimes has been extremely detrimental to democracy. In the midst of today's challenges to democratic consolidation, efforts to ensure democratic control over intelligence are both necessary and extremely difficult. Without decisive action the intelligence apparatus will remain a state within a state and prevent democratic consolidation. In many countries, however, there is virtually no public recognition of this fact. Like all else in civil-military relations, transformation will require continual efforts on the part of civilians and intelligence professionals to achieve the most appropriate balance of efficiency and transparency for the country. A small but significant group of countries has undertaken to reform their intelligence systems and to foster a healthy public debate over their future. This is an area in which international assistance is available, and on which there is a limited but rapidly increasing body of useful literature.

## Notes

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<sup>1</sup> See Peter Gill, *Policing Politics: Security Intelligence and the Liberal Democratic State* (London: Frank Cass, 1994); Michael Herman, *Intelligence Power in Peace and War* (Cambridge: Cambridge University Press, 1996); Pat M. Holt, *Secret Intelligence and Public Policy: A Dilemma of Democracy* (Washington: CQ Press, 1995); Mark M. Lowenthal, *Intelligence: From Secrets to Policy*, 2nd edition (Washington: CQ Press, 2003); and Kieran Williams and Dennis Deletant, *Security Intelligence Services in New Democracies: The Czech Republic, Slovakia, and Romania* (London: Palgrave, 2001). In addition, shorter academic studies include Thomas C. Bruneau's article on which this report is based, "Controlling Intelligence in New Democracies," in *International Journal of Intelligence and Counterintelligence*, Vol. 14, No. 3 (2001), 323-341; Philip B. Heymann, "Controlling Intelligence Agencies," Working Paper Series on Internal Security Reform, project on Justice in Times of Transition, Kennedy School of Government, Harvard University, 15 October 2001, available online at: <<http://www.ksg.harvard.edu/justiceproject/workingpapers.htm>>; Jonathan Moran, "The Role of Security Services in Democratization: An Analysis of South Korea's

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Agency for National Security Planning, in *Intelligence and National Security*, Vol. 13, No. 4 (Winter 1998), 1-32; K.G. Robertson, “Recent Reform of Intelligence in the UK: Democratization or Risk Management?,” in *Intelligence and National Security*, Vol. 13, No. 2 (Summer 1998), 144-158.

<sup>2</sup> Williams et al., *Security Intelligence*, 17-20.

<sup>3</sup> For insights into intelligence in a “typical” authoritarian regime, see Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988), 19-20. Stepan compares the prerogatives of the Brazilian National Security Service (SNI) to the intelligence organizations in several established democracies.

<sup>4</sup> British and Commonwealth scholars prefer the term “security intelligence” to describe domestic intelligence activities aimed at countering internal threats, usually political crimes. Counterintelligence is usually associated with foreign intelligence threats. See Gill, *Policing Politics*, 6-7; and Williams et al., *Security Intelligence Services*, 1-5.

<sup>5</sup> Soviet and Russian scholars coined the term “counterintelligence state” to capture its pervasiveness. Michael Waller defines it as follows: “The counterintelligence state is characterized by the presence of a large, elite force acting as the watchdog of a security defined so broadly and arbitrarily that the state must maintain an enormous vigilance and enforcement apparatus far out of proportion to the needs of a real democracy, even one as unstable as that of Russia. This apparatus is not accountable to the public and enjoys immense police powers with few checks against it. The powers are not designed to protect the rights of the individual, despite rhetoric to the contrary, but to protect the privileges of the ruling class and the chekist organs themselves.” J. Michael Waller, *Secret Empire: The KGB in Russia Today* (Boulder: Westview Press, 1994), 13. See also John J. Dziak, *Chekisty: A History of the KGB* (Lexington: Lexington Books, 1988).

<sup>6</sup> Gill, *Policing Politics*, 60-61.

<sup>7</sup> The classification of security intelligence service types is based on Gill, *Policing Politics*, 60-61 and 79-83, and his interpretation of W.W. Keller, *The Liberals and J. Edgar Hoover: Rise and Fall of a Domestic Intelligence State* (Princeton: Princeton University Press, 1989), 13-16.

<sup>8</sup> Peter Gill, *Policing Politics: Security Intelligence and the Liberal Democratic State* (London: Frank Cass, 1994), 82.

<sup>9</sup> *Ibid.*, 67-68.

<sup>10</sup> For a detailed study on different types of non-democratic regimes, see Juan J. Linz, *Totalitarian and Authoritarian Regimes* (Boulder: Lynne Rienner, 2000).

<sup>11</sup> See for example, John Higley and Richard Gunther, eds., *Elites and Democratic Consolidation in Latin America and Southern Europe* (Cambridge: Cambridge University Press, 1992), 3-4; and Juan J. Linz & Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 5-6.

<sup>12</sup> Philippe C. Schmitter & Terry Lynn Karl, “What Democracy is...and Is Not,” in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy* (Baltimore: Johns Hopkins University Press, 1993), 40.

<sup>13</sup> For excellent insights into some of the key elements of democratic consolidation, see the figure on “A Heuristic Model of the Factors Influencing the Type/Extent of Democratic Consolidation” in Philippe Schmitter, “The Consolidation of Political Democratization: Processes,

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Rhythms, Sequences and Types,” in Geoffrey Pridham, ed. *Transitions to Democracy* (Aldershot: Dartmouth, 1995), 564.

<sup>14</sup> See Glenn Hastedt, “Controlling Intelligence: Defining the Problem,” in Glenn Hastedt, ed., *Controlling Intelligence* (London: Frank Cass, 1991), 6-8.

<sup>15</sup> Lowenthal, *Intelligence*, 9.

<sup>16</sup> For example, in its unclassified *A Consumer’s Guide to Intelligence*, the CIA describes only sources and analysis. It does not include the more controversial intelligence functions of counterintelligence and covert action, which in contrast are the focus of books in the memoir and exposé categories. *A Consumer’s Guide to Intelligence*, PAS 95-00010, CIA Public Affairs Staff, 1995.

<sup>17</sup> Hastedt, *Controlling Intelligence*, 6.

<sup>18</sup> Loch K. Johnson, *Secret Agencies: U.S. Intelligence in a Hostile World* (New Haven: Yale University Press, 1996), 119.

<sup>19</sup> See for example, Lowenthal, *Intelligence: From Secrets to Policy*, 25-53, particularly the explanation of what he terms the “multilayered” intelligence process; and Herman, *Intelligence Power in Peace and War*, 29-35.

<sup>20</sup> Roy F. Godson, “Intelligence and Policy: An Introduction,” in Roy Godson, ed., *Intelligence Requirements for the 1980’s: Intelligence and Policy* (Lexington, MA: Lexington Books, 1986), 2. For more details see CIA, *Consumer’s Guide*; Lowenthal, *Intelligence*, chapters 4-8; Herman, *Intelligence Power*; Holt, *Secret Intelligence*, chapters 3-7; Roy Godson, *Dirty Tricks or Trump Cards: American Counterintelligence and Covert Action* (Washington: Brassey’s, 1995); Walter Laqueur, *The Uses and Limits of Intelligence* (New Brunswick: Transaction Publishers, 1995); and Gregory F. Treverton, *Covert Action: The Limits of Intervention in the Postwar World* (New York: Basic Books, Inc. 1987.)

<sup>21</sup> For examples of open source intelligence analyses, see Jane’s Intelligence Review, online at <<http://www.janes.com>>; and Strategic Forecasts, online at <<http://www.stratfor.com>>.

<sup>22</sup> See for example, Michael I. Handel, ed., *Leaders and Intelligence* (London: Frank Cass, 1989); Christopher Andrew, *For the President’s Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (New York: Harper Collins, 1995); and Christopher Andrew and Vasili Mitrokhin, *The Sword and the Shield: The Mitrokhin Archive and the Secret History of the KGB* (New York: Basic Books, 1999). For a short and useful discussion of the production and consumption of intelligence, see Mark M. Lowenthal, “Tribal Tongues: Intelligence Consumers, Intelligence Producers,” *Washington Quarterly* (Winter 1992), 157-168.

<sup>23</sup> Peter Wright, with Paul Greengrass, *Spy Catcher: The Candid Autobiography of a Senior Intelligence Officer* (New York: Viking, 1987), 305. Wright was a high-level official in MI5, the British Security Service, for two decades that included the height of the Cold War.

<sup>24</sup> Abram N. Shulsky (revised by Gary J. Schmitt), *Silent Warfare: Understanding the World of Intelligence* (Washington: Brassey’s, 1993), 111.

<sup>25</sup> Gill, *Policing Politics*, 6-7.

<sup>26</sup> Shulsky, *Silent Warfare*, 163. For the implications of this surveillance for British citizens, see Wright, *Spy Catcher*.

<sup>27</sup> For an analysis of what he terms “state and security intelligence,” see Gill, *Policing Politics*. The following quote from the Doolittle Report, presented to President Eisenhower in 1954,

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conveys the national mood in which U.S. intelligence fought the Cold War: “It is now clear that we are facing an implacable enemy [the USSR] whose avowed objective is world domination by whatever means and at whatever cost. There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply. If the U.S. is to survive, long-standing American concepts of ‘fair play’ must be reconsidered. We must develop effective espionage and counter-espionage services. We must learn to subvert, sabotage and destroy our enemies by more clear, more sophisticated and more effective methods than those used against us. It may become necessary that the American people will be made acquainted with, understand and support this fundamentally repugnant philosophy.” Quoted in Johnson, *Secret Agencies*, 138. The concept of the “national security state,” used throughout Latin America, conveyed this same paranoia, and helps explain the present negative reaction to the term “national security” in countries such as Guatemala, Argentina, and Brazil.

<sup>28</sup> Lowenthal, *Intelligence*, 129-131.

<sup>29</sup> Richard M. Bissell, Jr., with Jonathan E. Lewis and Frances T. Pudlo, *Reflections of a Cold Warrior: From Yalta to the Bay of Pigs* (New Haven: Yale University Press, 1996), 207-7.

<sup>30</sup> Holt, *Secret Intelligence*, 3.

<sup>31</sup> Gill, *Policing Politics*, 79-82.

<sup>32</sup> Wright, *Spy Catcher*, 169.

<sup>33</sup> For details, see Shaun McCarthy, “South Africa’s Intelligence Reformation,” in *International Journal of Intelligence and Counterintelligence*, Vol. 9, #1 (Spring 1996), 63-71.

<sup>34</sup> The main options are nicely summarized in Johnson, *Secret Agencies*, 129-31. It should be noted that the director of Central Intelligence may not in fact be able to coordinate all intelligence since he does not control the budgets for the larger and more expensive collection and analysis assets in the National Security Agency, part of the Department of Defense.

<sup>35</sup> Hastedt, *Controlling Intelligence*, 10. For the comments on covert action, see Turner, *Secrecy and Democracy*, 174.

<sup>36</sup> Author Thomas Bruneau, interviews in the Argentine Congress, ministry of defense, and intelligence organizations regarding both the ministry of defense and the intelligence systems, Buenos Aires, during the week of 3 April 2000.

<sup>37</sup> See Turner, *Secrecy and Democracy*, especially pages 132 and 269-271. For background and details on congressional oversight, see L. Britt Snider, *Sharing Secrets With Lawmakers: Congress as a User of Intelligence* (CIA, Center for the Study of Intelligence, February 1997.)

<sup>38</sup> See Marina Caparini, “Challenges of Control and Oversight of Intelligence Services in a Liberal Democracy,” paper presented at the workshop on “Democratic and Parliamentary Oversight of Intelligence Services,” Geneva Centre for the Democratic Control of Armed Forces, Oct. 3-5, 2002, 8-9. Available at

<[http://www.dcaf.ch/news/Intelligence%20Oversight\\_051002/ws\\_papers/caparini.pdf](http://www.dcaf.ch/news/Intelligence%20Oversight_051002/ws_papers/caparini.pdf)>.

<sup>39</sup> The most famous recent instance of this before the September 11 attacks was the “Iran-Contra” scandal during the Reagan administration. See for example, Andrew, *For the President’s Eyes Only*, 478-93.

<sup>40</sup> The similarity between intelligence and civil-military relations is touched upon in Uri Bar-Joseph, *Intelligence Intervention in the Politics of Democratic States: The United States, Israel, and Britain* (University Park, Pennsylvania: Pennsylvania State University Press, 1995). Bar-

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Joseph deals only with established democracies, however, and not the particular problems that arise in new democracies.

<sup>41</sup> Quoted in Adda Bozeman, "Political Intelligence in Non-Western Societies: Suggestions for Comparative Research," in Roy Godson, ed., *Comparing Foreign Intelligence: The U.S., the USSR, the U.K. and the Third World* (Washington: Pergamon-Brassey's, 1988), 133.

<sup>42</sup> For an early contribution to the debate, see Fundacion Myrna Mack, "Hacia un Paradigma Democratico del Sistema de Inteligencia en Guatemala," Guatemala, October 1997.

<sup>43</sup> See for example, Jose Manuel Ugarte, *Legislacion de Inteligencia: Legimidad y Eficacia* (Guatemala City: WOLA, 2000.)

<sup>44</sup> See the Federation of American Scientists publication, "Secrecy & Government Bulletin," <<http://www.fas.org/sgp>>.

<sup>45</sup> Hastedt argues persuasively that formal-legalistic controls have limited value in controlling intelligence, and that informal norms and values are extremely important. His study, however, is limited to the United States, and at that only to the directors of Central Intelligence. See Hastedt, *Controlling Intelligence*, 97-112.

<sup>46</sup> The classic work on the military as a profession is Samuel Huntington, *The Soldier and the State* (Cambridge: Harvard University Press, 1957). The most useful additions and critiques include Bengt Abrahamsson, *Military Professionalization and Political Power* (Beverly Hills: Sage Publications, 1972); Peter D. Feaver, "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control," *Armed Forces & Society* (Winter 1996), 149-177; and Samuel E. Finer, *The Man on Horseback: The Role of the Military in Politics* (New York: Praeger Publishers, 1962).

<sup>47</sup> Bissell, *Reflections of a Cold Warrior*, 216.

<sup>48</sup> Bar-Joseph, noting the absence of formal educational requirements, comes to the untenable conclusion that intelligence should not be considered a profession. Bar-Joseph, *Intelligence Intervention*, 49,

<sup>49</sup> This is precisely what Hastedt advocates. "Only by seeking to structure how intelligence professionals see their job can one hope to prevent abuses from occurring in the first place or ensure responsiveness." Hastedt, *Controlling Intelligence*, 14.

<sup>50</sup> The other side of the recruitment coin is retirement. Governments must ensure that their intelligence organizations offer stable career progression based on merit, including provisions for a decent retirement after service. This ensures loyalty and gives operatives incentive not to stay on past their usefulness, or worse, turn to illegal activities, since their skills are not easily transferable to other occupations.

<sup>51</sup> Figure based on seminar discussions during the Center for Civil-Military Relations Executive Seminar, 12 June 2002, Naval Postgraduate School, Monterey, California.

<sup>52</sup> Russia's recent consolidation of its security intelligence services into the Federal Security Service (FSB) is an alarming example of this phenomenon, although we suspect this reorganization was motivated more by issues of control than efficiency. See "Russia's Putin Announces Gov't Shakeup," 11 March 2003, taken from the Guardian Unlimited website, <<http://www.guardian.co.uk/worldlatest/story/0,1280,-2471567,00.html>>; accessed 11 March 2003.