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INVESTIGATING THE STRATEGIC INTELLIGENCE SERVICE OF SWITZERLAND

Experiences of a Parliamentarian

Dr. Barbara Haering

*Member of the Committee on Security Policy of the Federal
Parliament,
Bern, Switzerland*

barbara.haering@econcept.ch

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I. Introduction

When it comes to the general question of how to improve the parliamentary control of the armed forces in general, one has to focus on the principle of the comprehensive leadership circuit. In other words: If we take for granted that already the initial choice of the risk scenario determines the basic outlines of an army's mission, doctrine and strategy, then an effective control of the armed forces must begin proactively within the establishment of the risk analysis. This also extends to the demand for an intensified political leadership and control of the intelligence services as an important instrument of security policy. Unfortunately, this demand usually only comes up in the wake of scandals and in connection with any misdemeanour committed by the intelligence services. This was also the case with the "Study Commission on the Intelligence Directorate of the General Staff" in Switzerland 1999/2000: A scandal of misappropriation exerted political pressure on the Federal Department of Defence, Civil Protection and Sports (DDPS). In order to cope with this pressure, the Head of Department, the former Minister Adolf Ogi nominated a study commission under the chairmanship of the former State Secretary Edouard Brunner. With respect to the potential political implications of the scandal, four out of the seven members of this commission were parliamentarians, representing the four important parties of Switzerland. Two members were diplomats and one a scholar, Professor Kurt R. Spillmann of the Federal Institute of Technology in Zurich.

II. Mandate and procedure

The Study Commission on the Intelligence Directorate of the General Staff (SID) was established on September 8, 1999 with the mandate to submit a report to the Head of the DDPS, covering the following issues:

- A basic analysis of the requirements for strategic and operative (military) intelligence information and of the utility of such information.
- An analysis of the interface between the Intelligence Directorate of the General Staff and the federal government's offices, which have a direct or indirect contact with them.
- An analysis of the cooperation and the structures of the Intelligence Directorate of the General Staff, specially their management (civilian or military) and the structure of the Strategic Intelligence Service, being a part of the Intelligence Directorate of the General Staff.
- An analysis of the administrative affiliation of the Strategic Intelligence Service.

Thus, the mandate of the Study Commission was very comprehensive – especially if we take into account, that the report had to be submitted within four months. However, it was not the task of the Study Commission to investigate the topical scandal of misappropriation.

The Study Commission organized hearings with officials and staff members from the Intelligence Directorate of the General Staff itself, with the head of the intelligence section of the Air Force, with officials of the Department on Foreign Affairs as well as the Department of Justice and with external experts. Delegations of the Study Commission gathered information about organisation and work of the American, Austrian, British, French, German, Dutch and Swedish intelligence services on the spot. The Study Commission also took note of the reports submitted to the parliament by the Parliamentary Control Committees, concerning the irregularities in the Intelligence Directorate of the General Staff and the relations of the Intelligence

Directorate of the General Staff with South Africa¹ and met with members of the Control Committees for an exchange of opinions.

III. Recommendations

The investigations of the Study Commission showed that the two main problems of the Intelligence Directorate of the General Staff were interlinked. There was a lack of political leadership of the Intelligence Directorate and at the same time a strictly military logic within the Intelligence Directorate. In other words:

Lack of political leadership: The Intelligence Directorate was working without a clear political mandate including explicit tasks and priorities. Moreover, its analysis and results were not translated into the political decision making procedures. As a consequence, their investigations were more or less following personal interests of the staff members.

Military logic: The Intelligence Directorate was subordinated under the General Staff of the Army. Therefore, the management of the Intelligence Directorate, including the human resource management, was following a strictly military logic. Thus, frustrating those collaborators who – for various reasons – were not seeking a military career.

Therefore, the investigations of the Study Commission lead to the following core recommendations:

- 1. Intelligence services are indispensable.** Effective crisis management requires early detection and the permanent analysis of the increasing complexity of international developments. An intelligence service therefore is an indispensable means to meet these new challenges. It is of decisive importance that any government has autonomous sources of information, providing a reliable and timely basis for political decision-making. Thus, the importance of strategic intelligence will increase and the cross-departmental nature of security issues will

¹ *Parliamentary Control Committees: Relations with South Africa: Role of the Swiss Intelligence Service, 12 November 1999, and Irregularities in the Intelligence Directorate of the General Staff ("Bellasi Affair"), 24 November 1999*

have to be enforced.

2. **A political leadership is urgent.** The Strategic Intelligence Service should immediately be removed from the General Staff of the Army and be subordinated directly to the Head of the DDPS. The Strategic Intelligence Service shall not longer be led by the military, and the military rank of officials may no longer be a criterion for promotions. Moreover, the staff of the Strategic Intelligence Service should, as a rule, be exempted from compulsory military service.
3. **The Strategic Intelligence Service needs a clear mandate.** In order to be an effective instrument for the political leadership and at the same time in order to ensure the primacy of politics the Strategic Intelligence Service has to be given clear tasks including priorities and posteriorities – as well as a clear framework for its actions. The Federal Council therefore should annually elaborate a priority list for the Strategic Intelligence Service. This mandate should be adjusted to topical necessities, whenever needed.
4. **The flow of information has to be improved.** In order to improve the flow of information, the coordinator of the various intelligence services should be given the possibility to brief the Federal Council directly.
5. **The Strategic Intelligence Service needs increasing resources.** For the sake of an effective early detection especially the analysis section of the Strategic Intelligence Service should be reinforced in qualitative and quantitative terms.
6. **The Strategic Intelligence Service is depending on a full access to electronic information.** The Strategic Intelligence Service must continue to have full access to the electronic information gathering of the General Staff. At the same time, it must be ensured that the offices charged with the operation of electronic information gathering do not interfere in the designation of targets or the selection of gathered material.
7. **The parliamentary control of the Strategic Intelligence Service has to be fostered.** The parliamentary control should be assumed not only by a sub-committee of the general Control Committees as it is today but by a specific

Intelligence Committee, consisting of no more than six experienced parliamentarians, having all powers necessary to fulfil their assignment. This committee should be provided with all the resources and expertise needed, in order to supervise also the substance of the Strategic Intelligence Services' activities. This Intelligence Committee should provide an annual report to the parliament.

- 8. The Strategic Intelligence Service needs an internal inspection.** An internal inspector for the intelligence services should be appointed to control administrative and budgetary matters as well as personnel security. The independence of this inspector must be guaranteed.

- 9. The public relations of the Strategic Intelligence Service have to be improved.** The Strategic Intelligence Service should provide increased and regular information to the public on its mission, organisation and work. The SID proposes therefore the appointment of a person explicitly charged with public relations.

- 10. Cooperation with Federal Police:** While maintaining in principle the organisational separation between foreign and domestic intelligence gathering, the Strategic Intelligence Service and the Federal Police should intensify their mutual contacts in order to optimise the intelligence gathering of risks cutting across borders.

- 11. Waiting for the planned government reform:** The Study Commission felt that it would be best, after implementation of government reform, to subordinate the Chairman of the Security Steering Group to a newly created presidential office or a minister in charge of these matters.

These recommendations were, among others (see Annex), presented to the Head of the DDPS in February 2000. With this, the mandate of the Study Commission came to an end.

IV. Two years later

Two years later the implementation of the recommendations of the Study Commission has started:

- The Strategic Intelligence Service has been removed from the General Staff and will soon be subordinated directly to the Head of the DDPS (if the Council of State follows the decision taken by the National Council within the reform of the military law).
- The Strategic Intelligence Service has been given a political mandate, that seem to be clearer than before – including a top-ten-list of priorities.
- The resources of the Strategic Intelligence Service have been increased to some extent.

At the same time, other recommendations have not – or not yet – been implemented:

- The collaborators of the Strategic Intelligence Service have not been exempted from compulsory military service.
- The status of the coordinator of the intelligence services has not been improved.
- The parliamentary control has not been strengthened. I presume parliamentarians are somehow afraid of taking over greater responsibilities and thus also increased risks.
- The cooperation between the Strategic Intelligence Service and the Federal Police has not been improved and clarified.
- The government reform is still stuck in some cupboard. And therefore the coordination of the intelligence services of the various departments remains insufficient.

However, a new debate on how to improve the work and relevance of the Strategic Intelligence Service has been launched by a parliamentary initiative this summer. Following this parliamentary initiative, the Defence Committee of the National Council has decided to improve the resources of the parliamentary control of the intelligence services. Moreover, a subcommittee has been established in order to elaborate and propose additional measures. Thus, at least the discussions will go on!

Annex:

Summary of the political recommendations of the Study Commission on the Intelligence Directorate of the General Staff (SID), established by the Head of the Federal Department of Defence, Civil Protection and Sports (DDPS), Federal Council Adolf Ogi, on 8 September 1999.

1. Effective crisis management by the Federal Council requires early detection and the permanent analysis of the faster pace and increasing complexity of international developments. An intelligence service is an indispensable means to meet these new challenges. It is of decisive importance that the Federal Council has autonomous sources of information, providing a reliable and timely basis for political decision-making.
2. In order to be an instrument of the strategic leadership, and in order to ensure the primacy of policy, the Strategic Intelligence Service shall be given clear priorities and tasks. This includes designing what it is not supposed to cover. The Federal Council should annually elaborate a priority list for the Strategic Intelligence Service, on the basis of a submission by its Security Committee. If necessary, the Federal Council should also in between add current political priorities and needs for intelligence to this list.
3. The importance of the Federal Council's Security Committee will increase. Correspondingly it must further intensify its activities and enforce the cross-departmental nature of security issues in the administration's daily business.
4. The SIS should immediately be removed from the General Staff and be subordinated directly to the Head of the DDPS.
5. The SIS must continue to have full access to the electronic information-gathering of the General Staff. It must be ensured that the offices charged with the operation of electronic information-gathering do not interfere in the designation of targets or the selection of gathered material, but only fulfil intelligence requirements of the SIS, the AIS, the Federal Police etc. These intelligence requirements must be derived from the political priorities and information needs set annually by the Federal Council.
6. The SIS shall not longer be led by the military, and the military rank of officials may no longer be a criterion for promotions.

7. The SIS staff should, as a rule, be exempted from compulsory military service.
8. The Army Staff fractions (militia component) assigned to the SIS shall be dissolved. At the same time, the SIS must be enabled to fully function in every situation.
9. For the sake of effective early detection, it is especially the analysis section of the SIS that should be reinforced in quantitative and qualitative terms.
10. The Armed Forces Intelligence Service shall be restructured and expanded to a military intelligence service, able to comprehensively fulfil the needs of the Ground Forces and their Air Force for operational, tactical and technical intelligence. The analysis part of the Air Force Intelligence Section should be integrated in the military intelligence service to avoid duplication of work.
11. The Military Protocol should be removed from the Intelligence Directorate and be subordinated to the Chief of the General Staff or his Deputy.
12. Function and organisation of the Swiss Defence Attachés should be re-examined. At any rate the Defence Attachés should be subordinated to the Chief of the General Staff and be assigned to provide services to the Head of Security and Defence Policy of the DDPS, the Head of SIS and the Head of the military intelligence service. Personnel planning for Defence Attachés must be improved.
13. Parliamentary control should be assumed by a newly created Intelligence Committee, consisting of no more than six members, having all powers necessary to fulfil its assignment. This committee should be provided with all necessary resources and expertise, including a secretariat and staff, so that it could also supervise the substance of the intelligence services' activities. The Intelligence Committee should provide an annual report to Parliament.
14. An internal inspector for the intelligence services should be appointed to control administrative and budgetary matters as well as personnel security. The independence of this inspector must be guaranteed.
15. The Strategic Intelligence Service should be controlled more effectively and provide increased, and more regular, information to the public on its mission, organisation and work, to the extent that this does not affect its work and the protection of sources and partners. The SID proposes therefore the appointment, for the intelligence services, of a person charged with liaison with the media.

16. While maintaining in principle the organisational separation between foreign and domestic intelligence-gathering, the SIS and the Federal Police should intensify their mutual contacts to optimise the intelligence-gathering risks cutting across borders. The DDPS and the DFJP should elaborate proposals for a solution tenable both with respect to the rule of law and general political considerations. They should take into account both the findings of the Parliamentary Committee on Investigation (PUK EMD) and the experiences with the implementation of the Committee's recommendations. As far as necessary, new provisions must be envisaged at the level of federal law.
17. If the efficiency and continuity of early detection and crisis management is to be improved, a permanent chair of the Security Steering Group is by far preferable to a rotating chair. This function should be assumed by the intelligence coordinator who should also be elevated to as high a rank as possible in the context of the re-examination by mid-2001 (if possible Delegate of the Federal Council). As chairperson of the Security Steering Group, the intelligence coordinator would, in consultation with the Security Committee of the Federal Council, receive the possibility to directly brief the Federal Council (as is the already now the case for the Chairman of the Security Steering Group).
18. The SID feels that it would be best, after implementation of government reform, to subordinate the Chairman of the Security Steering Group (who would at the same time also be intelligence coordinator) to a newly created presidential office or a minister in charge of these matters.



Established in 2000 on the initiative of the Swiss government, the Geneva Centre for the Democratic Control of Armed Forces (DCAF), encourages and supports States and non-State governed institutions in their efforts to strengthen democratic and civilian control of armed and security forces, and promotes international cooperation within this field, initially targeting the Euro-Atlantic regions.

The Centre collects information, undertakes research and engages in networking activities in order to identify problems, to establish lessons learned and to propose the best practices in the field of democratic control of armed forces and civil-military relations. The Centre provides its expertise and support to all interested parties, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, academic circles.

Geneva Centre for the Democratic Control of Armed Forces (DCAF):
rue de Chantepoulet 11, P.O.Box 1360, CH-1211 Geneva 1, Switzerland
Tel: ++41 22 741 77 00; Fax: ++41 22 741 77 05
E-mail: info@dcaf.ch
Website: <http://www.dcaf.ch>