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Introduction: Challenges to Effectiveness in Intelligence due to the Need for Transparency and Accountability in Democracy

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by Thomas C. Bruneau

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Introduction

All democracies, both new and long established, confront a fundamental and inescapable dilemma in combining intelligence agencies that are effective and under democratic civilian control. This is due to the tension between the requirement of intelligence agencies to work to some extent in secret and the requirement of democratic government for accountability, necessitating transparency. The fundamental challenge for policymakers and scholars is to understand the dilemma and to manage it in a consistent and productive manner. In the articles that follow, the authors look to how four very different countries deal with this dilemma through reform of their intelligence systems.[1]

As Tim Doorey highlights in his paper, in the United States, the oldest democracy examined here, with a huge intelligence community (IC), there are currently major efforts to square the circle of accountability and effectiveness. He highlights the overall configuration of these huge efforts and indicates the ongoing challenges with particular emphasis on effectiveness.

In the newer democracies there are a series of added challenges. These derive from both the non-democratic nature of the prior regime and the fact that what is termed “intelligence” or “information“ was really state security focused on controlling the population, often with collateral results of horrific human rights abuses. These cases range from SNI in Brazil to Securitate in Romania. Some of the challenges resulting from this situation are the following. In most of these countries “intelligence” retains a stigma of association with the non-democratic past and the evils that were done in the name of state security. Consequently, it is difficult to recruit new and competent persons to staff the agencies, and to obtain understanding and cooperation from the population. There is also the tendency of too heavily relying on recycled, but now supposedly democratically-oriented intelligence agents from the old regime. In relying on these holdovers there is an inevitable risk for them to operate as in the past, in the non-democratic regime, and to limit employment possibilities for a new generation of intelligence experts. This was a very big problem in Romania, as noted by Matei in her paper. Then too, in retiring the old intelligence officers, caution must be exercised lest they engage in less than legal business activities. There is at least one further challenge, which may initially be the most important, and this is the lack of established institutions (structures and processes) in all areas of security, including intelligence. Lacking these institutions, the potential for abuse of intelligence capabilities (such as wiretaps, surveillance, and informants) increases.

Then too, lacking robust institutions, it is all but impossible to combine direction and control mechanisms, including tasking, budgets, and oversight, with the autonomy or independence necessary for creative work in intelligence analysis. The papers on Brazil, Colombia, and Romania focus on these efforts to create new institutions. Undoubtedly, the most important longer-term challenge is to professionalize the intelligence agencies through the recruitment, education and training, and mentoring of young, energetic, and qualified candidates. The paper on Romania argues that these efforts are successful. They seem less successful to me in the case of Brazil, and in Colombia the congress is still discussing a law to define and provide some degree of protection to intelligence professionals.

As countries transition from authoritarian to democratic regimes they have to manage the fundamental dilemma noted above. Central to this are the challenges involved in the areas emphasized in three of the case studies below:

- *To establish the legal basis for the intelligence function and the roles and responsibilities of different agencies.* This has gone far in Brazil and Romania, but not yet in Colombia.
- *To decide how many agencies they require and the division of responsibilities among civilian, police, and military agencies.* In Romania they first created nine agencies, in large part to avoid the monopolization by one agency as in the past. These were later integrated and reduced to six. In the United States, the proliferation of agencies continues, with 17 currently employing over 100,000 professionals.
- *How to handle, and how to institutionalize, the relationships between the intelligence agencies and the executive.* Will there be a direct relationship between the heads of the different agencies and the executive, or will the relationship work via a coordinating entity such as the GSI in Brazil and National Intelligence Community (CNI) in Romania? In Colombia the relationship is personal, and is still heavily based on the president.
- *Whether the legislature will have a role in policy, budgets, and oversight.* In Brazil and Romania the legislature has a role (which is largely formalistic in the former), whereas in Colombia, as demonstrated by Boraz, it has so far not fully embraced this role.
- And, finally: *In all instances involving secrecy, mechanisms will have to be discovered, and implemented, to deal with classified information, its protection, and determining who has access to it.*

In the contemporary era in which international terrorism and organized crime are major threats, there are at least three further challenges. These three also pertain to the U.S. IC:

- First, as part of any government, the agencies are by definition bureaucratic organizations with all of the characteristics including hierarchy and rigidity, which resist sharing and cooperation. Yet they are attempting to deal with enemies that are networks, and consequently very difficult to deal with adequately in a bureaucratic manner. To respond requires very creative and innovative policies by a government and the intelligence agencies, which in turn requires well-designed agencies staffed with creative intelligence professionals. This is a tall order in any country.
- The second challenge in responding to contemporary threats is the fundamental requirement for a robust process of cooperation among governmental organizations, including intelligence agencies, which is especially difficult when organizations deal with secret materials as there are barriers to sharing information and other resources. The cooperation with foreign agencies in this area of intelligence is even more difficult.
- And finally, since terrorism and organized crime are at least in part domestic threats, there is always the issue of finding the proper balance between liberty and security. In many countries, where intelligence was state security entailing human rights abuses, there is heightened sensitivity to the involvement of security forces, including intelligence agencies, in domestic affairs.

In all four countries examined below, the governments are currently implementing major reforms in the IC. In the United States, it took the intelligence failure of 9/11 to stimulate the executive and the legislature to finally make reforms; how effective they turn out to be is a matter of conjecture. So far, however, there have been no further successful attacks on the United States although we are aware there have been attempts. Romania has gone very far in reforming the IC, which can be explained by the three main motivating factors. First, the desire to leave behind forever the dictatorship in which the Securitate was the main instrument of control. Second, Romania's fervent desire to contrast itself from its Slavic neighbors, including Russia. And third, the ongoing awareness and stimulus that to join NATO and the EU would require major reforms in the IC. In Brazil the IC was reformed in terms of accountability in order to escape the past in which the SNI was, as in Romania, the main instrument of repression. Only recently, however, in view of the gang phenomenon in the major cities of Rio de Janeiro and Sao Paulo, and the upcoming Pan American Games, has the government emphasized effectiveness. Finally, in Colombia it took major scandals, which became very public, and the ongoing internal conflict to convince President Uribe that the IC had to be reformed. It remains to be seen if the Colombian Congress becomes motivated enough to pass the intelligence reform laws.

Today, when international terrorism and organized crime are the main security threats for most countries, effective intelligence agencies are the first line of defense. There are, however, a number of major challenges involved in both their becoming effective and, at the same time, coming under democratic civilian control. Once these challenges are identified, policymakers can begin to determine how best to deal with them. The articles that follow highlight in one way or another these many challenges and how four major countries are attempting to deal with them.

For additional information on intelligence, you may download Greta E. Marlatt, Intelligence and Policy-Making: A Bibliography (Monterey: Dudley Knox Library, Naval Postgraduate School, 2005) by clicking: http://www.ccc.nps.navy.mil/si/2007/May/intellall2007.pdf

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References

1. The four papers were presented by the authors at a panel chaired by the author, "Is there a Tradeoff between Transparency and Effectiveness in the Reform of Intelligence Services?" at the 48th International Studies Association (ISA) Convention, February 28 to March 3, 2007. Boraz, Bruneau, and Matei have chapters in the Thomas C. Bruneau and Steven C. Boraz, eds., *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness* (Austin: University of Texas Press, 2007).