Intelligence, Crisis, and Democracy: Institutional Punctuations in Brazil, Colombia, South Africa, and India

MARCO CEPIK AND CHRISTIANO AMBROS

ABSTRACT This article analyzes why institutional crises are bound to happen and how they impact on national intelligence systems' development. Punctuated Equilibrium theory is reviewed and employed to explain one institutional crisis in each of Brazil, Colombia, South Africa, and India. In Brazil, the case study is the fall of the Brazilian Intelligence Agency (ABIN) director in 2008, following the Satiagraha operation conducted by the Federal Police Department (DPF). In Colombia, the 2009 wiretapping scandal known as *chuzadas* is examined. In South Africa, the investigation in Project Avani (2006–8) is reviewed. Finally, in India the case study is the intelligence crisis following the Mumbai terrorist attacks in 2008. We found that institutional crises are inevitable because there are tensions between security and democracy, both being co-evolutionary dimensions of successful contemporary state building. However, the impacts of such crises vary across the four cases pending on three variables: (1) degree of functional specialization inside the national intelligence system; (2) degree of external public control over the national intelligence system; (3) whether effectiveness, legitimacy or both were the main drivers of the crisis. Our analysis of the four case studies suggests that the amount of positive institutional change in the aftermath of an intelligence crisis is greater in countries with more functional specialization and stronger external control mechanisms.

Introduction

Occasional poor performance, analytical failures, and even scandals are expected during the life span of any intelligence organization regardless of the type of political regime, power capabilities, or economic development levels in different countries. Institutional crises, however, are more serious and rare in the sense that they may lead to the destruction of an intelligence organization or the government it serves. Whenever such a crisis occurs, the normative cry from political, academic, and media circles

tends to treat them as severe pathologies to be cured through proper reforming therapy.[1]

To avoid the pure normative outsider Scylla and the official cynical Charybdis, one needs to be realistic about the inevitable tensions between political processes at the national level and the dilemmas of international security. In that sense, all national intelligence systems are involved in a permanent quest for effectiveness and legitimacy.[2]

Are some national intelligence systems more inclined to experience crises than others? Is the resulting change after a crisis anything more than a brief agitation on the surface of a deep behavioral, attitudinal, and institutional complex system characterized by structural stasis? The obvious answer for both questions is yes. Nonetheless, we still need to explain why and how, providing some empirical corroboration. The hypothesis is that all national intelligence systems evolve in a non-linear way, implying both distinct national trajectories and a great amount of historical discontinuity in any given country. Because of cumulative pressures for change resulting from such discontinuities (or punctuations) in the institutionalization process, internal

[1]To affirm that failures, scandals, and even crises are inevitable does not imply that those involved with them should not be held responsible for their acts and choices. We take seriously the ethical dilemmas associated with intelligence activities, but they are not the focus of this article. For a balanced discussion of such issues, we direct the reader to Michael Herman, *Intelligence Services in the Information Age* (London: Frank Cass 2001) pp.201–27; Peter Gill and Mark Phythian, *Intelligence in an Insecure World* (Cambridge: Polity Press 2012) pp.125–47; Michael Andregg, 'Ethics and Professional Intelligence' in Loch K. Johnson (ed.) *The Oxford Handbook of National Security and Intelligence* (Oxford: Oxford University Press 2010) pp.735–55. For a brief introduction to this topic in the United States, see Chapter 13 of Mark Lowenthal, *Intelligence: From Secrets to Policy*, 4th ed. (Washington, DC: CQPress 2009). Roy Godson, *Dirty Tricks or Trump Cards: US Covert Action and Counterintelligence* (Washington: Brassey's 1995) pp.120–83, also covers ethical aspects of counterintelligence and covert actions.

[2]See Thomas Bruneau and Florina Cristiana (Cris) Matei, 'Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness', in Johnson (ed.) *The Oxford Handbook of National Security and Intelligence*, pp.757–73. We are mindful about the intrinsic limitations of a strict institutionalist approach towards the study of intelligence, but we also could argue that being governmental agencies, intelligence services are power-based institutions and should be analyzed as such. Of course, taking into account even the simplest relations between formal and informal aspects of institutional life would require another sort of comparative exercise. A better synergy between culturalist, contextual, and institutionalist research programs in the field of Intelligence Studies is necessary, even if beyond the scope of this article. See Amy Zegart, *Spying Blind: The CIA, the FBI, and the Origins of 9/11* (Princeton, NJ: Princeton University Press 2007); Marco Cepik, 'Preface' in Russell G. Swenson and Suzana C. Lemozy (eds.) *Democratización de la función de inteligencia: El nexo de la cultura nacional y la inteligencia estratégica* (Washington, DC: JMIC 2009); Peter Gill, 'Theories of Intelligence' in Johnson (ed.) *The Oxford Handbook of National Security and Intelligence*, pp.43–58; Stephen Welch, 'Political Culture: Approaches and Prospects' in Philip H.J. Davies and Kristian C. Gustafson (eds.) *Intelligence Elsewhere: Spies and Espionage outside the Anglosphere* (Washington, DC: Georgetown University Press 2013) pp.13–26.

functional specialization and external accountability are crucial to identify which national intelligence systems are better equipped to use successive crises to achieve better equilibria between effectiveness and legitimacy.[3]

In order to demonstrate how the mechanism works, this article is divided into four sections. The next section offers a cursory introduction to the Punctuated Equilibrium theory and its usefulness to analyze intelligence crises.[4] In this case, what Richard Betts wrote about the study of intelligence failures applies to the study of intelligence related institutional crises: 'case studies of intelligence failure abound, yet scholars lament the lack of a theory of intelligence'.[5] Consequently, this article is part of an ongoing conversation among colleagues from many quarters towards a more theoretically and comparatively oriented research in the field of Intelligence Studies.[6]

[3]On the impact of institutional designs, see, among others, Robert E. Goodin (ed.) *The Theory of Institutional Design* (Cambridge: Cambridge University Press 1996); Bert A. Rockman and Kent Weaver, *Do Institutions Matter?* (Washington, DC: Brookings Institution 1993); Kathleen Thelen et al., *Structuring Politics* (NY: Cambridge University Press 1993); and George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton, NJ: Princeton University Press 2002).

[4]Notice that S.J. Gould and N. Eldredge, 'Punctuated Equilibria: The Tempo and Mode of Evolution Reconsidered', *Paleobiology* 3 (1977) pp.115–51, developed their punctuated equilibrium theory to explain discontinuous rhythms in the process of formation of species in geological time scales, not to explain even the whole evolutionary biology. However, in Section V (*For a General Philosophy of Change*) of their article, the authors also pointed out the similarities between their model and other criticisms to the slow and continuous evolution (p.145). Marxian theory of history and Kuhnian approaches towards Scientific Revolutions make good examples of such critical perspectives, but even they are dealing with huge scale social processes. Punctuated Equilibrium (PE) theory had a significant impact in many disciplines, including Sociology, Linguistics, and Political Science. Of course, when Political Science uses PE theory, the time frame for considering alternative states of equilibrium and transformation is measured in days, weeks, months, years, centuries, and millennia at most. Albert-Laszlo Barabási, *Burst* (NY: Dutton 2010) explains why this adaptation from the original geological time scale is correct. For the evolutionary dynamics in general, see Martin A. Nowak, *Evolutionary Dynamics* (Cambridge, MA: Belkap-Harvard Press 2006). For an introduction to the complex adaptive systems literature, see John H. Miller and Scott E. Page, *Complex Adaptative Systems* (Princeton, NJ: Princeton University Press 2007). For an introduction to the study of scale-free networks, see Albert-Laszlo Barabási, *Linked* (NY: Plume 2003).

[5]See Richard K. Betts, 'Analysis, War, and Decision: Why Intelligence Failures are Inevitable' in Peter Gill, Stephen Marrin and Mark Phythian, *Intelligence Theory: Key Questions and Debates* (NY: Routledge 2009) p.20.

[6]About theory in Intelligence Studies see, among others, Michael Herman, *Intelligence Power in Peace and War* (Cambridge: Cambridge University Press 1996); Gregory Treverton, Seth Jones, Steven Boraz and Phillip Lipscy, *Toward a Theory of Intelligence: Workshop Report* (Santa Monica, CA: Rand Corporation 2006); Michael Warner, 'Building a Theory of Intelligence Systems' in Gregory Treverton and Wilhelm Agrell (eds.) *National Intelligence Systems: Current Research and Future Prospects* (Cambridge: Cambridge University Press 2009); Peter Gill, Stephen Marrin and Mark Phythian, *Intelligence Theory: Key Questions and Debates* (NY: Routledge 2009); and Gill, 'Theories of Intelligence', pp.43–58. Regarding intelligence failures, we direct the reader to Richard K. Betts, *Enemies of Intelligence: Knowledge and Power in American National Security* (NY: Columbia University Press 2007);

In the third section, recent intelligence related institutional crises in South Africa, Brazil, Colombia, and India will be briefly discussed. Regarding Brazil, the case in point will be the fall of the Brazilian Intelligence Agency (ABIN)[7] director in 2008, following the *Satiagraha* operation conducted by the Federal Police Department (DPF). In Colombia, the 2009 wiretapping scandal (*chuzadas*) and the proposed demise of the Administrative Department of Security (DAS) are reviewed. The South African investigation (2006–8) in Project Avani, and the later transfiguration of the Ministry of Intelligence Services into the Ministry of State Security, are examined. The current situation of intelligence governance in India will be illustrated via the National Counter-Terrorism Center project and its pitfalls.

Why these countries? First, all four are regional military powers, and India and Brazil aspire to be treated as global great powers. Second, they present roughly comparable levels of economic and social development. Third, each of them has a political regime classified as fully democratic according to regular procedural criteria. Two of them are newer democracies emerging from long-lasting authoritarian regimes that nowadays experience lower levels of political violence (Brazil and South Africa), and two of them are older democracies living with higher levels of internal political violence and militarized interstate disputes (India and Colombia). Holding constant regime type, economic development, and international clout (regional powers), three commonly used independent variables, one can enjoy a better qualitative observation of national intelligence systems' institutional differences, as well as the interplay between those features and actual results of intelligence-related crises.[8]

Finally, the fourth section draws some conclusions and identifies limitations as well as further research possibilities.

Intelligence Systems and Punctuated Equilibrium Theory

As a specialized set of formal institutions comprised of people, organizations, and procedural rules, national intelligence systems are strategic resources and a regular part of contemporary government machinery in most countries.[9] Even so, there is significant variation in the way intelligence systems are

Ephraim Kam, *Surprise Attack: The Victim's Perspective* (Cambridge, MA: Harvard University Press 2004); and Robert Jervis, *Why Intelligence Fails? Lessons from Iranian Revolution and the Iraq War* (Ithaca, NY: Cornell University Press 2010). An article aiming at analyzing intelligence crises is J. McCreary and R.A. Posner, 'The Latest Intelligence Crisis', *Intelligence and National Security* 23/3 (2008) pp.371–80.

[7]When referring to intelligence agencies or any governmental bodies, we will use the full name in English, and the acronym following the official language of the country.

[8]The case of Indonesia is also comparable to the ones discussed here. See Peter Gill and Lee Wilson, 'Intelligence and Security-Sector Reform in Indonesia' in Davies and Gustafson (ed.) *Intelligence Elsewhere*, pp.157–79.

[9]See Marco Cepik, *Espionagem e democracia: Agilidade e transparência como dilemas na institucionalização dos serviços de inteligência* (Rio de Janeiro: Editora FGV 2003); Treverton and Agrell (eds.) *National Intelligence Systems*; Davies and Gustafson (eds.) *Intelligence Elsewhere*.

designed, located within the state apparatus and provided with missions, resources, and authority in different countries. As Leigh[10] states:

> Some states (for example, Bosnia and Herzegovina, the Netherlands, Spain and Turkey) have a single agency for security and intelligence (both domestic and external). Others have distinct agencies for domestic and external intelligence and security, with either separate or overlapping territorial competences, as in the United Kingdom, Poland, Hungary and Germany. More rarely, a state may have a domestic security agency but no acknowledged or actual foreign intelligence agency; Canada is the exemplar of this approach. A further variable is that either intelligence or security services may have either a more pro-active mandate or be restricted to the gathering and analysis of information.

Furthermore, most national intelligence systems evolved over the last centuries through great historical discontinuity.[11] Causal explanations of national intelligence systems' evolution tend to combine different blends of functional-utilitarian, power-based, and path dependence arguments.[12] We have no feud with functional-utilitarian and power-based explanations. Path dependence explanations, however, are inclined to overemphasize increasing returns over long stretches of time, positive feedbacks, and lock-in mechanisms of institutional life.[13] Despite the presence of concepts such as critical junctures, conflicts, and regime breakdown, permanence plays a much bigger role than discontinuity within this approach.[14]

[10]Ian Leigh, 'The Accountability of Security and Intelligence Agencies' in Loch K. Johnson (ed.) *Handbook of Intelligence Studies* (NY: Routledge 2009) p.67.

[11]See Herman, *Intelligence Power in Peace and War*; Cepik, *Espionagem e democracia*; Stuart Farson, Peter Gill, Mark Phythian and Shlomo Shpiro (eds.) *Handbook of Global Security and Intelligence: National Approaches* (Washington, DC: Praeger 2008); Treverton and Agrell (eds.) *National Intelligence Systems*.

[12]See Amy Zegart, *Flawed by Design: The Evolution of the CIA, JCS and NSC* (Stanford, CA: Stanford University Press 1999); Marco Cepik, 'Sistemas nacionais de inteligência: Origens, lógica de expansão e configuração atual', *Dados – Revista de Ciências Sociais* 46/1 (2003) pp.75–127; Priscila Brandao, *Serviços secretos e democracia no Cone Sul* (Niteroi, RJ: Editora Impetus 2010); Eduardo Estevez, 'Comparing Intelligence Democratization in Latin America: Argentina, Peru, and Ecuador Cases', paper prepared for the IPSA-ECPR (International Political Science Association – European Consortium for Political Research) Joint Conference, USP, São-Paulo-SP, Brazil, 2011.

[13]P. Pierson, 'The Limits of Design: Explaining Institutional Origins and Change', *Governance* 13 (2000) pp.475–99.

[14]The prevalence of gradualist explanations rest in what Niles Eldredge and Stephen Jay Gould ('Punctuated Equilibria', p.145) once called a deep-rooted ideological preference, which was well captured by the statement attributed to Linnaeus – *natura non facit saltum* (nature does not make leaps). According to Eldredge and Gould's own theory of biological evolution published in the 1970s, reproducing species actually reveal little evolutionary change most of the time in a geological scale, lingering in a state called stasis (equilibrium). Stasis is characterized by incremental genetic changes, but it is interrupted (punctuated) by events (crises) producing

In order to explain change and discontinuity we need a Punctuated Equilibrium (PE) theory.[15] Let us begin by defining a crisis as a non-routine period of serious threat and uncertainty with respect to previously existent essential characteristics of an institutional set. Hence, a crisis is somehow more acute, general, and profound than occasional bad performance or partial failure. In turn, by equilibrium we mean the sort of 'self-reinforcing resting point' characteristic of a balanced status, as affirmed by Thermodynamics or Economics.[16]

Although a tendency towards equilibrium exists, endogenous and exogenous sources of change are permanently creating different equilibria.[17] According to physicist Albert-László Barabási, crises are more than exogenous perturbations pressed upon otherwise stable systems and trajectories.[18] Crises are inevitable because reality itself is complex and self-organized in networks, all the way from atoms and cells to human societies and the whole universe. And change rarely is produced by smooth adaptation because of another feature of human behavior: the power-law relations. A layman's definition of a power-law relationship could abridge it as follows: any event whose frequency varies according to an attribute such as size follows a power-law.[19]

Let us explain. To affirm gradual evolution as the normal development path for intelligence systems would require one to assume that human

transformation (disequilibrium), a process of speciation known as cladogenesis. Cladogenesis is the relatively abrupt process by which a species splits into two different ones, rather than gradually transforming into another (which is also known as phyletic gradualism).

[15]As pointed out by Kathleen Thelen: 'Increasing returns cannot tell the whole story because, in politics, losers do not necessarily disappear and their "adaptation" to prevailing institutions can mean something very different from "embracing and reproducing" those institutions, as in the worlds of technologies and markets'. Kathleen Thelen, 'How Institutions Evolve: Insights from Comparative Historical Analysis' in James Mahoney and Dietrich Rueschmeyer (eds.) *Comparative Historical Analysis in the Social Sciences* (Cambridge: Cambridge University Press 2003) p.231.

[16]Ibid.

[17]For the purposes of this article, we decided to use punctuation, crises, and disequilibrium as parts of a sequential process (burst) resulting in qualitative change (transformation).

[18]See Barabási, *Linked*, and Barabási, *Burst*.

[19]A technical definition of power-law as a polynomial relationship exhibiting scale invariance properties, as well as further elaboration of its huge implications and applications to many types of natural critical events, can be found in Didier Sornette, *Critical Phenomena in Natural Science: Chaos, Fractals, Self-Organization and Disorder*, 2nd ed. (Berlin: Springer-Verlag 2006). It is also relevant to note: 'Power functions are part of a class of probability distributions that are leptokurtic – they have strong central peaks and fat tails. The statistical signature of a disproportionate response model such as the friction model is straightforward: in response to a Normal distribution of real-world inputs, the decision-making process transforms the data by reducing those values below some threshold and by amplifying those values above the threshold. Such distributions are often called "fat tailed" or "extreme value" distributions and are not uncommon in many natural processes where friction models operate'. Frank R. Baumgartner, Christian Breuning, Christoffer Green-Pedersen, Bryan D. Jones, Peter B. Mortensen, Michiel Nuytemans and Stefaan Walgrave, 'Punctuated Equilibrium in Comparative Perspective', *American Journal of Political Science* 53/3 (2009) p.607.

behavior is idiosyncratic, random, and unpredictable. A random logic of distribution of human actions over time would mean that the intensity and timing of these activities would follow a periodicity consistent with regular and linear patterns, therefore resulting in gradual and smooth change.[20] Since most social phenomena do not follow random patterns (e.g. wars, wealth distribution, Internet communication, and daily life activities), gradualist explanations can only capture part of the relevant institutional story.[21]

Alternatively, the root of 'burstiness' in human behavior can be located in our own decision-making process based on ordering priorities. Indeed, according to Barabási, 'if we set priorities, our response time becomes rather uneven, which means that most tasks are promptly executed and a few will have to wait forever'.[22] And we are forced to set priorities due to our naturally limited ability to process many possible tasks in a limited period of time. Given time constraints and the complexity and limitations of human decision making, 'power laws and burstiness become unavoidable'.[23]

Rare events and long delays are critical in the process. Those are the outliers in a string of events. They are not the tasks done quickly, but rather those long waiting in 'to-do' lists. These 'low priority' tasks are the ones often causing punctuations in a pattern of events because they tend to be the most difficult ones to be performed, or take longer to be processed, being chronically postponed with critical consequences.

In the field of policy analysis, Incrementalism is the functional equivalent of path dependence explanations of institutional evolution. It sees adaption as the decision makers at various levels of the government interact with many interest groups and other relevant actors through democratic channels, being able to efficiently translate social inputs into policy decisions and output values with normal distributions.[24]

[20]'Current models of human dynamics in areas such as risk assessment and communications assume that human actions are randomly distributed in time and are well approximated by Poisson process'; Barabási, *Burst*, p.38. The distinct applications and meanings of Poisson Process and Poisson Distributions in Statistics and Probability Theory are beyond our expertise. Suffice to say that events in a stochastic Poisson process take place continuously and autonomously of one another, as a collection of random variables with discrete probability distribution. For further elaboration, see Richard Durret, *Essentials of Stochastic Processes* (Berlin: Springer-Verlag 1999).

[21]'There's nothing smooth or random in the way life expresses itself, but bursts dominate at all time scales, from milliseconds to hours in our cells; from minutes to weeks in our activity patterns; from weeks to years when it comes to diseases; from millennia to millions of years in evolutionary processes. Bursts are an integral part of the miracle of life, signatures of the continuous struggle for adaptation and survival'; Barabási, *Burst*, p.240.

[22]Ibid., p.124.

[23]Ibid., pp.124–5.

[24]To be fair, the incrementalist/pluralist approach tends to be more concerned with power distribution among social groups and how their unequal access and influence affect the government decision process. See Charles Lindblom and Edward J. Woodhouse, *The Policy Making Process*, 3rd ed. (Upper Saddle River, NJ: Prentice Hall 1992).

However, there are important homologies between the limited attention span and bounded rational information processing capacity observed in human individuals and those observed in social aggregates acting collectively, from social groups to firms, government agencies, markets, and the whole political system.[25] By linking them with policy analysis, an important research program has been established by the Punctuated Equilibrium theory.[26]

Since government institutions can only allocate partial attention and efforts to a limited and conflicting assortment of problems at a time, Punctuated Equilibrium theory predicts that agenda setting, decision making, and policy outputs are much more inherently fractured than understood by the incrementalist tradition. The various types and amounts of political inputs and the consequent policy outputs are incongruent because of the same causal mechanisms hindering people and government responses to new issues.[27]

To explain such mechanisms, think about these mismatches between problems and solutions as caused by institutional costs. As pointed out by Jones, Sulkin, and Larsen,[28] there are four types of institutional costs involved in making decisions: decision costs, transaction costs, information costs, and cognitive costs. All of them act similarly on the capacity of government institutions to process information, but they vary along the policymaking cycle, as well as among distinct government institutions.[29]

In the policymaking cycle, and with adaptations in the intelligence cycle, it is common to identify four overlapping and recurring stages: agenda setting,

[25]Edmund T. Rolls, *Memory, Attention and Decision-Making* (Oxford: Oxford University Press 2008) is a very thorough book on emotion, information processing, memory, perception, attention, and decision making, using a multidisciplinary approach to understand how the human brain works.

[26]The main propellants in that research program are Frank R. Baumgartner and Bryan D. Jones. In the fourth part ('Agenda and Instability, Fifteen Years Later') of Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics*, 2nd ed. (Chicago, IL: The University of Chicago Press 2009), the reader can find not only a review of their main claims and findings since their book was first published in 1993, but also a proposition regarding the importance of what the authors call *disruptive dynamics* in public policy, which is close to what we call crisis in this article. We also refer the reader to James L. True, Bryan D. Jones and Frank R. Baumgartner, 'Punctuated Equilibrium Theory: Explaining Stability and Change in Public Policymaking' in Paul A. Sabatier (ed.) *Theories of Policy Process*, 2nd ed. (Boulder, CO: Westview Press 2007) pp.155–87. In order to understand the role of information processing in the Punctuated Equilibrium approach in Political Science, it is important to review Herbert Simon's contribution regarding Bounded Rationality. Herbert Simon, Massimo Egidi, Robin Marris and Riccardo Viale, *Economics, Bounded Rationality and the Cognitive Revolution* (Cheltenham: Edward Elgar 2008).

[27]Examples of political inputs are plentiful, from changed preferences to election results, from new social actors to technological innovations and media coverage from intelligence.

[28]B.D. Jones, T. Sulkin and H.A. Larsen, 'Policy Punctuations in American Political Institutions', *American Political Science Review* 97/1 (2003) pp.151–69.

[29]An earlier consideration of decision costs in the intelligence cycle was Loch K. Johnson, 'Decision Costs in the Intelligence Cycle' in A. Maurer, M. Tunstall and J Keagle (eds.) *Intelligence: Policy and Process* (Boulder, CO: Westview Press 1985) pp.181–98.

decision making, implementation of policy outputs, and evaluation of results and impacts.[30]

According to Baumgartner et al.,[31] the institutional costs of collective action increase along the policy cycle because of cascading effects of the same universalistic cognitive limitations already mentioned.[32] Besides the horizontal stages in policymaking, it is also important to consider vertically nested parts or networks of a given polity. To avoid further distinctions, let us divide the government institutions between a political macro-system and a number of political subsystems.[33]

The political macro-system encompasses major government institutions and their leaders.[34] It is concerned with prominent, urgent, and far-reaching issues, processing them serially. Alternatively, various types and numbers of parent and subordinated government agencies and their specialized bureaucracies comprise political subsystems. Government agencies in distinct subsystems process specific issues in parallel. They also compete for jurisdiction, budgets, power, and attention from the macro-system. Established issues in the agenda and the new issues are therefore supported by distinct institutions and players. The resulting institutional friction or burstiness adds to the explanation of why crises are inevitable and how they happen, with expected results that are not randomly distributed.

Friction is not a concept arbitrarily taken from Mechanical Engineering by the Punctuated Equilibrium theory. First, it is useful to remember that friction between two surfaces moving in contact to each other converts kinetic energy into heat. Even more important, friction in complex non-linear systems such as networks 'cause the linkage between inputs and outputs of the system to be

[30]For a critical stance against the 'stages heuristics', see references in Paul A. Sabatier (ed.), *Theories of Policy Process,* 2nd ed. (Boulder, CO: Westview Press 2007) pp.6–8. For a brief summary of various classifications of policymaking stages, see Wayne Parsons, *Public Policy: An Introduction to the Theory and Practice of Policy Analysis* (Cheltenham: Edward Elgar 1995) pp.77–81.

[31]See Baumgartner et al., 'Punctuated Equilibrium in Comparative Perspective'.

[32]Note that institutional constraints, including limited ability to adapt and to process issues are not the same as what was originally called 'goal displacement' by Robert Merton, 'Bureaucratic Structure and Personality', *Social Forces* 17 (1940) pp.560–8, when people in complex and bureaucratic organizations start to value means over ends, when formalistic goals become more important than the main substantive goal of an organization. For a refutation of Merton's argument, see James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (NY: Basic Books 1989) pp.50–71.

[33]See Vidar W. Rolland and Paul G. Roness, 'Mapping Organizational Units in the State: Challenges and Classifications', *International Journal of Public Administration* 33/10 (2010) pp.463–73, to better understand the classification of State's organizational units.

[34]Another important research program that is also related with PE Theory is organized around the Operational Code Analysis. For a review, see Stephen G. Walker, 'Operational Code Analysis as a Scientific Research Program: A Cautionary Tale' in Colin Elman and Miriam F. Elman (eds.) *Progress in International Relations Theory: Appraising the Field* (Cambridge: BCSIA 2003) pp.245–76.

disproportionate - underresponse because of friction, then overresponse in response to built-up pressures'.[35]

In government, friction is the retarding force holding together the macro-system and the subsystems in ever-precarious states of equilibria. The transforming forces are the dynamic political processes from outside and inside the system pressing for change in the priority order of tasks and issues to be decided upon. Such attention change does not occur in response to any momentary increase in transforming forces. Change is, rather, the uneven result of built-up pressures overcoming thresholds not fixed in time or space, but sensitive to context and types of subsystems.[36]

When the transforming forces exceed the tension threshold (crisis), thus forcing emergent issues to be dealt with promptly, they push a cascade of activities and changes that risk overloading the political system. The higher the institutional costs for change, the more punctuated the resulting transformation tend to be. In other words, bursts will be more intense and when change occurs it tends to be relatively extreme.[37]

To sum up, crises do offer opportunities for institutional transformation as common sense articulates, but there are associated challenges related to the appropriateness of the results themselves. The 'fit' (and survivability) of any new institutional arrangement cannot be normatively guaranteed *ex ante*, but they need to be judged afterward by their efficiency, effectiveness, legitimacy, and own ability to adapt and endure. Despite the best management techniques available, no one can fully control the results of a crisis, as demonstrated by the case studies in the next section.

An Intelligence Crisis for all Seasons?

National Intelligence Systems are just one of many networked political subsystems linked with the macro-system in any given polity.[38] At the same

[35]See Baumgartner et al., 'Punctuated Equilibrium in Comparative Perspective', p.606.

[36]Jones, Sulkin and Larsen, 'Policy Punctuations in American Political Institutions', p.155.

[37]'The issue may be systematically tracked and a specialized agency or bureau may even be created to focus on it. Attention to the problem becomes institutionalized, and this may induce a second inefficiency. Not only is government slow to pay attention to new policy problems, but, once established, policies may be continued long after the severity of the problem which justified them in the first place has declined. Reactions to improvements in the state of the world, by reallocating attention or resources to other areas with more severe problems, or more rapidly growing ones, are slow'; Baumgartner et al., 'Punctuated Equilibrium in Comparative Perspective', p.608.

[38]There are tentative uses of PE theory to explain war and armed peace (see Bahar Leventoglu and Branislav Slantchev, 'The Armed Peace: A Punctuated Equilibrium Theory of War', *American Journal of Political Science* 51/4 (2007) pp.755–71, as well as terrorism and homeland security (see David B. Cohen and Alethia Cook, 'Institutional Redesign: Terrorism, Punctuated Equilibrium, and the Evolution of Homeland Security in United States', paper presented at the Annual Meeting of Political Science Association, 2002). It is certainly our fault, but the authors are not aware of literature connecting Punctuated Equilibrium theory and Intelligence Studies.

time, intelligence is also just one of many informational flows recurring at all stages of any policymaking cycle.[39] Even recognizing its potential impact over various stages of policymaking (including implementation) in distinct sectors of government, one could say that intelligence is mainly about providing input to strategic, operational, and tactical decisions in the national security realm of foreign policy, defense policy, and law enforcement. Intelligence matters, but it is auxiliary, both as a power-based subsystem as well as a type of information flow.[40]

Due to its connection with National Security, intelligence tends to form a closed type of networked political subsystem. Secrecy, specialized and compartmentalized knowledge, powers, and unique techniques have always been self-constructed to be distinctive from other political subsystems. Even in democratic contexts, intelligence subsystems are hardly considered as equals in comparison to other highly insulated and specialized bureaucracies like Central Banks, Armed Forces, or Diplomatic Services.[41]

Therefore, another important feature of intelligence is the dominance of specialized bureaucrats from within agencies that are part of the Executive branch.[42] Because of high access costs, the Legislative and the Judiciary, along with all other policy subsystems and even more the civil society, tend to avoid the politics of the intelligence subsystem policymaking. When decisions in a subsystem are dominated by a relatively small number of participants who share a common understanding regarding the agenda, not only is access restricted, but also new ideas emerge only with difficulty.[43]

Considering that institutional crises are the non-linear results of the friction ratio between retarding and transforming forces exceeding a tension threshold that is different for each subsystem, the higher the tension threshold, the greater the burst during a crisis, and the more punctuated the policy and/or the institutional results will be. Hence, one should expect crises in intelligence to be more intense than in other policy subsystems because the

[39]Many in the field of Intelligence Studies would accept the dual nature of intelligence (as information and power). Unfortunately, few try to pursue the theoretical consequences. Gill and Phythian, *Intelligence in an Insecure World,* provide exemplary effort in that direction. Note how the authors treated intelligence systems as complex networks, taking into account actors such as state agencies, business firms, organized crime, and others.

[40]For a more complete and accurate description, see Treverton and Agrell, *National Intelligence Systems*, as well as Herman, *Intelligence Power in Peace and War.*

[41]See Russell Swenson and Suzana Lemozy (eds.), *Intelligence as a Profession in the Americas: New Approaches*, 2nd ed. (Washington: JMIC Edition 2004).

[42]See Zegart, *Flawed by Design.*

[43]'All these things give government agencies room to maneuver. Presidents and member of the Congress listen to bureaucrats because they cannot afford to do otherwise. Armed with expertise, extraordinary incentives, shrinking mechanisms and public appeals, government agencies do not have to remain the servile subjects of their political masters (...) While institutional incentives push presidents toward action, institutional constraints work to hold them back. Although it is possible in theory to ignore the bureaucrat's interests and concerns, it is impossible to do so in practice. Agency's officials hold more cards than the statute suggest'; Zegart, *Flawed by Design*, p.52.

tension threshold is higher. If emerging issues like institutional reform remain unattended and return to the bottom of the list of priorities after the crisis ends, transforming forces come back faster to the same previous level, which is close to exceeding the tension threshold again. In other words, crises in the national security sector also tend to recur more than in other policy domains.[44]

The claims made in the previous paragraphs cannot be tested by observing just one intelligence-related crisis in each country (Brazil, Colombia, South Africa, and India). For that we would need to compare a greater number of crises in various countries and times. Moreover, we would need to compare crises in different types of subsystems, not only in intelligence. Nevertheless, the four cases allow for a preliminary assessment of the conceptual framework advanced in this article. By evaluating the variation across the four cases studied, we will try to assess the correspondence between intelligence institutional designs and intelligence crises results.[45] We shall start by examining the Brazilian intelligence system and its crisis of 2008.

Brazil: Slow and Harmonic Evolution, or Just Lengthy Stasis?

The current Brazilian Intelligence System (SISBIN) was established in 1999 by Public Law no. 9.883. The same law created the Brazilian Intelligence Agency (ABIN), which was designated as the central organ of the SISBIN. The agency is responsible for intelligence collection, analysis, counter-intelligence, information security, counterterrorism, training, and doctrinal development.

Between 1999 and 2008, it is important to highlight five institutional developments in Brazil's intelligence sector. First, the ABIN was placed under the authority of the Institutional Security Cabinet (GSI), a ministry-level position in the office of the President of the Republic.[46] Second, the National

[44]Institutional reform can be seen as a low-priority issue: 'the chief executive faces severe time constraints. Presidents have at most eight years to achieve their major domestic and international policy goals and secure their place in history. While bureaucratic reforms may be important, even instrumental, in achieving those goals, it is not something for which great leaders are likely to be remembered'; ibid., p.48.

[45]Marina Caparini, 'Comparing Intelligence Democratisation in East Central Europe and the Western Balkans', paper prepared for the IPSA-ECPR (International Political Science Association - European Consortium for Political Research) Joint Conference, USP, São-Paulo-SP, Brazil, 2011, is a good and recent example of a comparative exercise on intelligence democratization designed to observe commonalities between East Central Europe and the Western Balkans intelligence reform processes. About the logic of comparison and research using Most Similar System Designs (MSSD), see Paul Pennings, Hans Keman and Jan Kleinnijenhuis, *Doing Research in Political Science: Comparative Methods and Statistics* (London: Sage 2003).

[46]The subordination of the ABIN to the GSI is interpreted by some (Roberto Numeriano, *A inteligência civil do Brasil, Portugal e Espanha,* doctoral thesis (Recife 2007); Jorge Zaverucha, 'De FHC a Lula: A militarização da Agência Brasileira de Inteligência', *Revista de Sociologia Política* 16/31 (2008) pp.177–95) as evidence of the maintenance of political

Congress halfheartedly established the Joint Commission for the Intelligence Activities' Control (CCAI). Third, more ministries and specialized bodies were formally included in the SISBIN. Fourth, law enforcement intelligence was organized at the federal and state levels as a Public Security Intelligence Sub-System (SISP). Lastly, military intelligence was also reorganized as a Defense Intelligence System (SINDE).

Therefore, since 2008 the SISBIN has included the GSI/ABIN, the Ministry of Defense, the Ministry of External Relations, the Presidential Advisor's Office (Casa Civil, which is responsible for the Amazon Protection System), the Ministry of Justice, the Ministry of Regional Integration, the Ministry of Science and Technology, the Ministry of Environment, the Ministry of Health, the Ministry of Social Development, as well as the Ministry of Labor. Although many distinct intelligence organizations exist in Brazil, their missions and jurisdictions are overlapping and the whole national intelligence system (SISBIN) is characterized by low functional specialization.[47]

Three main bodies are responsible for the oversight and external control of intelligence activities in Brazil. In the executive branch, there is the Office of the Comptroller General (CGU). The Brazilian Court of Audit (TCU) has investigatory powers over civilian and military intelligence budget expenditures. In the legislative branch, there is a Joint Commission for External Control of Intelligence Activities (CCAI), but it has been facing difficulties since its inception in 2000. For instance, even in 2013, almost 14 years later, it was still not able to get its internal rules approved by National Congress, nor does the Commission have a proper budget, personnel, and secure infrastructure. Its activities are intermittent, directed by whatever appears in the media rather than by any regular effort from the Parliamentarians. As a result, the level of actual external control over intelligence in Brazil could be regarded as weak.[48]

As the institutional context is presented, it is relevant to mention that the 2008 intelligence crisis was not the first one since 1999. Actually, in the first nine years of its existence the ABIN had had five different Directors-General. Even so, the 2008 institutional crisis was the largest, not only bringing about the firing of the ABIN's fifth Director-General, but also drawing considerable attention from the political system more generally.

prerogatives of the military in the civilian democratic regime. On the other hand, to Marco Cepik and Thomas Bruneau, 'Brazilian National Approach Towards Intelligence: Concept, Institutions and Contemporary Challenges' in Farson et al., *Handbook of Global Security and Intelligence*, p.11: 'the case for subordinating ABIN to GSI, although this is a distortion of the spirit of the 1999 law (since the director of ABIN is a civilian whose name must be approved by the Senate and the head minister of GSI is an Army general appointed by the President of the Republic), is justified by the need to guard the President from the daily managerial demands and the potential crises resulting from scandals and/or tensions inherent to the relation between intelligence and democracy'.

[47]See Cepik and Bruneau, 'Brazilian National Approach Towards Intelligence'.

[48]See Brandao, *Serviços secretos e democracia no Cone Sul*; Joanisval Brito Gonçalves, *Atividade de inteligência e legislação correlata* (Niterói, RJ: Impetus 2010).

The 2008 crisis was about legitimacy, not about the effectiveness of intelligence in Brazil. It all started with the *Satiagraha* operation, launched in 2004 by the Department of Federal Police (DPF) with the aim of investigating corruption, money laundering, and embezzlement of public funds. In July 2008, a major DPF operation resulted in arrests of powerful private sector people, including banker Daniel Dantas, president of Opportunity Group. The grant of *habeas corpus* to Dantas by the then President of the Federal Supreme Court (STF), Justice Gilmar Mendes, was followed by heated debate in the media and official circles, and it was condemned by many voices.

As the public outcry grew stronger, Justice Mendes claimed that the Office of the Federal Supreme Court Presidency had been wiretapped and was being illegally monitored by the ABIN since the court order to release the accused banker. The then Defense Minister Nelson Jobim (himself a former Federal Supreme Court judge) went public to strongly assert that the ABIN possessed equipment to intercept telephone calls, although this was barred by the 1999 intelligence law. The equipment in question had been acquired through the Public Purchasing Commission of the Army, on behalf of the GSI. During his testimony on the Parliamentary Commission of Inquiry created to investigate the wiretapping allegations in the House of Deputies (the lower chamber of the National Congress), Jobim told the commission that he had advised President Luis Inacio Lula da Silva to remove the top brass of the ABIN. However, his claims about the ABIN's illegal wiretapping capability were weakened after an independent investigation proved the equipment was designed not for communications interception, but rather to detect and neutralize illegal interception attempts.[49] The Defense Minister changed his statement after that, then denouncing an allegedly irregular participation of ABIN agents in the *Satiagraha* operation run by the DPF.

Given the escalating crisis between the Executive and the Judiciary, President Lula was forced to sack the ABIN's Director Paulo Lacerda in December 2008. Paulo Lacerda was a former Federal Police Department director who had been in charge of the ABIN since October 2007. After his fall, an intelligence officer from the ABIN, Wilson R. Trezza, was appointed as interim Director.

In 2009, the President established a Joint Ministerial Committee to review the allegations of improper collaboration between ABIN and the Federal Police in ongoing criminal investigations. The committee was coordinated

[49]According to Ariel Macedo de Mendonça, *A proposta de reformulação do Sistema Brasileiro de Inteligência* (Rio de Janeiro: ESG 2010) p.116, two weeks before Jobim's testimony, the Army acquisitions office released an official statement saying that the ABIN's equipment was only for the location of wiretapping attempts, not to conduct wiretapping. The same conclusion was reached by the National Institute of Criminology of the Federal Police Department in mid-September 2008. According to the same source, even the manufacturer, US Electronic Research International, issued a technical report confirming that the equipment, called Omni-Spectral Correlator (Oscor 5000), was only capable of detecting transmitters for counter-surveillance purposes.

by the GSI and had representatives from the GSI, ABIN, Ministry of Justice, Ministry of Defense, Ministry of Foreign Affairs, Ministry of Planning, Budget and Management, and the Strategic Affairs Secretariat (SAE). By April 2009, a Federal Court ruled that cooperation between the ABIN and other intelligence agencies is legal and proper under the Public Law 9883/1999 provisions and SISBIN operational agreements. From that point onwards the Joint Committee dedicated itself to review the priorities in the National Intelligence Policy, as well as the ABIN's role, and all the main institutional features of the SISBIN. The conclusions and recommendations of the Joint Committee were not made public. In any case, by the end of 2009, the ABIN's acting director Trezza had been officially appointed by the President, and his name was approved by the National Congress, as required by law, becoming the ABIN's sixth director in less than 10 years. For all practical purposes, the intelligence related portion of the *Satiagraha* crisis was over without major institutional consequences.[50]

It is noteworthy that all intelligence crises in Brazil since 1999 have been related to the lack of jurisdictional clarity among SISBIN agencies regarding their missions, priorities, and degree of subordination to the ABIN's formal role as the central agency.[51] Yet, intelligence reform has been a low-priority issue for the Brazilian political system since the transition to democracy was completed more than 20 years ago. Likewise, all crises were also driven by legitimacy concerns. Even so, the National Congress failed repeatedly to address the lackluster record of the CCAI.

The absence of clear mandates and missions among SISBIN agencies is the result of unresolved disputes between established bureaucracies coupled with the low priority given to the problem by politicians. During his short term as Director-General, Paulo Lacerda was pursuing better integration and consolidation of the SISBIN through the creation of a Department of SISBIN Integration (DISBIN).[52] In that sense, his fall may have contributed to the restoration of *status quo ante*, even if the department still exists. As for the CCAI and the National Congress, the intelligence crises are recurrent but minor in political terms, mainly because their national security consequences are not considered too pressing by the political elites.

[50]By September 2013, Mr Trezza remained the ABIN's director in the midst of another intelligence crisis, prompted by Snowden's leaked documents including ones on US National Security Agency (NSA) spying on Brazil. See 'As Brazil's Uproar over NSA Grows, US Vows to Work through Tensions' <http://edition.cnn.com/2013/09/11/world/americas/brazil-nsa/index.html> (accessed 11 September 2013).

[51]Soon after president Dilma Rousseff took office, a group of ABIN Intelligence Officers delivered a letter to the new incumbent, complaining about the subordination of the ABIN to the GSI and demanding closer access to the President. See 'Abin repudia controle militar em carta a Dilma e rejeita ser "Tropa do Elito"' <http://www.estadao.com.br/estadaodehoje/20110208/not_imp676571,0.php> (accessed 24 July 2011).

[52]See Carlos Ataides, 'La visión de Brasil sobre la Comunidad de Inteligencia Sudamericana y la Experiencia de la ABIN en los servicios de Inteligencia del Estado' in Freddy Velez Rivera (ed.) *Inteligencia estratégica y prospectiva* (Quito: FLACSO-SENAIN-AECID 2011) pp.127–36.

This relaxed attitude towards intelligence reform defies understanding in a country where 43,909 homicides were committed in 2009 alone.[53] Besides, Brazil's international role is rapidly increasing, and the country prepares itself to deal with big international events like the football World Cup in 2014, and the Olympic Games in 2016. Both factors indicate that intelligence effectiveness issues will soon add pressure to reform the intelligence sector in Brazil.

Colombia: Between Politicization and Counter-Insurgence, Hazardous Intelligence

Following the new Constitution of 1991, a National Intelligence System (SINAI) was formally established in Colombia. Although a lot has changed since President Ernesto Samper issued the Presidential Decree 2,233, in December 1995, that was the first time the Political System tried to make sense of intelligence as an important subsystem in Colombia.[54]

According to Presidential Decree number 3,600, issued by President Uribe in 2009, there were seven main intelligence agencies in Colombia. The General Intelligence Directory of the Administrative Department of Security (DAS) is the main intelligence organization in the country. There are two more major civilian agencies, the Intelligence Directory (DIPOL) of the National Police, and the Treasury's Unit of Information and Financial Analysis (UIAF). The main military intelligence units are the respective directories of the Army, Navy, and Air Force. The general staff of the Armed Forces also has its own Directory of Intelligence and Counterintelligence, which is the seventh distinct intelligence unit. All of them have been part of the SINAI since 1995. Despite the formal existence of a National Intelligence System, Colombia is characterized by low functional specialization with two basic distinct public perceptions regarding intelligence. One is related to the traditional politicization and corruption identified with the DAS and its main competitor, the DIPOL. Another *ethos* is the all-encompassing counter-insurgency role of the Colombian armed forces. Both of them are prone to produce Human Rights abuses and poor performance in terms of building state capacity. Especially in a country like Colombia, where prolonged armed

[53]See UNODC, *The Global Study on Homicide* (Vienna: United Nations Office on Drugs and Crime 2011).

[54]As Steven Boraz, 'Colombia' in Farson et al. (eds.) *Handbook of Global Security and Intelligence*, pp.130–45, points out, Samper's term as president (1994–8) was a very troubled one, mainly because of the strained relations with United States. For a thorough review of intelligence in Colombia, see Alexander Arciniegas, 'Inteligencia en democracias: La crisis del servicio de inteligencia colombiano' in M. Cepik (eds.) *Inteligência governamental: Casos nacionais e desafios contemporâneos* (Niterói, RJ: Impetus 2011) pp.97–114; Steven Boraz, 'Establishing Democratic Control of Intelligence in Colombia', *International Journal of Intelligence and Counterintelligence* 19/2 (2006) pp.84–109; Boraz, 'Colombia', 2008; and Douglas Porch 'Taming a "Dysfunctional Beast"' – Reforma in Colombia's Departamento Administrativo de Securidad', *International Journal of Intelligence and Counterintelligence* 22/3 (2009) pp.421–51.

conflict, high rates of violent crime, and the exportation of illegal drugs have combined to form a rather complex situation in the last decades.

Although military intelligence was also associated with power abuses, scandals, and crises in Colombia during the counterinsurgency campaign against the Revolutionary Armed Forces of Colombia (FARC), our focus here is the role of DAS during Uribe's presidency (2002–10). Since its formation in 1960, the intelligence component of the DAS has been involved in recurrent scandals. There are cultural, historical, and institutional causes in Colombia for this recurring problem. One of these causes is the high organizational centrality of the President in the Colombian intelligence system and the resulting politicization of the main intelligence agencies, which undermines both the legitimacy and the effectiveness of Colombian intelligence. 'The proximity between DAS ... and the President politicized it and focused its intelligence missions in the political survival of the President. The lack of oversight manifests an attitude that intelligence is above the law'.[55]

DAS-related scandals recurred in Colombia from 2005 to 2009, the time frame this article is concerned with. In 2005, for instance, the links between the DAS Director, Jorge Noguera, and paramilitary leaders raised great debates about the morality, the organization and the professionalism of the agency. Under the Noguera administration, the DAS was accused of extinguishing paramilitary crimes data, promoting electoral fraud to ensure that Uribe supporters would be elected, wiretapping investigations of police and offering lists of unionist and left-wing teachers to paramilitary groups. Another serious complaint was a plan, supported by the Director's right-hand man, Enrique Ariza, to construct an intelligence arrangement inside the DAS, which would be paid for by the paramilitaries to operate for them. This was all part of a bigger scandal known as *parapolítica* in Colombia.[56]

In 2009, the crisis became even more serious as the practice known in Colombia as *chuzadas* (illegal communications interceptions) threatened to compromise Uribe's entire coalition. In January, the DAS counterintelligence department destroyed various box files, computer hard-drives, tapes, and transcriptions. They contained the result of years of espionage against judges, prosecutors, human rights defenders, political opposition, Supreme Court judges, ministers, journalists, police, and military officers. One month later this deed was made public by magazine 'Semana' and the TV channel 'Bogotá Notícias Uno'. Evidence to support the reports was found by a series of inspections in DAS buildings ordered by the Office of the Attorney General. The discoveries ranged from illegal wiretapping to false propaganda against Uribe opponents in 2006 elections.

After judicial investigations, dozens of people and at least 10 important members of the Uribe government were prosecuted, including three former directors of the DAS.[57] Jorge Noguera (director from 2002 to 2005) was declared ineligible (*inhabilitado*) for 18 years. Andres Peñate (director from

[55]Porch, 'Taming a "Dysfunctional Beast"', p.445.
[56]Boraz, 'Colombia', p.137.
[57]Porch, 'Taming a "Dysfunctional Beast"', p.422.

2005 to 2007) was also declared ineligible for eight months on the grounds that he failed to denounce the illegal activities. Maria del Pilar Hurtado (director from 2007 to 2008) became a fugitive wanted by the Colombia Justice. In December 2010, the government of Panama granted political asylum to Ms Hurtado, who could directly implicate former president, Alvaro Uribe.

Because of the 'bursting' effects of the *parapolítica* and *chuzadas* scandals to the legitimacy of the intelligence sector in Colombia, as well as because of the 2010 elections, President Uribe announced legal and administrative intelligence reforms. The new legal framework was introduced to the National Congress as Law Project 1288 on 5 March 2009. Meanwhile, President Uribe signed Executive Decree 3,600 on 21 September 2009, with the same provisions. The main improvements brought by the regulations were the establishment of a more delimited scope for intelligence and counterintelligence activities, supervision systems and operations control, better information security procedures, more accountable intelligence budget, as well as identity protection and personnel security for the intelligence services and units.[58] Another Law Project (number 189) was sent by the government to the National Congress on 8 October 2009. Basically, the new law would suppress the DAS, transferring its intelligence functions to a new Central Intelligence Agency (ACI).[59]

Trying to boost the effectiveness of the intelligence was a subsidiary goal, to be achieved through better coordination. The Presidential Decree 3,600 also established the mandate of a Joint Intelligence Council (JIC) to coordinate the analysis of all information obtained by any agency through the establishment of an Interagency Center for Information Analysis and Fusion (CEFAI).[60] In practice, the JIC operates primarily as a forum where intelligence agency leaders deliberate about tactical and operational matters, like target selection or specific covert collection operational planning. This lack of strategic clout may be caused by overreliance on the only other intelligence tradition Colombia has besides political intelligence, that is, the US inspired and financed intelligence support for counterinsurgency military operations.[61]

In 2011, the Constitutional Court ruled the Law Project 1288 as unconstitutional on the grounds that a statutory law was necessary. Such a statutory law project was sent by President Santos to the National Congress

[58] < http://www.secretariasenado.gov.co/senado/basedoc/ley/2009/ley_1288_2009.htm> (accessed 27 October 2011).
[59]As of October 2011, the DAS continued to exist in its previous incarnation. See <http://www.das.gov.co> (accessed 13 October 2011).
[60]Arciniegas, 'Inteligencia en democracias', p.104.
[61]According to Porch, 'Taming a "Dysfunctional Beast"', p.442: 'this probably contributed to the international outcry that surrounded *operación fénix*, the killing of FARC's "foreign minister", Raúl Reyes, on Ecuadorian soil in February 2008. Much of the ruckus was orchestrated by Venezuela's President Hugo Chavez, certainly, but the focus on HVTs appears to have blinded President Uribe to the strategic repercussions of his "tactical" action'.

in 2011, with much more detailed regulations for intelligence and counterintelligence. The legislative proceedings of the project were progressing well as of October 2011, but to avoid the multiple veto points of Colombian politics the Santos government issued the Presidential Decree 4057 (31 October 2011) to eliminate the DAS altogether, a process scheduled to be completed by October 2013.[62]

South Africa: A Stress Test for the External Control Mechanisms

The intelligence laws of 1994, the White Paper on Intelligence of 1995, and the 1996 South African Constitution defined the basic features of the post-Apartheid South African national intelligence system.[63] The three parliamentary acts of 1994 are of particular interest. The Intelligence Services Act 1994 created the National Intelligence Agency (NIA) for domestic intelligence and the South African Security Service (SASS) for foreign intelligence. The National Strategic Intelligence Act 1994 determined the activities of the members from the National Intelligence Structure, which includes the NIA, the SASS, the Crime Intelligence component of the South African Police Service (SAPS), and the Intelligence Division of the South African National Defence Force (SANDF). Furthermore, it established the National Intelligence Coordinating Committee (NICOC), a senior council bringing together the heads of the services. This Act also created the Ministry of Intelligence, with direct authority over the NIA and the SASS. The Minister was responsible for the supervision and general superintendence of the intelligence services, policy formulation, guidance and direction of transformation processes, and the general conduct of intelligence.[64] Finally, it is important to mention the Committee of Members of Parliament and Inspectors General of Intelligence Act 1994, which created the Office of the Inspector-General of Intelligence (OIGI) and the parliamentary Joint Standing Committee on Intelligence (JSCI).

The post-Apartheid mandates, functions, agencies, and controls of the South African national intelligence system rapidly converted South Africa into a model for democratic governance of developing countries,[65] with intelligence legislation and governance arrangements favorably comparable

[62]The full text of executive decrees, law projects, and legislation is available at <http://www.senado.gov.co/az-legislativo>. The full text of the Colombian Constitutional Court rule (Sentencia C-913/10) is available at <http://www.corteconstitucional.gov.co> (accessed 12 October 2011).

[63]This is not as obvious as it seems. During the context of profound political change, as during the transition to democratic regimes, the intelligence subsystem usually is marginalized or even excluded from the democratization and security sector reform agendas. For an interesting view about the constitution as a primary frame of the maintenance and the transformation of South Africa's Intelligence, see Laurie Nathan, 'Intelligence Bound: The South African Constitution and Intelligence Services', *International Affairs* 86 (2010) pp.195–210.

[64]See <www.gov.za/ministry/intelligence.php> (accessed 23 July 2011).

[65]Lauren Hutton, 'Looking Beneath the Cloak: An Analysis of Intelligence Governance in South Africa', ISS Paper 154 (2007) pp.1–24.

with those in more established democracies.[66] However, the new system was not free of institutional frictions. First, to implement the *Batho Pele* process in the intelligence services was at least as hard as doing it in the Police or Armed Forces.[67] Changing deeply ingrained organizational cultures formed in the historical context of the Apartheid regime and the struggle against it proved very challenging for the new South Africa. As a result of this political and historical structure, a secretive intelligence mindset and the belief that bending the rules can enhance effectiveness are features of South Africa's intelligence culture.[68]

Though the effectiveness of South African intelligence services has never been an item of public questioning, there were several reports criticizing the misconduct of intelligence officers or questioning the legality of specific acts. The NIA, in particular, was accused on several occasions of illegal spying, partisan involvement, political interference, and the use of overly intrusive methods.[69] The legitimacy issues peaked in 2005, breaking the tension threshold as the biggest crisis of contemporary South Africa's intelligence history erupted.

In 2005, Ronnie Kasrils, the then minister of intelligence, received a complaint from a senior member of the African National Congress (ANC) about the NIA's illegal surveillance operations. Kasrils requested the Inspector General to investigate the case, which found that 'the National Intelligence Agency (NIA) had conducted illegal surveillance and that the Director General of the Agency, Billy Masetlha, had unlawfully intercepted the communication of ruling party and opposition politicians'.[70]

The origins of this case were in Project Avani, an intelligence project aimed to estimate the impact of the ANC's presidential succession dispute on the stability of the country. Through this project the NIA had allegedly intercepted emails from high-profile political figures purportedly conspiring to thwart Jacob Zuma's bid to become the ANC president. After investigations by the Joint Standing Committee on Intelligence (JSCI) and

[66]Keneth Dombroski, 'Transforming Intelligence in South Africa' in Thomas Bruneau and Steven Boraz (eds.) *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness* (Austin, TX: University of Texas Press 2007) pp.241–68. See also Nathan, 'Intelligence Bound', pp.195–210.

[67]*Batho Pele* is a Sesotho word meaning 'People First'. It was an initiative launched in 1997 to transform the South African Public Service at all levels. In the Armed Forces and the Intelligence it also meant to amalgamate the former enemy organizations into a new and cohesive system.

[68]For a historical analysis of South Africa's intelligence services since the Apartheid period and during the transition towards the democratic regime, see Dombroski, 'Transforming Intelligence in South Africa', pp.241–68, and also Kevin O'Brien, 'South Africa' in Farson et al. (eds.) *Handbook of Global Security and Intelligence,* pp.619–48.

[69]See Greg Hannah, Kevin O'Brien and Andrew Rathmell, *Intelligence and Security Legislation for Security Sector Reform,* Technical Report Prepared for United Kingdom's Security Sector Development Advisory Team (Rand Report, June 2005).

[70]Laurie Nathan, 'Lighting up the Intelligence Community: An Agenda for Intelligence Reform in South Africa', *African Security Review* 18/1 (2009) pp.91–2.

the Office of the Inspector-General of Intelligence (OIGI), the Inspector-General concluded that the emails had been fabricated and recommended disciplinary action and criminal charges against those responsible. Minister Kasrils fired two senior NIA officials found responsible for the mischief and President Mbeki dismissed Masetlha in March 2006.[71]

Although the crisis was in a part a result of the lack of proactive oversight of intelligence activities, it also constituted an important stress test to the *ex post* functioning of oversight and external control mechanisms.[72] The Inspector General, the Ministry of Intelligence, and the JSCI performed well and played a vital stabilizing function to the intelligence subsystem by helping it to improve and adapt. However, as the intelligence related crisis was also a manifestation of the internecine conflict within the ANC between the Mbeki and the Zuma camps, the crisis continued to evolve.

In 2006, among other emergency measures, Kasrils summoned a special commission to review legislation related to intelligence.[73] The Ministerial Review Commission on Intelligence, consisting of the Chairperson Mr Joe Matthews, Dr Frene Ginwala, and Mr Laurie Nathan, after long comparative research into intelligence control mechanisms and a series of discussions with government and top officials of the South African government, submitted the final report in August 2008. The recommended reforms concerned intelligence adherence to the constitution; the Intelligence White Paper; ministerial control and responsibilities; the mandate of the NIA; and intrusive measures and transparency.

One month after the final report's submission, on 25 September, Kasrils resigned from his post in solidarity with President Mbeki, who had resigned from the Presidency the day before, after he was recalled by the African National Congress's National Executive Committee. However, 'on the eve of his departure Kasrils declassified the commission's report, resulting in an unprecedented public disclosure of classified intelligence policies. The NIA attempted unsuccessfully to block the publication of the report'.[74]

[71]Nathan, 'Intelligence Bound', p.199.

[72]For a historical analysis of South African intelligence accountability mechanisms, see Kevin O'Brien, 'Controlling the Hydra: A Historical Analysis of South African Intelligence Accountability' in H. Born, Lock Johnson and Ian Leigh, *Who's Watching the Spies? Establishing Intelligence Service Accountability* (Washington, DC: Potomac Books 2005); Hutton, 'Looking Beneath the Cloak', pp.1–24; Lauren Hutton, 'Intelligence and Accountability in Africa', ISS Policy Brief no. 2 (2009).

[73]'In the wake of the crisis Kasrils took three measures aimed at preventing further acts of illegality, all of them expressly promoting the constitution as the primary basis for the good conduct, socialization, and reform of the intelligence services. First, he issued a statement entitled "Five principles of Intelligence service professionalism" (...) Second, Kasrils instructed the intelligence chiefs to develop a civic culture education programme for the services in order to promote and entrench a culture of respect for the constitution and the rule of law'; Nathan, 'Intelligence Bound', p.201. See more about these measures in Ronnie Kasrils, 'To Spy or Not to Spy? Intelligence and Democracy in South Africa' in Lauren Hutton (ed.) *To Spy or Not to Spy? Intelligence and Democracy in South Africa* (Pretoria: ISS Monograph 157 2009).

[74]Nathan, 'Lighting up the Intelligence Community', p.93.

South African public attention was focused on the government crisis; as a result, the final reports were not utilized as a pressing instrument to recall the intelligence reform to the political agenda of the macro-system. When intelligence reform finally came a year later, it was not what the Commission had in mind.

Through Proclamation number 59 of 2009, the new President Jacob Zuma established the State Security Agency (SSA).[75] The new agency, led by its first director Ambassador Mzuvukile Maqetuba, was placed under the authority of the Minister of State Security (formerly known as the Minister of Intelligence Services). The new organization brought together as departments of the SSA the main agencies of the former intelligence dispensation. The former National Intelligence Agency (NIA) became the Domestic Branch, the former South African Secret Service (SASS) became the Foreign Branch, and the South African National Academy of Intelligence (SANAI) became the Intelligence Academy. The organizational structure of the SSA also comprises the National Communications branch, which brought together the former National Communications Centre (NCC), the former Office of Interception Centres (OIC), and the Electronic Communications Security Pty Ltd (COMSEC).

The new SSA priorities were distilled by President Zuma and the new Minister of State Security, Dr Siyabonga Cwele, in a series of public addresses in 2010 and 2011. Unsurprisingly, the SSA intelligence priorities are terrorism, sabotage against critical infrastructure, subversion, counter-espionage, border management, corruption, and organized crime.

More important, the rationale for the centralizing approach of this reform was presented by Minister Cwele on the occasion of the Parliament budget vote in Cape Town, in June 2011:

> (1) The development of an integrated and focused multi-source collection capability that advances our national (sic) and mitigate against threats identified in the National Intelligence Estimate. (2) The development of a highly effective and target driven counterintelligence capability to defend our country's national interests; and (3) These priorities will be supported by focused skills development, improved analytic and technical capabilities, good corporate governance, accountability and an organizational culture that carefully balances secrecy required to achieve our mandate and openness based on sound values of commitment to democracy, loyalty and professionalism.[76]

The intended goals of that reform were directed more at improving effectiveness than legitimacy. Basically, they represented a departure from an

[75]Additional Proclamations 912, 913, 914, and 915 were made to address each of the former independent agencies as they were transformed into SSA branches. The proclamations were made under the Presidential authority provided by the National Intelligence Act, 1994 <http://www.ssa.gov.za> (accessed 10 September 2013).

[76]Address by the Minister of State Security, Dr Siyabonga Cwele on the occasion of state security budget vote, 2 June 2011 <http://www.nia.gov.za> (accessed 23 September 2011).

institutional design inspired by the New Public Management vogue, which was deemed inefficient and ineffective in the case of Defense and Intelligence in South Africa. However, since the Parliamentary Joint Standing Committee on Intelligence (JSCI) and the Office of the Inspector-General of Intelligence (OIGI) have also grown stronger after the prolonged crisis, the net effect seems, counter intuitively, to be a better equilibrium between legitimacy and effectiveness it the South African intelligence system.

India: A More Powerful System after Mumbai with Even Fewer Democratic Controls

The Intelligence Bureau (IB), the Research and Analysis Wing (RAW), and the Defence Intelligence Agency (DIA) constituted the core of the Indian national intelligence system until 2008.[77] The IB is responsible for collecting and disseminating intelligence on all matters related to internal security, including law and order, counterterrorism, counterinsurgency, VIP security, and counterintelligence. Initially, the IB was also responsible for external intelligence. Due to a lack of intelligence analysis on China and Pakistan prior to India's 1962 and 1965 wars, then Prime Minister Indira Gandhi created the Research and Analysis Wing (RAW) as India's first civilian foreign intelligence agency in 1968. Thus the RAW became responsible for collecting and disseminating intelligence related to external security, including political, military, economic, scientific, and technological issues. The RAW is subordinated to the Prime Minister, while the IB answers to the Minister of Home Affairs. The DIA, created by the 2002 reform, was the result of a series of military demands for better organization among the intelligence agencies. Directly subordinated to the Ministry of Defense, the DIA analyzes and assesses military intelligence from the perspective of the armed forces as a whole and also coordinates the directories of military, air force and naval intelligence.[78]

The Joint Intelligence Committee (JIC) is responsible for coordinating and integrating all source analysis. The JIC is subordinate to the National Security Advisor (NSA), which serves the National Security Council (NSC), the highest inter-ministerial body for decision and coordination of strategic policies in India. Under the direct authority of the NSA, there is also the National Technical Research Organization (NTRO), which is a relatively autonomous agency responsible for reconnaissance missions and surveillance satellites. The NTRO also has direct authority over an All India Radio Monitoring Service (AIRMS). The Aviation Research Center (ARC), in turn, used to be a department of the RAW before growing such in size and importance as to become independent from the Wing. Being responsible for aerospace platforms as well as reconnaissance and surveillance aircraft, the ARC is now a direct subordinate of the NSA and aims at collecting and analyzing imagery.

[77]See Robert Henderson, *International Intelligence Yearbook*, 2nd ed. (Washington: Brassey's 2004).
[78]See Rahul Roy-Chaudhury, 'India' in Farson et al. (eds.) *Handbook of Global Security and Intelligence*, pp.211–29.

The three Armed Forces have their own intelligence sector: the Directorate of Military Intelligence (DMI), the Directorate of Naval Intelligence (DNI), and the Directorate of Air Intelligence (DAI). The most relevant agency within the Armed Forces is the DMI, which has its own Signals Intelligence Directorate (SID) – Indian's largest *sigint* agency – and for *imint*, the Defence Image Processing and Analysis Centre (DIPAC). Moreover, the DMI is also responsible for India's *humint*, mainly in the border regions with Pakistan and Bangladesh. The Joint Cipher Bureau (JCB) is another agency subordinated to the Ministry of Defence: its primary function is supplying the government with values and codes intercepted and solved. The JCB is also responsible for signals intelligence and cipher activities and for providing coordination and direction to other military service organizations with missions similar to the SID.[79]

India's vast intelligence system has evolved over the years by increasing its level of functional specialization, mainly in response to failures. Before the Mumbai attacks, the previous broad reform of the intelligence system had been in 2002 and resulted from a 1999 report by the Kargil Review Committee (KRC) – the first official report made public on an intelligence failure. The main goals of this reform were to improve the system's surveillance capacity and to avoid security failures like those reported by the KRC. The most important innovations settled by this rearrangement were the reorganization of military intelligence through the creation of the Defence Intelligence Agency (DIA), and the technical update of captured image and signals, economic intelligence, and counterintelligence data.[80]

However, the terrorist attacks of 26 November 2008 in Mumbai unleashed a new intelligence and security-related crisis. The combined attacks left at least 172 victims. Evidence suggests that Lashkar-e-Taiba (LeT), a terrorist group based in Pakistan, was responsible for the attack. The group landed on the beaches of Mumbai with a captured Indian fishing boat and used small weapons – such as automatic rifles, pistols, machine guns, and grenades – to perform multiple simultaneous attacks in different locations. The complexity of the attack, the audacity and ambition of the objectives, the diversity of the targets, and the length of the raid – it took about 60 hours until the Indian security forces were able to neutralize the terrorists – led to public criticism and perception of a major intelligence failure.

According to a study performed by the RAND Corporation,[81] the Mumbai attacks underscored several weaknesses in the structure of counterterrorist security of India. Among the key weaknesses were the failures of intelligence, especially regarding the lack of coordination between the central intelligence agencies – RAW and IB – and the local police; and problems of coastal surveillance including the lack of personnel, equipment, and appropriate

[79]IBPUS, *India: Intelligence & Security Activities and Operations Handbook*, 4th ed. (Washington, DC: International Business Publications 2008) p.55.
[80]Rahul Roy-Chaudhury, 'India', 2009.
[81]Angel Rabasa et al., *The Lessons of Mumbai* (Santa Monica, CA: RAND Corporation 2009) pp.9–12.

resources of the Coast Guard. The response was also too slow, as the first local army contingent arrived at the attacks location five hours after they had started, and the special unit of the National Security Guard (NSG), the 'Black Cat Commandos', began the first operations of search-and-rescue (SAR) only after a delay of nine hours. Local police were passive in the face of the situation; lacking adequate counterterrorism training and not knowing exactly what to do, their weapons and personal protection were also much poorer than those of the terrorists.[82]

Furthermore, the 2008 terrorist attack in Mumbai was not the deadliest. In July 2006, a series of simultaneous bomb attacks in the city's train system killed nearly 190 people. However, despite its magnitude, the attack of 2006 and other previous attacks were not able to draw the attention of the macro-political system to the internal security problems. The main difficulties in capturing the attention of the political system for security reforms are inter-agency disputes and legal uncertainties as to the jurisdiction of each federal and state level entity. Up to 2008, relatively few initiatives had been taken by the federal government, for internal security is the responsibility of each state government.

According to Fair,[83] the factors that explain why the Mumbai attacks were able to trigger reform processes in homeland security and intelligence, unlike the other attacks, are the clear foreign nature of the attack itself and blanket coverage by the media; the strong mobilization of the Indian corporate elite in connection with the need for India to deal with national security; the regional and global strategic context in which the event was inserted, and the initiative of specific political leaders.

Days after the Mumbai attacks, Home Minister Shivraj Patil resigned his position and was replaced by then Minister of Finance C. Chidambaram. On 11 December 2008, with the support of Prime Minister Manmohan Singh, Chidambaram announced a series of proposed reforms to internal security, including the creation of a Coastal Command, the establishment of 20 counterterrorism training centers, a counterterrorism task force with units deployed in various states, the creation of a national agency to investigate terrorist activities, and the tightening of anti-terrorist laws.[84] Just six days later, the lower house (Lok Sabha) and the upper house (Rajya Sabha) of the National Congress approved amendments to the Indian Unlawful Activities (Prevention) Act 1979 'to incorporate more stringent provisions for search and arrest of suspected terrorists, filing of charge sheet, speedy trial in a special court, power of detention (up to 180 days), public prosecutor's plea to be heard before granting bail, and so on'.[85] It also established the National Investigation

[82]For a more detailed description of the relationship between intelligence and security in India see N.C. Ashtana and Anjali Nirmal, *Intelligence and Security Management* (Jaipur: Pointer 2004), especially parts IV and V.

[83]C. Christine Fair, 'Prospects for Effective Internal Security Reforms in India', 2011 <http://ssrn.com/abstract=1885488> (accessed 20 August 2011).

[84]Ibid.

[85]Subhash Sharma and Devendra Mishra, 'Terrorism: Problem and Prospects', *The Indian Police Journal* 58/3 (2010).

Agency (NIA) to be responsible for counterterrorism intelligence. Despite the establishment of NSG units in different cities (Mumbai, Kolkata, Bangalore, Chennai, and Hyderabad), problems of equipment, transportation, and logistics have yet to be addressed.

Although several similar changes were examined, suggested, and even enacted into law in 2002, many of them only became effective after the 2008 attacks in Mumbai. An example of this is the operational activation of the Multi-Agency Centre (MAC), whose primary function is improving interagency cooperation through the analysis and dissemination of information to the integrated agencies in real time.

The National Intelligence Grid (NATGRID) is part of the 2008 reform project, being a large nationally integrated database that can be accessed by all security agencies in the country. The NATGRID, originally scheduled for 2011, was finally approved by the Cabinet Committee of Security and entered into operation in 2012. Considering the efforts to improve inter-agency information flow, the Crime and Criminal Tracking Network and Systems (CCTNS), expected to complete by 2015, will connect India's 16,000 police stations in order to improve crime control and respond to the challenges of counterterrorism.

Another major project launched by Chidambaram was the National Counter-Terrorism Center (NCTC), which was supposed to start operation in late 2010. The NCTC would be responsible for directly coordinating the activities of the NIA, NTRO, JIC, and NSG, while the RAW, ARC, and CBI would cede part of their staff and resources to the new agency.[86] The objective would be to centralize counterterrorism-related intelligence efforts to increase the effectiveness and the capacity to cooperate among agencies.

The creation of the NCTC was the biggest challenge for the proposed Chidambaram reforms, for it would establish a new power configuration, both in the macro-system of Indian government and in the subsystem of security agencies. The empowerment of the Ministry of Home Affairs is grounded on the argument that it is necessary for the Ministry to focus exclusively on internal security. This ended up weakening the role and relevance of the NSA, who previously reported directly to Prime Minister, but now would start to attend daily meetings at the Ministry of Home Affairs. Creating the NCTC further weakens the NSA, since it would lose the direct and exclusive command of the JIC, NTRO, and ARC. Essentially, from day one the central intelligence agencies in India tried to block the creation of the NCTC. For example, the RAW did not accept the transfer of part of its staff and resources and was unwilling to lose its direct channel of communication with the Prime Minister. Also, the IB did not accept losing its role of protagonist in the fight against terrorism. Besides, the NCTC did not emerge until 2013 because of strong opposition from non-Congress state chief ministers.[87]

[86]Fair, 'Prospects for Effective Internal Security Reforms in India', p.25.

[87]Ibid, p.26. See also 'Centre May Make Fresh Attempt to Push NCTC' <http://articles.timesofindia.indiatimes.com/2013-07-09/india/40467981_1_anti-terror-body-nctc-national-counter-terrorism-centre> (accessed 14 September 2013).

Chidambaram was harshly criticized for what was perceived as his failure to tackle left-wing Naxalite-Maoist insurgency and to prevent the July 2011 Mumbai bombings, and when he finished his stint as Home Minister and became Finance Minister again in 2011, the NCTC had lost its main political support.

Although the reforms were not completed, the new institutional configuration of internal security in India promoted by Chidambaram may increase the effectiveness of the intelligence services. But it also has contributed to further weakening of external control mechanisms of intelligence and security agencies, which may, in the long term, compromise the legitimacy of the system.

Conclusion

After reviewing intelligence-related institutional crises in Brazil, Colombia, South Africa, and India, we can summarize the results of our observations in Table 1.

As explained by Punctuated Equilibrium theory, institutional crises are inevitable due to the complex nature of networked agents' (individuals or institutions) decision processes, enhanced by tensions between security and democracy. Crises affect the evolution of national intelligence systems by increasing the demand for better effectiveness and legitimacy. However, the actual change resulting from each of the intelligence related crises studied here depended on the degree of functional specialization already present in the system, as well as the degree of external public control. The kind of issue (legitimacy or effectiveness) causing the breaking of a tension threshold between retarding and transforming forces was also important, but not decisive.

In South Africa, a more established mechanism of democratic external control provided for a more balanced result concerning the legitimacy and effectiveness requirements when President Zuma decided to engage in the wholesale transformation of the intelligence system profile. At the same time, a higher degree of functional specialization made the national intelligence system better prepared to adapt itself and improve its effectiveness. South Africa has experienced the biggest institutional impact coming out of an intelligence crisis among the four cases.

In stark contrast, Colombia had a low degree of functional specialization among its virtually independent intelligence services, a very low level of external control, and long-standing concerns about legitimacy due to established practices of political espionage and obscure links with paramilitaries and drug traffickers. The *chuzadas* case was not the first intelligence-related crisis to bring into question the legitimacy of the DAS and the need to reform Colombian intelligence. Unfortunately, despite great political turmoil associated with the intelligence crisis, the higher friction rate and the delay of another attempt to reform the system indicate that a new intelligence crisis looms further down the Colombian road.

Brazil and India, the bigger players, showed a more mixed picture. In Brazil no one seems to worry much about intelligence effectiveness, as long as the

Table 1. Intelligence Crises and Institutional Change in Four Countries.

		Brazil	Colombia	South Africa	India
Independent variables	Degree of functional specialization inside the national intelligence system before the crisis	Low	Low	High	High
	Degree of external public control over the national intelligence system before the crisis	Medium	Low	High	Low
	Main driver of the intelligence crisis: Legitimacy (L) or Effectiveness (E)	L	L	L	E
Dependent variable	Amount of institutional change in the aftermath of the intelligence crisis	Low	Low	High	Medium

SISBIN members play by the democratic rules of the game. The country is characterized by a low level of functional specialization among its intelligence agencies, as well as by a weak presence of external control mechanisms, and punctuated attention to legitimacy issues concerning specific operations, attitudes, or particular institutional arrangements (the role and the proper place of the ABIN, for instance). The 2008 crisis, despite the fall of another ABIN Director-General and renewed public discussion about intelligence in the national political macro-system, has yet to bring any institutional change. The emergent issues associated with South America integration, greater global involvement, and big events to be held in the country from 2012 to 2016, combined with the strong managerial profile of President Dilma Rousseff and renewed political conflicts in the streets, may transform intelligence effectiveness into a more prominent item of the Brazilian policy-making agenda.

In India nobody seems to worry much about intelligence legitimacy. Its national intelligence system is bigger and much more differentiated, presenting a higher level of functional specialization. However, the main intelligence agencies in India are simply not accountable to Parliament. On top of a low degree of external control, an intelligence crisis driven by effectiveness concerns regarding counterterrorism capabilities was followed by partially frustrated reforms, despite the amount of technical, budgetary, organizational, legal, and political clout brought by Union Minister of Home Affairs, P. Chidambaram.

In the four cases, the transformational burst generated by the crisis was difficult to turn into substantial changes. The NATGRID delays and the opposition towards NCTC in India, the failed reforms in Colombia, and the institutional *stasis* in Brazil illustrate the point. Again, the unanticipated turn reforms experienced in South Africa is the outlier case in our study. Unfortunately, the more common result regarding intelligence systems seems to be a high rate of crisis recurrence.

Much more comparative research is necessary to assess intelligence systems in various countries, effectively testing if less functionally differentiated and less democratic controlled ones are more prone to crisis and learn less from its

recurrent crises.[88] Punctuated Equilibrium theory is just one of the tools available to those committed to such an endeavor in the years ahead.

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[88]Warner, 'Building a Theory of Intelligence Systems', p.37.

Comparing Intelligence Democratization in Latin America: Argentina, Peru, and Ecuador Cases

EDUARDO E. ESTÉVEZ

ABSTRACT This article aims to contribute to the understanding of the intelligence democratization process in new democracies comparing three South American countries: Ecuador, Peru, and Argentina. With a background of authoritarian legacies ('political police' style intelligence agencies controlled by the military) under particular political circumstances and changing strategic environments, these countries experienced disparate trajectories, prescriptions, and outcomes in their efforts to reform their intelligence communities. Drawing on new institutionalism, historical moments and relevant events shaping the dynamics of intelligence democratization are highlighted for each case, depicting failures and successes, and identifying drivers of change.

Introduction

Characterized as a 'Sisyphean effort', democratization of intelligence is not an impossible undertaking,[1] but certainly not an easy one. Since the 1980s, Latin American democracies engaged in reinstating democratic values and practices and on holding the military accountable, while eventually reviewing their violent pasts. Concurrently, most of these countries are still overcoming the authoritarian legacy of intelligence agencies that acted as 'political police', even performed criminal activities affecting human rights on grounds of national security, counterterrorism, or plainly regime protection. According to a recent assessment, South American intelligence agencies

[1]Thomas Bruneau and Cris Matei, 'Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness' in L.K. Johnson (ed.) *The Oxford Handbook of National Security Intelligence* (Oxford: Oxford University Press 2010) p.771.