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Democracy and Effectiveness: Adapting Intelligence for the Fight Against Terrorism

Several countries in South America have recently undertaken reforms of their intelligence systems, and other countries in the region are now beginning similar reforms. While in most cases the initial motivation was to bring the intelligence agencies under democratic civil control as one of the last phases of democratic consolidation, civilian governments and military leaders are today increasingly motivated to reform their intelligence systems in order to better respond to threats from organized crime and terrorism.

SOURCES OF INFORMATION AND APPROACH TO AN OPAQUE TOPIC

Since 1994 the Center for Civil–Military Relations (CCMR) at the Naval Postgraduate School, Monterey, California, has been developing and

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delivering seminars in the United States and abroad on all aspects of democratic civil–military relations. Beginning in Argentina in 1998, CCMR included the reform of intelligence agencies within the scope of civil–military relations. The topic is now included as part of its annual seminars in Romania, resident seminars in Monterey, as well as seminars in Colombia and modules of seminars in several countries in Asia and Latin America. CCMR instructors have also been invited to participate in workshops and conferences on intelligence issues in Brazil, Chile, Mongolia, and the United States. Through academic studies, and, even more importantly, close contact with intelligence professionals and those responsible for the tasking and oversight of intelligence organizations in the countries where CCMR delivers programs, instructors have learned quite a lot in areas where credible information and scholarly literature are limited. Several CCMR faculty members hold security clearances and a few are retired intelligence professionals.

Beginning in 2002 the CCMR developed, and currently delivers, seminars in the United States and abroad on the topic of fighting terrorism in a democracy. Close contact with civilians and military officers, police, and intelligence professionals responsible for formulating and implementing policy to counter terrorism has offered insights to CCMR instructors on the challenges inherent in preventing terrorist attacks while at the same time preserving democratic institutions and practices. These are obviously complicated issues.

Of all CCMR topics, undoubtedly the most complex area is the utilization of intelligence in fighting terrorism. While each topic—intelligence and fighting terrorism—is very complex in itself, combining them results in geometrically increased complications. Yet, the complications must be confronted and clarified, as intelligence holds the key in preventing terrorist attacks and dismantling terrorist cells. The sources of information, or the data, are what we have learned from the questions and comments of the participants in these seminars, and interviews on the margins of the seminars with intelligence professionals. While this cannot be considered traditional social science research, which doesn't work well with studies of intelligence, on the margins of these seminars are ample opportunities to learn and understand aspects of intelligence and fighting terrorism that rarely become public. What is startling is how frequent and common are mention of the same issues.

In the process of developing and delivering seminars on a wide variety of topics, CCMR instructors have also contributed to the scholarly literature on civil–military relations, including intelligence reform and countering terrorism. The conceptualization developed in this work understands civil–military relations (CMR) as a trinity, and intelligence is viewed by CCMR as a subset of civil–military relations.

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CMR as a Concept

Once considered from this perspective, several reasons recommend a CMR-based method to study intelligence, specifically when reviewing a country's intelligence community (IC). Accepting this approach requires a consideration of what CMR means. To begin with, the three fundamental issues of CMR are: (1) democratic civilian control; (2) effectiveness in achieving roles and missions; and (3) efficiency. Democratic control means simply that the military is under the control of the democratically elected civilian leadership. Effectiveness means that the spectrum of roles and missions, from war, to peacekeeping, to intelligence, to counterterrorism are in fact implemented and achieved. And efficiency means that missions are achieved at the least possible cost. This trinity of issues or parameters of CMR applies to all aspects of CMR. Democratic civilian control can be identified as existing or not. Effectiveness can also be determined, but the data are more often available in older democracies than newer ones. True, as the IC frequently notes, they are most effective when their work and successes are not publicly known. Yet, fiascos such as 7 December 1941, 11 September 2001, 11 March 2004 (Madrid), 7 July 2005 (London), and others provide incontrovertible proof that the IC was not operating effectively. In between, partial but sufficient evidence indicates whether and how well the IC is working, as pointed out by competing sectors of the IC, the media, and non-governmental organizations (NGOs). In short, effectiveness is an issue or parameter that can be identified and documented.

The same cannot be said of efficiency. How much is intelligence worth? How efficient is it? Given the absence of transparency in intelligence as both a process (including sources and methods), and with regard to budgets, cost-benefit analysis cannot be performed in any realistic way. If IC budgets do at some point become available in the public domain, it may then be possible to assess efficiency as well (though, so far, when budgets do become public, they typically do not provide enough data for such analysis).

In short, the peculiar characteristics of intelligence limit researchers to two of the three CMR issues or parameters. While not optimum, this is still better than any competing known analytical alternative.

Much more recommends a CMR-based focus for the study of intelligence beyond the trinity just mentioned. First, in most, if not all, of the newer democracies, intelligence has been a monopoly of the military. This ultimately leads to familiar issues in the civil–military relations literature on transitions and the dismantling of the military prerogatives continuing from authoritarian regimes.[1] In at least one important case, that of Romania, the contemporary IC is still militarized despite many proposals to demilitarize it during the last fifteen years of democratic consolidation.

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In other countries, while great attention is given by the media and NGOs to reforms leading to new, civilian organizations, military intelligence often remains intact and commonly overlooked. Reforming military intelligence remains a low priority for many governments because all attention is given to the civilian organizations, which may or may not have the resources and the ability to do their job. This lack of emphasis may be due to a lack of knowledge of, and access to, military intelligence by the civilians who are supposed to be exercising control.

Even in older and more institutionalized democracies, such as the U.S. and France, the military still plays a predominant role in intelligence. France has only marginally and recently moved away from complete military dominance of its foreign intelligence organization, and, in the U.S., much foreign intelligence was under the control of the military services until the end of World War II. Even with the creation of new agencies under civilian control, as the U.S. did in 1947 with the National Security Act, which authorized the Central Intelligence Agency (CIA), and more recently with the establishment of the Office of Director of National Intelligence (DNI), the military services still play a key role in intelligence. The congressional debate in late 2004 on the implementation of the recommendations of the National Commision on Terrorist Attacks Upon the United States (the 9/11 Commission) and the establishment of the DNI showed how important intelligence remains to the military, as evinced by the very high level of political activity to ensure that the reforms would not interfere with the military chain-of-command, and that the armed forces would have timely access to the intelligence product for operations.[2] Further, in the U.S., some 80 percent of the funds for intelligence go to the Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), and the intelligence organizations of each of the military services, all military assets. Clearly, these agencies, as part of the Department of Defense, are ultimately responsible to the civilian service secretaries and the Secretary of Defense, but they have military functions, are often headed by senior officers—either on active duty or retired—and ultimately serve the military. Indeed, in early 2007, the directors of all of the main intelligence organizations, including DNI and CIA, were retired or active duty military. Perhaps the most important argument for a CMR approach is that intelligence and the armed forces share the same ultimate goal: to ensure national security.

INTELLIGENCE: MEANING, PURPOSE, AND FUNCTIONS

Dr. Mark M. Lowenthal, one of the most respected authors and practitioners in the field of intelligence, defines it as three different, but

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interrelated, phenomena. First, intelligence is a process, as Lowenthal explains: ''Intelligence can be thought of as the means by which certain types of information are required and requested, collected, analyzed, and disseminated; and the way in which certain types of covert action are conceived and conducted.'' Second, it is a product: ''Intelligence can be thought of as the product of these processes, that is, as the analyses and intelligence operations themselves.'' Third, it is the organization: ''Intelligence can be thought of as the units that carry out its various functions.''[3] The focus here is primarily on this third phenomenon—the combination of organizations that make up a country's IC.

With respect to its mission, intelligence serves two purposes: first and foremost to inform policy, and second to support operations, be they military, police or covert, with the ultimate goal of ensuring state security. The general consensus is that these two missions result in four functions, or roles: collection, analysis, counterintelligence, and covert action. These roles are common to most intelligence systems, although many authors and policymakers would prefer to exclude covert action. How they are distributed between and among elements of the intelligence organization differs from state to state, depending upon different threats and resources.

These elements operate most effectively as part of a process in close conjunction with one another. As Dr. Roy Godson, in the introduction to his book, *Intelligence Requirements for the 1980s: Intelligence and Policy*, states:

> 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.[4]

THE INTELLIGENCE CYCLE

Intelligence professionals are intimately familiar with the intelligence cycle and where they fit into it. As depicted in Figure 1, the intelligence cycle consists of five interconnected aspects: (1) establishing collection requirements; (2) the collection itself; (3) processing and exploitation of the collected materials; (4) analysis and production of the result, and (5) dissemination of the product to the decisionmaker. Because the intelligence cycle is continuous, continuous feedback must be provided.

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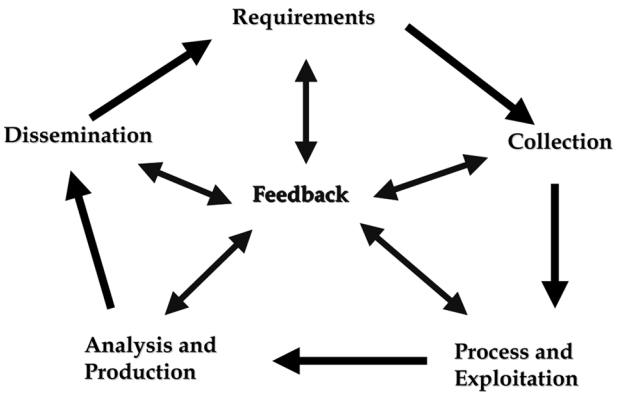

Figure 1. The Intelligence Cycle.

At this point the classic or traditional questions regarding the effectiveness of intelligence, as process and organization, can be answered by looking to the intelligence cycle

A. *Requirements*—Do the policymakers know what to ask for? The most serious problem is normally that they don't know what they don't know, and are therefore unable to define the requirement. Even if they do know what they don't know, can they clearly express what it is that they want to know? Finally, do the policymakers know who to ask if the IC has more than one agency? The most common basic problem regarding decisionmakers and intelligence is the pervasive ignorance of the capabilities, and limitations, of intelligence, exacerbated by the neglect of both what intelligence professionals can do and the politicization of the organization and the product. A very serious problem for those working in intelligence is that they at times forget that intelligence, as a product, process, and organization, does not have a value unto itself but only in terms of informing policymakers so that they can in fact make the best possible decisions.
B. *Collection*—Are there collection means available that will answer the requirements? Or, are the agencies, and their collection means, committed to the past, as to the ex-Soviet Union, and unable to anticipate emerging threats such as international terrorism, as was the case with the U.S. in 2001? How long will collection take to satisfy the policymakers' requirements? Intelligence must be timely; otherwise it is useless. Finally, how reliable are the collection assets? In the case of the leadup to the war in Iraq, many observers concluded that President George W. Bush relied too heavily on Dr. Ahmed Chalabi head of the Iraqi National Congress, who provided seemingly biased information.[5]
C. *Analysis*—Are analytic capabilities sufficient to handle raw information reports? Or, as in the United States after the Cold War, and Brazil and many other

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countries at the end of their military or civilian dictatorships, have analysts been let go so that neither a sufficient number of analysts nor adequately prepared analysts assess newer threats? Are the analysts competent and qualified, or still in training? Finally, does anyone use the analytic products? The issue of consumption is, of course, crucial—as evidenced by the 2002–2003 lead-up to the war in Iraq by the U.S. and Great Britain. The issue of consumption also loomed large in the unfortunate response of the Spanish government of then–Prime Minister José Maria Aznar to the terrorist attacks in Madrid on 11 March 2004.[6] On a more technical point, intelligence professionals and decisionmakers may engage in "mirror imaging," assuming that others, even those with very different backgrounds and motivations, will act pretty much as the analyses and decisionmakers believe they would. And, on a political level, intelligence professionals have difficulty understanding that decisionmakers are free to ignore or reject intelligence analyses, because they may have other, more compelling priorities, despite the contents or findings of intelligence reports.

D. *Dissemination*—Is the distribution system effective? Do the products get to the right users in a timely manner? This issue comes up time and time again with decisionmakers at all levels who, in fact, want to use intelligence in their planning: they complain that they don't get the product they need when they need it.

These four areas of tension or misunderstanding, focused on the classic intelligence cycle, indicate the ongoing challenges inherent in intelligence and its relationship to policy and strategy. They are normal and standard, yet must be dealt with to function effectively.

INCREASED CHALLENGES FOR EFFECTIVE INTELLIGENCE IN COUNTERING TERRORISM

The problems, tensions, and misunderstandings concerning intelligence and its support to policymakers are aggravated in the context of fighting terrorism.

Intelligence provides *threat assessments* to policymakers. Assessments require information on both the capabilities and intentions of potential enemies. In large measure, international terrorists are non–state actors; and very few receive support from states (with Iran the most prominent exception). To begin with, the professional intelligence analyst may not know who the terrorists are, as was the case on 11 September in the U.S., 11 March in Madrid, and 7 July in London, to cite the most famous recent cases of successful terrorist attacks. Then, while intelligence professionals may have extreme difficulty in determining the capabilities of terrorists, assuming they have managed to identify them, terrorists are most often so innovative and ruthless that anything can become a weapon, making it almost impossible to determine intent. This is the case for a

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number of reasons. First, the terrorists may not have even formed an intention or may be changing it. Second, the terrorists may not have undertaken any actions that could provide information on future plans for attacks. And third, since the goal of terrorists is usually to cause as much damage and attract as much attention as possible, with virtually no limitations on behavior, everything becomes a target. This target-rich environment severely restricts the ability of intelligence professionals to determine terrorists' intent.

The *paradox of warning* is a common problem in the relationship between the intelligence professional and the policymaker. More generally, the logic in proving the value (regarding effectiveness and efficiency) of intelligence becomes a huge problem because when it is successful only those directly involved in the process know anything about it. Proving a negative is all but impossible; for instance, proving that a possible attack by terrorists was thwarted by timely intelligence and proper response by the policymaker. The situation is all the more complicated and difficult with regard to terrorism when the terrorists are nonstate actors, the targets are unlimited, and the preferred tactic these days is suicide bombing. Therefore, almost any conceivable warning will have a large impact, for instance, by severely raising threat levels, closing businesses and government offices, and the like, all inconveniencing the public and raising the costs of providing security. Then, if nothing happens, if the intelligence and response were effective, the public and the policymaker are likely to perceive the costs and not factor in that the attack that was thwarted. This trap of logic has no solution.

With regard to *intelligence failures* in a non–terrorist context, a gradation or scaling from the tactical to the operational to the strategic is possible. Intelligence failure becomes more serious as it moves farther up the scale, with intelligence failure at the strategic level, namely the Japanese attack on Pearl Harbor, having catastrophic consequences. Unfortunately, even with failed intelligence at the tactical level, for instance, the 19 suicide bombers in four commercial U.S. aircraft in 2001, can also have catastrophic consequences. Thus, the levels of intelligence are mixed, and blurred, and the requirements, and thus costs, for coordination are very high.

Any enemy—and certainly an enemy as motivated and ruthless as modern international terrorists—seeks the weakest targets to attack with the greatest impact. Unfortunately, the most effective response, at least in the case of the U.S., is precisely where its Intelligence Community is weakest. The U.S. has invested heavily in technology that was effective against the USSR, with the result that the Cold War never turned hot, except on the periphery, but is much less effective against dispersed non-state actors. Human intelligence (HUMINT) is necessary, but requires a long term and steady investment that does not well suit the American

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society or the bureaucratic approach to providing security. Consequently, the question remains as to how many native speakers of Arabic, Urdu, Farsi, Dari, and the like have been trained and are now embedded in various countries and collecting information.

RESPONDING TO CHALLENGES

The current focus or challenge for policymakers is to combine democratic civilian control with effectiveness in the roles or functions of the intelligence community. And, in combating terrorism, the goal of effectiveness is particularly challenging. Even in established democracies such as the U.S., where there is no serious concern with the strength of the democratic institutions, a tension, even a dilemma, is inherent regarding intelligence. Democracy is based on an accountability of government to the population that requires transparency. In order to be effective, intelligence requires secrecy, and while not absolute, secrecy must be maintained, at least at some level and in some sectors. In the Latin American democracies that have transitioned from military governments, including Argentina, Brazil, and Chile, and also in Colombia that is an older democracy but where the rule of law and democratic accountability remain problematic, democratic civilian control has so far trumped the goal of achieving effectiveness. In the U.S., even though the main focus post–11 September has been to increase effectiveness, control is still an issue. The concern with democratic control has been increasing, mainly via congressional oversight. During the twelve years of Republican Party control of the two houses of Congress, overlapping with the seven years of the administration of Republican President George W. Bush, congressional oversight barely functioned. In sum, the motivations for intelligence reform are different but mixed. Whereas in the U.S. it is overwhelmingly due to the perceived need to increase effectiveness, and in the Latin American cases to assert democratic control. In fact, some overlap exists: in the U.S., to truly exercise legislative oversight, and in Latin America to become more effective.[7] The lesser, but still present, emphasis in the Latin American cases on increasing effectiveness has at least something to do with the U.S. attempt in the region to enlist support of the various countries for the "global war on terrorism." Consequently, the reforms taking place in Latin America are overwhelmingly oriented toward asserting and exercising democratic civilian control in the aftermonth of authoritarian regimes in which intelligence was a perverted form of domestic state security used by the agencies to protect the governments rather than the nation or the people.[8]

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1. Establishing a Legal Basis for Intelligence

Argentina, Brazil, and Chile have established the legal bases for reformed and democratically controlled intelligence systems. In Argentina, this was defined in Law 25.520 of 27 November 2001; in Brazil, with Law 9,883 of 7 December 1999; and in Chile, with Law 19974. In Argentina and Brazil further elaborations and developments have attempted to better establish the legal bases for intelligence.[9] In Colombia, no legal basis for intelligence exists as yet. The legislation proposed for that purpose in 2006 still had not been passed in late 2007. As with much else in Colombia, the legal basis for intelligence remains problematic.

2. Coordination Through a Civilian Head of Intelligence

In all four countries major efforts are underway to coordinate the intelligence community through civilians appointed by the democratically elected presidents. In Argentina, that component is the Secretary of Intelligence who is responsible for the three components (civilian, police, and military) of intelligence and responsible to the president. In Brazil, the job of the Director of the Brazilian Intelligence Agency (ABIN) is to coordinate the civilian, police, military, and other executive agencies involved in intelligence system, or SISBIN. In Chile, the Director of the National Intelligence Agency (ANI), communicates with the President via the Minister of Interior. And in Colombia, while President Alvaro Uribe is extremely active in directing and coordinating the IC, the Director of the Administrative Department of Security (DAS), currently Andrés Penãte, a close colleague of the President, seems to be asserting his role.[10]

3. Reporting to the Presidency

In all the South American cases, an explicit effort is being made to increase civilian control of the security agencies, and the IC in general, by direct reporting to the Presidency. In Argentina, by the Secretary of Intelligence to the President; in Brazil, through the Director of ABIN to the Secretariat for Institutional Security (GIS) in the Presidency; in Chile, through the direct reporting of the Director of the ANI to the President, bypassing the Minister of Interior; and in Colombia, through reinforcing and making more explicit the direct link between the Director of the (hopefully reformed) DAS and the Presidency.

4. Legislative Oversight

Progress, with regard to legislative oversight, has been slower. In Argentina, in 2006, five years after the main law was passed, the regulatory law and staffing plan to achieve real congressional oversight were enacted.[11] In Brazil, the joint

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oversight committee still lacks its own legal basis, thereby severely limiting its ability to exercise real oversight, and has only one staff member. In Chile, the Congress is weak in general, including in this area. And, in Colombia, the situation is even worse, with little or no congressional interest in oversight. In sum, while oversight may formally exist in Brazil and Chile, it does not function. Notably, though, while legislative oversight has been legally established in the U.S. since the mid–1970s, and has been exercised periodically since that time, its efforts have been reinforced only since the congressional elections of November 2006, which restored the opposition Democrats to power in the Senate and House of Representatives.

5. Educating the Intelligence Professional

Structural, or institutional, change—while difficult to legislate and even more difficult to implement—is still easier and faster than professionalizing those who will collect and analyze the information. This challenge of improving the profession is critically important for both democratic civilian control and effectiveness. For the former, as might be anticipated with any group working in secret with access to generally unknown information (which translates easily into power), ample opportunities for abusing that access are present. This can undermine both the government's accountability to the voters, by interjecting an extraneous and uncontrolled element, and the legitimacy of the government in the eyes of the population, due to agency scandals that often become public. The importance of the need to professionalize the intelligence personnel and the agencies themselves is recognized in all four South American countries, although the responses are different. In the U.S., the emphasis is on joint education and training, following in the model of the Goldwater–Nichols Defense Reorganization of Act of 1986. In Argentina, Brazil, and Chile much emphasis and attention are given to the intelligence academies. Some insights can be obtained by reviewing, for example, the publications *Revista de la Escuela Nacional de Inteligencia* in Argentina, and the *Revista Brasileira de Inteligencia*. In Chile, in addition to the academy (which, however, does not publish a journal) the ANI also educates some of its professionals in the civilian university system. And, in Colombia, particular attention is given to the need to update educating and training in the DAS Academy, and candidates for work in intelligence are now required to have a university degree.[12]

EMPHASIZING DEMOCRATIC CIVILIAN CONTROL RATHER THAN EFFECTIVENESS

In the U.S., the democratic institutions undoubtedly control the intelligence agencies through a broad set of mechanisms.[13] The emphasis in the extensive intelligence reforms since 11 September 2001 has been mainly to

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increase effectiveness. In the three Latin American cases of relatively recent authoritarian governments, the emphasis is much more clearly on asserting democratic control than on increasing effectiveness. This is particularly clear in Brazil and Chile, where restrictions have been placed on the size of ABIN and ANI, as well as limitations on their access to classified information. In Argentina, with both a large Jewish population and two terrorist attacks against them in 1992 and 1994, the concern is on effectiveness, with fewer restrictions on the IC's sources and methods. And, in Colombia, where the ongoing internal conflict continues to be punctuated by acts of terror, more attention has been given to effectiveness rather than the institutionalization of civilian control. Now, however, following a series of scandals, the emphasis in Colombia is on a general reform to better structure civilian control and increase effectiveness. As with all else in Colombia, however, the challenge is to match rhetoric to reality.

STILL MORE REFORM NEEDED

Intelligence reform is today a prominent theme globally. Now recognized as a requirement for democratic consolidation, the emphasis domestically and with international organizations, such as the Geneva Centre for the Democratic Control of Armed Forces, is mainly on control. Since 11 September 2001, and subsequent attacks in Bali, Madrid, London, etc., governments have become concerned with effective intelligence agencies as their first and main barrier against terrorist attacks. In the U.S., the reforms are directed primarily toward increasing effectiveness. In the four Latin American cases reviewed here, the emphasis remains primarily on civilian control. Once these ICs are more fully institutionalized, and their educational academies mature, effectiveness may increase as well. Several issues still need to be addressed, however, principally from the reaction to past events that will require changes in legislation before they will be better able to respond to the current threats posed by international terrorists.

While the opinions expressed here are solely the author's, he would like to thank Paul Shemella, Manager of the CCMR Program in Combating Terrorism in a Democracy, and Larry Cline, expert in intelligence studies, for their insights that have undoubtedly influenced this article. Very little at CCMR is due to one person's thoughts, and this article is no exception.

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