



Proposal for a National Intelligence System in Chile

Introduction

The recent explosive attacks in Santiago, the deterioration of security in the Araucanía, the criminal pressures on the northern border and the cyber-attacks against banks demonstrate the urgent need for better intelligence work. Without underestimating their seriousness, the scale of these cases means that it is still possible to stop them from growing if the right decisions are made based on information collected, organized and analyzed for that purpose.

For 2,500 years, in both the East and the West, Herodotus, Thucydides and Sun Tzu have written about the need for useful information, not only for the strategic handling of an armed conflict, but also for the political leadership of a State. In the 21st century, there is a broad consensus that the instruments of national power of a State for the achievement of its objectives are summarized in the acronym DIME — Diplomacy, Information, Military and Economy.

Information is a key and decisive factor in gaining power and advantage, and in decision-making, negotiation and management processes at all levels. And a country that seeks to become developed, such as Chile, must have a modern intelligence apparatus that can interpret information related to national and public security, which cannot be obtained from open media and commercial sources.

This new intelligence system should be based on new technologies, a deep professional preparation of its members and a regulatory control framework and controls that looks after

both individual rights and freedoms and provide tangible results. In this new working document, the AthenaLab team announces its proposal.



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AUGUST 2019

Executive Summary

- The design and operation of a national intelligence system puts its entire society to the test, requiring the State to make timely decisions in its quest for security.
- An intelligence system is a network composed of organizations and the relationships between them, with the purpose of producing valuable knowledge for the authority's decision-making process.
- Once the national political leader defines the country's objectives, the assessment of risks and threats to these objectives will be the technical tool to prioritise search efforts and information processing in order to prepare the State, in advance and with due opportunity, to take all necessary actions to ensure the security and integrity of the nation.
- Every organism of the national intelligence system must be a consubstantial part of a national security architecture. Normally, there is a structure and an intelligence coordinator at the highest level.
- Every intelligence system must identify its potential clients and the products it will prepare to satisfy the needs of their respective stakeholders, in the context of legal, legislative and accountability measures, according to the available means.
- After analysing the models of the United States, United Kingdom, Spain and Brazil, what has shown to be most relevant is having a superior national security structure with the intelligence system at its disposal, which must be efficient and robust enough to confront risks, threats and opportunities.
- The lack of an intelligence system is a vulnerability that can lead a country to pay a high cost in lives and economic damages, thus significantly affecting national interests
- Most intelligence systems have a single person responsible at the national level, who reports directly to the President of the Republic or the Prime Minister.
- In every consolidated democracy, intelligence work is highly appreciated and necessary to improve and optimise the political decision-making process, as well as to protect the population, its sovereignty, well-being, development and national interests.
- The National Intelligence Agency (NIA) is the coordinating body of the highest level of the intelligence system in Chile, but can only receive what is produced by other organizations regarding internal and external issues.
- A National Security Council (NSC) must be created, which can be permanently responsible for interagency coordination of all security problems that affect national interests, as well as the figure of the respective National Security Advisor.
- The NIA and its director need to be empowered as effective coordinators of the entire intelligence system, since this agency

must be responsible for providing intelligence to the President, Ministers and the NSC. Therefore, it must have an intelligence fusion centre.

- Incorporate information from research and analysis offices of the Ministries of Foreign Affairs, Finance, Economy, Science and Justice; the Internal Revenue Service, and the Financial Analysis Unit.

From National Interests to the need for information

There are multiple ways to define intelligence, depending on its focus. It may be in the form of obtaining information, in the process itself, its products, the institutions that make up the intelligence systems or the laws that govern the procedures. But in the broadest sense, intelligence is useful information, in that it is a purpose-oriented product, where the information collected and processed is permanent input in decision making.

Like any process, the production of intelligence is an activity that demands resources and therefore requires guidance, direction, control and leadership. It is the responsibility of the national political leader, in most cases the Executive, to establish the political objectives that will define the direction in which the country will move. This guide is indispensable in the practical realisation of intelligence production efforts. It is essential to have clarity in the objectives that satisfy national interests and govern the processes of planning, prioritisation and orientation of national efforts.

An intelligence system always operates in a particular environment, where the values professed by a given society are reflected in the checks and balances established to ensure individual freedoms and make them compatible with obtaining information necessary in safeguarding the community and the rule of law. In liberal democracies, the Legislature has a critical role in legally defining the architecture of the intelligence system of a given State, the establishment of each component's attributions and checks and balances, as well as its financing.

The Judicial System also plays an important role in rulings of jurisdictional disputes, transgressions of the law or possible offenses or crimes committed in obtaining and processing information. Finally, the Executive also needs to have control over his own intelligence apparatus so that it does not end up operating for its own interest.

The design and operation of a national intelligence system puts the entire society to the test, requiring the State to make timely decisions in its defense. In this task, through representatives in Congress, citizens agree to sacrifice part of their freedoms and rights as long as the necessary actions are carried out to preserve their security, development and well-being.

Once the national political leader defines the political objectives for the country, it becomes necessary to perform a technical analysis of the risks and threats that exist to achieve those objectives. The assessment of these risks and threats will be the technical tool that prioritizes information collection and processing efforts to prepare the State, in advance and with due opportunity, to adopt all necessary actions in order to ensure the security and defense of the nation, its territory, interests, way of life and values. This guarantees the self-determination of a people, their political independence, right to freedom and pursuit of happiness in an environment of peace and trust.

Review of different Intelligence Systems

A system is defined as a set of related elements that make up a whole. Consequently, an intelligence system is a set with an input (information, data); a process (analysis); and output units (intelligence or useful information, organized into different products). In other words, an intelligence system is a network composed of organisations and the relationships between them, with the purpose of producing valuable knowledge for the decision-making process. Since the value produced is quality information, whoever possesses it acquires power, and this can culturally become an obstacle between different components of the system if such information is not shared.

Every organism of the national intelligence system must be a consubstantial part of the national security architecture that they serve, in order to improve its respective decision-making process. This security architecture exists in many countries and is usually referred to as its "National Security Council". This gives rise to the "national intelligence agency" that is essentially political and comprises the highest level of the pyramid. It is where the most relevant organisations, belonging to the various instruments of power of a State, converge. Normally, there is a structure and a person in charge of this function at the national level.

A second level is "sectoral intelligence," that is, intelligence's internal and external organizations and activities. If the scope is internal security, intelligence organisations will normally be made up of police or law

enforcement and security forces. If the scope is external, relating to a traditional military threat, the organizations of the Armed Forces will normally be responsible for such activity. If the threat is external and outside the military realm, organisations of the foreign service will mainly be in charge of this issue, as well as external intelligence.

An intelligence system assumes the coordination of the various search methods, which include various types of intelligence (human intelligence, signals, measurement and signature, open sources, imagery, social media and others), with the purpose of processing such information through data management and analysis in order to produce useful knowledge.

Thus, every intelligence system must identify its potential clients and the products that it will prepare to meet the needs of their respective requesting parties, in the context of legal, legislative and accountability-control measures, according to the available means.

September 11, 2001 marked a "before" and "after" in the field of intelligence. We went from a sacrosanct principle of partializing information, to the need to share information across the different components of a system. Also, it became more relevant for human intelligence to discover the intentions of the adversary. This event and its subsequent research showed that technology is a good ally for intelligence, but it is not everything, and it revealed the culture of isolationism (or silo

mentality) in multiple existing intelligence agencies¹.

To assess the status of different intelligence systems, four models will be analysed, regarding their organization and execution; dependence and coordination; and controls and supervision by governmental and legislative entities. The models will be those of the United States, Great Britain, Spain and Brazil. The first two because they constitute advanced models, the third, an intermediate organization, and Brazil because of its similarities to the reality of Chile.

UNITED STATES OF AMERICA

The US intelligence system is made up of 17 organisations, which produce valuable intelligence for the decision-making processes of the government, cabinet and key institutions.

(CIA), and the legal protection of the sources and means of such.

The US intelligence community, as it could also be called, was modified as a result of the events that occurred on September 11, 2001. There are now two independent agencies: the Office of the Director of National Intelligence (ODNI) and the CIA.

The US intelligence system also has eight agencies in the defense sector: The Defense Intelligence Agency (DIA), the National Security Agency (NSA), the National Geospatial Intelligence Agency (NGA), the National Reconnaissance Office (NRO), and the intelligence agencies of the five branches of the Armed Forces: Army, Navy, Marines, Air Force and Coast Guard.



The promulgation of the National Security Act of 1947 was a milestone in the matter, since, along with creating the National Security Council, it gave birth to the Central Intelligence Agency

The remaining six services are the following: the Department of Energy's Office of Intelligence and Counterintelligence; the Department of Homeland Security's Office of Intelligence & Analysis (I&A); the Department of Justice's

¹ Final Report of the National Commission on Terrorist Attacks Upon the United States, available at <https://www.9-11commission.gov/report/911Report.pdf>

² Organisation chart of the US Intelligence System, The Washington Post. Available at: https://www.washingtonpost.com/video/national/americas-intelligence-community-explained/2014/06/05/0472893a-ecf3-11e3-b10e-5090cf3b5958_video.html?noredirect=on&utm_term=.0188a646a941

THE U.S. INTELLIGENCE COMMUNITY (IC)³



Central Intelligence Agency
Defense Intelligence Agency*
National Geospatial-Intelligence Agency*
National Security Agency*
National Reconnaissance Office*
Federal Bureau of Investigation
Drug Enforcement Administration, Office of National Security Intelligence
Department of Energy, Office of Intelligence and Counterintelligence
Department of Homeland Security, Office of Intelligence and Analysis
Department of State, Bureau of Intelligence and Research
Department of the Treasury, Office of Intelligence and Analysis

Intelligence components of the:

Air Force*	Combatant Commands*
Army*	Marine Corps*
Navy*	Coast Guard

Intelligence Budget:

FY 15 base appropriations requested for National Intelligence Program is \$49,4 billion.

FY 15 base appropriations requested for Military Intelligence Program is \$16,0 billion.

* Includes OCO funds.

Intelligence Workforce:

Approximately 120,000 military and government civilians

- The Director of National Intelligence provides oversight to the entire Intelligence Community
- The under Secretary of Defense for Intelligence (USD(I)) exercises the Secretary of Defense's authority, direction and control over the Defense Intelligence Agencies and Service Intelligence components (Indicated by asterisk)

Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA); the Department of State's Bureau of Intelligence and Research (INR); and the Department of the Treasury's Office of Intelligence and Analysis (OIA).

The table above shows the five Services, five Departments and six National Agencies, plus the Office of the Director of National Intelligence. The role of the latter is to ensure correct collaboration between the various agencies, departments and services, to avoid precisely what happened prior to the attacks of September 11, 2001, when the information that could have prevented the attacks was fragmented and not properly shared.

The objectives of the intelligence community are: to confront the challenges and threats to the interests of the United States; maintain intelligence advantages over potential adversaries; and tend to the integration of all intelligence produced in the community.

In the case of the US, the intelligence system is closely linked to national security because it⁴:

- Constitutes the first line of defense.
- Permanently informs and updates the authorities in charge of security policies.
- Allows and provides quality and specific intelligence for security operations.
- Provides the President with different options for decision making.
- Prevents strategic surprises.

³ Office of the Under Secretary of Defense for Intelligence APEX Presentation September 10, 2014. Available at: <https://slideplayer.com/slide/8218743/>

⁴ Ibid.

A relevant aspect is the control and surveillance of the US intelligence system. In this case, this control is exercised by both the Executive Branch and the Legislature.

The Legislative Branch includes Intelligence Committees of both the House of Representatives and the Senate. Both committees have the power to request information on all government intelligence activities.

On the other hand, the Executive has organisations and mechanisms to exercise its internal controls, such as the President's Intelligence Advisory Board (PIAB), as well as the Privacy and Civil Liberties Oversight Board (PCLOB). Additionally, there is an Inspector General of the Intelligence Community, as well as Inspectors in the various agencies and departments. The federal judicial field also examines a wide variety of intelligence activities, under the various laws that regulate its operation, as well as the United States Constitution itself. One example is the Foreign Intelligence Surveillance Court.

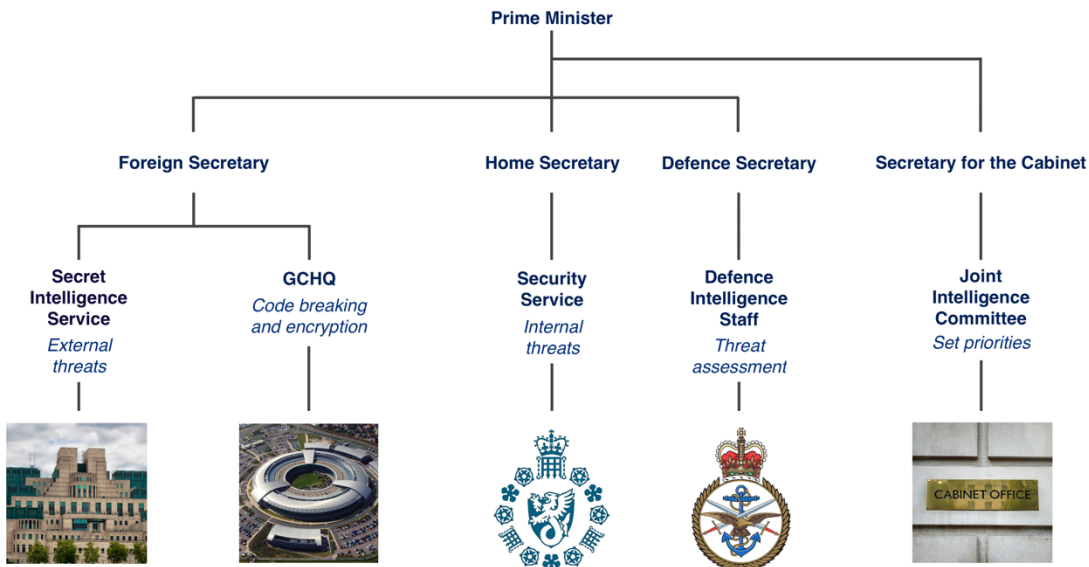
UNITED KINGDOM⁵

In the case of the United Kingdom, the National Security Council was structured in 2010, together with the dissemination of the respective security strategy. This body is responsible for coordination in strategic matters of security and intelligence in the British government, although its intelligence institutions are long-standing. Additionally, the Joint Intelligence Organisation produces independent intelligence assessments on relevant national security and foreign policy issues. The National Security Secretariat supports the integrated work of the National Security Council and the Joint Intelligence Organisation, respectively, which provide counsel to the Prime Minister and other

(SIS), commonly known as MI6 and the British Security Service (BSS), known as MI5. The names derive from the fact that the Secret Intelligence Service was section 6 of military intelligence, while the security service was section⁵.

The various agencies make up a true confederation of various organizations. The MI6 is a civil organization very similar to the United States' CIA, responsible for gathering external information and operating outside the United Kingdom. The MI5 is an organization very similar to the United States' FBI, in charge of internal security (counterintelligence) — mainly in the areas of counterespionage — preventing attacks or sabotage, subversion and theft of

BRITISH STRUCTURE OF INTELLIGENCE SERVICE



members of the cabinet regarding these issues. Both the Secretariat of the National Security Council and that of Intelligence are part of the Office of the Government Cabinet.

The two most recognized Intelligence organizations are the Secret Intelligence Service

state secrets. The service is led by a director general who reports to the Prime Minister through the Home Secretary. The MI5 does not have the power of order and public safety in terms of detaining individuals, but works closely with a special unit of Scotland Yard.

⁵ <https://www.gov.uk/government/groups/joint-intelligence-organisation>

Another important organisation in the intelligence community is the Defense Intelligence Service, which is very similar to the US Defense Intelligence Agency (DIA). This entity integrates the services of the various branches of the Armed Forces. Another organization is Communications Intelligence, which specializes in electronic surveillance and cryptology. Its operations are conducted from the Government Communications Headquarters (GCHQ) located in Cheltenham. The GCHQ has two functions: Monitor, intercept and decrypt information from those who pose a threat to the United Kingdom; and maintain the confidentiality of government information. Its composition is mostly civil, including computer experts, mathematicians, linguists, etc. This organization is under the responsibility of the British Foreign Office⁶.

Regarding the control of Intelligence activities in the United Kingdom, these are regulated by the Intelligence and Security Committee of Parliament (ISC), whose main responsibility is to oversee spending, administration, policies and, with some degree of limitations, the operations of the three key intelligence agencies, although it also has the power to control the work of other intelligence or security and public order agencies.

⁶ Established by the Intelligence Services Act of 1994. There are nine parliamentarians from each of the Chambers of the British Parliament and appointed by the Prime Minister.

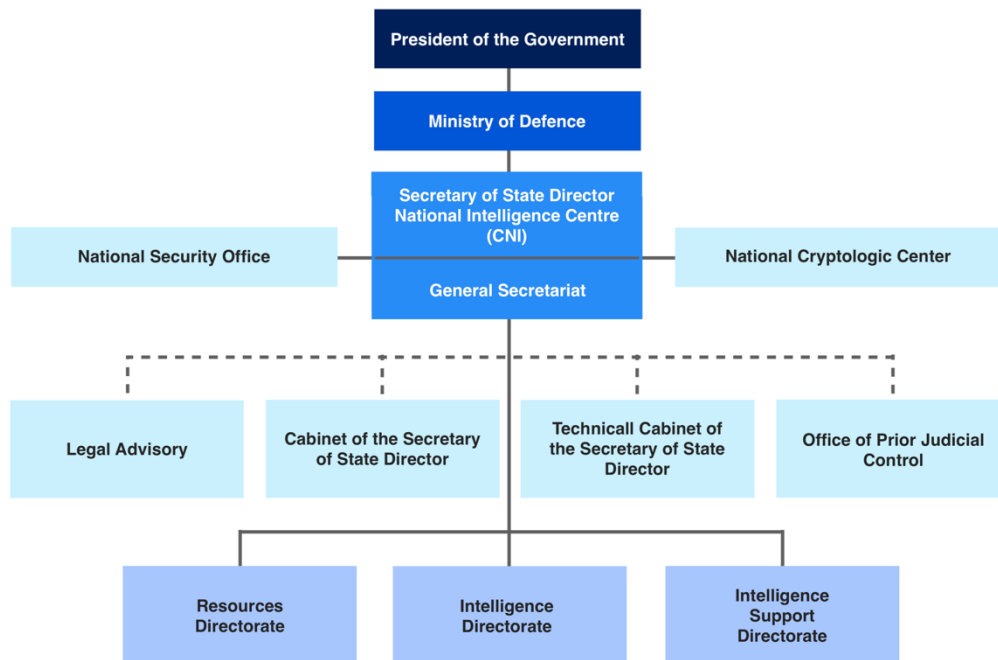
SPAIN⁷

The main Spanish intelligence service is the National Intelligence Center (Centro Nacional de Inteligencia, CNI), created in 2002. This body is responsible for providing the President and the central government with information, analysis, studies or proposals to prevent and avoid any danger, threat or aggression against the independence or territorial integrity of Spain, national interests, and the stability of the rule of law and its institutions. (Art. 1, Law 11/2002). The CNI is fully subject to the legal system and carries out its specific activities within the framework of the powers expressly established in Law 11/2002 and in Organic Law 2/2002 - regulator of prior judicial control.

between complementary areas to be agile and complete, while optimizing resources. In this sense, the CNI operates under the principle of coordination with other State information services.

This coordination is carried out by Government Delegate Committees for Intelligence Affairs (Art. 6 of Law 11/2002), which, according to Royal Decree 1886/2011, establishes the Government Delegated Committees, and subsequently rectified by a general provision published in the Official State Gazette number 5 of January 6, 2012, will be chaired by the Vice President of the Government and Minister of

STRUCTURE OF INTELLIGENCE SERVICE IN SPAIN⁸



It should be noted that the CNI groups activities that in other countries are separated into two or more intelligence services (intelligence and counterintelligence). This allows the coordination and exchange of intelligence

the Presidency, and composed of the Ministers of Foreign Affairs and Cooperation, Defense, Interior, of Economy and Competitiveness, the director of the Cabinet of the Presidency of the Government, the Secretary of State for Security

⁷ Information obtained from the website of the Centro Nacional de Inteligencia (CNI): <https://www.cni.es/es>

⁸ Figure extracted from the CNI website: <https://www.cni.es/es>

and the Secretary of State Director of the National Intelligence Center, who will act as the secretary of the Committee.

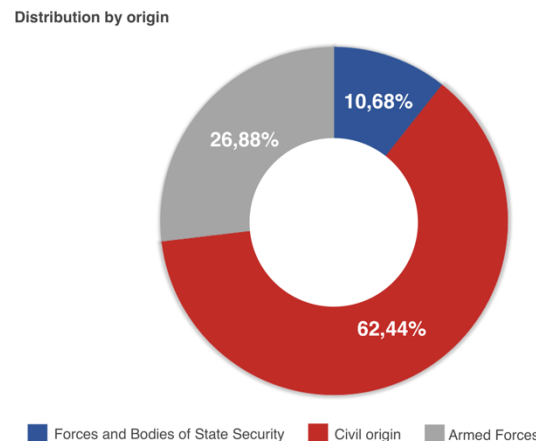
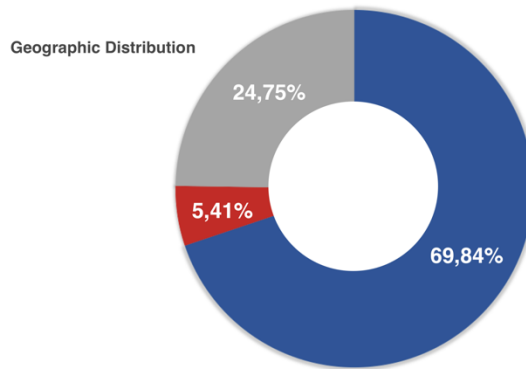
The National Intelligence Center depends organically on the Spanish Ministry of Defence and operates under the direction of the government, which determines its objectives annually through the Intelligence Directive. The CNI fulfills its missions both inside and outside Spain, by its own means and procedures.

The main recipients of the information that the CNI obtains and the analyses it prepares are the President and ministers. The ministries that receive these reports most frequently are those of Foreign Affairs and Cooperation, Defence and Home Affairs, without prejudice to other departments of the administration.

The geographical distribution of the CNI — considering its headquarters in Madrid, the rest of Spain and abroad — and the origin of its members can be found in the following tables taken from the website of the institution.

The structure of Spain’s intelligence system is mainly characterized by having a single body that addresses both national defense and internal security aspects. Regarding control, the CNI states that:

In all democratic states, intelligence services are subject to a series of controls that adopt different modalities depending on each country. In Spain, the three powers of the State currently exercise control over different aspects of the Center that fall within their respective fields of competence. Thus, the Executive, Legislative and Judicial branches supervise their work and guarantee that it is done effectively, and at all times, in favor of national interests and subject to the legal system.



The CNI is also subject to permanent control of the expenditure, in the terms of articles 157 and 158 of the General Budget Law, as well as presenting the Annual Accounts in the terms of articles 127 and onward of the General Budget Law to the year’s completion for the Audit of Accounts to be performed by the Delegate Controller of the General Intervention of the State Administration⁹.

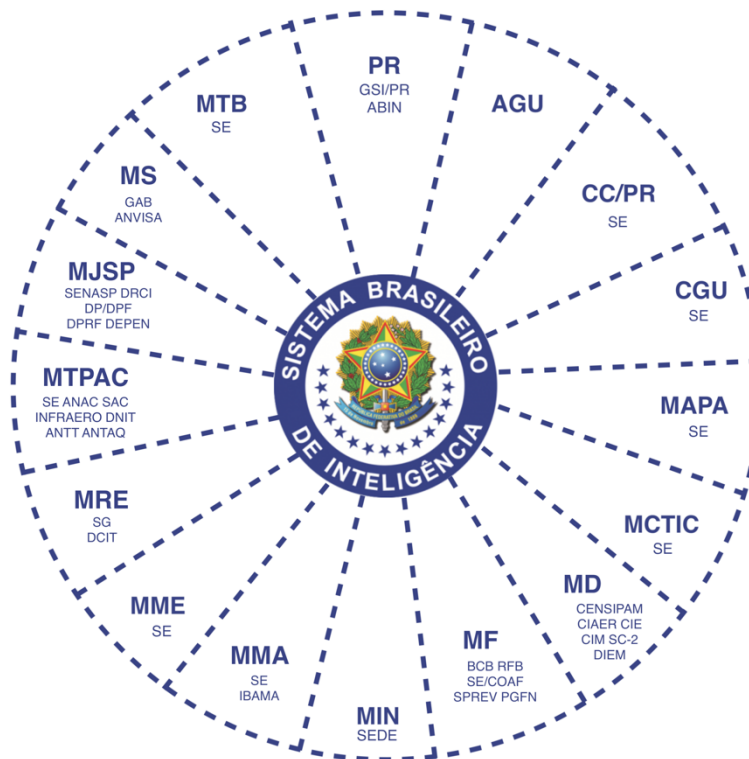
⁹ Available at <https://www.cni.es/es/queescni/controles/introduccion/>. Information obtained on July 30, 2019

BRAZIL¹⁰

Brazil's intelligence system is based on Decree-Law No. 4,376, of September 13, 2002, which implements and improves Law 9,883, of December 7, 1999 founding the Brazilian Intelligence System (Sistema Brasileiro de Inteligência, SISBIN). Today, 39 bodies from 20 ministries are part of the SISBIN. Originally, 21 bodies were part of the system, in accordance

The most relevant organizations are: the Intelligence Agency of Brazil (Agência Brasileira de Inteligência, ABIN), which constitutes the central organ of the SISBIN; the Ministry of Justice's Office of Intelligence Coordination of the Federal Police; and the Ministry of Defence's Department of Strategic Intelligence; along with the services of the three branches of the Armed

INTELLIGENCE SYSTEM IN BRAZIL¹¹



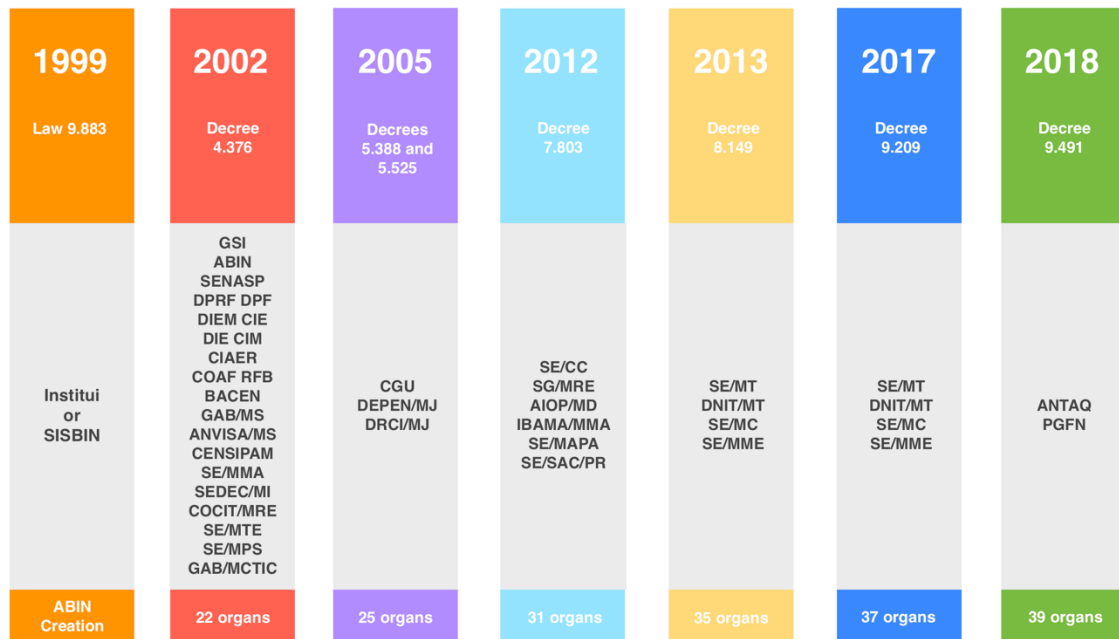
with what was established by Decree No. 4,376 of September 13, 2002, which regulates the law creating the SISBIN. Each SISBIN body acts to obtain and share strategic information within its area of competence and helps in the joint production of intelligence knowledge, on which the production of reports is based, whose purpose is to advise the Presidency of the Republic or for use by the members themselves.

Forces and of the General Staff of the Armed Forces; and the Secretariat for Institutional Security of the Presidency (Gabinete de Segurança Institucional da Presidência da República, GSI), which, according to the respective decree-law, constitutes the coordinating body for federal intelligence activities. Since 2002, ABIN has been defined through the guidance, supervision and control of the GSI.

¹⁰ Information obtained directly from the SISBIN website: <http://www.abin.gov.br/es/>, 29 July 2019.

¹¹ Ibid.

EVOLUTION OF SISBIN (law and organisations)¹²



The ABIN centralizes all intelligence activity in the country, both internal and external, as well as counterintelligence. The current structure of the ABIN was established in 2008, through Decree No. 6408. In 2014, in the context of establishing a control of intrusive techniques, Brazil sanctioned Law 12,965, also known as the Internet Civil Framework, through which it established the need for judicial authorization, as in many countries, in order to access private electronic data. This system has a high centralization of intelligence agencies, through ABIN, with its corresponding control and direction by the GSI. In this case, they are included in the system apart from the Armed Forces, and the Ministries of Security, Finance and Justice.

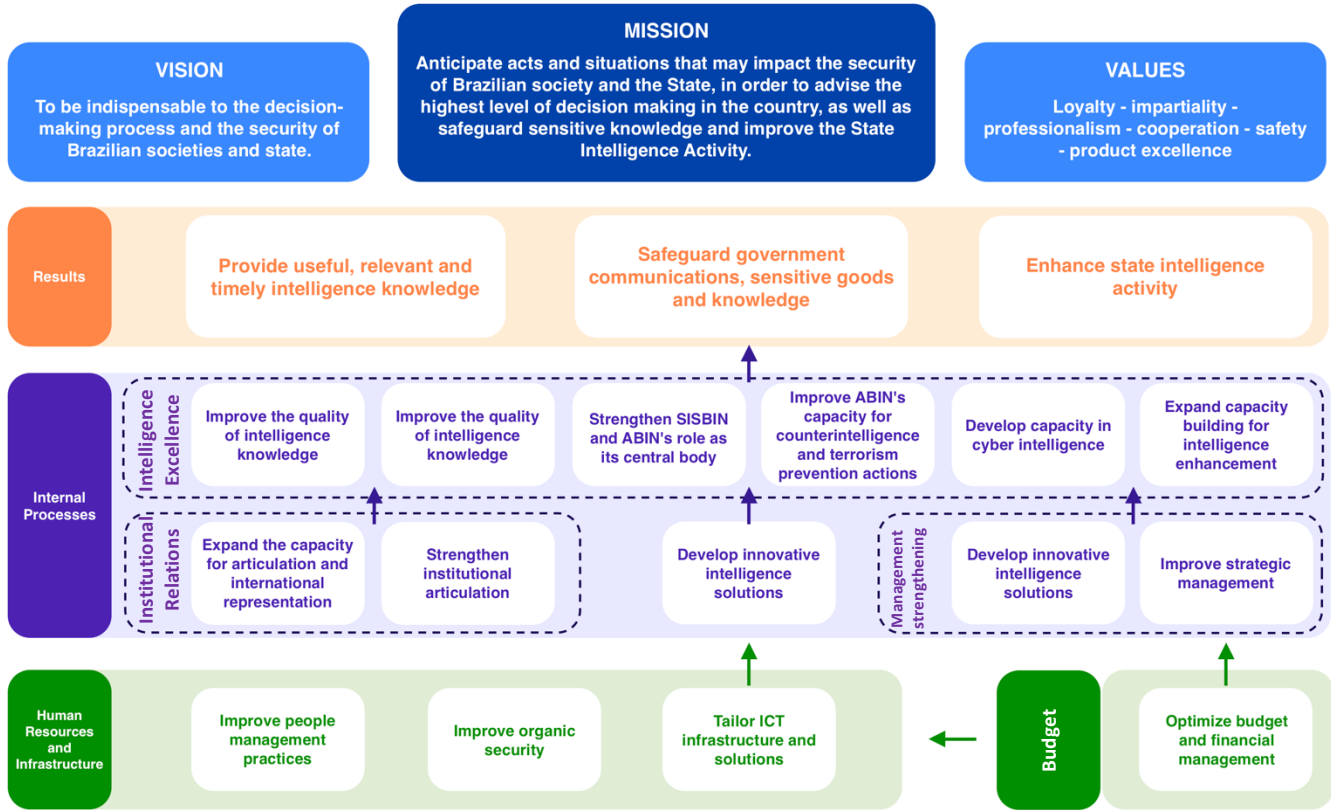
One final aspect is that Brazil has its own Intelligence School for the improvement of both ABIN and SISBIN members. In this system, intelligence control and external inspection operate according to the following:

The exercise of the Legislative Power (Brazil: Law 9.883, Art. 6). Internal control of activities carried out by ABIN will be exercised by the Secretariat of Internal Control of the Presidency of the Republic (Brazil: Law 9,883, Art. 14). The "Corregedoria Geral" is responsible for receiving accusations of irregularities and infractions committed by ABIN servers, as well as controlling, supervising and evaluating the work of the disciplinary commissions. (Brazil: Decree 6.408, Art. 7¹³).

¹² Ibid.

¹³ Curti Samantha, "Intelligence Systems Reforms in South America". Available at: https://www.kas.de/c/document_library/get_file?uuid=6f40dde4-595d-3284-557d-1f73f78b0e67&groupId=287460, 30 July 2019.

STRATEGIC DEVELOPMENT 2017-2021¹⁴



¹⁴ Information obtained directly from the SISBIN website: <http://www.abin.gov.br/es/>, 29 July 2019.

Preliminary conclusions on compared models

- It is relevant to have a superior national security structure served by an intelligence system.
- Today, it is vital to have an efficient and robust intelligence system to confront risks, threats and opportunities. The lack of an intelligence system is a vulnerability for the country, which can result in a high cost in lives and economic damages, thus significantly affecting national interests.
- Most intelligence systems have a single person responsible at the national level, who reports directly to the President of the Republic or the Prime Minister.
- Most intelligence systems report to the Executive Power they serve, except in the case of Spain, where they report to the Ministry of Defense, which integrates internal and external intelligence.
- The intelligence services of the military and law enforcement are relevant organizations in every system, but they are far from constituting the system itself. In other words, we should not base an intelligence system only on these capabilities, since their scope is specific and limited.
- In every consolidated democracy, intelligence work is highly appreciated and necessary to improve and optimize the political decision-making process, as well as to protect the population, its sovereignty, well-being, development and national interests.
- Today, intelligence not only addresses traditional threats, but also focuses its efforts on international ones, which constitute a serious and more immediate and probable risk.
- In the models analysed, it is assumed that intelligence systems comprise ministries beyond those of Internal Affairs and Defence. The contribution of at least Foreign Affairs, Finance, Economy and Justice is essential.

The architecture of an Intelligence System: A proposal for Chile

In order to make a proposal for a new intelligence system for Chile, it is necessary, first, to develop an analysis of the current sector, and then outline some ideas about the main levels and components appropriate in addressing current and future challenges and threats.

The national intelligence system is currently governed by Law 19,974, which created the National Intelligence Agency (ANI), and was promulgated on September 27, 2004 and published on October 2 of the same year. It defines the intelligence system as:

“The set of intelligence agencies, independent of each other, functionally coordinated, that direct and execute specific intelligence and counterintelligence activities, to advise the President and the various higher levels of state leadership, with the objective of protecting national sovereignty and preserving constitutional order, and that, in addition, formulate intelligence assessments useful in achieving national objectives”¹⁵.

The current law, which is already 15 years old, came to regulate and legitimize a function that is vital for the interests of the State and its political and strategic decision-making process. For the purposes of this labor, we will distinguish the political level; as the sum of State and government agencies and institutions that articulate all of the instruments of power (diplomacy, information, military and economy)

from the strategic level; associated with national defence, which is part of the military sphere at the political level.

In its definition of the intelligence system, the norm established that the objective of this structure is *“to protect national sovereignty and preserve constitutional order”*, differentiating a sort of separation between the external and the internal. In practice, it configures two areas: one referring to the armed forces as external intelligence, and other referring to the sphere of internal order and security forces. That is, along with the creation of the ANI, the areas of military intelligence and police intelligence services were delimited. Additionally, the ANI was not provided with operational capabilities. Consequently, the ANI, as the highest level coordinating body, could only receive the intelligence that is produced internally and externally depending on what the relevant organizations process and deem necessary to share.

An initial comment about the aforementioned. According to the main national intelligence structures, at least two levels of the function are clearly evidenced: a political level and a strategic level, the latter being part of the former. In our case, the first level is represented by the ANI and the collaboration of police intelligence, while the second level is constituted by the armed forces' own intelligence services, which provide and are responsible for the strategic dimension. It is

¹⁵ National Intelligence Law N. 19.974 from September 27, 2004. Title 2. Art. 4.

desirable that the latter collaborate with the former, but it is not convenient to base a State's intelligence structure on services that are, by nature, designated to another level. National intelligence is much more than military and police intelligence. Even more so when these two types of intelligence act independently, without a centralized and coordinated direction, respecting their particular legal and constitutional areas of action, with purposes that complement each other, but are certainly of a very different nature.

Additionally, it is at the political level, with its respective agency, where all the information and intelligence received from all areas of the State is merged and analyzed. Centralized coordination of this information and these activities is assumed, without it being a voluntary act or the result of only what each agency considers important. It is at this level that various countries have created intelligence fusion centres, in order to face the current traditional and non-traditional challenges, defend sovereignty and national interests and preserve the institutional order. This implies granting responsibility to an authority in charge of this function at the national level, as well as the intelligence agencies' obligation of a fluid and permanent security-oriented information-delivery process. Current security threats do not distinguish internal and external spheres. They are in both spheres, requiring a new approach to its intelligence system from the State.

A second comment is that the organization at the highest level of political intelligence normally serves a permanent functioning body called the National Security Council (NSC), as is the case in the US, United Kingdom, Japan, Germany and others. Within the framework of this NSC, the internal and external security structures merge, being the main security advisory body for the President or Prime Minister in the cases analyzed. Similarly, the National Security Advisor, responsible for the operation and coordination of this council, becomes an advisor to the President in any event and permanently.

This is precisely the body responsible for preparing the respective State Security Strategy, also supervising and guiding the main intelligence organization in the development of the respective National Intelligence Strategy.

The strategies do not operate in a vacuum, but within an architecture that is dedicated to the planning and management of said strategy, as well as its direction and fulfillment of objectives. This is the case in the USA, Spain, the United Kingdom and other countries. First the architecture, then the strategy. An example of the above is the failed National Security and Defense Strategy (Estrategia de Seguridad y Defensa Nacional, ESYDN) presented in Chile some years ago. It failed in part because it did not have an architecture in which to operate, it lacked a centralized direction to articulate the actions of all the State's instruments of power, and, finally, National Defense is not responsible for that activity. Furthermore, a country's defence strategy is subject to the security strategy, since they are two different levels. Although complementary, they operate within an architecture that Chile has not yet created.

Yet a third comment derived from the above, is the absence of an organism that receives and processes all the intelligence produced by the intelligence community. Therefore, we can already see the need to form a national intelligence fusion centre, which operates 24/7/365 (i.e. at all times), in order to constantly update the national intelligence landscape, making it possible to alert the respective authorities in time. Additionally, this centre should define its main clients and intelligence products to be developed, as well as its periodicity, bearing in mind that relevant and critical information must be alerted as soon as possible. It is deemed appropriate to form government intelligence advisory councils to direct the search effort, as well as to exercise due control and supervision of the activities; if there is no permanent authority in charge of this activity, little or nothing helps its function or challenges where reaction time is an increasingly

pressing factor. This is also valid for the aforementioned intelligence committee, which, although it meets periodically, in practice, if there are no more specific responsibilities, it will continue to share generalities and handle fragmented information.

A fourth comment refers to the current intelligence system's lack of consideration of organizations such as the Ministry of Foreign Affairs (and the corresponding actions of all of its embassies globally), the Customs Service, the Financial Analysis Unit (UAF) , the Internal Revenue Service, and Gendarmerie (under the Ministry of Justice), among others. These organizations must additionally deliver input of useful information to the national intelligence system.

The above defines the following sources of information and intelligence, among other areas:

- Diplomatic Intelligence.
- Economic Intelligence.
- Military intelligence.
- Public Security Intelligence.
- Scientific and Technological Intelligence.

A fifth comment observes a lack of specificity in the respective law of different types of intelligence, and the absence of organisations that lead these areas in the current security context. We refer to the following types of intelligence, organized at the national level:

- Human Intelligence (HUMINT).
- Signals Intelligence (SIGINT).
- Measurement and Signature Intelligence (MASINT).
- Geospatial and Imagery Intelligence (GEOINT).
- Open-source intelligence (OSINT).

It is relevant to have, at the highest level of the intelligence system, all of these types of intelligence, which complement each other as a whole and allow for a better picture at the

national level. The last two types do not necessarily appear in the literature, but it is obvious that we should not underestimate their remarkable value and current relevance. As an example, a network based on human intelligence can be adequately structured on the capacity of foreign service and military representation abroad, adequately complemented by the respective secret services of each institution.

Additionally, affecting all types of intelligence is cyberspace, with everything it implies in regard to threats to our information and infrastructure, and there is no agency in charge of it at the highest level. The defence against attacks produced in this dimension require a national response, integrating capacities of the private sector, the government and all of the institutions of which it is comprised, especially due to its current ability to affect and destroy critical infrastructure. Therefore, the system must have adequate protection against these types of attacks, assuming responsibility for the creation and coordination of defensive measures.

Another aspect to consider in structuring a more robust intelligence system is to have a critical mass of specialists. Unfortunately, the country does not have centres, beyond those of its armed forces and law enforcement, to prepare cadres in intelligence. Therefore, there is an imperative need for an **intelligence academy.**

Additionally, and referring to strategic intelligence, the Intelligence law in Article 20, regarding military intelligence, establishes that *"the direction of military intelligence services corresponds to the command of the institutions on which they depend"*. Then, in Article 21, it establishes that *"the objectives of military intelligence of the Intelligence Directorate of the General Staff of National Defense (now the Joint Chiefs of Staff) will be established by the Minister of National Defense"*. If we compare the above provisions with the enactment of Law 20,424 in February 2010, called the Organic

Statute of the Ministry of National Defence, which modified the higher defence structure (wherein the creation of the position of the Head of Joint Chiefs of Staff is highlighted, as well as the respective undersecretaries of Defense and the Armed Forces), in Article 26, subsection four, it establishes that the Head of Joint Chiefs of Staff *“will exercise the military command of the land, naval, air and joint forces assigned to the operations, in accordance with the secondary planning of national defense”*. Interesting mission, if we consider that legally he cannot and is not authorized to guide the search effort, which is the minister's responsibility, nor does he have a formal link with the institutions in regards to intelligence matters, which are conducted by the respective command of each branch of the armed forces (commanders in chief).

There is thus an opportunity to align attributions with responsibilities, bearing in mind that the Intelligence Law is from 2004 and the law that modernizes the defence is from 2010. In short, there is a need to produce greater synergy among national defence-dependent intelligence organizations, as well as to incorporate the joint activities to this relevant function.

All things considered, it is estimated that the enactment of the intelligence law was a step in the right direction, but in the face of current threats, it urgently requires modifications to strengthen the function with the same objectives set out in the law of “protecting national sovereignty and preserving constitutional order”. The question today is: Are current threats of a transnational nature affecting national sovereignty, while at the same time undermining constitutional order? If the answer is yes, it requires better cooperation and complementation of capacities, in the light of legal and constitutional norms.

Recommendations for a National Intelligence System

In order to have a functional national intelligence system, we should first shape the National Security Structure, and from there, build the security system of which the intelligence system is a consubstantial part. The analysis of the cases studied indicates that, unfortunately, this occurs when the State faces a serious crisis and not in time to prevent or foresee a crisis or attack. This is the case of the US, which formed this structure after World War II; United Kingdom in 2010, after the terrorist attacks; and Spain, which created its structure for the same reasons.

However, the above is not a sufficient reason for Chile not to equip itself with a robust national intelligence system, prepared to face today's challenges. For that purpose, the following recommendations have been made:

CREATE A NATIONAL SECURITY COUNCIL (NSC)¹⁶, which is permanently responsible for interagency coordination of all security problems affecting national interests, as well as the role of respective **National Security Advisor**. The National Intelligence Agency (ANI) is the body that should provide intelligence to this structure, whose main mission is to propose solutions for the decision-making process of the President on issues that seriously affect the State and its security. National security is a fundamental pillar for the exercise of individual freedom and democracy, enabling the development and welfare of society.

The following people will be political members of the National Security Council with the right to speak and vote:

- President.
- Minister of Interior and Public Security.
- Minister of Defence.
- Minister of Foreign Affairs.
- Other members that the President deems necessary, based on the impending crisis.

Advising members of the NSC:

- National Security Advisor.
- Under-Secretary of the Interior.
- Under-Secretary of Defence.
- Under-Secretary of Foreign Affairs.
- Director of ANI.
- Commanders in Chief of the armed forces.
- Head of the Joint Chiefs of Staff.
- Director General of the Police, and Director of the PDI.
- Others required by the President.

For the above, a space will be enabled from where command and control of any crisis facing the country can be exercised, and where the NSC will meet when a situation affecting national security is developing. As an example, the White House has the "Situation Room" and the British government has the "Cabinet Office Briefing Rooms", popularly known as COBRA.

¹⁶ It can be called the Strategic Security Council, so that the expression national security does not cause rejection as it is related to the National Security Doctrine.

EMPOWER THE ANI AND ITS DIRECTOR AS AN EFFECTIVE COORDINATOR OF THE ENTIRE INTELLIGENCE SYSTEM, since that entity must be responsible for permanently providing intelligence to the President, ministers and the NSC, to entrust the director of the ANI with the development of the types of intelligence that are lacking, while providing the organization with operational capabilities, and carry out an organizational audit, to ensure that this structure responds to current and future challenges.

INCORPORATE THE INTELLIGENCE FUNCTION IN THE MINISTRY OF FOREIGN AFFAIRS, AS INFORMATION AND RESEARCH¹⁷, AS WELL AS IN OTHER MINISTRIES THAT ARE VITAL FOR A CORRECT AND EFFECTIVE INTELLIGENCE COORDINATION. Failure to do so equates to presenting a vulnerability to the actions of states and non-state actors that may affect our national interests. Just as an example, the British Foreign Service operates as part of the Foreign Office, and in the US, the State Department counts as part of the Intelligence community thanks to its intelligence and research office. Additionally, the Department of Energy has an intelligence and counterintelligence office. It is believed that no government agency can be excluded from having this function to effectively support a central effort for quality and timely information toward making necessary decisions for the country. Therefore, “information and analysis” offices should be opened in the following ministries and organizations, so that such information is duly integrated into the Intelligence system.

- Ministries of Finance and Economy
- Ministry of Justice
- Internal Tax Service
- Financial Analysis Unit
- Ministry of Science, Technology and Innovation

ORGANISE, WITHIN THE ANI, THE NATIONAL INTELLIGENCE FUSION CENTRE, with representatives from all fields, organizations and institutions related to intelligence and the State.

CREATE THE NATIONAL INTELLIGENCE COMMITTEE (Comité de Inteligencia Nacional, CIN) chaired by the Minister of Interior and Public Security, and Minister of National Defense. It must have a permanent operation with institutional delegates, as a liaison in the ANI, full time. Intelligence work requires full-time action. The following people should be part of the CIN:

- Under Secretary of the Interior
- Under Secretary of Defence
- Under Secretary of Justice
- Director of the ANI
- Director of Defense Intelligence
- Directors of Army, Navy and Air Force Intelligence
- Directors of Police and PDI Intelligence
- Guests at the request of who chairs the CIN.
- Incorporate in the short term the information and analysis managers of the following ministries:
 - Ministry of Foreign Affairs
 - Ministries of Finance and Economy
 - Ministry of Justice
 - Ministry of Science, Technology and Innovation
 - Internal Tax Service
 - Financial Analysis Unit

This National Intelligence Committee must have a permanent working committee (24/7/365), in the ANI made up of delegates of all the agencies and organisms of the national intelligence system, who will carry out the orientations emanating from both the NSC, as of the National Intelligence Committee (CIN).

¹⁷ The above, in order to avoid the word intelligence in these particular institutional cultures.

CREATE THE NATIONAL ACADEMY OF INTELLIGENCE, under the wing of the ANI, with the initial cooperation of the armed forces and law enforcement. This is essential to have a unitary doctrine in the same function.

PROVIDE THE STRATEGIC HEAD OF NATIONAL DEFENCE (HEAD OF JOINT CHIEFS STAFF) WITH THE ATTRIBUTIONS INHERENT TO HIS RESPONSIBILITY, ORGANISING THE MEANS AND TYPES OF INTELLIGENCE, IN ORDER TO HAVE GREATER SYNERGY BETWEEN THEM. This does not mean ignoring the responsibilities of the political authorities of the sector. In this development, the intelligence capacity of the Defence Intelligence Directorate should be strengthened, beyond being an agency that merely receives the intelligence that the institutions believe it is necessary to provide.

INVEST IN TECHNOLOGY AND TRAINING OF SPECIALISTS, for example, the ability to analyze is a point that cannot be ignored in any reformulation of an intelligence system. A permanent effort is required in the improvement of human and technological resources, always bearing in mind that technology, being a key factor in the whole process, per se, does not generate intelligence without the human sphere of analysis and knowledge added to the experience. It is the human dimension added to technology that generates a good level of intelligence. Recruiting specialists and analysts from universities is a technique widely used by more advanced countries.

DEVELOPMENT OF A NATIONAL COUNTERINTELLIGENCE SYSTEM is an imperative need, both to avoid putting our national interests and objectives at risk, and to avoid serious damage to our national security. Thus, defence capabilities in the human and cyber spheres, are crucial.

EFFECTIVELY ESTABLISH ALLIANCES WITH INTELLIGENCE SERVICES FROM RELATED STATES and with which common interests are shared. A good example of the above is what is known as

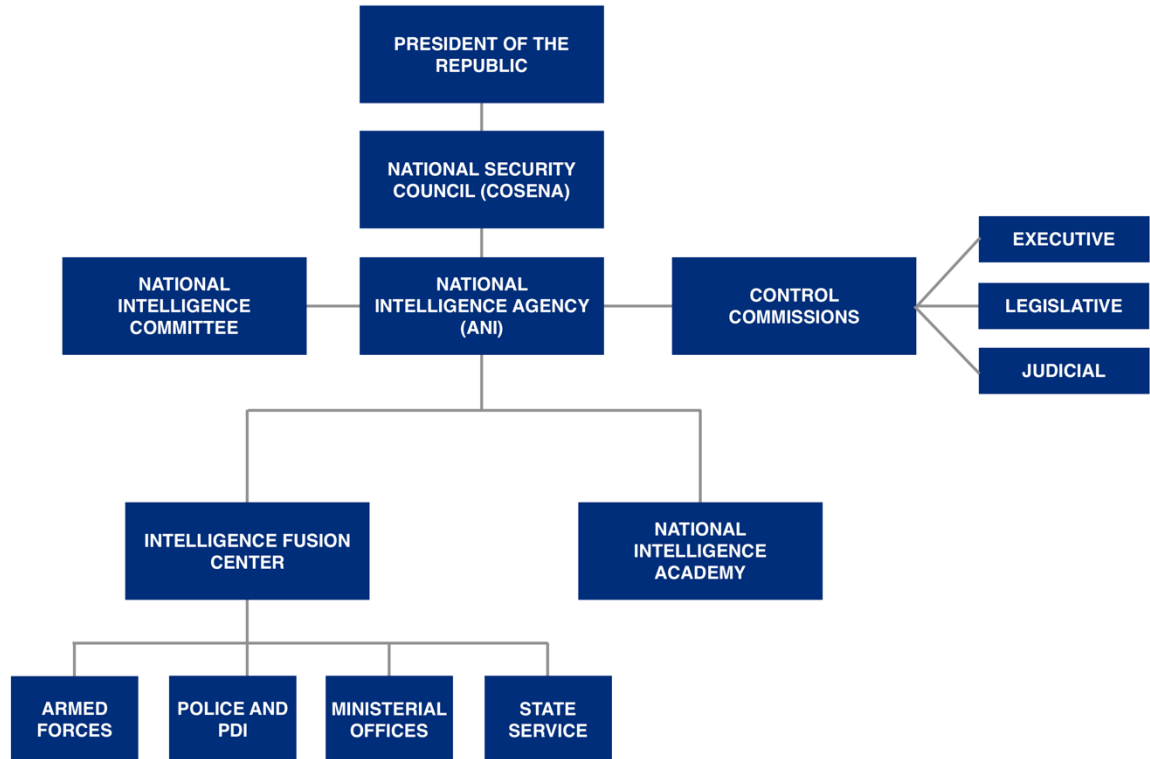
Five Eyes' Nations, an intelligence collaboration organization between the US, the United Kingdom, Canada, New Zealand and Australia. This acquires special relevance when facing common transnational threats, against which cooperation and coordination of means are essential.

MAINTAIN AND STRENGTHEN THE CONTROL ORGANIZATIONS OF THE INTELLIGENCE FUNCTION, FOR RESPECTIVE ORGANISATIONS, AND THOSE OF THE EXECUTIVE AND LEGISLATIVE BRANCHES, WHICH ARE EXPRESSED AS COMMITTEES IN CONGRESS. This is a guarantee of transparency in society regarding individual freedoms and rights, and promotes a culture of security and intelligence in citizens. It is estimated that the intelligence committees of the Senate and the House of Representatives constitute a good mechanism of control of the national intelligence system. One additional committee can also be created at the governmental level for even greater transparency and control.

IMPLEMENT CULTURAL CHANGE IN THE ORGANISATIONS TO REPLACE THE PRACTICE OF NOT SHARING INFORMATION WITH THE OBLIGATION TO DO SO. Given the excess of information and lack of knowledge, the quality of intelligence analysis, integration and dissemination processes must be promoted, giving the training and specialization of our analysts a preeminent role.

Additionally, the State must determine the available means, which agencies will be in charge of specific functions of the type of intelligence to be obtained (HUMINT-SIGINT-MASINT-GEOINT-OSINT), such as search methods or information collectors. Example: which agency will be responsible for geospatial and imagery intelligence; signals intelligence; measurement and signature intelligence, etc., as well as procedures to channel diplomatic, economic, scientific-technological and military intelligence to the greater intelligence fusion centre.

PROPOSAL FOR A NATIONAL INTELLIGENCE SYSTEM IN CHILE





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