

INTELLIGENCE SERVICES

Roles and responsibilities in good security sector governance

ABOUT THIS SSR BACKGROUNDER

This SSR Backgrounder explains the roles and responsibilities of intelligence services in good security sector governance (SSG). Intelligence services perform an essential security function by providing governments with timely and relevant information necessary to protect the security of states and their societies. Applying the principles of good SSG to intelligence services makes them both effective and accountable within a framework of democratic governance, the rule of law and respect for human rights.

THIS SSR BACKGROUNDER ANSWERS THE FOLLOWING QUESTIONS:

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ABOUT THIS SERIES

The SSR Backgrounders provide concise introductions to topics and concepts in good security sector governance (SSG) and security sector reform (SSR). The series summarizes current debates, explains key terms and exposes central tensions based on a broad range of international experiences. The SSR Backgrounders do not promote specific models, policies or proposals for good governance or reform but do provide further resources that will allow readers to extend their knowledge on each topic.

The SSR Backgrounders are a resource for security governance and reform stakeholders seeking to understand and also to critically assess current approaches to good SSG and SSR.

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

DCAF wishes to thank

Ronja Harder for her contribution to research, writing and editing;
Jenny Rouse for copy editing in English;
Florence Lesur for translation into French;
Géraldine Chantegrel for copy editing in French;
and Petra Gurtner for layout and design.

Series editor

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To cite this publication

Geneva Centre for the Democratic Control of Armed Forces, "Intelligence Oversight", SSR Backgrounder Series (Geneva: DCAF, 2017)

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WHAT ARE INTELLIGENCE SERVICES?

Intelligence services are specialized state agencies responsible for producing intelligence relevant to the security of the state and its people. States typically have one or more designated services specialized in geographical, thematic or technical intelligence work.

Intelligence services may focus exclusively on one domain – for example, domestic, foreign, military, criminal or financial intelligence – or a single service might be mandated to work across multiple domains, for example, monitoring both foreign and domestic security. States may bring together intelligence functions from across different government services to form specialized joint intelligence units that cover particular thematic areas, such as counterterrorism or financial crime. The sum of these civilian, military and law enforcement intelligence services, along with all the units embedded within other security institutions, forms “the intelligence community” (Figure 1).

Having multiple intelligence services can permit greater specialization within each agency and provide a variety of threat analyses. However, this can also exacerbate coordination problems or inter-agency competition, potentially leading to incomplete threat assessments. Having a single intelligence service may be cost effective and reduce coordination problems but also risks centralizing too much power within one institution. Whichever arrangement a state chooses, a well-adapted system of democratic oversight is necessary to ensure intelligence services act with respect for their mandate, the law and human rights (see SSR Backgrounder, “Intelligence Oversight”).

WHAT DO INTELLIGENCE SERVICES DO?

The primary task of all intelligence services is to provide governments with credible information about possible threats to the state and its population. Intelligence services make sense of complex issues and call attention to emerging problems, threats to national interests, risks and opportunities.

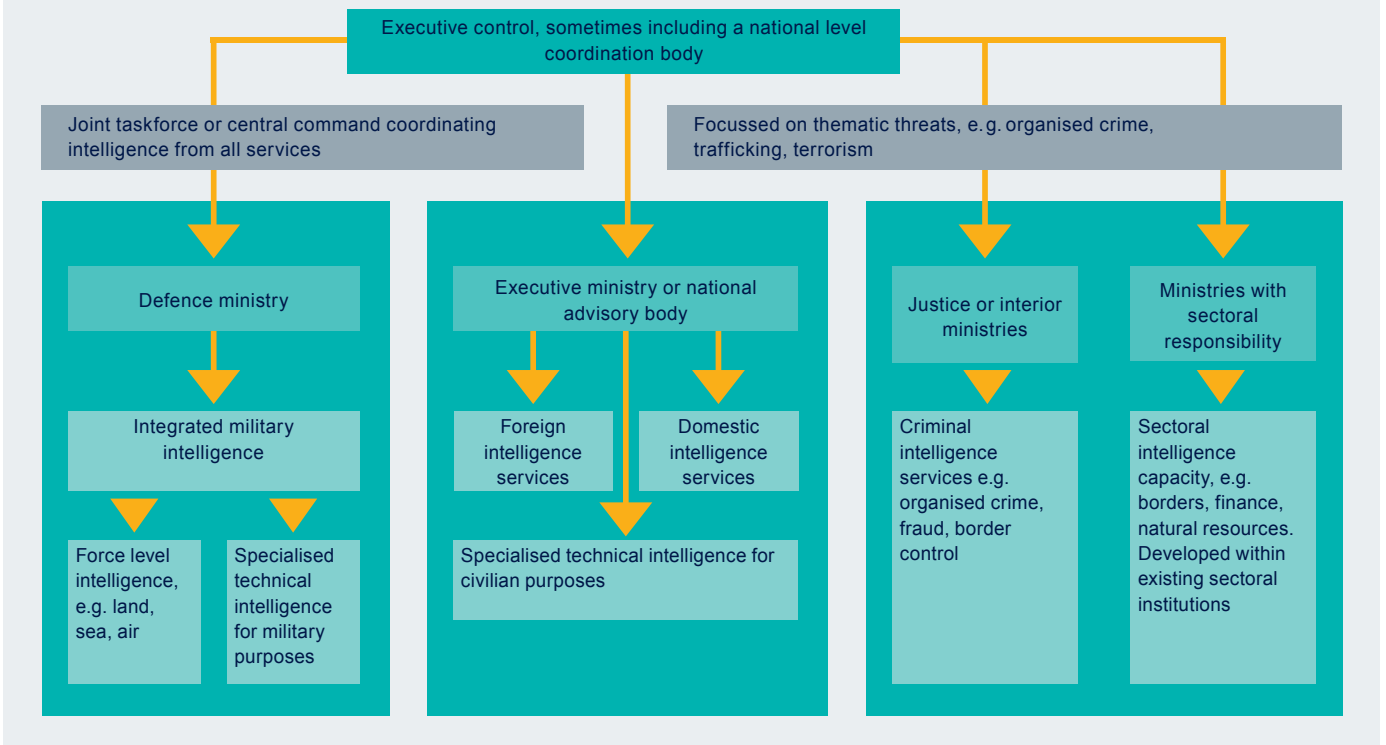
Their analyses help political decision-makers to:

- Define national interests;
- Develop coherent national security and military strategies and adequate security policy;
- Determine the mission, doctrine and strategies of the armed forces and other security institutions;
- Prepare for and respond to national crises;
- Prepare for and prevent threats to the state and its population.

Counterintelligence prevents espionage, subversion or sabotage by foreign intelligence services or foreign-controlled political groups, protecting intelligence sources and methods at home and abroad. **Defensive measures for counterintelligence** rely on inquiries, vetting and surveillance; **offensive measures for counterintelligence** include operations to penetrate, deceive, disrupt and manipulate other organizations.

Covert action, also known as **special political actions** or **active measures**, is a type of secret operation that aims to influence political, military or economic conditions in a foreign country. Types of covert action range from propaganda and political activity abroad

FIGURE 1 STATE INSTITUTIONS' INTELLIGENCE FUNCTIONS



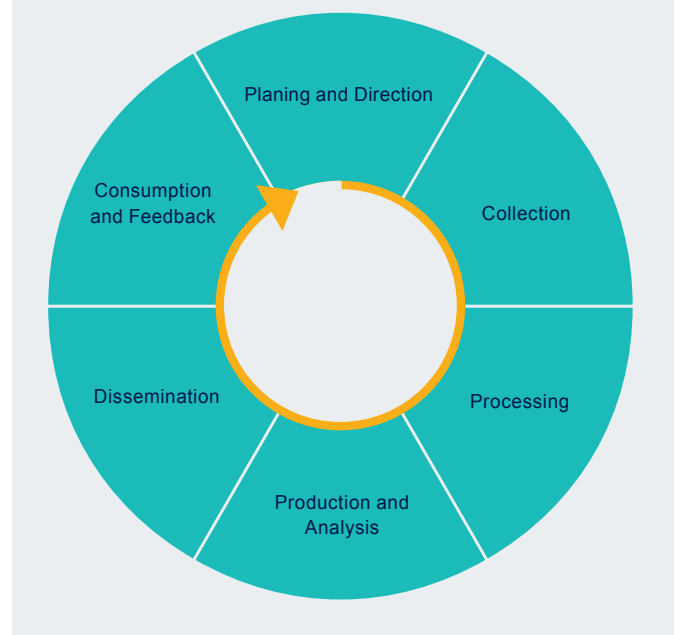
to providing assistance to foreign governments or disrupting illicit activities on foreign soil. Covert action provides states with an alternative to direct military action when diplomacy and other policy measures fail. In states with multiple intelligence agencies, usually only external intelligence services engage in covert action.

HOW IS INTELLIGENCE PRODUCED?

Intelligence is produced in a process known as the **intelligence cycle** (Figure 2):

- **Planning and direction** defines intelligence service objectives within the framework of public policy and allocates resources according to threat assessments.
- **Information collection** uses both open and secret sources to collect information about persons, places, events and activities.
- **Processing** sifts through collected information, verifies its origins and purpose, and adds context in preparation for analysis.
- **Production and analysis** turns information into intelligence products that provide decision-makers with timely, accurate, objective and actionable insights. Analysis should cover facts, sources, key assumptions, alternative scenarios and potentially influential but unknown factors.
- **Dissemination** shares intelligence products with decision-makers, including warning and situation reports, assessments, estimates and briefings. Deciding who has access to what type of intelligence product is a crucial decision-point in the intelligence cycle and for democratic oversight of intelligence.

FIGURE 2 THE INTELLIGENCE CYCLE



- **Consumption and feedback** is when political decision-makers use intelligence products to make decisions. Feedback to the intelligence community includes guidance on future intelligence needs, which feeds into planning and direction, launching the cycle again.

WHAT INTRUSIVE LEGAL POWERS DO INTELLIGENCE SERVICES HOLD?

Intelligence services are given special legal powers and capabilities to fulfil their mandate. These powers depend on the national context and functions of intelligence services, and should not breach international and human rights law. However, intelligence services are legally allowed to restrict human and civil rights in certain areas.

This may include:

- Intelligence collection methods that can **infringe the right to privacy**, such as surveillance and the monitoring and interception of communications;
- **The use and sharing of personal data** across government agencies, such as law enforcement authorities;
- In some states, law enforcement and the power to arrest and detain, **restricting freedom of movement**;
- **Covert operations** aimed at countering threats to national security, sometimes in abrogation of the law.

These extensive and potentially intrusive powers could also be directed against a state's own population. Thus, **intelligence services need strict controls to guarantee the rule of law and respect for human rights, including gender equality** (see SSR Backgrounder, "Intelligence Oversight"). In democracies, measures restricting civil and human rights must be based in law, carefully vetted for purpose, necessity, proportionality and consistency with other national and international human rights obligations, and allow for individuals to address complaints to an independent institution and seek an effective remedy.

Democracies usually prohibit their intelligence services from collecting information:

- About individuals and activities that do not pose a threat to the state and its population;
- About lawful political and social activities;
- For the purpose of promoting particular interests.

In addition, certain professionals, such as doctors, lawyers or journalists, may be protected in accordance with the services they provide to society.

Intelligence services do not usually hold law enforcement powers such as powers of arrest or detention, unless they are operating in the specific area of criminal intelligence to support law enforcement. Security intelligence differs in many respects from intelligence in law enforcement contexts (Figure 3):

Undemocratic governments often provide intelligence services with extensive law enforcement authority to strengthen capacities for political repression. To guard against abuse of powers, some states draw ethical and legal distinctions between intelligence work and law enforcement; when intelligence work identifies a need for law enforcement, officers outside the intelligence community will take direct action.

SOURCES OF INTELLIGENCE

Intelligence is information gathered from various sources, only some of which is not publicly available. It includes:

- Open source intelligence (**OSINT**): the use of open source information for intelligence;
- Human intelligence (**HUMINT**): collected by and from people such as agents, insiders and other informants;
- Signals intelligence (**SIGINT**): intercepted from communication systems and electronic emissions, among other sources;
- Image intelligence (**IMINT**): image-capturing technologies from land, sky or space;
- Measurement and signature intelligence (**MASINT**): technical and scientific data obtained through nuclear, optical, radiofrequency, acoustics, seismic or other monitoring.

Information and data only become intelligence once they have been processed and analysed.

HOW CAN INTELLIGENCE SERVICES COMPLY WITH GOOD SECURITY SECTOR GOVERNANCE?

The functions, structures and missions of an intelligence service are determined by law and by the national threat perception, which is context dependent. In authoritarian contexts, intelligence services protect the government and may be engaged in political repression and human rights abuses. In democracies, intelligence services are part of the public sector and hence serve the public interest. Intelligence services' special powers are not available to other government agencies or private individuals and they **potentially infringe democratic values**. Thus, the principles other public institutions must follow are often applied to a different degree to intelligence services.

The principles of good governance, however, are necessary to ensure that intelligence work remains within the rule of law and respects human rights, including gender equality. This requires the law to clearly define the mandate, role and responsibilities of intelligence services.

When intelligence services adhere to the principles of good governance they are:

- Accountable to democratically chosen authorities that oversee all elements of the intelligence process;
- Transparent within a system of democratic oversight that protects sensitive information while serving the public interest in disclosure;
- Respectful of human rights and the rule of law within an explicit legal framework;

FIGURE 3 INTELLIGENCE FOR SECURITY VERSUS INTELLIGENCE FOR LAW ENFORCEMENT



- Inclusive and implement non-discriminatory, gender-responsive policies and procedures in both their operations and administration;
- Effective in fulfilling their mandate for state and human security;
- Efficient in meeting public policy objectives while making the best possible use of public resources.

Disregarding the principles of good governance may have adverse results, for instance:

- Insufficient oversight undermines intelligence services' credibility and legitimacy;
- Excessive secrecy creates opportunities for abuse that endanger state and human security;
- Illegal activity jeopardizes state and human security, which intelligence services are bound to protect;
- Exclusive intelligence services may be inclined to suppress parts of the population, or may lack access to information from excluded groups and fail to assess diverging perspectives;
- Politicized intelligence is ineffective because it neglects existing and future security threats in favour of the immediate political concerns of the government;
- Inefficient intelligence services waste resources or fail to account for their use.

In extreme cases, a lack of good governance may result in a political police that serves particular political interests and may be used for political repression.

HOW DOES SECURITY SECTOR REFORM BENEFIT INTELLIGENCE SERVICES?

As part of SSR, intelligence reform aims to minimize these risks by applying the principles of good governance to intelligence through democratic oversight that guarantees respect for the rule of law and human rights.

SSR benefits intelligence services because:

- Robust democratic oversight protects intelligence services from misuse of power by political authorities, and improves their credibility and legitimacy;
- Intelligence professionals benefit from fair treatment and working conditions when they work within institutions that are held accountable for their behaviour and use of resources;
- Inclusive intelligence services with a balanced workforce that includes women and minorities ensure a greater variety of ideas and challenge social biases, which leads to better intelligence analysis;
- Inclusive intelligence services can respond to the varying needs of different population groups, especially minorities, and increase assessment quality by having diverse sources.

HOW CAN SECRECY BE MADE COMPATIBLE WITH GOOD GOVERNANCE?

Intelligence services depend on secrecy but **not all actions of intelligence services are equally sensitive**. Thus, they may be subject to access to information laws. Within the context of intelligence oversight, oversight, ombuds- and appeal bodies, including courts and tribunals, usually have access to all information, regardless of classification level. However, depending on the service's mandate, some aspects of intelligence require secrecy even from external oversight bodies to protect individuals, the services and the nation from harm. These aspects may include:

- Information about sources, ongoing operations, methods and procedures;
- The identity of operational staff and their knowledge;
- The origin and details of intelligence provided by foreign services in confidence.

Activities can be secret in different ways. **Clandestine actions** are carried out in complete secrecy: in espionage, for example, both the act of acquiring information and the

actors remain unknown. **In covert action**, the identity of the responsible actor is secret but the activity is not. This provides **plausible deniability**: a government can credibly deny knowledge of or responsibility for an activity that is subsequently revealed publicly. Plausible deniability provides a means of action that exceeds diplomacy but does not require military force.

While states find various types of secret activity useful, **excessive secrecy diminishes the legitimacy of intelligence services in democracies**. Openness, combined with transparency and accountability, is fundamental to democratic governance and the protection of human rights. This requires that **secrecy remains an exception justified by the danger of specific and significant harm** if information is made public.

In principle, **there must be a clear legal basis for making information secret**. Rules for classification, freedom of information, and access to information for oversight bodies protect against excessive secrecy. **Openness encourages more robust oversight** to reveal illegality and misconduct, which prevents intelligence from creating a culture of impunity. The SSR Backgrounder, “Intelligence Oversight” provides information on managing secrecy in democratic oversight.

WHAT IS INTERNATIONAL INTELLIGENCE COOPERATION?

International intelligence cooperation involves liaison or collaboration between different states’ intelligence bodies for purposes including defence, national security and prevention and detection of serious organized crime.

Intelligence cooperation both benefits intelligence services’ own work and serves their country’s national interests. Exchanging information can be important for preventing terrorism. Sometimes, international intelligence cooperation also serves a more universal purpose, such as the search for war criminals, non-proliferation or countering organized transnational crime.

Intelligence services decide how, when, and with which foreign intelligence service to cooperate, according to their legal framework. Reasons to pursue such cooperation include:

- **Obtaining information** that would otherwise be difficult to collect. The resulting division of labour and burden-sharing can increase efficiency;
- **Gathering alternative perspectives** on threats and issues, which improves decision-making by challenging established assumptions;
- **Reducing and avoiding high-risk** intelligence collection activities. Foreign intelligence services may face less risk in conflict states or have greater access because they share characteristics with the local population.

GOOD SECURITY SECTOR GOVERNANCE (SSG) AND SECURITY SECTOR REFORM (SSR)

The principles of good SSG are accountability, transparency, the rule of law, participation, responsiveness, effectiveness and efficiency.

Good SSG is a normative standard for how the state security sector should work in a democracy. **Applying the principles of good SSG to security provision is the goal of SSR.** SSR is the political and technical process of improving state and human security by making security provision, management and oversight more effective and accountable, within a framework of democratic civilian control, the rule of law and respect for human rights. SSR may focus on only one part of public security provision or the way the entire system functions, as long as the goal is always to improve both effectiveness and accountability.

Furthermore, international intelligence cooperation can be useful in multilateral situations – sharing common assessments and strategic outlooks, negotiating beyond the public eye, confirming peaceful defence strategies or supporting peacekeeping missions.

However, international intelligence cooperation can involve risks. These include uncertainty about the intended use of exchanged information, difficulties in verifying received information or how it was obtained, and reputational risks when cooperating with foreign services that might use information collection methods considered illegal in the receiving state or under international law.

WHAT TO READ NEXT

On the challenges of effective intelligence and oversight in democracies:

- Baldino, Daniel (Ed.) (2010)
Democratic Oversight of Intelligence Services
Democratic Oversight of Intelligence Services
- Born, Hans, Loch K. Johnson and Ian Leigh (Eds.) (2005).
Who's Watching the Spies?: Establishing Intelligence Service Accountability
Dulles, VA: Potomac Books.
- Herman, Michael (2013).
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London; Portland, OR: Frank Cass.

On the reform of intelligence services in national contexts:

- Bruneau, Thomas C. and Scott D. Tollefson (Eds.) (2006)
Who Guards the Guardians and How: Democratic Civil-Military Relations
Austin: University of Texas Press.
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The South African Intelligence Services: From Apartheid to Democracy, 1948–2005
New York: Routledge.
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Zurich: LIT Verlag.
- Williams, Kieran and Dennis Deletant (2001)
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New York: Palgrave.

On international intelligence cooperation:

- Born, Hans, Ian Leigh and Aidan Wills (2015)
Making International Intelligence Cooperation Accountable
Geneva: DCAF.
- Lefebvre, Stéphane (2003)
The difficulties and dilemmas of international intelligence cooperation
International Journal of Intelligence and CounterIntelligence, 16(4), 527–542.
- OSCE-ODIHR (2007)
Countering Terrorism, Protecting Human Rights: A Manual
Warsaw: ODIHR.

MORE DCAF RESOURCES

DCAF publishes a wide variety of tools, handbooks and guidance on all aspects of SSR and good SSG, available free-for-download at www.dcaf.ch. Many resources are also available in languages other than English.

The DCAF-ISSAT Community of Practice website makes available a range of online learning resources for SSR practitioners at <http://issat.dcaf.ch>

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