Controlling the uncontrollable? Models of parliamentary oversight mechanisms of the intelligence services

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Antonio M. Díaz Fernández
Associate Professor of Political Science and Administration
University of Cadiz
antonio.diazfernan@uca.es

Abstract:
The objective of this paper is to establish the possible existence of models for parliamentary control of the intelligence services around the world. For this purpose 48 democracies have been selected to represent all of the continents that have some kind of control exerted by the Parliament either as a parliamentary, senatorial, bicameral or independent committee. To build the models, different variables have been selected with the purpose of analysing similarities depending on the type of organ that is responsible for the control and its relationship with variables such as the form of government or geographical environment in which the control takes place.

Key words: control, supervision, parliamentary committee, Parliament, intelligence services

1 INTRODUCTION: THE NEED FOR CONTROL. 2 METHODOLOGY. 3 ANALYSIS. 4 POSSIBLE DEVELOPMENT OF THE PAPER. 5 BIBLIOGRAPHY.

1. INTRODUCTION: THE NEED FOR CONTROL.

Despite its aura of mystery, mostly originated from spy stories and novels, we can find intelligence agencies in all countries. However, in all honesty we should not call them “intelligence services” since these are only formed in polyarchies (Díaz, 2005). In the remaining political regimes, what we can see is the existence of structures that provide information for exercising violence and maintaining power to some extent over the state elites: political police in the case of totalitarian regimes and independent security agencies in authoritarian regimes. Generically, we can say that their function is to obtain information, process it and give it to the political decision
makers so that they can take a decision with the lowest possible level of uncertainty. Or, in Shulsky’s words (2002:1), “relevant information for the government to be able to formulate and implement its policies in favour of the interests of national security and to tackle threats from other States”. However, this definition seems to be too generic since the world in the cold war – where intelligence originated – has changed, and threats such as terrorism and organised crime have caused major changes in the intelligence systems making them closer to the police function and keeping them away from those which are more strategic. Thus, criminal intelligence or intelligence-led policing begin to be talked about, although, this is a topic that is beyond the objective of this paper.

The French Revolution established the principle that the whole Administration is subject to the principle of legality, control of the political power and judicial control1. However, the truth is that no section in the Administration is as continuously questioned with regards to both the appropriateness and suitability of its control mechanisms as are the intelligence services. This is due to the fact that they have at their disposal intrusive means with a great potential to invade the privacy of the citizens, the reason why a need to control them becomes much clearer and unavoidable. As Halperin summarised, “failure in the intelligence services can have catastrophic consequences for the security of a country but, at the same time, the inability to exert the appropriate control in the operations performed by the intelligence services can lead to serious violations of the rights and freedoms of the citizens, with the possibility to threaten the same values that the intelligence community, as part of the security system of a country, has been designed to protect” (1985:100).

The control of this part of the Administration is very recent, much more recent than the control of other state structures. There are various reasons that could explain the lack of control such as: the need for secrecy in their operations, methods and sources, some degree of autonomy for their agents (to prevent the Executive from politicising their work), appeal to ‘plausible deniability’ (ministers do not want to know) (Gill, 1998:164), continuous appeal for national security for which nobody wants

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1 “Society has the right to demand from any public agent an account for the actions conducted by their Administration”. Article 15 of the Declaration of the Rights of Man and of the Citizen in 1789.
to be responsible to actually or potentially destroy (Wills, 2010) or the fact that this Administration is young in relation to others which are more consolidated, a list which is not exhaustive and could be extended.

The second important aspect in analysing the control of this Administration is its organisational and functional specificity. Mayntz (1994:77-78) stated that the possibilities of the Administration to avoid direction and political control, and to make itself become a preserve capable of protecting objectives and exerting influence was based on the fact that, for the effective performance of its tasks, the Administration had to necessarily have specialised knowledge, real information and the appropriate means as well as to have the necessary margin for their performance. If control is an essential element in public action, it is not surprising that an Administration that has such a specialised knowledge and more ability than others to keep their mistakes and inefficiencies secret, is subject to a more specific and intensive control in order to look after the effectiveness, efficiency and legality of its activities. The issue, as Hastedt (1991:10) pointed out was then whether the protection of the security of the State had to be above any other objective and value of society, that is, whether security was an absolute value and everything had to be restricted to its attainment.

Thirdly, there are also personal elements that explain the permanent escape of intelligence from the control mechanisms. Parliamentarians show little or no interest in controlling intelligence (Defty, 2008). Robertson (1998:144) studied in depth many years ago this lack of interest which was caused by the fact that traditionally a debate on intelligence in Parliament was not allowed and that a few Members of Parliament gained the knowledge to do it added to the low visibility of this function by the media and the consequent incentive to gain it, as stated by Lustgarten and Leigh (1994:443). Another obstacle for an effective control of intelligence by the Parliament is the phenomenon of the regulatory capture which takes place when the members of an organ of control identify themselves so intensely with the institutional objectives and problems of the agency which they are supervising that they lose their critical ability and their independence for their supervisory role (McCamus, 1989:4); this originated by the abundant supply of secret material to the committee which increased the possibilities for its members to become part of the power structure instead of external
critics (Franks, 1989:25). We cannot forget that, unlike other areas of the Administration, here information is only obtained from the services themselves.

Consequently, and motivated by the exceptional circumstances connected to the cold war, together with all the series of elements related, the level of tolerance of the politicians as well as the citizens towards the performance of their intelligence services was very high. The supervision and the control of political power receded in order to prevent a politicisation and manipulation of these agencies, and this degenerated in the midterm into uncontrollable practices performed by the spies.

It was the first scandals, in the late sixties, that showed evident signs of bad praxis in the intelligence services; North American and Canadian politicians, especially, were aware that their services were operating on their own and illegally. Echoing the increasing protest of a civil society that was jealous of their liberties, they decided to put a stop to the autonomous performance, a position that would increase as we came closer to the end of the cold war (Godson, 1997:336).

The first results of these investigations were recorded in the reports from the various commissions that were created in order to analyse the situation. In the United States, two commissions were established; one in the Senate, the Church Committee and the other in the Congress, the Pike Committee. Moreover, in Canada, the excessive involvement of the Royal Canadian Mounted Police due to its inefficiency in the fight against terrorism and the espionage conducted against Canadian citizens, led its Parliament to establish both the Mackenzie Committee (1969) and the McDonald Committee (1981), with the aim of analysing the mistakes that had been made and formulating proposals for a reform. The third important milestone for the beginning of the creation of specific mechanisms for the control of the intelligence services was marked in Australia. Accusations of autonomous activities within the intelligence services, conducting operations abroad without the knowledge of the government, meant the establishment of Hope I and Hope II Committees in 1974 and 1982, respectively, and from which originated important recommendations to improve the control of the Australian intelligence services. However, none of the intelligence services throughout the world have been an exception from these scandals\(^2\). As we can

\(^2\) Without attempting to be exhaustive, and apart from the scandals that have been mentioned above, the scandals in the United Kingdom may be connected since it was discovered that several foreign
gather from the book by Leigh and Lustgarten (1994) the scandals have been the main
driving force in the intelligence services; for this reason, it is not difficult to deduce
that it is only necessary to analyse the scandals in some of the intelligence services to
understand how and when the different control mechanisms were developed, and the
specific formulation is what I will analyse below.

2. METHODOLOGY

What do we understand by control?

So far we have spoken of the importance of controlling the action of such a
particular structure as the intelligence services, but what do we understand by
controlling? In Spanish, we speak generically of “control”, however, the “control”
function of the intelligence services needs to be divided into two different dimensions.
On the one hand what the Anglo-Saxon literature describes as ‘Oversight’ which could
be translated as supervision or careful observation. On the other hand, ‘Review’ which
could be translated as revision and which includes a retrospective bias of an ex post
facto process.

Practices in some countries have led to actually making a distinction between
the function of control by distinguishing between oversight (supervision) and review
(revision) and, additionally, granting the control to different organs. While the former
grants a reactive role, a firebreak against the external control mechanism; the latter
means a day-to-day monitoring of the activities of the intelligence service without
waiting for errors to occur in its action performance, that is, a predominantly proactive
agents were infiltrated into its intelligence services. In Italy, the connection of some directors of the
intelligence services with far right movements, Masonic lodges and the mafia has been a constant in
several stages of its existence. In Switzerland, the director of the intelligence services had to resign after
the discovery of the systematic espionage against Swiss citizens since the end of the Second World War
and the introduction in the country of two hundred arms without the knowledge of the government. In
1994, the Norwegian Parliament established a committee to investigate the activities of the intelligence
services involved in the irregular surveillance of Norwegian citizens since 1945, whose conclusions were
recorded in a voluminous report known as the Lund Report. In Denmark it was found how the
intelligence service had received during the sixties and the seventies, information from more than
40,000 university students. The Luxembourian service became involved in an espionage case against
the trade unions in the country. In Spain cases of robbery of CESID’s documentation by the chief of the
operations group, Juan Alberto Perote, and the telephone tapping of leading figures of the State, were
discovered.

It is evident that the accountability has already exceeded the traditional economic-budgetary vision. This function would therefore be a concept that consists of various aspects which include political, administrative, financial, ethical, legal and strategic elements and its function would be: to detect and prevent abuses, arbitrary or illegal and unconstitutional behaviour, having the rights and freedoms of the citizens at its centre, to maintain control of how taxes are spent and which leads to the improvement of the efficiency, effectiveness and economy, to guarantee that the policies established by the government and authorised by the Parliament are carried out effectively and to improve the transparency of the government performance and to strengthen public trust in the government.

Who controls?

With respect to who exerts control in a democracy, we can establish a number of controls that also apply to the intelligence services. This control is thus exerted by different parties, such as (i) those responsible for the intelligence service, (ii) the Executive, (iii) Parliament, (iv) the Judiciary, (v) the media and (vi) self-control of the members of the intelligence service themselves. This is what Schedler (1999:398) summarises as controls of horizontal type, vertical type and third dimension, a combination where some play a main role, while others play a secondary or complementary role. Evidently, depending on what we want to control the predominant role will be given to either one or another authority.

The supervision task of the intelligence services are aimed at two topics, as pointed out by Caparini (2007). Firstly, it attempts to establish the efficiency of the service, or its ability to carry out its term of office successfully. The efficiency refers to the fact that whether the service is using or not using the public resources efficiently. In this mix, each of these organs focuses on a specific aspect. Thus, at the Executive level, the supervision tends to focus on efficiency aspects such as whether the service

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3 Regarding the experiences of these countries, please see the interesting debates published on “Review and Oversight in the New Millennium: Challenges of a Multipolar World”, www.sirc-csars.gc.ca/11000.html

is complying with its functions and tasks effectively by identifying important threats, whether the intelligence community is responding to the necessities of the political decision-makers or whether it is conducting solid analyses or has the appropriate means. Secondly, it attempts to identify how appropriate the work of the intelligence services is, in other words, if they are acting correctly and complying with the ethical and legal norms and the objectives set (Whitaker, 1999:131). The role of the Judiciary would focus on the propriety of the activities carried out by the intelligence services, that is, if they have acted legally. The Legislative would be responsible for the combination of efficiency and legality of the work carried out by these agencies. (Lowenthal, 2000:133). Finally, the citizens would pay attention to the appropriateness of some specific aspects based on the information that they may have available via the media.

These different levels of work should act coordinatedly. The already classic Harry Ransom summarised this perfectly when he stated that “only a sophisticated Presidency, an alert and vigilant Congress, a firm inquisitive attitude by the press and academics, can provide some hope in maintaining a balance in the future between the agencies’ secrets and public control; between a distorted and interested vision of foreign affairs and reality; and between the counterproductive covert actions and the application of beneficial influence in foreign affairs” (1984:226).

This paper focuses specifically on the parliamentary control for various reasons. On the one hand, because, as Montero (1985:205) argued “based on the fact that Parliament is at the heart of the political-constitutional system, giving its trust to the Government has in return the immediate institutionalisation of the supervisory faculty of Parliament and the faculty of governmental political responsibility [...] On the other hand, with regard to juridical-constitutional technique, parliamentary control becomes very important since it appears as the main means for the citizens, holders of the sovereignty, to control the leaders continuously; a means that is exercised by their legitimate representatives and that becomes without a doubt completed by the direct expression of the will of the people in the periodical legislative elections”. Additionally, it is one of the Best Practices – number 16 – of the United Nations which states that an efficient control system has to include, at least, an independent civil institution of the
intelligence services and the Executive, a role that can clearly be played by Parliament\textsuperscript{5}.

Political control is an institutionalised control. Although it is often common to state that the juridical control is exerted on activity and the political control on organs, this can only be accepted very generally and vaguely, that is, approximately, but in a conceptual sense not precisely, as stated a long time ago by Aragón (1986:13).

However, as Lustgarten points out (2002:167), both the \textit{review} and the \textit{oversight} are in all cases more institutional than functional. This hinders a control on the respect of the activities of intelligence with respect to the rights and freedoms of the citizens and, at the same time, it explains how complex it is for only one organ to control the activity of various agencies, which leads to commitment to specialisation (Díaz, 2006a).

Whitaker (1999:144) follows the same reasoning when he argues that due to the fact that when a more institutional than functional approach is used, the responsibility for national security begins to fragment among the various agencies and as a consequence control is focused on some agencies while others escape any supervision or revision.

Once this evaluation has been carried out, it is necessary to detail the variables that I am going to select to create a typology. Thus, I think that for its creation the following are necessary: i) type of organ that exerts the control; ii) specific or generic nature; iii) areas of control allocated. With the results obtained in the first instance, it will be possible to combine them with the moment of their creation and to analyse if there is a relation between them. In the second instance, an analysis will be carried out of the powers that the control organ has in order to carry out its function. Finally, taking into account the organisations that can exert control on the complaints that the citizens make about the performance of the services, to analyse if these organisations have a function to essentially manage the efficiency or if it includes evaluation of operations and human rights (second part of the paper).

\begin{itemize}
  \item[i)] \textbf{Type of organ}
\end{itemize}

\textsuperscript{5} Best Practice no\textsuperscript{16}. Report by Martin Scheinin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the fight against terrorism. Collection of best practices related to the juridical and institutional frameworks and measures that will allow to guarantee the respect for human rights by the intelligence services in the fight against terrorism, particularly with respect to its supervision. March 2010.

\url{http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.46_sp.pdf}
In all the countries that have established a legislative control on the intelligence agencies, this has adopted four different ways: (i) parliamentary committees that controlled the activity of the ministry to which the intelligence organisations were attached either in the Upper or Lower House; (ii) ad hoc parliamentary control; (iii) independent organisation formed by public figures of renowned prestige; and finally, (iv) Specific or general Ombudsman, as a commissioner of Parliament, who focuses on all procedural or administrative aspects. To classify an organ of control in either one or another category we will follow what will be established in line with the regulations.

ii) Specificity of the organ

The second variable is its specific nature. The complexity of the intelligence work makes it necessary to monitor closely and to specialise in the subject matter to be able to exert good control. This variable assumes that a better and more specialised control is exerted if one organ is exclusively in charge of the intelligence agency or agencies than if it is included in a generic organ that controls the policy of Defence, Foreign Affairs, Interior or Justice.

Firstly, we would have, the generic organs, that is, those established to control other policies and organisations of the Administration, in our case, the police and the Armed Forces or the Foreign Policy. By contrast, the specific, would be developed only to control the intelligence agencies. The parliamentary committees are usually generic since they focus on large political and management areas more than on organisations, except for those created ad hoc. In those systems in which the control is exerted in the heart of a subcommission organically linked to either Defence or Interior, I have considered the mechanism as specific; the same argument can be provided for those independent committees formed by public figures of renowned prestige. It is possible that the latter committee may also check other type of organisations or state policies, but it is highly improbable. The figure of the Ombudsman sometimes appears as a generic mechanism that supervises the Justice and police Administration, and sometimes, as specific since it configures as an Ombudsman only for intelligence activities.

iii) Areas of control
Born and Leigh (2005) stated that a vertical control would mean that a parliamentary organ should include in its term of office the following aspects to be controlled: (a) legality, (b) effectiveness, iii) efficiency, iv) budget and implementation, v) compliance with the conventions on Human Rights and vi) administrative and general performance aspects. I believe that these areas are appropriate to generate my framework of analysis and of this general framework, and after analysing the legislations and regulations that regulate these committees I have put into operation this variable in the following categories: i) P: General guidelines and aims of the service; ii) M: Management of the service; iii) B: Budgets and economic management; iv) O1: Completed operations; v) O2: Operations in progress or future operations; vi) L: To inform about legislative modifications; vii) Q: To analyse complaints made by the citizens, and viii) V: To authorise surveillance. When conducting the analysis I will detail the groups that I will form among them in order to reflect a control that is more or less intense.

iv) Relationship with the form of government

In the presidential systems, in which the president has the control of topics of interior security, a relationship of antagonistic nature can occur between these two powers of the State when controlling the intelligence agencies, as has already been observed by the Venice Commission in 2007⁶. In the parliamentarian system the Executive comes from the Legislative and the members of the control committees – who, in addition, are normally the majority in these committees – develop a great discipline and, as members of the president’s party, they usually coincide with the government and its policies which results in a reduction of their critical component with these agencies.

v) Similarity with models from neighbouring countries.

The current panorama is the result of a long evolution that began in the seventies. As pointed out by Born and Leigh (2005) “the old democracies demonstrate that the reform of intelligence is not a unique moment but a process”. Thus, in the mid seventies, this process began to establish a parliamentarian control of the services. The

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United States, Australia and Canada began to legislate between 1979 and 1984 and, although this wave did not reach the United Kingdom until 1989, it meant the beginning of a trickle of creation of these organisations in Europe, for example in Denmark in 1988, Austria in 1991, Rumania in 1991, Greece in 1994, Norway in 1996 and Italy in 1997. The transitions both in Western Europe, to a greater extent than in Latin America, have generated a more intense development of these mechanisms in early 2000. Europe has been the centre of this process, although countries such as Argentina and South Africa have been clearly conditioned by their processes of democratic transition and the dark pasts of their repressive agencies.

Due to this historical evolution, a geographical location of these countries can validate a work hypothesis that suggests that the control models have a tendency to be an institutional isomorphism; that is, the adoption of institutional formulae that have been accepted and consolidated in their reference environment. This dynamics usually occurs in organisations whose objectives have not been clearly set to a degree that will allow them to be put into operation and which do not have effective systems to assess their results, which frequently occurs in any Public Administration and much more in an intelligence service. Consequently, they usually reproduce the mechanisms of structuring and performance, both formally and informally, accepted by the context of the organisation, thus gaining legitimacy.

**Units of analysis: Selection of cases**

Once the framework of analysis has been established it is necessary to decide on the units of study; that is, the countries that I will choose to create the possible models. A first approach leaves out quite a few of them. This is because, as I have already pointed out (Díaz, 2005), the intelligence services only exist in democracies, in which they are an auxiliary for the political power; therefore, in totalitarian and authoritarian regimes, although there are informative structures, their work is aimed at internal repression. Therefore, in these regimes it does not make sense to look for a system of parliamentarian control which is typical in a polygarchy. In fact, a poll on non democratic regimes – irrespective of how their intelligence agencies are named – shows that systems of parliamentarian control are not developed and that the
supervision remains under the direction of the minister who is responsible for the services.

Having said this, in order to adopt a homogeneous criteria I understand that from the various existing classifications, three of them can help me to select the countries: Freedom House with its Freedom in the World Index\(^7\), The Fund for Peace with Failed States Index\(^8\) and Transparency International with its Corruption Perception Index\(^9\). There is wide agreement in the three indexes and for that reason it was simple to choose those countries that were repeated in the three indexes; in all of them, there were important countries that were left out such as Russia and Mexico, the latter I finally decided to include with the objective of having the greatest possible Latin American representation. The same justification for considering, at times, Colombia which was still in process of creation after the dissolution of the Administrative Department of Security (DAS), and Guatemala experiencing a similar situation. Formal democracies such as Benin, Belize, Botswana, El Salvador, Ghana, except for small countries such as, Kiribati, Tuvalu and Monaco that do not have intelligence structures as such have been, for obvious reasons, excluded. I have included Bosnia and Herzegovina to contrast its similarities with the Baltic republics.

In some countries there is more than one control committee or organ. I have sometimes analysed them individually and other times, like for the analysis of the range of functions, as one only. However, it will be specified when it entails a methodological decision worth mentioning. In Table 1 there is a summary of the variables per country which I will analyse in the next section.

\(^{7}\) [www.freedomhouse.org](http://www.freedomhouse.org)

\(^{8}\) [http://www.fundforpeace.org/](http://www.fundforpeace.org/)

\(^{9}\) [http://www.transparency.org/](http://www.transparency.org/)
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>POLITICAL SYSTEM</th>
<th>AGENCIES UNDER ITS CONTROL</th>
<th>NAME OF THE COMMITTEE</th>
<th>YEAR CREATION</th>
<th>HOSTED BY</th>
<th>MEMBERS</th>
<th>AREAS OVERSIGHTED</th>
<th>TYPE OF ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Parliamentary Monarchy</td>
<td>Australian Security Intelligence Organisation (ASIO) Australian Secret Intelligence Service (ASIS) Defence Imagery and Geospatial Organisation (DIGO), Defence Intelligence Organisation (DIO), Defence Signals Directorate (DSD) Office of National Assessments (ONA)</td>
<td>Parliamentary Joint Committee on Intelligence and Security</td>
<td>2001</td>
<td>Bicameral</td>
<td>9 members from the Senate and Congress (5 will be members of the ruling party and 4 of the main opposition party)</td>
<td>G-B</td>
<td>Specialised</td>
</tr>
<tr>
<td>Austria</td>
<td>Parliamentary Federal Republic</td>
<td>Army Intelligence Office (HNA) Military Protective Office (AWA) Federal Office for the Protection of the Constitution and Counter-Terrorism (BVT) State Offices for the Protection of the Constitution and Counter-Terrorism (LVT)</td>
<td>Defense Subcommittee Interior Subcommittee</td>
<td>Congress</td>
<td>Congress</td>
<td>14 members and at least one representative of each political party in the Chamber</td>
<td>P-O12-G</td>
<td>Specialised</td>
</tr>
</tbody>
</table>

10 i) P: Guidelines and objectives of the service; ii) M: Management; iii) B: Budget and economic management; iv) O1: Finished operations; v) O2: Ongoing operations or future operations; vi) L: Legal modifications; vii) Q: Questions and claims by the citizens and viii) V: Authorization of surveillance operations

11 All which composed the National Intelligence System (SIN)

12 And other designated by the minister
<table>
<thead>
<tr>
<th>Country</th>
<th>Type</th>
<th>Intelligence Agency/Service</th>
<th>Committee/Commission</th>
<th>Year</th>
<th>Type</th>
<th>Composition</th>
<th>Rules and Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Parliamentary Monarchy</td>
<td>Belgian State Security Service General Intelligence and Security Service</td>
<td>Standing Committee I</td>
<td>1991</td>
<td>Independent</td>
<td>3 members, included the president, elected by the president of the Senate</td>
<td>P-O12-G-Q-L Specialised</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Federal Republic</td>
<td>Intelligence and Security Agency of Bosnia And Herzegovina</td>
<td>Security and Intelligence Committee</td>
<td>2006</td>
<td>Bicameral</td>
<td>6 Congress and Senate, chaired by a member of a party not in the Cabinet</td>
<td>P-G-O12-B Specialised</td>
</tr>
<tr>
<td>Brasil</td>
<td>Presidentialist Federal Republic</td>
<td>Brazilian Intelligence System (SISBIN) Brazilian Intelligence Agency (ABIN)</td>
<td>Bicameral Commission for the Control of Intelligence Activities</td>
<td>2000</td>
<td>Bicameral</td>
<td>6 members (3 senators and 3 deputies)</td>
<td>O213 Specialised</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Parliamentary Republic</td>
<td>National Intelligence Service National Security Service Military Intelligence Service</td>
<td>Subcommittee of Foreign Affairs and Defence</td>
<td>Congress</td>
<td>22 proportional elected by the Parliament</td>
<td>P-O12-G-B Specialised</td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>Parliamentary Monarchy</td>
<td>Canadian Security Intelligence Service (CSIS)</td>
<td>Security Intelligence Review Committee (SIRC)</td>
<td>1984</td>
<td>Independent</td>
<td>5 independents experts assisted by a specialised staff</td>
<td>P-O1-8-L-Q14 Specialised</td>
</tr>
<tr>
<td>Chile</td>
<td>Presidentialist Republic</td>
<td>National Intelligence Agency (ANI) Carabineri Intelligence Directory (DIPOLCAR) Intelligence Police Department</td>
<td>Intelligence Oversight Standing Committee</td>
<td>2004</td>
<td>Congress</td>
<td>Fixed by the internal rules of the Chambers</td>
<td>P-O12? Specialised</td>
</tr>
</tbody>
</table>

13 It doesn’t seem to have a great area of control and powers to carry out its duties
14 In case this claim couldn’t be solved by other instance
<table>
<thead>
<tr>
<th>Country</th>
<th>System</th>
<th>Intelligence Agencies</th>
<th>Committee</th>
<th>Year</th>
<th>Body</th>
<th>Members</th>
<th>Committee Type</th>
<th>Specialised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colombia</td>
<td>Presidentialist Republic</td>
<td>Former Administrative Department for Security (DAS) Intelligence Directorate of the National Police (DIPOL) Central Intelligence Agency (ACI) Financial Analysis Information Unit (UIAF)</td>
<td>Legal Committee for the Supervision of Intelligence and Counterintelligence Activities&lt;sup&gt;15&lt;/sup&gt;</td>
<td>2009</td>
<td>Congress</td>
<td>6 deputies members of the Constitution Committee, 3 members for each party</td>
<td>New service in creation process</td>
<td></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Parliamentary Republic</td>
<td>Security Information Service Military Intelligence Service Czech Police Services</td>
<td>(1) Permanent Committee for the Supervision of the Activities of the Security and Information Services (2) Permanent Committee for the supervision of the Military Intelligence Service (3) Permanent Committee for the Supervision of the use of operative techniques by the Czech Police</td>
<td>1994</td>
<td>Congress</td>
<td>Each Committee has 7 members proportionally to its groups political weight in the Chamber</td>
<td>P-O12-G-P</td>
<td>Specialised</td>
</tr>
<tr>
<td>Denmark</td>
<td>Parliamentary Monarchy</td>
<td>Danish Defence Intelligence Service (FE) Danish Security and Intelligence Service (PET)</td>
<td>Parliamentarian Committee for Oversight Intelligence Agencies</td>
<td>1998</td>
<td>Congress</td>
<td>1 member each of the 5 main parties</td>
<td>No specified&lt;sup&gt;16&lt;/sup&gt;</td>
<td>Specialised</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>Presidentialist Republic</td>
<td>National Investigation Department</td>
<td>Permanent Commission for the Coordination of the Intelligence Services</td>
<td></td>
<td></td>
<td>It is a coordination but not control mechanism</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>15</sup> Named “Second Commission”<br><sup>16</sup> Receive updates of the work of the intelligence service
<table>
<thead>
<tr>
<th>Country</th>
<th>Government Type</th>
<th>Intelligence Authority</th>
<th>Function</th>
<th>Year</th>
<th>Chamber</th>
<th>Members</th>
<th>Appointed By</th>
<th>Specialisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecuador</td>
<td>Presidentialist Republic</td>
<td>National Intelligence Secretariat</td>
<td>Sovereignty, Integration, International Relations and Integral Security Committee</td>
<td>2009</td>
<td>Congress</td>
<td>11</td>
<td>Unknown</td>
<td>Specialised</td>
</tr>
<tr>
<td>Estonia</td>
<td>Parliamentary Republic</td>
<td>Kaitsepolitseiamet (KAPO) Estonian Intelligence Service (Riigi Teabeamet)</td>
<td>Select Committee for Security Authorities Supervision</td>
<td>2000</td>
<td>Congress</td>
<td>7 members: president, vicepresident, 3 members, 2 staff</td>
<td>P-Q-L-B (but very light)</td>
<td>Specialised</td>
</tr>
<tr>
<td>Finland</td>
<td>Parliamentary Republic</td>
<td>Intelligence and Security Service (Suojelupoliti) SUPO</td>
<td>Ombudsman</td>
<td>2001</td>
<td>Congress</td>
<td>17 proportional</td>
<td>P-O12-G-B-L</td>
<td>Specialised</td>
</tr>
<tr>
<td>Germany</td>
<td>Parliamentary Federal Republic</td>
<td>Bundesamt für Verfassungsschutz Bundesnachrichtendienst Some police agencies</td>
<td>Komission G10 No parliamentarian elected by the PKGr 8 proportional and deputies of the PKGr can be appointed</td>
<td>1978</td>
<td>Congress</td>
<td>11 deputies elected by the Parliament</td>
<td>V-Q</td>
<td>Specialised</td>
</tr>
<tr>
<td>Germany</td>
<td>Parliamentary Federal Republic</td>
<td>Bundesamt für Verfassungsschutz Bundesnachrichtendienst</td>
<td>PKGr</td>
<td>1978</td>
<td>Congress</td>
<td>11 deputies elected by the Parliament</td>
<td>P-O12-G-Q</td>
<td>Specialised</td>
</tr>
<tr>
<td>Greece</td>
<td>Parliamentary Republic</td>
<td>Hellenic Intelligence Service (NIS)</td>
<td>Special Committee for the Institutions and Transparency</td>
<td>2009</td>
<td>Congress</td>
<td>13 proportional elected by the president of the Congress</td>
<td>P-G-legitimacy of activities</td>
<td>Specialised</td>
</tr>
</tbody>
</table>

[^17]: Presidents of the permanent committees for Internal Security and Defence are NATO members of this committee. The rest are designated by the presidents of each Chamber trying to provide a pluralistic representation.
[^18]: Some positions are designated among the second and third party.
<table>
<thead>
<tr>
<th>Country</th>
<th>Type of Government</th>
<th>National Intelligence Agencies</th>
<th>National Security Committees</th>
<th>Designation of Committees</th>
<th>Difficulties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>Parliamentary</td>
<td>Hellenic Intelligence Service (NIS) Ministry for the Protection of Citizens Greek Police State Security Directorate</td>
<td>Authority for the Security of Communications and Privacy (ADAE)</td>
<td>14 with wide technical experience and social acceptability. Design by the Parliament under Minister of Justice suggestion</td>
<td>S-Q Specialised</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Presidentialist</td>
<td>General Directorate for Civilian Intelligence (DIGICI)</td>
<td>Specialised Committee for National Security and Intelligence</td>
<td>Congress 21</td>
<td>P-L-B Specialised</td>
</tr>
<tr>
<td>Holland</td>
<td>Parliamentary</td>
<td>General Service for Security and Intelligence (Algemene Inlichtingen en Veiligheidsdienst (AIVD))</td>
<td>Intelligence and Security Services Committee</td>
<td>Non parliamentary Committee 3 non parliamentarians with legal experience</td>
<td>P-O12-Q Specialised</td>
</tr>
<tr>
<td>Hungary</td>
<td>Parliamentary</td>
<td>Intelligence Bureau (IB) National Security Bureau (NSB) Military Intelligence Bureau (MIB) Military Security Bureau (MSB) Special Service for National Security (SSNS)</td>
<td>(1) Security Committee of the National Parliament (CSN) (2) Civil Rights Ombudsman</td>
<td>Congress/Ombudsman 12 members elected by the CNS appointed by the Congress</td>
<td>P-O2-G-B-Q Specialised</td>
</tr>
<tr>
<td>India</td>
<td>Parliamentary</td>
<td>Intelligence Bureau (IB) Research and Analysis Wing (RAW) National Technical Research Organisation (NTRO)</td>
<td>Parliamentary Committee on Intelligence</td>
<td>Congress 2012</td>
<td>P-G Specialised</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Presidentialist</td>
<td>Badan Intelijen Negara (BIN) Badan Intelijen Strategis (BAIS)</td>
<td>Committee I (Defence, Foreign Affairs and Information)</td>
<td>Congress 49</td>
<td>Very limited Specialised</td>
</tr>
</tbody>
</table>

---

19 To guarantee that members of minority groups are represented and it is chaired by a member of the opposition party
20 Name to be confirmed
21 In process
22 Very limited
<table>
<thead>
<tr>
<th>Country</th>
<th>System of Government</th>
<th>Agencies/Committees</th>
<th>Congress Structure</th>
<th>Congress Composition</th>
<th>Specialised?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel</td>
<td>Parliamentary Republic</td>
<td>Shabak, Aman, Mossad, Sub Committee for Intelligence and Secret Services of the Defense and Foreign Affairs Committee</td>
<td>Congress</td>
<td>17 elected by the Congress</td>
<td>P-O12-G-B-Q-L</td>
</tr>
<tr>
<td>Italy</td>
<td>Parliamentary Republic</td>
<td>Intelligence and Security Department, Foreign Intelligence Security Agency, Internal Intelligence Security Agency</td>
<td>Parliamentarian Committee for the Security of the Republic (COPASIR)</td>
<td>Bicameral</td>
<td>10, half ruling party and opposition party and chaired by this last</td>
</tr>
<tr>
<td>Japan</td>
<td>Parliamentary Monarchy</td>
<td>Several agencies</td>
<td>Several committees</td>
<td>Congress</td>
<td>Extraordinary reduced powers</td>
</tr>
<tr>
<td>Letonia</td>
<td>Parliamentary Republic</td>
<td>National Security Agency</td>
<td>National Security Committee</td>
<td>Congress</td>
<td>5 each political group</td>
</tr>
<tr>
<td>Lituania</td>
<td>Presidentialist Republic</td>
<td>State Security Department, Military Intelligence</td>
<td>Defense and National Security Committee</td>
<td>Congress</td>
<td>10 proportional representation</td>
</tr>
<tr>
<td>Luxemburg</td>
<td>Parliamentary Monarchy</td>
<td>Service de Renseignement de l'État du Luxembourg</td>
<td>Permanent Oversight Committee for the Intelligence Service</td>
<td>Congress</td>
<td>3 (leaders of the political groups represented in the National Parliament)</td>
</tr>
<tr>
<td>Mexico</td>
<td>Presidentialist Federal Republic</td>
<td>National Security and Investigation Centre (CISEN)</td>
<td>Bicameral Committee for the control and evaluation of policies and actions related to national security</td>
<td>Bicameral</td>
<td>3 Senators y 3 Deputies</td>
</tr>
<tr>
<td>Mongolia</td>
<td>Semipresidentialist Republic</td>
<td>General Intelligence Agency of Mongolia</td>
<td>Intelligence Subcommittee of the Defense Committee</td>
<td>Congress</td>
<td>Non proportional</td>
</tr>
</tbody>
</table>

<sup>23</sup> Not confirmed as the law just mention “activities”
<table>
<thead>
<tr>
<th>Country</th>
<th>Type of Government</th>
<th>Intelligence Services</th>
<th>Committee</th>
<th>Year</th>
<th>Seats</th>
<th>Size of Committee</th>
<th>Proposing Authority</th>
<th>Form of Appointment</th>
<th>Specialisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Namibia</td>
<td>Presidentialist Republic</td>
<td>Namibia Central Intelligence Security, Defense and Foreign Affairs Committee</td>
<td>Security, Defense and Foreign Affairs Committee</td>
<td>1997</td>
<td>6 proportional</td>
<td>Congress</td>
<td>Prime Minister, leader of the opposition party, two parliamentarians designated by the former and one by the last.</td>
<td>P-Q-L</td>
<td>Genérica</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Parliamentary Monarchy</td>
<td>New Zealand Security Intelligence Service (NZSIS) New Zealand Government Communications Security Bureau (GCSB)</td>
<td>Intelligence and Security Committee</td>
<td>1996/1999</td>
<td>Congress</td>
<td>5 members of the Parliament proposed by the Prime Minister</td>
<td>Prime Minister, leader of the opposition party</td>
<td>P-B-G</td>
<td>Specialised</td>
</tr>
<tr>
<td>Norway</td>
<td>Parliamentary Monarchy</td>
<td>Norwegian Intelligence Service (NIS) Norwegian Police Security Service (PST) National Security Authority (NSM) Norwegian Defence Security Service (NORDSS)</td>
<td>Intelligence Oversight Committee (EOS)</td>
<td>1996</td>
<td>Independent</td>
<td>7 designated by the Parliament but not members of the Parliament</td>
<td>Prime Minister, leader of the opposition party</td>
<td>P-O12-Q-L-G-B (parece que todos)</td>
<td>Specialised</td>
</tr>
<tr>
<td>Peru</td>
<td>Presidentialist Republic</td>
<td>National Intelligence Council (COIN) National Intelligence Directorate (DINI) General Directorate for Security and Defence Affairs (DGASD)</td>
<td>Intelligence Committee</td>
<td>2006</td>
<td>Congress</td>
<td>Between 5 and 7</td>
<td>Prime Minister, leader of the opposition party, two parliamentarians designated by the former and one by the last.</td>
<td>P-O12</td>
<td>Specialised</td>
</tr>
<tr>
<td>Poland</td>
<td>Parliamentary Republic</td>
<td>Foreign Intelligence (Agencja Wywiadu (AW) Internal Intelligence (Agencja Bezpieczeństwa Wewnętrznego (ABW) Military Intelligence (Służba Wywiadu Wojskowego (SWW) Military Counterintelligence (Służba Kontrwywiadu Wojskowego (SKW) AntiCorruption Central Office (Centralne Biuro Antykorupcyjne (CBA)</td>
<td>Committee for the Supervision of the Special Services</td>
<td>1995</td>
<td>Congress</td>
<td>No more than 9 members of the Parliament proposed by its presidency</td>
<td>Prime Minister, leader of the opposition party</td>
<td>P-O2-G-B-Q-L</td>
<td>Specialised</td>
</tr>
</tbody>
</table>

24 Prime minister, leader of the opposition party, two parliamentarians designated by the former and one by the last.
<table>
<thead>
<tr>
<th>Country</th>
<th>System</th>
<th>Agency/Committee</th>
<th>Year</th>
<th>Type</th>
<th>Members/Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Poland</strong></td>
<td>Parliamentary Republic</td>
<td>Internal Security Agency (ABW), Foreign Intelligence Agency (AW), Military Intelligence Service (SWW) and the Military Counterintelligence Service (SKW)</td>
<td>1994</td>
<td>Senate</td>
<td>9 deputies maximum, elected by the Congress</td>
</tr>
<tr>
<td><strong>Portugal</strong></td>
<td>Parliamentary Republic</td>
<td>Sistema de Informações da República Portuguesa (SIRP), Serviço de Informações Militares (SIM)</td>
<td>2004</td>
<td>Independent</td>
<td>3 citizens of proven reputation elected by two thirds of the Parliament</td>
</tr>
<tr>
<td><strong>Rumania</strong></td>
<td>Semipresidentialist Republic</td>
<td>Communications Special Service Military Intelligence Directorate for the Intelligence Internal Protection Home Affairs Ministry</td>
<td>1993</td>
<td>Bicameral</td>
<td>3 deputies and 2 Senators elected among the members for the Defense, Public Order and National Security of both Chambers</td>
</tr>
<tr>
<td><strong>Slovakia</strong></td>
<td>Parliamentary Republic</td>
<td>Slovak Information Service (SIS)</td>
<td>1993</td>
<td>Congress</td>
<td>13 (elected at the beginning of the term of office when the number is decided)</td>
</tr>
<tr>
<td><strong>Slovakia</strong></td>
<td>Parliamentary Republic</td>
<td>National Security Agency (ANS)</td>
<td>1993</td>
<td>Congress</td>
<td>13 (elected at the beginning of the term of office when the number is decided)</td>
</tr>
<tr>
<td><strong>Slovenia</strong></td>
<td>Parliamentary Republic</td>
<td>Slovenska Obveščevalno-Varnostna Agencija (SOVA), Military Intelligence Criminal Police</td>
<td>2003</td>
<td>Congress</td>
<td>Up to 9 members (president, vicepresident and 5 elected by the National Assembly)</td>
</tr>
</tbody>
</table>

**Q-P-cooperation** | **Specialised**

**P-O12-G-L** | **Specialised**

**P-O12-G-B-Q-L** | **General**

**O1-G-B-Q-L** | **Specialised**

**P-G-B-Q-L** | **Specialised**

**P-G-B-Q-L** | **Specialised**
<table>
<thead>
<tr>
<th>Country</th>
<th>System</th>
<th>Intelligence Agencies</th>
<th>Committee/Delegation</th>
<th>Year</th>
<th>Body</th>
<th>Members</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Korea</td>
<td>Presidentialist</td>
<td>Agency for National Security Planning (ANSP)</td>
<td>Information Committee</td>
<td>1994</td>
<td>Congress</td>
<td>12 elected by the political parties</td>
<td>L-G?   Specialised</td>
</tr>
<tr>
<td>Spain</td>
<td>Parliamentary Monarchy</td>
<td>National Intelligence Center (CNI)</td>
<td>Secret Funds Committee</td>
<td>1978</td>
<td>Congress</td>
<td>One of each group</td>
<td>P-B?   Specialised</td>
</tr>
<tr>
<td>Sweden</td>
<td>Parliamentary Monarchy</td>
<td>Swedish Security Service</td>
<td>Committee for the Protection of the Security and Integrity of the State</td>
<td>1976</td>
<td>Congress</td>
<td>17 elected proportionally by the Parliament</td>
<td>P-B-L  Specialised</td>
</tr>
<tr>
<td>Sweden</td>
<td>Parliamentary Monarchy</td>
<td>Swedish Security Services Agencies against Crime</td>
<td>Committee for the Protection of the Security and Integrity of the State</td>
<td>1976</td>
<td>Congress</td>
<td>10 parliamentarians with legal background elected by the government</td>
<td>O12-Q  General</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Parliamentary Federal</td>
<td>Strategic Intelligence Service (SND) Analysis and Prevention Service (DAP) Military Intelligence Service (MND) Air Force Intelligence Service (LWND) Postal Service and Telecommunications Surveillance (UPF)</td>
<td>Control Delegation (CD)</td>
<td>2006</td>
<td>Congress</td>
<td></td>
<td>P-Q&lt;sup&gt;26&lt;/sup&gt; General</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Parliamentary Monarchy</td>
<td>Secret Intelligence Service (SIS) Security Service (SS) Government Communications Headquarters (GCHQ)</td>
<td>Security and Intelligence Committee (ISC)</td>
<td>1994</td>
<td>Bicameral&lt;sup&gt;27&lt;/sup&gt;</td>
<td>9 members of both Chambers appointed by the Parliament alter Prime Minister</td>
<td>P-G-B&lt;sup&gt;28&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>25</sup> If it cant be solved by other instance
<sup>26</sup> The law says ‘activities’ in a generic way
<sup>27</sup> It is not a parliamentarian committee but a committee of parliamentarians
<sup>28</sup> It is not clear they have assigned ‘Operations’
| United States | Presidentialist Federal Republic | Central Intelligence Agency (CIA); Defense Intelligence Agency (DIA); Federal Bureau of Investigation (FBI); National Geospatial-Intelligence Agency; National Reconnaissance Office; National Security Agency (NSA); Office of Naval Intelligence; US Air Force Intelligence, Surveillance, and Reconnaissance; US Army Intelligence and Security Command; US Coast Guard; and US Marine Corps Intelligence Department | (1) Intelligence Senate Select committee | 1947 | One in each Chamber | Senate elects 19 members (8 government, 7 opposition and 4 ex officio) | House of Representatives: 22 (13 majority and 9 minority) | Elected by each Chamber | P-O12-G-B-Q-L | Specialised |

*Source: Elaborated by the author based on the available legislation and Communications with Experts and national Parliaments*
3. ANALYSIS

ii) Types of committees

The first variable to analyse is the type of committees. From Table 1 it is drawn that the majority of the systems analysed have opted – as it was foreseeable – for placing this type of control of the Legislative in one of its more obvious structures as the committees that organise the life and performance of the Chambers throughout the world. Thus, as shown in Table 2, we find 34 committees established in the Congress, 2 in the Senate and 9 comprised of members from both chambers; finally, 10 are committees or organs commissioned by Parliament, but not part of it. The clearest case of this type is the United Kingdom in which members from the House of Parliament and from the House of Lords form part of the Intelligence and Security Committee but are appointed by the Prime Minister and not by the Chambers, reason why it is an organ formed by parliamentarians but it is not parliamentarian. Specific cases would also be Finland and Hungary in which the figure of an Ombudsman is a commissionate of Parliament.

Table 2. Types of organs for parliamentarian control

<table>
<thead>
<tr>
<th>Congress</th>
<th>Germany, Austria, Bulgaria, Chile, Colombia, South Korea, Denmark, Ecuador, Slovakia, Slovenia, Spain, Estonia, United States, Greece, Guatemala, Hungary, India, Indonesia, Israel, Japan, Latvia, Lithuania, Luxemburg, Mongolia, Namibia, New Zealand, Poland, Peru, Czech Republic, Rumania, South Africa, Sweden, Switzerland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate</td>
<td>United States, Poland</td>
</tr>
<tr>
<td>Bicameral</td>
<td>Argentina, Australia, Bosnia and Herzegovina, Brazil, France, Italy, Mexico, United Kingdom, Rumania</td>
</tr>
<tr>
<td>Non parliamentarian</td>
<td>Germany, Belgium, Canada, Finland (Ombudsman), Greece, Holland, Hungary (Ombudsman), Norway, Portugal, United Kingdom</td>
</tr>
</tbody>
</table>

ii) Specificity

Except for Mexico, Namibia and both Rumanian and Swedish committees, all the countries have opted for specific committees, which is part of the logic in the process of intensification of the control of the intelligence services which we have

29 Intelligence Committee of the Senate
30 Committee for Human Rights, Rule of Law and Petitions
31 It is not strictly from the Chamber but comprised by parliamentarians.
32 Joint committee for the control of activities of the Rumanian Intelligence Service
33 G10 Commission elected by the PKGr
34 Authority for the Security of Communications and Privacy
highlighted and that has occurred since the late seventies. Here, the size of the committees which varies greatly does not seem to have any influence. We find cases such as Belgium with 3 and Indonesia with 49, although it is usual to have between 5 and 9 members, due to the proportional nature of its election or due to the allocation of a seat to each parliamentarian group – which is not normally exceeded -, but even the most fragmented parliaments range within these figures. The most usual method of allocation is the proportional, which corresponds to the will to have all the political forces in the committee and support of the action of the intelligence agencies from most of the political spectrum; moreover, we cannot forget that the use of these agencies for the espionage of the political opponents had been usual the practice for a long period of time. Nevertheless, as alerted by White (1984) a long time ago, the subcommittees are not a solution either because, due to their prestige, all the political parties wish to have a representation in them which makes them bigger and thus having evident impact on the management of confidential documentation.

iii) Areas controlled

It is difficult to know the reality since legal texts are not very precise and even having had conversations with academics and members of these committees, these conversations have not clarified some aspects. This complexity is partly due to the fact that, as shown by practice, there are two strategies in creating these committees: either to give them a difficult mission and to detail specific topics that cannot be investigated, or to try to make a comprehensive list of functions, which in both cases leaves a margin for discretionary behaviour. Nevertheless, we can see from Table 3 that there is a clear tendency to give these organs an extensive range of areas to scrutinise. According to Table 3, we can see that 13 organisations have all the possible areas of control\textsuperscript{35}, and if we also include the operations – which is one of the most sensitive aspects for the services and for which they show themselves as opaque – this would increase to 23 which means half of the case studies.

\textsuperscript{35} I remember that they would be: i) P: General guidelines and objectives of the service; ii) M: Management of the service; iii) B: Budgets and economic management; iv) O1: Concluded operations; v) O2: Operations in process or for the future; vi) L: To inform about legislative modifications; vii) Q: To analyse complaints made by the citizens, and viii) V: To authorise surveillance.
Table 3. Areas of control per control organ

<table>
<thead>
<tr>
<th>All</th>
<th>Management and Operations</th>
<th>All except for Operations</th>
<th>Management</th>
<th>Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Belgium</td>
<td>Bulgaria</td>
<td>Latvia</td>
<td>USA</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Bulgaria</td>
<td>Canada</td>
<td>Chile</td>
<td>Holland</td>
</tr>
<tr>
<td>Australia, Argentina</td>
<td>Slovenia</td>
<td>Spain</td>
<td>Guatemala</td>
<td>New Zealand</td>
</tr>
<tr>
<td>Brazil</td>
<td>South Korea</td>
<td>Ecuador</td>
<td>India</td>
<td>Indonesia</td>
</tr>
</tbody>
</table>

Note: Denmark and Luxemburg, waiting to receive reliable information.

iv) Relationship with the form of government

An initial hypothesis would be that the presidential systems have preferred to closely maintain the control of the intelligence agencies and to steal the control from Parliament. An analysis of what is included in Table 1 shows us that 12 of the countries are presidential and 3 semi-presidential. Except for the United States, these countries include the organs of control with the most reduced range of powers, despite the fact that in all cases we are dealing with specific organs we can agree that they usually develop a level of control that is more intense. Nearly all these countries coincide with the Latin American democracies (Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico and Peru), plus South Korea, Indonesia, Mongolia, Namibia and the United States, together with the semi-presidential models in France, Rumania and South Africa.

We could understand this variable in terms of democratic quality but perhaps it would be more logical to do it based on the form of government. This is justified in the...
fact that in recent democracies with a long authoritarian or totalitarian past such as Bulgaria, Estonia, Hungary, Latvia and Rumania, just to mention a few, and with more recent processes of democratisation than in Latin America, more intense control systems have been in fact developed. Therefore, the variable ‘form of government’ seems to be an element to consider when attempting to understand what model is chosen by some countries to control its intelligence. Moreover, the majority of Latin American legislations on intelligence services, include mechanisms that do not exist in other countries in such a generalised way like for example to prohibit the use of reserved funds, to elect the director of the service as agreed by the parliamentarian forces or to mention specifically that the director of the service is not going to pay attention to party requests from the government, which favours the control of the activities of the service without giving powers of control to the Legislative.

v) Similarity with models from neighbouring countries.

I have already pointed out that the institutional isomorphism is a phenomenon with some degree of probability to appear when we speak about intelligence agencies. Its novelty and the difficult nature of measuring its results have as a result that the copy of close models (politically but also geographically) has become a source of legitimacy. By looking at the various countries on a map we notice how in fact there is a concentration of organisations that have larger supervisory areas; I have chosen this variable to organise the geographical distribution since I consider that it is actually this variable which can segment to a greater extent these organisations, presuming that at a later time this variable will be able to carry out the segmentation of the powers that the committee hold in order to conduct its work. Thus, Nordic countries and some central European countries were a model for the Baltic republics and the countries from the old Soviet bloc. The literal content of their legislations is quite similar and it can be observed how they have opted for specific mechanisms, with various areas to control and with a proportional representation, with the clear intention to emphasise the control of the previous intelligence structures and to resemble the prevailing model in the surrounding countries.
4. POSSIBLE DEVELOPMENT OF THIS PAPER

So far I have structurally analysed the mechanisms for parliamentarian control of 48 countries and the objective elements that may be necessary for the existence of a control of the Legislative over these elusive agencies. However, in the best case scenario, we are talking about structures that can potentially control the procedural and administrative work of the intelligence services but that do not deal with the respect for the freedoms of the citizens; that is, they exert control over the management but not over the protection of Human Rights. This alert had already been included in the McDonald Report (1981:43) “an efficient control is essential to guarantee its contribution to the security of the population without undermining the democratic processes and human rights”. For this reason, a second step would then be to analyse if it is possible to manage to measure a good parliamentarian control that, as conceptualised by Lutsgarten (2002:164) the ingredients would be:

1. independence of the Executive
2. proactive ability
3. representation in the committee of members of all parties
4. full access to the information about all the activities of the agency
5. ability to keep a secret
6. institutional experience and knowledge of the administration
7. appropriate administrative support
8. ability to use the means to support the organ of control in the case of narrow-mindedness of the service.

I have already analysed some of these variables in the text above, and some conclusions have been drawn, and others are difficult to measure because either they are eminently enabling and legal, being difficult to know their application and specific effectiveness, or they are sensitive to interpretation. However, the current model, based on patrols and fire alarms which were theorised by McCubbins and Schwartz (1984) has already become inefficient as pointed out by Loch K. Johnson (2009). This is because counterterrorism forces one more control on a daily basis of the activities of
these services for which these agencies – and surely the services themselves – are not prepared to deal with. This dynamic can be clearly observed after the 11-S when, as pointed out by Eisenhrath (2002:3) in the face of such an immediate and lethal threat, the committees would act not as much as monitors but as sponsors.

Thus, we are in a situation in which the already mere existence of an institution says nothing about the available cratological volume: because “elegant structures of control can be established and these can be completely useless if those responsible for them see their function as a simple relief for the population based on the fact that areas that previously were out of the control now are” (Gill, 1994:249). Thus, we face a challenge in studies of intelligence that has not been properly dealt with yet, the reason why it could only be indirectly understood if the control is efficient, and similarly if the product generated by intelligence is useful for politicians (Díaz, 2006b), that is, based on the volume of criticism received.

5. BIBLIOGRAPHY

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