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On Balance: Intelligence Democratization in Post-Franco Spain

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Spain has made considerable efforts to democratize¹ its intelligence agencies since Francisco Franco's dictatorship ended in 1975 and the country's transition to democracy began. The existing literature, both in Spanish and English, on those reforms can now be supplemented by analyses of the ongoing efforts to achieve a balance, or tradeoff, between democratic civilian control and the effectiveness of intelligence.²

Like many other established and developing democracies around the world, Spain faces serious problems of terrorism and illegal migration, as well as organized and street crime. While these challenges derive from diverse sources, they represent, singly and together, a threat to Spanish stability, prosperity, and democratic development. As the train bombings in Madrid in 2004 made horrifically clear, this threat can be grave. As such, Spain needs very effective intelligence agencies as its first line of defense to thwart incidents before they materialize.

Effective intelligence, in turn, involves secrecy and intrusive practices, which challenge the democratic principles of transparency, accountability, and personal freedom. In this context, if democracies lack a rigorous ethical context for their intelligence agencies, including a robust legal framework and effective oversight mechanisms to act as checks and balances, the danger always exists, especially in new democracies, that the intelligence agencies will overshadow the political process. Accountable governance, civil liberties, or, in the most extreme cases, the country's very democracy could then be severely constrained. Since Franco's dictatorship was supported by an increasingly oppressive intelligence apparatus such considerations are not academic abstractions or doom-saying.

More than four decades have elapsed since the start of Spain's transition to democracy. During that time it has developed democratic and effective intelligence agencies.³ Madrid's post-Franco Intelligence Community (IC) has developed as a profession,⁴ and its expertise and corporate ethos have evolved. As a result, Spain's intelligence agencies have become effective in countering the nation's security threats. Yet they still lack robust formal oversight amid sporadic or hesitant civilian interest. This crucial lacuna means that the Spanish IC may be stymied in its democratic progress, thereby having real implications for its continued operational and organizational success.

As both a symptom and cause of this lingering imbalance, the ethical aspect of the profession continues to be precarious. For example, Spain's National Intelligence Center (CNI) has a Code of Ethics, borrowed from the military, that continues to exert a clear influence on the structure, worldview, and collective personality of the agency.⁵ Thus, no legal procedure exists by which a CNI officer who discovers unethical or unprofessional behavior within the agency can report it through channels.⁶ The police, too, lack robust ethical safeguards. Minimal ethical standards have fueled occasional episodes of

corruption and politicized practices (for example, illegal spying on political opponents) among police intelligence officers.⁷ These occasional incidents have been aggravated by the continuation of abusive Franco-era practices by police officers and agencies working too closely with the politicians.⁸

THE LEGACY OF ILLIBERAL INTELLIGENCE AGENCIES

Franco's long dictatorship, from 1936 to 1975, was an authoritarian regime characterized by extreme violence, especially in the aftermath of the Civil War (1936–1939), suppression, censorship, and other human rights abuses against Spanish citizens.⁹ General Franco earned his authority from his victory in the Civil War. He garnered legitimacy from the Roman Catholic Church elites and the National Movement (*Movimiento Nacional*) backed by the only acknowledged political party, *Falange Española*. He ensured the security of his regime with the support of the armed forces, the National Police, and the Civil Guard. Franco was Spain's head of state (for life, from 1947¹⁰) as well as head of government, until the appointment of Admiral Carrero Blanco in June 1973.

During his nearly forty-year rule, Franco forbade opposition political parties, abolished free elections, and restricted liberties and freedoms that had already been achieved in the 1931 Constitution.¹¹ Democratic civilian control of the military or the intelligence agencies was non-existent. Instead, Franco personally supervised the armed forces, in conjunction with three different ministries—Army, Navy and Air Force—staffed exclusively by military personnel. Franco ruthlessly prevented the creation of any opposition power base in order to consolidate his authority and rule.¹² Franco also isolated both Spain and its military from the then-developing *zeitgeist* of democratization in post-World War II Europe, leaving membership in the North Atlantic Treaty Organization (NATO) or integration in the European Community (EC) out of the question. Scattered efforts toward a somewhat limited integration into Europe and the rest of the world included the 1953 agreements on military bases and installations with the United States, followed by the 1953 Concordat with the Catholic Church, accession to the United Nations in 1955 (although Spain continued to be viewed as an outcast by many nations until the 1970s), and a preferential agreement with the EC in 1970.¹³

At home, in 1968, Franco created the National Countersubversive Organization (OCN), comprised mainly of military officers.¹⁴ The OCN spied on real or imaginary “enemies” of the Francoist regime, in particular university students.¹⁵ The OCN was, in other words, Franco's political police.¹⁶ “It achieved immense power ... and began operations to infiltrate the academic world, labour organizations and religious circles to neutralize dissent without exercising repressive police measures.”¹⁷ In 1972, the OCN became the Central Service of Documentation (SECED) within the military

High Command.¹⁸ SECED continued the OCN's domestic espionage practices.¹⁹ Spain's geographically and topically limited foreign intelligence, as well as a great deal of domestic spying, was conducted by the Military High Command, which spent more time monitoring Republicans, Catalans, Basques, and anarchists living in exile in France, Belgium, Argentina, and Mexico than it did checking in on developments in the Sahara or gauging the opinion of the Franco regime in other European polities.²⁰

OCN/SECED helped Franco establish concentration camps, implement forced labor, and carry out extra-judicial executions, actions which resulted in up to 400,000 deaths.²¹ In sum, under Franco, Spain became a surveillance state. Its repressive dictatorship combined the psychological fear used by the Communist regimes in Central and Eastern Europe, with the physical abuses practiced by Latin America's military dictatorships. In this sense, it was the worst of both worlds.

THE INTELLIGENCE COMMUNITY TODAY

Franco's death in November 1975 ended the dictatorship, allowed the return of the monarchy under King Juan Carlos, and paved the way for democracy. Spain's transition to democracy was a negotiation—*reforma pactada, ruptura pactada*—whereby the old regime and opposition moderates initially crafted a reformed government. Their negotiations ultimately led to a purposeful rupture with the past, including a weeding out of the nondemocratic elements of the Franco dictatorship, and the establishment of democratic structures.²² Since then, civilian government officials, especially those in the executive branch, have endeavored to democratize the intelligence agencies, seeking to make them both effective and under civilian control.

Roles, Missions, and Legal Basis

After a succession of reforms, Spain's IC currently comprises the following agencies: the National Intelligence Center (CNI) under the Ministry of Presidency; the General Commissariat for Intelligence (CGI) of the Spanish National Police; the Technological Investigation Brigade (BIT) of the Spanish National Police; the Civil Guard Intelligence Service (SIGC) under the Ministry of Interior; and some regional police intelligence units, within the regional Departments of the Interior; the Center of Intelligence of the Armed Forces (CIFAS), the Army, Navy, and Air Force Intelligence Services, and Tactical Intelligence Units, all under the Ministry of Defense; the Customs Surveillance Service (SVA) and the Financial Intelligence Unit (SEPBLAC) under the Ministry of Economy; and, diplomatic intelligence functions within the country's overseas embassies.²³ Figure 1 illustrates this array of agencies and their mutual relationships.

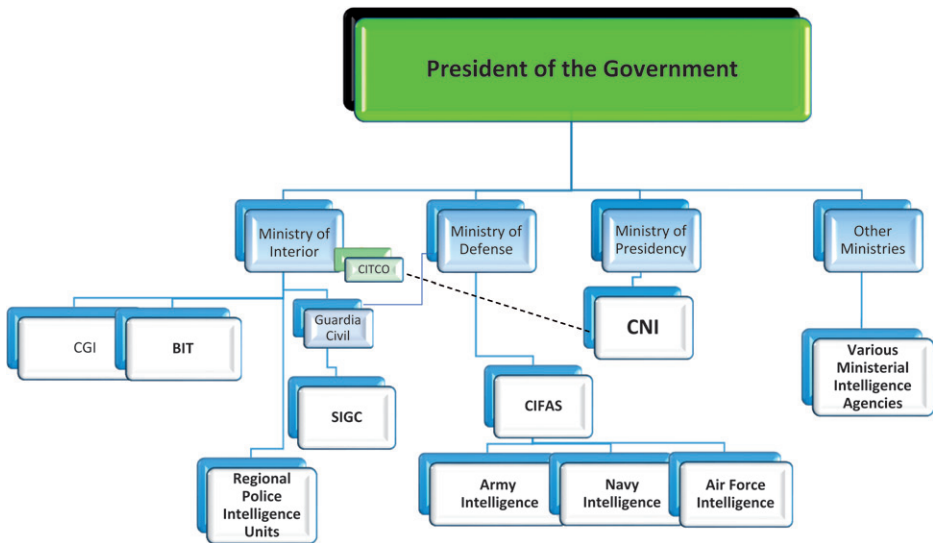


Figure 1. Spain's intelligence community.

The activities of Spain's IC are coordinated by the CNI through the Government Delegate Commission for Intelligence Affairs—a body akin to the National Security Council in the United States—chaired by the Deputy Prime Minister.²⁴ All Spanish intelligence agencies also cooperate and collaborate both bilaterally and multilaterally with their counterparts throughout the world.

The Ministry of the Presidency Intelligence: The National Intelligence Center. The National Intelligence Center, Spain's principal intelligence agency, was established in May 2002 by Act 11 (and amplified by several succeeding laws and Royal Decrees). It replaced the scandal-plagued agency begun in the early years of the democratic transition. An all-source agency, its main purpose is to “provide the Prime Minister and the Government of Spain with information, analysis, studies or proposals that enable the prevention and avoidance of any danger, threat or aggression against the independence or territorial integrity of Spain, its national interests and the stability of its institutions and the rule of law.”²⁵

Numbering some 3,500 personnel,²⁶ the CNI includes a Directorship, a General Secretariat, and three Directorates (Operations, Analysis, and Resources); additional bodies supporting the CNI Director (i.e., the Offices of the Secretary of State-Director and the Legal Consultancy); as well as additional components throughout Spain and abroad.²⁷

The CNI carries out its roles and missions in line with the Intelligence Directive and in direct coordination with the rest of the country's intelligence

and security institutions, through the Government Delegate Commission for Intelligence Affairs. The Center has an annual secret budget, as stipulated by Act 11/95 of 11 March on the use and control of confidential funds.²⁸ The CNI is the government's designated counterintelligence agency, as well as the service responsible for the safeguarding of classified information²⁹ and information security through the National Cryptologic Center (CCN).³⁰ It is also charged with vetting refugees, a task it shares with the Intelligence Center for Terrorism and Organized Crime (CITCO), which organizationally resides in the Ministry of the Interior.³¹

Ministry of Interior Intelligence: Spanish National Police Intelligence Agencies and Civil Guard Intelligence Agency. The General Commissariat for Intelligence (CGI) was established by Royal Decree No. 400/2012.³² The CGI provides intelligence and conducts operations related to public security.³³ Toward this end, "its main roles and missions involve the collection, reception, treatment and development of intelligence of interest for public order and security within the scope of the functions of the General Directorate, as well as its exploitation or operational exploitation, especially in the area of counter-terrorism, that is to be done both nationally and internationally."³⁴ The Technological Investigation Brigade, created in 2002, specializes in such areas as the surveillance of social networks; averting cyber crime and terrorism; preventing child pornography and ensuring the protection of minors; and safeguarding intellectual and industrial property.³⁵

In addition, the Ministry of Interior houses the CITCO, created by Royal Decree No. 873/2014³⁶ as an analytical fusion center focused on fighting crime and terrorism.³⁷ Merging two existing fusion centers: the Intelligence Center for Organized Crime, established in May 2006, and the National Center for Anti-Terrorist Coordination, September 2004,³⁸ its approximately 200 personnel are drawn from the National Police and Civil Guard, the Prisons Authority, a unit from the CNI, and one from the customs service. The CITCO hosts the Investigation Coordination System ("SCI-Sicoa"), which is a database shared by the CNI, Civil Guard, and National Police.³⁹ CITCO also has an external role. It participates in the Europol's European Union Serious and Organized Crime Threat Assessment (SOCTA), European Multidisciplinary Platform Against Criminal Threats (EMPACT), and the international coalition against the Islamic State (ISIS). It also participates in several EU security-focused working groups, and in the Global Counterterrorism Forum, led by Europe.⁴⁰

In addition, three of Spain's 17 regions have their own police forces: the Catalanian *Mossos D'Esquadra*, Basque *Ertzaintza*, and Navarran *Policia Foral Navarra*. These regional forces operate their own intelligence units.⁴¹

The Civil Guard Intelligence Service (SIGC) is the Civil Guard's intelligence agency. The Civil Guard, a paramilitary police force, operates under the umbrella of both the Ministry of Interior and Ministry of Defense. The SIGC was created in February 1941 as part of the Second Section of the General Staff. Today, it belongs to the Civil Guard's Operative Direction, providing intelligence and conducting operations pertaining to the public security.⁴² Its roles and missions involve fighting terrorism, organized crime, illegal migration, cyber crime, and cyber terrorism. While the Civil Guard is tasked primarily with patrolling and conducting crime-related investigations in the country's rural areas,⁴³ the SIGC has branches in Madrid, as well as throughout the country and abroad, traditionally in France (because of separatist-related terrorism⁴⁴) and increasingly in Northern Africa.

Military Intelligence: Center of Intelligence of the Armed Forces, the individual Army, Navy, and Air Force Intelligence Services, and Tactical Intelligence Units. The Center of Intelligence of the Armed Forces (CIFAS), created in June 2004 by Royal Decree No. 1551, is Spain's main military intelligence agency, functioning within the General Defense Staff (EMAD). The CIFAS is an all-source agency whose main roles are to coordinate and guide the overall military intelligence efforts; develop strategic intelligence for the EMAD and the rest of the armed forces; alert policymakers to potential crises; and establish connections to national and international counterparts.⁴⁵

The individual Army, Navy, and Air Force intelligence services carry out operational and tactical military intelligence activities. All are part of Spain's Intelligence System of the Armed Forces (SIFAS) which thereby integrates the separate intelligence capabilities of the Spanish armed forces and EMAD.⁴⁶ Under the SIFAS, all military intelligence agencies carry out their activities based on a Joint Military Intelligence Plan developed by EMAD in conjunction with the General Staffs of the several services.⁴⁷ The SIFAS collaborates with and provides intelligence to all state agencies (based on the "need to know" principle), with Spain's various allies and partner nations, as well as with NATO and the European Union.⁴⁸ SIFAS also conducts military counterintelligence activities.⁴⁹

Other Ministerial Intelligence Agencies. Several other ministries have created intelligence agencies to serve their specific needs and purposes. For instance, the Ministry of Economy set up two intelligence agencies. The Customs Surveillance Service, established by Law No. 66/1997, is charged with the investigation and prosecution of cases involving contraband, illegal drugs, financial evasion and violations, money laundering, and the carrying

out of financial related surveillance. The Financial Intelligence Unit was established by Royal Decree No. 304/2014, in accordance with Law No. 10 of April 2010. This unit coordinates all financial intelligence related efforts within Spain and works to prevent money laundering and terrorism financing.⁵⁰

Spanish embassies abroad also have diplomatic intelligence structures.⁵¹

FRAMEWORK OF CONTROL AND OVERSIGHT

As part of the democratization of Spain's intelligence apparatus, several layers of control and oversight were codified.

Executive Control

Executive control of Spain's intelligence agencies involves direction and guidance by the Deputy Prime Minister and the CNI Director. The government's Delegated Committee for Intelligence Affairs, established in 2002 by the CNI Law, coordinates all intelligence-related activities.⁵² The Intelligence Directive, which is approved yearly, sets the intelligence priorities for the CNI.⁵³ Executive control of intelligence, complemented by the National Defense Council (CDN) and created by the Organic Law on National Defense of November 2005, advises the Prime Minister on defense matters and sets the country's strategic priorities.⁵⁴ Also playing a role are the various ministries that include intelligence services.

Legislative Oversight

Legislative control and oversight of intelligence is exercised by the Defense Committee of the Congress of Deputies, established by the CNI Law.⁵⁵ The Committee has the following powers: managing the allocation of confidential funds for CNI, as established by the government; preparing a yearly report on the CNI's activities; and conducting hearings regarding the CNI's leadership.⁵⁶

Judicial Review

Judicial control of Spanish intelligence, established by the CNI Law of 2002, requires that authorization for intrusive intelligence activities be granted by a judge of the Supreme Court.⁵⁷ The CNI's director must officially request prior approval of any invasive measures to be undertaken by the agency and precisely detail the nature and objective of the search, surveillance, or seizure; the reasons and circumstances leading to the request for such actions; and

any additional information on the affected person or persons, if known, and the location of the proposed activities.⁵⁸

Informal Oversight

Apart from the formal government oversight mechanisms, Spain's media and civil society have exercised informal oversight over the intelligence agencies. The media have assumed the role of watchdog or "fire alarm," fulfilling their fourth-estate obligations to an informed democratic polity. A study conducted by Antonio Diaz Fernandez shows how "89 percent of the parliamentary questions put by deputies concerning illegal or illegitimate acts of the Spanish intelligence services are based on items reported in the press," including the scandals of the 1990s that inspired some of the more recent rounds of reform in and of the IC.⁵⁹

GETTING THIS FAR: DEMOCRATIC REFORM OF INTELLIGENCE

Spain's policymakers have reformed the post-Franco intelligence agencies with two goals in mind. First, they sought to obliterate the services' stigma of oppression and illiberalism and to develop a new IC, working in the service of democracy, that differed significantly from the nefarious OCN/CESED. To this end, in 1977, Vice-President Gutiérrez Mellado, a four-star Army general, created the Superior Defense Information Center (CESID). His express purpose was to initiate "a new intelligence service that would break with the methods of espionage associated with the days of Franco and would become a staunch ally in the difficult transition to democracy, still in its early days."⁶⁰

Spain's civilian elites then sought to develop intelligence agencies able to tackle the nation's complex and dynamic security context, involving such issues as illegal migration, organized crime, and, most importantly, terrorism.⁶¹ Domestic terrorist organizations that have long been active in Spain include the Basque Homeland and Freedom (ETA), the First of October Antifascist Resistance Groups (GRAPO), the Basque-Spanish Battalion, and the Antiterrorist Liberation Groups (GAL).⁶² Today, Spain remains at counter-terrorism security "Level 4" (on a scale of one to five),⁶³ with a "high risk," due to the ongoing developments in the security context, including the attacks by Islamist extremists in Europe and North Africa. Such threats call for qualified intelligence agencies, able to "promote growth and innovation, protect against criminal actions, understand the unbalanced markets, and help control against speculative actions and the increased loss of sovereignty in economic affairs."⁶⁴

Reform has progressed through four stages: 1975–1981; 1981–2002; 2002–2004; and 2004–present. These stages are bracketed by specific events or

developments that give them their distinctive characteristics, including the attempted military coup in 1981, the CNI Law of 2002, and the terrorist attacks in Madrid in 2004.

1975–1981: Interest in Intelligence Meets the Legacy of the Past

In the aftermath of the country's transition to democracy, policymakers in Madrid had interest in creating new, democratic, intelligence agencies. Yet, the Franco regime's strong legacy considerably hindered their efforts to bring about a tradeoff between intelligence effectiveness and democratic civilian control. In this context was the CESID created, following Royal Decree No. 1558 of 1977, which established the structure of the new democratic government.⁶⁵ During its first years of activity, the CESID encompassed three divisions—domestic intelligence; external intelligence; and the technical affairs division, which included electronic surveillance. It lacked a centralized headquarters.⁶⁶ In the mid-1980s, CESID started to develop its foreign intelligence capabilities—focused mostly on Mediterranean basin security, North Africa, and the Middle East—and to establish ties with such foreign intelligence counterparts as NATO, especially with France and Italy, and in Northern Africa (Morocco).⁶⁷ This achievement was especially notable, given Spain's isolation from the world during the Franco era. It also marked the CESID's clear shift to the conventional role of a borders-out intelligence agency in a democracy.

The CESID had no role in law enforcement, representing a clear step toward a post-Francoist and democratically-minded intelligence order that institutionalized such divisions of authority and operations.⁶⁸

Yet, the newly created CESID retained many of the Franco regime's military and police personnel who attempted to continue such practices as illegally spying on political parties. The Prime Minister himself, Adolfo Suárez, then personally explained to the Center that such practices are nondemocratic and ordered its leaders to close down their wiretapping devices.⁶⁹ Initially, the CESID was staffed exclusively with military personnel, another dark continuity from Francoism. Finally, some five years after its creation, the service started to recruit civilians.⁷⁰ Nevertheless, the appointment of its first civilian director took 24 years, when Ambassador Jorge Dezcallar was given the task of transforming the CESID into the CNI.⁷¹

The legacy of the past also involved turf wars and resistance to change on the part of the nation's main law enforcement agencies—the Civil Guard and the National Police—which did not want the CESID to play a bigger role within the new intelligence system.⁷² The result was a chronic lack of coordination and cooperation between the new CNI and the other agencies,

as well as an over-concentration of power in the law enforcement agencies' intelligence units.

The civilian elites' main goal during the transition was to secure the loyalty of the armed forces to democracy. Remnants of the old system in leadership positions grudgingly went along with the reforms in return for a *quid pro quo* of guarantees, such as maintaining Francoist personnel in the intelligence agencies, thereby hindering democratic civilian control.⁷³ In this context, "[s]ome veteran specialists were reclassified or given new duties, the hierarchy was shuffled here and there ..."⁷⁴ In sum, not very much changed during the transition to democracy.

These many hurdles made for marginal reforms at best, resulting in a limited effectiveness in fighting terrorism and virtually no oversight.⁷⁵ Consequently, the CESID's "first years were complicated by a lack of clarity regarding the mission it should follow, scarce resources, and the ineptitude of its directors who were not entirely convinced that keeping an eye on the more reactionary members of the military was meant to figure among their duties."⁷⁶ Ultimately, as Jose A. Olmeda noted,

the information-gathering mechanisms which are of critical importance in the fight against terrorism were not only inadequate but frequently fairly crude, and operated with little if any type of governmental controls. A total lack of coordination between the intelligence arms answerable to the various state security services was self-evident, indeed, notorious.⁷⁷

Under such circumstances, any successful (yet limited) operations in combatting terrorism occurred mostly at the local or provincial level, prompting the government to seek outside support for counterterrorism intelligence.⁷⁸ The erratic and perfunctory reforms permitted the continued mistreatment of inhabitants of the Basque Province by intelligence agents who relied on Franco-era methods.⁷⁹

By 1981, the incremental institutionalization of civilian supremacy, along with political instability and infighting during the transition, antagonized the military leadership. Several other developments during the transitional period helped perpetuate hostility toward democracy throughout the military, among them the legalization of the Communist Party; economic problems, such as high inflation and high government spending and depleted foreign reserves; the granting of autonomy to some regions; the emergence of nationalistic journalism; and the escalation of terrorist activities by the nationalist and separatist ETA group, which often targeted the military and the Civil Guard.⁸⁰

This hostility led to an attempted coup by certain elements of the Military and the Civil Guard⁸¹ on 23 February 1981, when nearly 300 armed troops

under the command of Lieutenant Colonel Antonio Tejero Molina seized the Chamber of Deputies within the Palace of Congress. They held the deputies, as well as the Prime Minister and cabinet members, hostage for several hours. Simultaneously, the head of the III Military Region, Lieutenant General Jaime Milans del Bosch, seized power, releasing a decree that militarized all the civilian officials, imposing military jurisdiction and martial law, and banning strikes and political activities. The authors of the coup wanted to make General Alfonso Armada president of the new government.⁸² The coup failed within 24 hours, but only after King Juan Carlos, as commander-in-chief of the armed forces, condemned the uprising and clearly supported democracy.⁸³

*1981–2002: Reactive and Perfunctory Intelligence Reforms—
Scandals, Leaks, and Meager Oversight*

The 1981 failed coup triggered several reforms of CESID, the police, and the Civil Guard. A first step was the ousting of military officers from the successor government. To this end, a new military penal code was formulated to preclude the military's involvement in politics through such measures as granting the civil courts jurisdiction to try cases of military rebellion against the constitution.⁸⁴ But even this reassertion of democratic civil–military relations came couched as something of a compromise with the military authorities. For one thing, the new military code was not enacted until 1985. For another, the Law for the Defense of the Constitution, enacted in 1981, granted the military a role in fighting Basque terrorism.⁸⁵

A second step was to allow the coup organizers to be tried first in military courts, then in civilian courts following a government appeal, which led to the imprisonment of the key hard-liners. The military eventually understood that Spain's path to democracy, and civilian supremacy over the military, were irrevocable, and its leaders began to contemplate ways and means to be part of the new system.⁸⁶

In the aftermath of the coup, Prime Minister Calvo Sotelo appointed General Alonso Manglano as director of CESID. Manglano started a robust process of modernization and professionalization in transformation of the agency.⁸⁷ He assigned such new roles to the CESID as barracks surveillance and foreign intelligence. In addition, the CESID became a co-located agency: functionally, housed within the Ministry of Presidency, and, organizationally, under the umbrella of the Ministry of Defense. As Giménez-Salinas notes, for CESID “the *coup d'état* of 1981 made a break with the past: CESID clarified its mandate in order to detect conspiracies to the democratic transition, changed its image and did succeed in detecting a planned *coup d'état* in October 1982.”⁸⁸

Additional post-coup reforms included increased deployment of police and Civil Guard special operations and antiterrorist units throughout the Basque country, as well as attempts to strengthen interagency intelligence and law enforcement cooperation and coordination, especially in the field of combating terrorism.⁸⁹ In the mid-1980s, the President created an interagency coordination body at the Moncloa palace (the location of the Prime Minister's Office), comprised of some six representatives (two from each agency) of the Civil Guard, Police, and the CESID, which functioned only very briefly due to push-back from the agencies.⁹⁰ The initial results of these endeavors were, hence, rather modest. The antiterrorist coordination bodies continued to operate, yet they were plagued by institutional rivalries and disagreements.⁹¹

Until after the 1990s, when various scandals involving the intelligence agencies surfaced and triggered the interest of the legislative branch in intelligence, there was no democratic civilian control of intelligence in Spain. The institutions existed on paper, but the civilian leadership did not exercise much oversight in practice; the military men retained some power in intelligence matters, and the politicians tended to lack the interest or expertise to step in—at least until the intelligence agencies became front-page news.

One of these scandals occurred in 1992, when a congressional investigation found cases of corruption within the socialist government, linked to the intelligence agencies, that involved the unlawful use of secret funds, including using secret funds for the *dirty war* against ETA.⁹² Another scandal occurred in 1995, when a CESID officer, Juan Alberto Perote, head of the CESID's operations, illegally removed 1200 CESID documents from the Center and leaked information to the press, which revealed the socialist government's "dirty war" on ETA, as well as the agency's spying on businessmen, journalists, and other civilian elites, including the King.⁹³ This incident, dubbed as the *Caso Perote*, stirred up a firestorm in the media as well as within the Spanish government, and led to the resignation of the Vice President, the Minister of Defense, and the Director of CESID.⁹⁴ Another scandal occurred in 1998, when media revelations exposed the CESID's spying on *Herri Batasuna*, the political arm of the terrorist group ETA, at that time already a legal political party.⁹⁵

Such scandals led to several CESID reforms after 1995, including the creation of a general secretariat within the CESID to ensure the proper management of the service and the establishment of a security unit to ensure the protection of the CESID's personnel and its assets, with the view of deterring any future leaks akin to *Caso Perote*.⁹⁶ In order to prevent the CESID's going rogue, then-Minister of Defense Eduardo Serra even forwarded to the Council of Ministers, for the first time ever, a list of objectives for CESID that would bring the agency more clearly in line with the norms and roles of established democratic intelligence. Serra requested

the council's approval of the objectives, but he never received it, as none of the ministers wanted to be associated with intelligence issues.⁹⁷

In 1995 Royal Decree No. 1324/1995 was issued on the CESID Personnel Statute, which “established common rules for all employees of CESID without making any distinction about their origins” and stipulated that the “term of office of the CESID’s director general shall not exceed five years” to prevent scandals and wrongdoing that, in the past, had grown at least partially out of the extended tenure of its directors general.⁹⁸

Nevertheless, democratic civilian control and oversight remained deficient. Executive direction of the CESID consisted of informal relationships between Minister of Defense Narcís Serra and CESID director Alonso Manglano rather than following a set of established producer–consumer practices. Legislative oversight was hampered by the legislative committee’s lack of authority, expertise, and interest in intelligence matters, as well as political games.⁹⁹ A particular challenge to effective legislative oversight has been gaining access to information.¹⁰⁰ Despite the legal¹⁰¹ right to require/acquire information and support from the IC, granted to the Parliament by both the Spanish Constitution and the Law of Official Secrets 9/1969, as modified by Law 48/1978, Parliament was (and still is) seldom able to receive data from the agencies—paradoxically, also due to the Law of Official Secrets.¹⁰² That law not only makes impossible the declassification of documents, but has also been invoked by the IC as a pretext for refusing the legislative branch access to information. In the mid-2010s, Spain’s Congress developed a proposal, initiated by the Basque Nationalist Party (PNV), and supported by the Spanish Socialist Party (PSOE), *Podemos*, and other parties, to declassify documents that are at least 25 years old, or 35 in some exceptional cases. The Conservative Party (PP) voted against modification of the current Law (of 1969) even though members agreed that some change is necessary.¹⁰³

As a result, lawmakers’ attempts at oversight involved seeking information and conducting inquiries based mainly on rumors and media leaks.¹⁰⁴ After numerous failed attempts to mitigate this obstacle to effective oversight, the legislature on 2 June 1992 adopted a new resolution on the disclosure of official secrets to legislators—but to no avail.¹⁰⁵ As noted by Jose-Miguel Palacios, access to classified information remains “difficult in Spain. According to the Official Secrets Law, declassification requires a specific decision by the Council of Ministers or, for military matters, the Joint Chiefs of Staff.”¹⁰⁶

One particular endeavor involved the enactment of Law No. 11 of May 1995 on the handling of secret funds. The Law set up a special legislative committee to control the secret budget.¹⁰⁷ But this committee on secret funds was far from effective; the members seemed more interested in political games and gains than with oversight. Their activity seemed to involve constant

leaking to the media, thereby increasing the CESID's hostility toward the committee. The CESID refused outright to provide information with regard to how the secret funds were used.¹⁰⁸

Judicial control was also ineffective. Most of the time, the secret agencies conducted invasive surveillance without requesting or receiving a warrant from the High Court.¹⁰⁹ Moreover, when the High Court attempted to conduct an investigation into the wiretapping of the King and other state authorities in the 1990s, the CESID refused to grant the agency access to classified information.¹¹⁰ On 11 May 2004, the legislature adopted a new resolution allowing the committee on secret funds to include more members, allowing a broader number of legislators to access classified information, among them members of the minority groups in the Congress.¹¹¹ Yet, the two main political parties can continue to veto the presence on the committee of any group on grounds of loyalty or suspicion.¹¹²

2002–2004: More Reforms, the 3/11 Strategic Surprise, and the Advent of an Intelligence Culture

Not until May 2002, however, did the government more seriously undertake intelligence reform. In the aftermath of the scandals of the 1990s, the President replaced the CESID with the National Intelligence Center (CNI). The government gave the CNI a firm legal basis, through the CNI Law, and began a process of modernization aimed at increasing the service's flexibility and capability to adjust to the dynamic post-11 September 2001 (9/11) security context and to recruit new personnel with contemporary skills.¹¹³ The Law also established legislative and judicial oversight of the CNI, including the funding-focused committee.¹¹⁴ But the 2002 CNI Law did not stipulate oversight of the activities of the other intelligence agencies.

Then, on 11 March 2004 (3/11), Spain suffered a gruesome terrorist attack in Madrid, with the explosion of 10 bombs in four different locations, killing 193 people and wounding 1858 others. The 3/11 attack was a strategic surprise¹¹⁵ for the Spanish intelligence agencies. There were at least two reasons for the intelligence community's failure to anticipate and prevent the attack: the agencies' flawed collection and analysis practices had led to "inadequate and incorrect intelligence assessment;"¹¹⁶ and "internal tensions among different departments, mainly jurisdictional fights among different parts of the Spanish government bureaucracy,"¹¹⁷ hindered the sharing and dissemination of relevant intelligence.¹¹⁸

In other words, the brutal 3/11 terrorist attacks in Madrid confirmed that the reform process had not yet achieved a tradeoff between democratic civilian control and effectiveness. This situation was reflected in the paltry scholarly research on Spanish intelligence. For many years, scholarly intelligence- and military-related research was a taboo, partly self-imposed,

partly security forces–imposed. This attitude was due largely to the stigma associated with intelligence in Spain, which, in turn, admittedly aroused scholars’ loathing toward the military and intelligence. In addition, the closed nature of the military and intelligence agencies, exacerbated by the overbearing secrecy that prevailed at this time, further discouraged scholarly attention to intelligence affairs. As a result, academic literature on intelligence in Spain was scarce until the early 2000s.¹¹⁹

Since then, interest in researching intelligence has increased. Public debates have occurred between scholars and intelligence and military figures. This period has also witnessed the advent of joint courses featuring intelligence practitioners and interested outsiders, as well as the first domestic academic publications dedicated to Spanish intelligence. Another particularly positive development of the early 2000s was the blossoming of a new national intelligence culture.¹²⁰

Two factors made this change possible: Spain’s NATO missions, which kindled public attention to the country’s military and intelligence matters, and the strategic leadership of the then–CNI Director Jorge Dezcallar, who wanted to build linkages between the intelligence community and the public. Ruben Arcos has noted that, at that moment, “Spain’s full membership in NATO and its participation in peace-keeping missions awakened academic interest in security and helped toward a change in the perception of those who devoted their time to studying these matters,” while the CNI Director “set up a small group ... in his Secretariat responsible for building bridges with different academic, social, political and economic circles.”¹²¹

2004–Present: Intelligence Transformation, Effectiveness, and an Advanced Intelligence Culture

Since the terrorist attacks in 2004, Spain’s IC has undergone a more robust reform. The civilian authorities have become more interested in boosting the agencies’ effectiveness in fighting terrorism, while also strengthening oversight and advancing the intelligence culture. A recent Intelligence Directive set the guidance for the service, though the exact text remains secret.

In 2016, the government announced that it would allocate “60 million euros ... during future fiscal years, beyond 2016, to modernize ... CNI ... with the goal of making it possible for the intelligence services to enter into contracts for technological renewal and infrastructure investment.”¹²² In addition, some “500 more spies” are expected to join “La Casa” by 2020.¹²³ Besides hiring university graduates in political science, international relations, history, cultures, and languages (especially Arabic),¹²⁴ the CNI has increasingly recruited “mathematicians, computer scientists, and telecoms engineers, precisely in order to modernize research systems,

technology, analysis and management, and information search, as well as the cyber protection of critical infrastructures and information.”¹²⁵

Spanish civilian elites also have undertaken to boost intelligence cooperation and sharing, both domestically and internationally. Since the early 2000s, for instance, “[t]here has been a smooth exchange of information between the state security services and the CNI.”¹²⁶ The CNI and the CIFAS, for example, have reportedly been improving their interagency coordination and cooperation.¹²⁷ The CNI, the National Center for the Protection of Critical Infrastructures (CNPIC)—an Interior Ministry agency linked to CNI—the CNI’s CCN, and the National Institute of Communication Technologies (INTECO) of the Ministry of Industry and Energy have been working together to avert and mitigate cyber attacks.¹²⁸ In addition, the Joint Cyber Command was created in 2013 under the Joint Chiefs of Staff, in line with NATO’s recommendation “to plan and execute military cyber defense operations in the armed forces’ networks and information and telecommunication systems ... to contribute to the appropriate response in cyber space to threats or attacks having a potential impact on national defense.”¹²⁹

Also significant was the creation of CITCO, making Spain the only country that “every month reports on the execution of counterterrorist operations in the working group of the Council of Europe [as received],” where states assess and exchange experiences on the jihadist threat. Thus, at each meeting held in Brussels, the CITCO representatives report “incidents,” which at present is tantamount to saying successes, “something unmatched by the security services of any other EU member state.”¹³⁰

The city of Barcelona has become a major hub for intelligence agencies from countries having diplomatic ties with Spain that are threatened by international terrorism because Catalonia is one of the principal harbors of jihadism in Europe due to “the high number of legal and clandestine immigrants from North Africa.”¹³¹ As such, intelligence agencies from all over the world now operate in Barcelona to “monitor and infiltrate the Muslim communities where radical Islamists—those who live in Spain as well as those who are just passing through Barcelona under the aegis and protection of residents—are suspected to be hidden.”¹³²

UNEVEN PROGRESS: CHALLENGES

These many efforts have had the desired outcome: boosting intelligence effectiveness. Spain’s intelligence community has been more effective in preventing and averting terrorism and organized crime threats, both domestically and abroad. In this context, the Spanish Police, Civil Guard, CNI, as well as regional police forces (including those in Catalonia, Basque Country, and Navarra), have strengthened their anti-terrorism cooperation,

particularly with regard to conducting preventive surveillance of individuals suspected of terrorism, and venues that are either possible targets or meeting places for alleged terrorists.¹³³ Spain's modification of the Criminal Code under Law 2/2015 allows law enforcement agencies to make arrests at the very early stages of a potential terrorist attack.¹³⁴ According to the CITCO's leadership, "It is not necessary to wait until a terrorist has explosives in their [sic] hands. They can be arrested before and absolutely all those arrested are in custody."¹³⁵

Several cases of intelligence effectiveness in the fight against terrorism and organized crime stand out. In 2008, Spanish intelligence effectively averted a domestic terrorist attempt by Islamic extremists before a planned visit to Europe by then-Pakistani President Pervez Musharraf. Spain then notified other European countries that they might be targeted as well.¹³⁶ Effective intelligence analysis has been key to the success of various operations against organized crime, including operations *Avispa* (Wasp), *Troika*, and *Aikon* in July 2015 against the Russian–Georgian mafias, and operation *Emperador* (Emperor) in Madrid in 2012 against the Chinese mafia.¹³⁷ In May 2016, excellent intelligence sharing and cooperation, both domestically and internationally, made possible the release and return to Madrid of three Spanish freelance journalists who had been held hostage for ten months in Aleppo, Syria, by the Al-Nusra Front terrorist group, associated with al-Qaeda.¹³⁸

In June 2016, surveillance in Alicante led to the arrest of several terrorist suspects. Spanish security forces stress that such operations are very challenging because jihadists try to blend in as Western tourists and deliberately choose to operate in high-profile places like the Alicante, which are visited by hundreds of thousands of tourists annually. These plots test the capability of intelligence agencies to identify the real terrorists.¹³⁹ In July 2016, the Civil Guard arrested two Moroccan immigrants in Selva, Catalonia, on grounds of financing the Islamic State (ISIS/ISIL).¹⁴⁰ In 2015 and 2016, the CITCO identified some 300 people being investigated for both drug trafficking and terrorism.¹⁴¹ The CNI's counterintelligence activities led to the discovery and expulsion of a double agent in 2007, and, in 2016, of an officer alleged to be maintaining strong connections with the Moroccan intelligence agencies or radical Islamists.¹⁴² The enhanced background check and intelligence collection capabilities of CITCO and other agencies has led to the identification and exclusion of terrorists and organized criminals among asylum-seekers from the European relocation program.¹⁴³

While the IC's effectiveness has improved at a rapid pace, democratic civilian control over the Spanish intelligence system has lagged. To be sure, the executive branch has stepped up its guidance, direction, and prioritization of intelligence affairs, especially after the implementation of the Intelligence Directive. Interagency coordination also has improved and deserves recognition. But legislative control and oversight remain deficient. In the

aftermath of the 3/11 terrorist incident, the legislative committee that had been established to investigate Spanish intelligence operations prior to the attack was perceived as a failure. The committee could not reach an agreement on what had prevented the intelligence services from averting 3/11, let alone providing recommendations regarding to ensure that such attacks would not happen again.¹⁴⁴

The relentless political infighting and mutual blame among members of the two main parties comprising the committee (the Socialist Party and the Popular Party) made an investigation virtually impossible.¹⁴⁵ The situation was better with regard to the Civil Guard, which had less contact with the politicians, and was, therefore, less prone to corruption or politicization.¹⁴⁶

In addition, the committee members had nearly no access to information, partly due to their lack of expertise (for example, not knowing which documents to request or which questions to ask), and partly due to the refusal by the Ministry of Defense to declassify and share information with the legislators.¹⁴⁷ Researchers indicate that even in the late 2010s, legislative control and oversight continues to be challenged by secrecy, lack of interest, and limited expertise in intelligence.¹⁴⁸

However, a more recent success in legislative oversight (as well as judicial control) deserves accolades. In 2016, the National High Court approved the declassification of all CNI documents related to the alleged “CIA flights” that purportedly transported to Spain by the Central Intelligence Agency several terrorism suspects who had been illegally detained during the Global War on Terror.¹⁴⁹ This decision was double-edged. While beneficial for the purposes of transparency, having brought about the declassification of documents and fostered more and broader discussion of Spanish intelligence, it raised questions of ethics, damaged the reputation of the Spanish intelligence agencies, weakened public trust, and, perhaps most sensitively, focused on infringement of human rights, when, for example, the Council of Europe scolded all countries that had supported the CIA by allowing its flights to land and providing “black sites” where its prisoners were held after being “renditioned.”

As in the past, the country’s media—equally sensationalist and mindful of its role in advancing Spanish democracy—continue to complement the formal oversight mechanisms of intelligence. The media remain alert and expose wrongdoing, which ultimately brings about responsive government. On 14 April 2009, for example, the *El Mundo* daily alleged that then-CNI Director Alberto Saiz had used public funds for personal purposes (hunting and fishing). This investigation then led to the discovery of the director’s additional unlawful acts, including nepotism, misapplication of funds, and mismanagement of the agency.¹⁵⁰ These revelations came while Saiz’s tenure as director was up for renewal, a matter greatly opposed by highly ranked CNI personnel who sought his removal and even filed a formal complaint

against him.¹⁵¹ On 3 July 2009, Saiz resigned and was replaced by a four-star general, Félix Sanz Roldán.¹⁵²

Similarly, in 2016, the media revealed that the office of former Minister of Interior Fernández Díaz had been tapped.¹⁵³ Of particular interest was Díaz's conversation with Daniel de Alfonso, Chief of Catalonia's Counter Fraud Office, in which they discussed which mechanisms could be used to substantiate alleged corruption cases against Catalan nationalists. While the particulars of this development remain unclear, the Socialist Party requested an Investigation Committee at the Spanish Congress. The procedure for learning how and who recorded Fernández Díaz was due to start in February 2017, when the Parliament began its 2017 session.¹⁵⁴

Within the context of transparency, the intelligence culture has continued to thrive. In 2005, the CNI launched an Intelligence Culture Initiative, whereby the CNI partnered with several Spanish universities, including the Rey Juan Carlos University, Madrid; the Carlos III University, Madrid; and the University of Barcelona.¹⁵⁵ This Initiative sought to make intelligence an academic discipline, and to allow intelligence professionals to capitalize on scholarly knowledge.¹⁵⁶ This effort culminated four years later, when Rey Juan Carlos and Carlos III universities, in collaboration with the CNI, launched graduate programs in intelligence, the first ever in Spain.¹⁵⁷ The Intelligence Culture Initiative has fostered scores of seminars, conferences, and workshops, for both intelligence insiders and outsiders.¹⁵⁸ In 2006, *Intelligence and Security: Journal of Analysis and Foresight* appeared; it was Spain's first intelligence academic journal.¹⁵⁹ These endeavors resulted in a "growing interest in intelligence and Intelligence Studies from academics, students, business, and departments from the Spanish government; a growing number of seminars, workshops, and programs organized by universities; ... an increasing demand by companies for people trained in intelligence analysis; a growing body of intelligence literature in Spanish; development of several research projects on intelligence."¹⁶⁰

The 2016 launching of Routledge's *International Journal of Intelligence, Security, and Public Affairs*, edited by scholars from the Rey Juan Carlos University and Cadiz University, amply demonstrated Spanish academia's determination to "disseminate original academic and professional articles on matters related to intelligence applied to security, defense, business and the financial-economic environment."¹⁶¹

This careful development of an intelligence culture has helped counter the public's distaste for intelligence, and replaced it with a new confidence in the institutions and agencies that form Spain's IC. Perhaps the clearest demonstration of this dramatic change in perceptions is the thousands of applications that the CNI now receives annually,¹⁶² along with the significant

amount of information the agencies receive from the public on potential terrorist plots or organized crime activities.

The Ethics Gap

Still, neither the rising, if uneven, public interest in intelligence affairs nor the rising intelligence culture has led to a sufficiently determined effort to tackle the issue of ethics and ethical codes. While significant scholarly work has emerged elsewhere on the subject, the topic has attracted only modest attention at academic conferences and virtually none from policymakers.¹⁶³ The IC, despite its developing democratic professional *ethos*, has itself been relatively quiet about ethics. For example, the CNI's activities and personnel follow a Code of Ethics that enables the Center to fulfill its service to the nation through upholding such values as loyalty, sacrifice, discretion, authority, and leadership.¹⁶⁴ This code is based largely on the military's Code of Ethics which promotes such traditional military values as rectitude, sacrifice, secrecy, objectivity and impartiality, companionship, authority, and leadership very much along the lines of the Royal Ordinances of the Armed Forces (Royal Decree No. 96/2009), especially those of Articles 26–48.¹⁶⁵ While many of these values apply to the intelligence community and comport with larger social expectations, the unfiltered transmission of military values ill suits the civilian agencies' mission or makeup, where, for example, obedience or rank tend to operate differently.

The gap is both startling and completely understandable in a post-authoritarian polity which demands transparency and accountability from its agencies of state and government but also wants to avoid having to pay sustained attention to the government sectors, however reformed, that previously wielded the powers of oppression. The result is a potentially significant realm of intelligence action that remains ungoverned or only loosely inflected by a robust and democratic code of ethics. The danger, then, is not just more scandal and overreach, but a new or worsening stigma, poor recruitment or retention of the best and brightest personnel, dwindling financial resources, increasingly formidable legal or operational prohibitions, and further estrangement from democratic society—the “vicious circle” of intelligence–civilian relations at every step of the intelligence cycle.¹⁶⁶ In such circumstances, a reduction in Spain's intelligence effectiveness is not hard to imagine.

ANALYSIS OF THE INTELLIGENCE REFORMS: CONTROL AND EFFECTIVENESS

Despite several challenges and obstacles—some still present—Spain has progressed significantly in democratizing its intelligence since the end of Franco régime in 1975.

In light of these reforms and the further development of Spain’s IC, we have rated it as medium for control and medium-high for effectiveness, utilizing metrics developed by Thomas C. Bruneau and Florina Cristiana Matei.¹⁶⁷ We assigned low values for a lack of implementation of any of the metrics/requirements; medium values for inconsistent attempts to implement the metrics; and high values for full implementation and discussion for further improvement.

A summary of findings, in terms of requirements for civilian control and requirements for effectiveness is presented in [Table 1](#). Values ranging from “low” to “high” were assigned for each requirement.

Requirements for Control

Spain scores “high” in the Institutional Control Mechanisms category. Since the end of the Franco regime, Spain’s civilian elites have developed several control mechanisms for intelligence, including the enactment of a robust intelligence-related legal framework, creation of civilian-led institutions (such as the CNI and the police), as well as providing strategic guidance and prioritization of intelligence roles and missions. NATO and EU requirements and regulations, along with the security context, have acted as catalysts for these institutional developments.

In the “Oversight” category, Spain scores “medium.” The country’s policymakers have established formal oversight mechanisms, such as the Intelligence Oversight Committee and appropriate judicial bodies, that very recently became more interested and more effective in performing their oversight roles. Nevertheless, these oversight units tend to be reactive to whatever “fire alarms” the media sounds, rather than proactively monitoring the intelligence agencies. In contrast, the informal oversight performed by the media has been frequently credited for advancing intelligence reforms. They have often exposed misconduct in intelligence or lack of actual reform, which then compelled the formal oversight mechanisms to investigate transgressions, punish wrongdoing, and bring about real reforms.

Spain scores “medium-high” in the Professional Norms category. Its civilian elites have sought to develop professional intelligence agencies, based on expertise, responsibility, and corporateness. They have successfully achieved the expertise and institutional requirements of a “profession,” in the

Table 1. Requirements for Intelligence Control and Effectiveness

Requirement	Control			Effectiveness		
	Institutional Control Mechanisms	Oversight	Professional Norms	Plan or Strategy	Institutions	Resources
Value	High	Medium	Medium-High	High	High	Medium-High

sense propounded by Samuel Huntington, namely through recruitment, education, training, and career development.¹⁶⁸ The internal aspects of the intelligence culture bear favorably on this progress, as well.

Still, an ethical requirement for the profession has yet to be fully elaborated. The legacy of the past, coupled with deficient ethical rules and regulations, is both a symptom and a cause.

Requirements for Effectiveness

Spain scores “high” in the “Plan” category. Policymakers have developed several successive strategic documents since the transition to democracy, including a robust plan on the role and place of intelligence in the democracy. Noteworthy is the recent Intelligence Doctrine that sets the IC’s priorities and guidelines, as well providing its resources.

Spain scores “medium-high” in the “Institutions” category. After a rocky start, Madrid’s policymakers have slowly brought about an intelligence community of several agencies, some civilian and some military, working together to safeguard Spain’s security and democracy. Increasingly, the country experiences effective coordination mechanisms among its own intelligence agencies, healthy cooperation and sharing with allied agencies, and interoperability. Though some bureaucratic challenges persist, and turf battles have challenged coordination and cooperation, these are now isolated incidents rather than institutional routine.

Spain scores “medium-high” in the “Resources” category. Not until the 2000s, with the advent of terrorism as a global threat, did Spanish policymakers started to assign more resources to intelligence, in terms of budget, personnel, and equipment. The CNI augmented its budget in September 2015 by 7.7 percent, up to 240 million euros.¹⁶⁹

A WORTHWHILE ENDEAVOR

Institutionalizing the democratic reform of intelligence in Spain has been a strenuous, yet ultimately successful, process. Contemporary Spanish intelligence agencies are both effective and under democratic civilian control. The balance weighs more on the “effectiveness” side. To level the balance, policymakers must press for—and practice—more effective formal oversight and a more rigorous code of ethics for intelligence.

Paradoxically, despite the nation’s burgeoning intelligence culture, Spain’s greater society seems passive toward intelligence oversight or ethics, and does not pressure the government for more involvement or engagement with the IC. Meanwhile, the political opposition seems uninterested in establishing such safeguards because they apparently look forward to engaging in the same old skullduggery when they take power.¹⁷⁰ In this context, Spanish

intelligence ethics are susceptible to a “vicious cycle” pattern, with real implications for the country and its intelligence agencies.¹⁷¹ All levels of Spanish society, inside and outside the IC, will need to maintain the momentum and progress of democratic intelligence reform, particularly as regards genuine oversight and institutional ethics.

DISCLAIMER

The views expressed in this article are those of the authors and do not reflect the official policy or position of the Department of Defense or the U.S. Government, or of the Kingdom of Spain.

REFERENCES

- ¹ We anchor our analysis in Linz and Stepan’s five arenas of modern consolidated democracies: Juan J. Linz and Alfred Stepan, *Problems of democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe* (Baltimore and London: The Johns Hopkins University Press, 1996), pp. 7–15. We also consider as guidance the Gill and Pythian definition of intelligence and the intelligence process: Peter Gill and Mark Pythian, *Intelligence in an Insecure World* (London: Polity, 2012). For demands on democratization of intelligence we use the Matei and Bruneau framework of democratic civilian control and effectiveness. Democratic Civilian Control is conceptualized in terms of authority over the institutional control mechanisms, oversight, and the inculcation of professional norms (although professional norms can also contribute to effectiveness). Effectiveness in Fulfilling Roles and Missions involves three necessary, yet not necessarily sufficient, requirements of plan, structures/processes, and resources, in the form of political capital, money, and personnel. Although assessing effectiveness is difficult, having such institutions is important. See Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil–Military Relations* (London: Routledge, 2012).
- ² Antonio M. Díaz Fernández, in Stuart Farson, Peter Gill, Mark Pythian, and Shlomo Shpiro, eds., *PSI Handbook of Global Security and Intelligence* (Westport, CT: Praeger Security International, 2008); Gustavo Díaz Matey, “The Development of Intelligence Studies in Spain,” *International Journal of Intelligence and CounterIntelligence*, Vol. 23, No. 4, Winter 2011–2012, pp. 748–765, and “Conceptions of Intelligence: Intelligence as a Democratic Indicator,” Research Paper #165, Research Institute for European and American Studies, Athens, April 2014; Rubén Arcos, “Academics as Strategic Stakeholders of Intelligence Organizations: A View from Spain,” in Rubén Arcos and Fernando Velasco, eds., *Estudios en Inteligencia: respuestas para la gobernanza democrática* (Madrid: Plaza y Valdés, 2014), *Cultura de Inteligencia: Un elemento para la reflexión y la colaboración internacional*

(Madrid: Plaza y Valdés, 2012), and *La Inteligencia como disciplina científica* (Madrid: Plaza y Valdés, 2010).

- ³ Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil–Military Relations*; Florina Cristiana Matei, “The Media’s Role in Intelligence Democratization,” *International Journal of Intelligence and CounterIntelligence*, Vol. 27, No. 1, Spring 2014, pp. 73–108.
- ⁴ We rely on the concept of profession as developed by Max Weber and Samuel Huntington, and further improved by Magali Larson and J. A. Jackson. A profession consists of “expertise,” “ethos,” and “corporateness.” Expertise involves a career path, developed *via* education and experience. Ethics involves either conduct that “can be oriented to an ‘ethic of ultimate ends’ or to an ‘ethic of responsibility.’” Corporateness involves a “sense of organic unity and consciousness.” See H. H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology* (Oxford, UK: Oxford University Press, 1968); Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil–Military Relations* (Cambridge, MA: The Belknap Press of Harvard University Press, 1957). A broader conceptual framework for profession, involves “professional association, cognitive base, institutionalized training, licensing, work autonomy ... code of ethics,” as well as “high standards of professional and intellectual excellence”; Magali Sarfatti Larson, *The Rise of Professionalism: A Sociological Analysis* (Berkeley: University of California Press, 1978), pp. 208 and 221. Another broad definition of profession includes “a special type of occupation ... (possessing) corporate solidarity ... prolonged specialized training in a body of abstract knowledge, and a collectivity or service orientation ... a vocational sub-culture which comprises implicit codes of behavior, generates an esprit de corps among members of the same profession, and ensures them certain occupational advantages ... (also) bureaucratic structures and monopolistic privileges to perform certain types of work ... professional literature, legislation, etc.” J. A. Jackson, *Professions and Professionalization: Volume 3, Sociological Studies* (Cambridge, UK: Cambridge University Press, 2010), pp. 23–24.
- ⁵ Discussions by Matei and de Castro with Spanish academia, Madrid, 26 June–5 July 2016.
- ⁶ *Ibid.*
- ⁷ *Ibid.*
- ⁸ *Ibid.*
- ⁹ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*.
- ¹⁰ Based on a law enacted in July 1947. See: “General Francisco Franco,” available at historylearningsite.co.uk. The History Learning Site, 25 May 2015 (accessed 16 August 2016).
- ¹¹ Text of the Constitution, available at http://dpto.educacion.navarra.es/tiosebas/sitioweb%20espanol/fotos/_cons00.html
- ¹² “The Franco Years,” in Eric Solsten and Sandra W. Meditz, eds., *Spain: A Country Study*, Library of Congress Country Studies (Washington, DC: U.S.

- Government Printing Office, 1988), available at <http://countrystudies.us/spain/> (accessed 2 October 2016).
- ¹³ Thomas C. Bruneau, "Spanish Case Study," unpublished study, Center for Civil-Military Relations, Naval Postgraduate School, Monterey, California, November 2000, available at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA484131> (accessed 2 October 2016).
- ¹⁴ Carlos Barrachina Lisón, "El regreso a los cuarteles: militares y cambio político en España (1976–1981)," available at <http://www.resdal.org/Archivo/d0000195.htm> (accessed 23 November 2016).
- ¹⁵ Universities had a high presence of leftist students and a minor presence of ETA supporters.
- ¹⁶ For a definition of "political police" see Thomas C. Bruneau and Florina Cristiana Matei, "Policymakers and Intelligence Reform in the New Democracies," *International Journal of Intelligence and CounterIntelligence*, Vol. 24, No. 4, Winter 2011–2012, pp. 656–691.
- ¹⁷ Antonio M. Díaz Fernández, "The Need and Role of Intelligence Services in a Democracy: Balancing Effectiveness and Transparency," paper for NS3155.
- ¹⁸ *Ibid.*
- ¹⁹ Antonio M. Díaz Fernández, "Halfway Down the Road to Supervision of the Spanish Intelligence Services," *Intelligence and National Security*, Vol. 21, No. 3, 2006, pp. 440–456; SECED's main mission was "contrasubversion," i.e., identifying and eliminating the opponents of the Francoist regime. Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/es/queescni/historia/elseced> (accessed 10 December 2016).
- ²⁰ Antonio M. Díaz Fernández, "The Need and Role of Intelligence Services in a Democracy: Balancing Effectiveness and Transparency."
- ²¹ For detailed information on the Franco regime's human rights abuses, see: J. Rodrigo, *Cautivos: Campos de concentración en la España franquista, 1936–1947* (Editorial Crítica, 2005); also, Stanley G. Payne, *The Franco Regime, 1936–1975* (Madison: University of Wisconsin Press, 2011).
- ²² Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*.
- ²³ The main consumers of intelligence are the Prime Minister and selected Ministers (e.g., the Minister of Foreign Affairs and Co-operation, the Minister of Defense, and the Minister of Interior), as well as other government institutions, including the Armed Forces and Law Enforcement Agencies, available at <https://www.cni.es/en/howdoesthecniwork/>; <https://www.cni.es/es/queescni/historia/elcni/> (accessed 10 December 2016).
- ²⁴ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/en/whatisthecni/whatis/>; Members of the Government Delegate Commission are the Minister of Foreign Affairs, the Minister of Defence, the Minister of the Interior, the Minister of Finance, the Secretary General of the Office of the Prime Minister, the Secretary of State for Security and the Secretary of State-Director of the National Intelligence Center. For more information see: ACT 11/2002 of 6th May regulating the National Intelligence Center (accessed 12 September 2016).

- ²⁵ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/en/welcometocni/>; <https://www.cni.es/es/queescni/historia/elcni/> (accessed 10 December 2016).
- ²⁶ *Ibid.*
- ²⁷ CNI's human resources increased after the successful terrorist attacks in Madrid, in March 2004. For more information, see: Antonio M. Díaz Fernández, "The Spanish Intelligence Community: A Diffuse Reality," *Intelligence and National Security*, Vol. 25, No. 2, 2010, pp. 223–244; Ruben Arcos, "Spain," in Robert Dover, Michael Goodman, and Claudia Hillebrand, eds., *Routledge Companion to Intelligence Studies* (London: Routledge, 2014).
- ²⁸ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/en/whatisthecni/whatis/>
- ²⁹ *Ibid.*
- ³⁰ Centro Nacional de Inteligencia (CNI), available at https://www.ccn.cni.es/index.php?opcion=com_content&view=article&id=1&Itemid=3&lang=en (accessed 10 October 2016).
- ³¹ BBC Monitoring Europe—Political Supplied by BBC Worldwide Monitoring, 23 June 2016, Thursday, Spain says "fewer than 10" refugees rejected due to jihadist links; Text of report by Spanish newspaper La Vanguardia website on 21 June [Unattributed Report: "The Interior Ministry Puts at Fewer Than 10 the Number of Refugees Rejected due to Their Jihadism"].
- ³² Noticias Jurídicas, available at http://noticias.juridicas.com/base_datos/Admin/rd400-2012.html#a3 (accessed 10 September 2016).
- ³³ Policía Nacional Española, available at http://www.policia.es/org_central/informacion/informacion.html (accessed 11 December 2016).
- ³⁴ Policía Nacional Española, available at http://www.policia.es/org_central/informacion/funciones.html, (accessed 28 November 2016).
- ³⁵ Policía Nacional Española, available at http://www.policia.es/org_central/judicial/udef/bit_alertas.html, (accessed 14 December 2016); http://www.policia.es/org_central/judicial/estructura/funciones.html, (accessed 13 December 2016).
- ³⁶ Boletín Oficial del Estado (BOE), available at <http://www.boe.es/boe/dias/2014/10/14/pdfs/BOE-A-2014-10398.pdf> (accessed 1 July 2016).
- ³⁷ Discussions by de Castro and Matei with Spanish Government officials, security services personnel, and academia, Madrid and Barcelona, 26 June–4 July 2016. Also see: Text of report by Spanish newspaper ABC website, on 21 August [Report by Laura L. Caro: "Spain Identifies 300 Drug Traffickers Also 'on File' for Terrorism"] [The translation below is machine based with limited editorial intervention].
- ³⁸ 14 July 2015, Tuesday, Spanish intelligence strengthens terror fight at expense of organized crime; Text of report by Spanish newspaper ABC website, on 14 July [Report by Pablo Muñoz, Javier Pagola: "National Intelligence Center Strengthens Area of Jihadist Terrorism at the Expense of Organized Crime"].
- ³⁹ The National Police and Civil Guard "enter names, license plates, addresses, [and] identity numbers of those under investigation in order for the system to recognize matches instantly." Text of report by Spanish newspaper ABC

website, on 21 August [Report by Laura L. Caro: “Spain Identifies 300 Drug Traffickers Also ‘on File’ for Terrorism”].

⁴⁰ *Ibid.*

⁴¹ <http://www.intelpage.info/la-comunidad-de-inteligencia.html> (accessed 15 October 2016); <http://www.intelpage.info/inteligencia-interior.html> (accessed 16 October 2016).

⁴² <http://www.intelpage.info/organizacion-del-servicio-de-informacion-de-la-guardia-civil.html>

⁴³ Unlike the National Police, which is tasked with the security of urban areas in Spain.

⁴⁴ SIGC has a strong cooperation with the French Police, especially against terrorist groups, available at <http://www.intelpage.info/organizacion-del-servicio-de-informacion-de-la-guardia-civil.html>, (accessed 11 December 2016).

⁴⁵ Intelpage at <http://www.intelpage.info/inteligencia-militar.html> (accessed 5 December 2016).

⁴⁶ Intelpage at <http://www.intelpage.info/inteligencia-militar.html> (accessed 2 December 2016).

⁴⁷ Intelpage at <http://www.intelpage.info/inteligencia-militar.html> (accessed 11 December 2016).

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ Intelpage at <http://www.intelpage.info/inteligencia-interior.html> (accessed 14 December 2016); Antonio M. Díaz Fernández, “The Spanish Intelligence Community: A Diffuse Reality”; Fabian Zambrano Viedma, “El SEPBLAC como Unidad de Inteligencia Financiera en el Reglamento,” *ControlCapital.Net*, 13 October 2015.

⁵¹ Antonio M. Díaz Fernández, “The Spanish Intelligence Community: A Diffuse Reality.”

⁵² Members of the Government Delegate Commission are: the Minister of Foreign Affairs, the Minister of Defence, the Minister of the Interior, the Minister of Finance, the Secretary General of the Office of the Prime Minister, the Secretary of State for Security and the Secretary of State-Director of the National Intelligence Center. For more information see: ACT 11/2002 of 6th May regulating the National Intelligence Center.

⁵³ Antonio M. Díaz Fernández, “The Spanish Intelligence Community: A Diffuse Reality.”

⁵⁴ It comprises the Prime Minister, the Deputy Prime Minister and the ministers for Defense, the Interior, Foreign Affairs and Cooperation, along with the Treasury Minister, the head of the Defense Chiefs of Staff, the respective heads of three branches of the Armed Forces, the Secretary of State in charge of the CNI, and the director of the Prime Minister’s Cabinet. Antonio M. Díaz Fernández, “The Spanish Intelligence Community: A Diffuse Reality.”

⁵⁵ ACT 11/2002 of 6th May regulating the Centro Nacional de Inteligencia (National Intelligence Center).

⁵⁶ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/en/whatisthecni/whatis/> (accessed 10 December 2016).

- ⁵⁷ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/en/welcometocni/> (accessed 10 December 2016).
- ⁵⁸ These activities should not exceed 24 hours when entering premises and three months for wiretapping or other interception of communications, but these timeframes may be extended if needed. Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”
- ⁵⁹ Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy. Balancing Effectiveness and Transparency.”
- ⁶⁰ Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.” The CESID was created by merging all intelligence agencies inherited from Franco, and placed under the Ministry of Defense of Spain. Due to various scandals, which will be addressed further in the article, it was replaced in 2002 with the CNI.
- ⁶¹ Gustavo Díaz Matey, “From Cooperation to Competition: Economic Intelligence as Part of Spain’s National Security Strategy,” *International Journal of Intelligence and CounterIntelligence*, Vol. 29, No. 1, Spring 2016, pp. 151–164.
- ⁶² Dolores Martínez, “El juez Bermudez lamenta que las FSE presenten “pocas pruebas” contra los yihadistas,” 08 May 2008, *ABC Espana*, available at http://www.abc.es/hemeroteca/historico-08-05-2008/abc/Nacional/el-juez-bermudez-lamenta-que-las-fse-presenten-pocas-pruebas-contra-los-yihadistas_1641851810503.html# (accessed 1 June 2018).
- ⁶³ Ministerio del Interior, available at <http://www.interior.gob.es/prensa/nivel-alerta-antiterrorista> (accessed 14 December 2016).
- ⁶⁴ Gustavo Díaz Matey, “From Cooperation to Competition: Economic Intelligence as Part of Spain’s National Security Strategy.”
- ⁶⁵ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/es/queescni/historia/elcesid/> (accessed 5 December 2016).
- ⁶⁶ *Ibid.*
- ⁶⁷ *Ibid.*
- ⁶⁸ *Ibid.*
- ⁶⁹ Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy. Balancing Effectiveness and Transparency.”
- ⁷⁰ *Diario El País*, available at http://elpais.com/diario/1983/05/16/espana/421884014_850215.html (accessed 10 December 2016).
- ⁷¹ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/es/queescni/historia/elcesid/> (accessed 21 November 2016).
- ⁷² Antonio M. Díaz Fernández, “The Spanish Intelligence Community: A Diffuse Reality.”
- ⁷³ José A. Olmeda, “Process from Authoritarianism to Democracy in Spain: the Impact of the 1981 Failed Coup?” Working Papers 7, Ciencia Política y de la Administración Estudios, Madrid, 2003.
- ⁷⁴ Only in 1979 did the security forces receive a more rigorous overhauling. Jose A. Olmeda, “Security Sector Reform in Spain.”

- ⁷⁵ The government did not create any control and oversight mechanisms for CESID.
- ⁷⁶ Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”
- ⁷⁷ Jose A. Olmeda, “Security Sector Reform in Spain.”
- ⁷⁸ In the late 1970s, the leadership of Spain’s law enforcement agencies occasionally visited the Federal Republic of Germany and the United Kingdom to familiarize themselves with the *modus operandi* of specialized antiterrorist units. See Jose A. Olmeda, “Security Sector Reform in Spain.”
- ⁷⁹ *Ibid.*
- ⁸⁰ Jose A. Olmeda, “Process from Authoritarianism to Democracy in Spain”; Thomas C. Bruneau, “Spanish Case Study”; Jose Garcia Caneiro and Eduardo Arranz Bueso, “The Military Transition to Democracy in Spain: Looking for a New Democratic Soldier,” Research Paper, Peace Research Institute Frankfurt, Germany, 2007.
- ⁸¹ Some researchers point out CESID’s participation in the coup along with the Civil Guard. Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”
- ⁸² Jose A. Olmeda, “Process from Authoritarianism.”
- ⁸³ Thomas C. Bruneau, “Spanish Case Study.” The King’s intervention gathered respect both internally and externally, especially among Spain’s future closest allies.
- ⁸⁴ Joseph McMillan, “Armies in Transition; Civil-Military Relations in New Democracies,” National War College, Washington DC, available at <http://www.dtic.mil/dtic/tr/fulltext/u2/a443147.pdf>; Narcis Serra, *The Military Transition: Democratic Reform of the Armed Forces* (Cambridge, UK: Cambridge University Press, 2010).
- ⁸⁵ Jose A. Olmeda, “Process from Authoritarianism”; Jose A. Olmeda, “Security Sector Reform in Spain.”
- ⁸⁶ Jose A. Olmeda, “Security Sector Reform in Spain.”
- ⁸⁷ Antonio M. Díaz Fernández, “Down the Road to Supervision of the Spanish Intelligence Services.”
- ⁸⁸ Andrea Gimenez-Salinas, “The Spanish Intelligence Services,” in Jean-Paul Brodeur, Peter Gill, and Dennis Tollborg, eds., *Democracy, Law and Security. Internal Security Services in Contemporary Europe* (London: Ashgate, 2003), pp. 63–80.
- ⁸⁹ Jose A. Olmeda, “Security Sector Reform in Spain.”
- ⁹⁰ Antonio M. Díaz Fernández, “The Spanish Intelligence Community: A Diffuse Reality.”
- ⁹¹ Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy: Balancing Effectiveness and Transparency.”
- ⁹² This involved the creation of GAL, comprised of French and Portuguese mercenaries recruited by ex-Franco officers, in order to kill alleged terrorists and thus demoralize ETA. Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services”; Jose M. Magone,

Contemporary Spanish Politics, 2nd ed. (London: Routledge, 2008). Various arrests were made in the aftermath of the GAL Affair among Ministry of Interior leadership and personnel. See Christopher Ross, Bill Richardson, and Begoña Sangrador-Vegas, eds., *Contemporary Spain*, 4th ed. (London: Routledge, 2016).

⁹³ CESID reportedly spied on the King for 10 years. See Barry James, “Spain Orders Inquiry on Alleged Blackmail of King,” *The New York Times*, 11 November 1995.

⁹⁴ Perote reportedly intended to use these documents to blackmail the Government. Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.” Perote was arrested in 1997 and convicted for illegal disclosure of classified documents. See: “Spanish Intelligence Chief Arrested,” *Independent*, 18 June 1997; “Trial Starts for Boss of Spain’s Dirty War,” *Independent*, 9 June 1997; “In Brief,” *The Guardian* (London), 26 May 1999.

⁹⁵ Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ Andrea Gimenez-Salinas, “The Spanish Intelligence Services,” in Jean-Paul Brodeur, Peter Gill, and Dennis Tollborg, eds., *Democracy, Law and Security. Internal Security Services in Contemporary Europe*, pp. 75–78.

⁹⁹ For details, see: Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”

¹⁰⁰ *Ibid.*

¹⁰¹ The Spanish Constitution and the Law of Official Secrets 9/1969 modified by Law 48/1978 which, enables the legislative branch in Spain access both classified and unclassified information.

¹⁰² Andrea Gimenez-Salinas, “The Spanish Intelligence Services.”

¹⁰³ http://www.abc.es/espana/abci-congreso-dara-verde-reformar-secretos-oficiales-201611282024_noticia.html

¹⁰⁴ Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”

¹⁰⁵ *Ibid.*

¹⁰⁶ José-Miguel Palacios, “Intelligence Analysis Training: A European Perspective,” *The International Journal of Intelligence, Security, and Public Affairs*, Vol. 18, No. 1, 2016, pp. 34–56

¹⁰⁷ Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.* The Council of Ministers also refused to declassify information pertaining to the wiretappings.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

- ¹¹³ Like CESID, CNI depended at first on the Ministry of Defense, but a legislative modification undertaken in 2011 during Mariano Rajoy's government placed it under the Ministry of Presidency.
- ¹¹⁴ Antonio M. Díaz Fernández, "Halfway Down the Road to Supervision of the Spanish Intelligence Services."
- ¹¹⁵ For a detailed overview of the strategic surprise concept, see the following: Colin S. Gray, "Transformation and Strategic Surprise," Monograph, Strategic Studies Institute (SSI), April 2005, pp. 1–38, available at <http://www.strategicstudiesinstitute.army.mil/pdf/files/PUB602.pdf>; Stephen Blank, "Strategic Surprise? Central Asia in 2006," *China and Eurasia Forum Quarterly*, Vol. 4, No. 2, 2006, available at http://www.silkroadstudies.org/new/docs/CEF/Quarterly/May_2006/Blank.pdf (accessed 18 May 2011); Karl E. Weick and Kathleen M. Sutcliffe, *Managing the Unexpected. Resilient Performance in an Age of Uncertainty* (San Francisco: Jossey-Bass, 2007).
- ¹¹⁶ Antonio M. Díaz Fernández, "The Spanish Intelligence Community: A Diffuse Reality."
- ¹¹⁷ Gustavo Díaz Matey, "From Cooperation to Competition: Economic Intelligence as Part of Spain's National Security Strategy."
- ¹¹⁸ Antonio M. Díaz Fernández, "The Spanish Intelligence Community: A Diffuse Reality."
- ¹¹⁹ Rubén Arcos, "Academics as Strategic Stakeholders of Intelligence Organizations: A View from Spain," *International Journal of Intelligence and CounterIntelligence*, Vol. 26, No. 2, Summer 2013, pp. 332–346.
- ¹²⁰ We use Irena Dumitru's definition of intelligence culture. Irena Dumitru, "Building an Intelligence Culture From Within: The SRI and Romanian Society," *International Journal of Intelligence and CounterIntelligence*, Vol. 27, No. 3, Fall 2014, pp. 569–589.
- ¹²¹ Antonio M. Díaz Fernández, "The Need and Role of Intelligence Services in a Democracy: Balancing Effectiveness and Transparency."
- ¹²² Text of report by Spanish newspaper *La Vanguardia* website on 22 July 2016 [Report by Quico Salles: "Acting Government Spends Further 60 Million Euros in National Intelligence Center"].
- ¹²³ CNI is dubbed "La Casa." Text of report by Spanish newspaper *La Vanguardia* website on 22 July 2016 [Report by Quico Salles: "Acting Government Spends Further 60 Million Euros in National Intelligence Center"].
- ¹²⁴ Discussions, by Matei and de Castro with Spanish academia, Madrid, 26 June–5 July 2016.
- ¹²⁵ Text of report by Spanish newspaper *La Vanguardia* website on 22 July 2016.
- ¹²⁶ ABC Journal, 14 July 2015 Tuesday, Spanish intelligence strengthens terror fight at expense of organized crime. Text of report by Spanish newspaper *ABC* website, on 14 July [Report by Pablo Muñoz, Javier Pagola: "National Intelligence Center Strengthens Area of Jihadist Terrorism at the Expense of Organized Crime"].
- ¹²⁷ This has also been possible due the strategic leadership and guidance of the new CNI director, General Felix Sanz Roldan. Even the creation of CIFAS

was marked by turf wars, since the three services (Army, Air Force, and Navy) did not contribute enough personnel to CIFAS. Only the Army did its bit for CIFAS, whereas the Navy was very reluctant and the Air Force had no major [intelligence] unit. But the CNI director has been working to improve the cohesion of the service as well. BBC Monitoring Europe—Political Supplied by BBC Worldwide Monitoring, 5 May 2011, Thursday; “Spain’s Intelligence Chief Improves Relations, Coordination between Agencies.” Text of report by Spanish newspaper *ABC* website, on 3 May [Report by Paloma Cervilla: “The National Intelligence Center and Military Intelligence Strive To Put an End to Years of Mutual Mistrust”].

¹²⁸ Spanish agencies working hard to counter threat of cyber attack. Text of report by Spanish newspaper *La Vanguardia* website on 23 March. [Report by Eduardo Martin de Pozuelo: “Spain Third Country in World With Most Cyber Attacks”].

¹²⁹ Esteban Villarejo, “The National Intelligence Center Suffered ‘200 Significant Cyber Attacks in Three Months,’”], *ABC* website, Madrid, in Spanish, 17 March 2013.

¹³⁰ CITCO’s successes in the fight against crime and terrorism (some will be described later in this article) prompted other countries to create similar centers. Text of report by Spanish newspaper *ABC* website, on 21 August 2016 [Report by Laura L. Caro: “Spain Identifies 300 Drug Traffickers Also ‘on File’ for Terrorism”]. The translation below is machine based with limited editorial intervention.

¹³¹ “Spanish daily says Barcelona becoming hotbed of espionage activity.” BBC Monitoring Middle East—Political Supplied by BBC Worldwide Monitoring, 7 June 2011 Tuesday. Source: *La Vanguardia* website, Barcelona, in Spanish, 6 June 2011.

¹³² Foreign services stationed in Barcelona include the Central Intelligence Agency (CIA), the Mossad (Israel), as well as intelligence agencies from Morocco, Algeria, Pakistan, India, Iraq, Iran, Tunisia, Libya, Jordan, Syria, Saudi Arabia, Lebanon, and all the EU member states. Spanish daily says Barcelona becoming hotbed of espionage activity. BBC Monitoring Middle East—Political Supplied by BBC Worldwide Monitoring, 7 June 2011 Tuesday. Source: *La Vanguardia* website, Barcelona, in Spanish, 6 June 2011.

¹³³ Eduardo Martin de Pozuelo, “Spain Tightens Surveillance on Jihadist Returnees,” text of report by Spanish newspaper *La Vanguardia* website on 11 January 2015.

¹³⁴ Report by L.L.C: “Success of ‘Alert Level Four’: All Those Arrested for Terrorism Remain in Custody.” Text of report by Spanish newspaper *ABC* website, on 21 August 2016.

¹³⁵ *Ibid.*

¹³⁶ Police raided five homes and a mosque in central Barcelona and seized explosive materials, including four detonators. Ed Owen and David Leppard, “Spain Alerts Britain after Foiling Bomb Plot on Eve of Musharraf Visit,” *The Sunday Times* (London), 20 January 2008.

- ¹³⁷ 14 July 2015, Tuesday; “Spanish Intelligence Strengthens Terror Fight at Expense of Organized Crime,” Text of report by Spanish newspaper *ABC* website, on 14 July. [Report by Pablo Munoz and Javier Pagola: “National Intelligence Center Strengthens Area of Jihadist Terrorism at the Expense of Organized Crime”].
- ¹³⁸ Spanish journalists return home after abduction in Syria.
- ¹³⁹ 29 June 2016, Wednesday. Text of report by Spanish newspaper *ABC* website, on 25 June. [Report by J. J. Fernandez: “The Sea Gate of ‘Western’ Jihadism: They Are Not Disguising Themselves Among North Africans, They Are Now Walking Around the Oran-Alicante Ferry, and it Is Impossible To Control Them Among the Floating Population”].
- ¹⁴⁰ The two immigrants are brothers, who settled in Selva in the mid-2000s. See: 29 July 2016; Spain: “Arrested Terror Suspect Planned to Go to Syria.” Text of report by Spanish newspaper *La Vanguardia* website on 28 July 2016. [Report by Mayka Navarro and Barbara Julbe, “One of Two Men Arrested in Arbucies Planned To Travel to Syria With Two Daughters”].
- ¹⁴¹ Text of report by Spanish newspaper *ABC* website, on 21 August 2016. [Report by Laura L. Caro: “Spain Identifies 300 Drug Traffickers Also ‘on File’ for Terrorism”].
- ¹⁴² *Diario El País*, “La fiscalía acusa de un delito de traición al ex espía doble destapado por el CNI,” *El País*, 24 July 2007; The National High Court has confirmed the allegations and approved the expulsion. [Unattributed report: “Spain’s National High Court Upholds Expulsion of CNI Agent 8882 Over Islamist Ties.”]. Source: *ABC* website, Madrid, in Spanish 8 March 2016.
- ¹⁴³ BBC Monitoring Europe—Political Supplied by BBC Worldwide Monitoring, 23 June 2016. Thursday Spain says “fewer than 10” refugees rejected due to jihadist links. Text of report by Spanish newspaper *La Vanguardia* website on 21 June. [Unattributed Report: “The Interior Ministry Puts at Fewer Than 10 the Number of Refugees Rejected due to Their Jihadism”].
- ¹⁴⁴ Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy. Balancing Effectiveness and Transparency.”
- ¹⁴⁵ Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services.”
- ¹⁴⁶ Discussions, by Matei and de Castro with Spanish academia, Madrid, 26 June–5 July 2016. In many other countries, organizations such as Civil Guard—that is, Police Forces with a military status—seem to be perceived as less corrupt (Chile, Argentina).
- ¹⁴⁷ CNI on 16 September 2005 advised the Council of Ministers to enable the declassification and submission of classified documents of interest to the committee, but the Minister of Defense refused, arguing that “no important documents were going to be declassified as this might help the terrorists.” Antonio M. Díaz Fernández, “Halfway Down the Road to Supervision of the Spanish Intelligence Services, Intelligence and National Security.”
- ¹⁴⁸ Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy. Balancing Effectiveness and Transparency.”

- ¹⁴⁹ BBC Monitoring Europe—Political Supplied by BBC Worldwide Monitoring, 10 February 2007, Saturday. More on declassification of Spanish intelligence documents on CIA flights Excerpt from report by G.L.A: “‘All of the Documents’ of the CNI on the CIA Flights are Five Notes,” published by Spanish newspaper ABC website on 10 February.
- ¹⁵⁰ Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy. Balancing Effectiveness and Transparency.”
- ¹⁵¹ In line with the 2002 CNI Law, the CNI Director was not allowed to exceed five years in office. This was intended to avoid the CESID-era situations of long directorships that led to scandals and politicization. For example, Alonso Manglano was director for 14 years, and his long tenure is associated with the previously mentioned scandals of the 1990s. A clause was proposed in 2009 by the Vice-President of the government (who wanted Saiz to continue his tenure as CNI director) that would permit the director to renew his directorship every five years. The Minister of Defense, however, was against it, but to no avail. Saiz’s tenure was renewed on 24 April 2009. Antonio M. Díaz Fernández, “The Need and Role of Intelligence Services in a Democracy. Balancing Effectiveness and Transparency.”
- ¹⁵² *Ibid.*
- ¹⁵³ Discussions, by Matei and de Castro with Spanish academia, Madrid, 26 June–5 July 2016.
- ¹⁵⁴ See, for example, Juan Antonia Blay, “El PSOE quiere poner en marcha ya en febrero la comisión que investigue a Fernández Díaz,” *Diario Público*, 23 January 2017, available at <http://www.publico.es/politica/psoe-quiere-poner-marcha-ya.html>
- ¹⁵⁵ Other universities, including the *Gutierrez Mellado* Institute General within the National Distance Education University (UNED), have also established programs on intelligence. Rubén Arcos, “Academics as Strategic Stakeholders of Intelligence Organizations: A View from Spain”; José-Miguel Palacios, “Intelligence Analysis Training: A European Perspective.”
- ¹⁵⁶ Rubén Arcos, “Academics as Strategic Stakeholders of Intelligence Organizations: A View from Spain.”
- ¹⁵⁷ *Ibid.*
- ¹⁵⁸ *Ibid.*
- ¹⁵⁹ *Ibid.*
- ¹⁶⁰ Some challenges persist, though, including the “absence of Intelligence Studies departments in Spanish universities; minimal recognition of intelligence as a *de facto* academic discipline by the major educational institutions ... the absence of specific Ph.D. programs in Intelligence; ... and the absence of national declassification programs,” but will hopefully be overcome before long. *Ibid.*
- ¹⁶¹ *International Journal of Intelligence, Security and Public Affairs*, available at <http://www.tandfonline.com/action/journalInformation?show=aimsScope&journalCode=usip20> (accessed 10 December 2016).
- ¹⁶² 14 July 2015 Tuesday. Supplied by BBC Worldwide Monitoring May 1, 2010 Saturday. “Spanish intelligence services received 1,000 job applications in

- 2009” Text of report by Spanish newspaper *ABC* website, on 30 April [Report by A.C.: “CNI Received 1,000 Applications Last Year”].
- ¹⁶³ Relevant scholarly literature on ethics and intelligence includes: Jan Goldman, ed., *Ethics of Spying. A Reader for the Intelligence Professional* (Lanham, MD: The Scarecrow Press, 2006); Michael Andregg, “Ethics and Professional Intelligence,” in Loch K. Johnson, ed., *The Oxford Intelligence Handbook of National Security* (Oxford, UK: Oxford University Press, 2010); Mark M. Lowenthal, *From Secrets to Policy*, 4th ed. (Washington, DC: CQ Press, 2009); Steve Tsang ed., *Intelligence and Human Rights in the Era of Global Terrorism* (Westport, CT: Praeger Security International, 2007); James M. Olson, *Fair Play: The Moral Dilemmas of Spying* (Washington, DC: Potomac Books, 2006); Fernando Velasco Fernandez, “Etica,” in Antonio Diaz Fernandes, ed., *Conceptos Fundamentales de Inteligencia* (Tirant Lo Blanch, 2016); and *Inteligencia y Seguridad Journal*, Rey Juan Carlos University Press.
- ¹⁶⁴ Centro Nacional de Inteligencia (CNI), available at <https://www.cni.es/es/queescni/etico/>
- ¹⁶⁵ <http://www.ejercito.mde.es/en/personal/ordenanzas/indirroofas.html>
- ¹⁶⁶ Thomas C. Bruneau and Florina Cristiana (Cris) Matei, “Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness,” in Loch K. Johnson, ed., *The Oxford Handbook of National Security Intelligence*; Hans Born and Aidan Wills, “Beyond the Oxymoron: Exploring Ethics through the Intelligence Cycle,” in Jan Goldman, ed., *Ethics of Spying*, pp. 34–56.
- ¹⁶⁷ For demands on democratization of intelligence we use the Matei and Bruneau framework of democratic civilian control and effectiveness. Democratic Civilian Control is conceptualized in terms of authority over institutional control mechanisms, oversight, and the inculcation of professional norms (although professional norms can also contribute to effectiveness); Effectiveness in Fulfilling Roles and Missions involves three necessary, yet not necessarily sufficient requirements of plan, structures/processes, and resources, in the form of political capital, money, and personnel. Although it is rather difficult to assess effectiveness, it is important to have such institutions. See Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil–Military Relations*.
- ¹⁶⁸ Samuel Huntington, *The Soldier and the State*.
- ¹⁶⁹ Journal Expansión, available at <http://www.expansion.com/economia/2015/09/15/55f7bf24268e3e42178b459c.html> (accessed 10 December 2016).
- ¹⁷⁰ Discussions by Matei and de Castro with Spanish academia, Madrid, 26 June–5 July 2016.
- ¹⁷¹ See also Mark M. Lowenthal, *From Secrets to Policy*, especially. pp. 293–296.