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The intelligence service in Costa Rica: Between the new and the old paradigm

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ABSTRACT

This article analyzes the intelligence service in Costa Rica based on the paradigmatic debates in the strategic intelligence studies; five criteria have been taken into consideration for this purpose: the nature of changes in the intelligence service, doctrine, culture, the intelligence community, and its political and democratic controls. It is concluded that the Intelligence Service of Costa Rica faces the challenge of a political culture that questions the service because of its ideological and militaristic historical heritage, and distrust its political and democratic controls.

This study evidences the absence of an intelligence doctrine that define with clarity the threats faced by the State, a weak intelligence culture and, therefore, a limited intelligence community. This environment has aroused domestic debates in terms of its function in a democratic State, where some propose its closure and others its strengthening; specifically, its transformation to a Directorate of National Intelligence adapted to the new paradigm of strategic intelligence.

KEYWORDS

Strategic intelligence;
intelligence culture;
intelligence doctrine; Costa
Rica

Introduction

Costa Rica is a small Central American State¹ that excelled in the International Community for the proscription of its armed forces in 1948, contradicting the dominant thinking related to national security and state survival of the period. In its contemporary political relations, the country has faced a number of challenges that have involved external threats by questioning its sovereignty and territorial integrity. Analytically, it would be expected that a State with these features make systematic and sustained efforts to have a strong intelligence and diplomatic service that allows it to contain or anticipate the threats resulting from the absence of armed forces. However, the same political factors that led to the proscription of the military institution explains the political culture that questions the intelligence by its ideological and militaristic matrix, contradicting the expected outcome in terms of a public policy for external security.

This article analyzes the main features of the Costa Rican intelligence service in light of the paradigmatic transformations in strategic intelligence

studies. Five criteria have been used to make a balance: the nature of changes in the intelligence service, the doctrine, the culture, the intelligence community, and the political and democratic controls that provide useful analytical trends to understand this type of institution in a consolidated, mature, and sustainable democracy.

It is essential to point out the particularity of the Costa Rican case because it does not have military intelligence that would complement the strategic intelligence institutions. In countries that have intelligence related to their armed forces, the knowledge and products intended for the decision-making of government authorities is generated by specialized military organizations which articulate ground, naval and air specificities in an institutional structure that accompanies foreign policy (Pecht & Tishler, 2015, p. 179).

I. The paradigmatic change in the strategic intelligence studies

Intelligence is a polysemic category that is no definite because of its constant epistemological and transdisciplinary evolution. The academic literature usually refers to three elements that allow for comprehension as product, process, or institution. A product because it allows decision-makers to assess risks and prevent threats; a process when underlying a strict and reserved logic in its development, usually understood from the intelligence cycle; and institution to the extent that States allocate resources for professional, analytical, and technological competencies within a constitutional legal framework.

Based on the above, a useful approach is the description of its main attributes: it uses confidential sources; it is developed by qualified state officials for the purposes of the State; it focuses primarily in possible foreign and domestic threats (governments, corporations, or groups); it is linked to the production and dissemination of information; and might influence external entities by means that cannot be openly attributed to the action of the State (Warner, 2002, pp. 21–22).

A key element to differentiate intelligence from other activities that produce and disseminate information, such as academic research, is its use of secret or reserved sources. It allows States to identify intervention opportunities to change the progress of situations that can be considered as threats, especially conflict prone events; to obtain competitive advantages in decision-making as strategic input; to protect the State, its critical infrastructure and population; to optimize resources, such as the integration and centralization of information in order to improve coordination and understanding (Treverton, Jones, Boraz, & Lipsy, 2006, p. 6).

For Antón, Miratvillas and Serra (2012), it is imperative to socially and historically contextualize the paradigmatic evolution or change in strategic

intelligence studies. It is from Lahneman's work about the "revolution in intelligence affairs" that people start to think in terms of an old paradigm against a new or emergent one, being the turning point landmark the advent of the neoliberal globalization that generates greater regional interconnections, greater interaction and security interdependence. This context turns State's borders more porous and diffuse; and therefore, substantially transforms the factors and the nature of threats, for example the spread of organized international crime and its local connections.

Based on [Table 1](#), the old intelligence paradigm used to assume at its core that the adversary was symmetric with a State constitution; the classified information was the axis that allowed operation, therefore espionage services and the revelation of secrets of the adversary were considered fundamental in classical doctrine. This adversary was displayed as external and competitive and the intelligence services used to draw on the military experience that was characterized by being essentially reactive. Given the opacity of its processes, the lacks of accountability and limited institutionally often linked to national security conceptions, the intelligence defined risk and threat on a state-centric basis (cf. Rivera Vélez, 2011; pp. 21–25; Murillo Zamora, 2016; p. 45).

With the end of the Cold War, there have been a series of geopolitical transformations in the international context, these include growing difficulties in terms of global governance that had repercussions on the challenges related to the redefinition of hegemony; the emergence of new actors that question the global order such as emergent powers; and nonstate actors that promote transnational organized crime and terrorism (Méndez-Coto, 2012, 2015, 2016). This environment will bring to the arena a new paradigm for strategic intelligence that, subsuming and surpassing the previous one, will define contemporary threats as diffuse, transnational, and asymmetric in terms of its constitution, which requires a comprehensive, holistic, and cooperative approach to its confrontation.

This new paradigm is based on the inter-agential cooperation, considering that States have limitations to address emerging threats by themselves. It

Table 1. Contrast between the old and the new paradigm of strategic intelligence.

Factor	Old paradigm	New paradigm
Enemy/threat	External	Transnational
Power relation	Symmetric	Asymmetric
Reserved sources/espionage	Fundamental	Relative
Secret	Important	Relevant
Thinking matrix	Lineal	Complex
Historical context	Cold War	Post-Cold War
Type	Military	Multidimensional
Intelligence type	Reactive	Proactive
Performance evaluation	Difficult	Feasible
Risk	Anthropogenic	Diffusive, nodal, synergic
Intelligence development	Monopoly and centralization	Access to external knowledge

Source: Elaborated by the author based on Antón Mellón (2012) and Antón Mellón, Miratvillas and Serra (2012).

recognizes that the intelligence development is no longer a monopoly of the State since the production is increasingly in hands of private and public institutions, although, they are not formally associated with the intelligence community; and trusted and open source information is considered essential to improve effectiveness, taking advantage of the continuing evolution of information and knowledge technology, abating prominence to the core vision on espionage. These models of strategic intelligence allow to question: to what extent do these explain, by its characteristics or historical coincidence, the Costa Rican intelligence service?

II. Origins of the intelligence service in Costa Rica

In Costa Rica, there is a lack of information and academic literature on intelligence services. Cháves, who has conducted the firsts studies on this matter says that, “only the ones that have worked in this organization, that work as policemen, some politics linked to the Ministries of Security or Presidency, and ‘events’ journalists know a little about this organization. The rest of the population do not know anything at all about this organism” (Chavés, 2001, p. 7).

The current Directorate of Intelligence and National Security (DIS) has its origins in the Agency of National Security, founded in the 1960s when Latin America was characterized by the emergence of political and ideological movements that aimed for a social or revolutionary change, inspired by Marxism and national liberation fronts, such as the Cuban Revolution in 1959. Historically, in Latin America, the activity of the intelligence services cannot be separated from the doctrine of national security, which made diffuse the separation between external security – understood as the role assigned to the armed forces and foreign policy – from internal security – that included the maintenance of public order with police control and the Ministry of the Interior. This doctrine promoted antidemocratic interventions, coups d’état and human rights violations for many years based on concepts such as “internal defense” or “internal enemy” (Rivera Vélez, 2016).

For Barrios (2016) and Cháves (2001), the visit of the President John F. Kennedy to Costa Rica in 1963 gives place to the articulation to a security and intelligence force that would conceptually visualized enemies in the domestic level. The American influence was such that it led to remark that “practically at the beginning, during the first 10 years, it was directly controlled by the Central Agency of Intelligence than by the nationals” (Barrios Oviedo, 2016), and its main function was to compile “files of people that are ‘suspected’ to be ‘subversive’” (Cháves, 2001, p. 7). This is a relevant precedent of the DIS that affects the intelligence culture in Costa Rica, given that social movements linked to the left or political opposition to ruling party were assimilated as threats to the established order. Hence, intelligence services has been seen as a

“political police,” whose functions lie in the location, infiltration and neutralization of the “internal enemy” that could endanger Costa Rican democratic stability (cf. Muñoz Guillén, 2008, pp. 166–172).

Over time, the institutionalization process of the intelligence service has varied. In its origins, the National Security Agency was attached to the Ministry of Public Security and it used to work based on Executive Decrees. In 1986, by the Executive Decree 16.398, it is transferred to the Ministry of Presidency and declared “all its internal reports and documents as State secret” (Cháves, 2001, p. 8). For Cháves, this transformation was unconstitutional, taking into consideration that the Executive Decree is not at the same level as a National Law or as the Constitution, and that the Agency was able to infringe the civil and political rights of Costa Ricans. Based on Gerardo Hernández (2010, p. 3) and Aguilar (1994, pp. 49–51), the Agency, from 1987 to 1989, “was mainly in charge of political research, denominated as special, such as strikes, social leaders, people or organizations that were identified as communists. . . , etc”.

Finally, in 1994 by means of the Law 7410, General Police Law, the current Directorate of Intelligence and National Security is created and headed by the exclusive control of the President or delegated to the Ministry of the Presidency. As it is remarkable, the Costa Rican intelligence service has historically been focused its attention on detecting and neutralizing internal rather than external threats. For those reasons, Matul (2016) noted that the DIS was planned as to be another “police department,” basing its legal foundation in the General Police Law.

III. The paradigmatic change and the definition of threats

The paradigmatic change in intelligence studies has been associated with the transformations of the world order. The end of the Cold War required an adaptation of the intelligence services to emerging needs and threats, which surpassed the field of understanding with which it was operating until the end of the 20th century. The tragic events of New York in 2001, and London and Madrid in 2004, showed in the first case the limitations of the bureaucratic compartmentalization of the American intelligence, while in the second the confirmation of the presence and damage capacity of a nonstate and transnational terrorist actor. These events promoted reforms and institutional changes in the intelligence services both in the domestic level and in the intelligence community. In fact, as Rathmell put it the modernity of intelligence came to an end and the practice of intelligence requires post-modern theories to understand the constant fragmentation of the threat (Rathmell, 2002).

What happened in Costa Rica? Was institutional change associated with these paradigmatic transformations and the world order? For Matul (2016),

the intelligence services in Costa Rica have had different driving forces compared to the wave of institutional reforms in Central America after signing the Peace Agreements and the return of democracy (Matul Romero & Juárez, 2014, p. 2). The changes in the intelligence services was catalyzed by deep internal suspicions of the operations of the institution and therefore, the misuse of intelligence in terms of violations of civil and political rights, or the application of national security doctrine by ideological or partisan reasons, which is related with the persistence of the old paradigm in intelligence studies and its practices. As Hernández highlights, in 1995, a year before the establishment of the Police General Law, “the DIS [seemed] to be involved in a political scandal that was related to illegal telephone interventions. . . situation [that] led to the conformation of a Research Commission in the Legislative Assembly” (Hernández, 2010, p. 5).

The poor transparency of the intelligence services has been one of the fundamental reasons of these events, also the incapacity of public institutions to define clearly the threats that the State faces, hence the difficulty to define its sphere of competencies that should include the external projection. This incapacity to define the external defense public policy and therefore, the distinction in terms of exterior and domestic intelligence (Murillo Zamora, 2016, p. 48) is evidenced in the absence of White Papers or equivalent programmatic instruments related to national defense. For example in 14 of 21 Constitutions, in 8 of 10 White Papers published in the XXI century, and in 4 of 8 Defense Policies or Plans, the traditional threats are being taken into consideration in Latin America (Méndez-Coto, 2017).

This absence of an external vision in the elaboration of defense intelligence cannot be explained only because Costa Rica lacks armed forces, but because of the limited capacity of the different governments to generate autonomous intelligence policies that are far from the hegemonic doctrine imposed by the United States. Indeed, it is assumed that States have the democratic responsibility to link national security with executive, legislative and judicial branches, also incorporating the criteria of civil society in the definition of threats, vulnerabilities and risk factors within a framework of respect for human rights. These inclusive criteria would help to define a comprehensive intelligence service with ethical values subject to accountability and cooperation (Teirilä & Nykänen, 2016, p. 289).

Costa Rica represents a *sui generis* case because its political traditions such as democratic stability and respect for human rights tend to be disturbed by issues related to intelligence practices. This issues, related to threats definition, correlates with the attributions of the DIS, contained in the Article 14 of the General Police Law. Cháves expresses that all these attributions and professional competencies should be revised since they represent a discrepancy or do not really show what an intelligence service does or should do, or the concepts and categories of the accepted scientific

use in this field (Chavés, 2001, pp. 10–11). For this reason, the author had already recommended that the country establish a technical system that would help with the intelligence requirements formulation, being “necessary to have a great national debate about the contents of ‘Security’ and ‘National Security’” (Chavés, 2001, p. 16).

Regarding to this discussion, the Sub-directorate of the DIS informs that Costa Rica have a different understanding in comparison to other Latin American States. It bases their security “fundamentally, on the risk of non-traditional threats management, as the protection of natural resources... energy resources, marine resources and diverse ecosystems to which... some concepts have been added such as the fight against terrorism, transnational organized drug trafficking, cybercrime and/or the need to protect critical infrastructures.” Taking into consideration that Costa Rica does not explicitly recognized traditional threats “except from the ancient border dispute with the Republic of Nicaragua;” and with regard to security, it is said that it stands “in concordance with the Organization of American States standards” in terms of multidimensional and cooperative security elements (Torres, 2016).

The authors Barrios (2016) and Matul (2016) shared a different position, considering that the threats that the Costa Rican State is facing are related to drug trafficking and transnational organized crime, and activities specifically related to these phenomena, from money laundering, trafficking and corruption in State institutions. They also argue that the authorities have been, to a large extent, unaware of regional changes, who most of the times are not aware of the power and possibilities of the intelligence service.

With regard to the activities that are related to transnational crime, Matul expresses that what prevails in the country is the conception of it as a “bridge,” however, the author considers it more as a “service station,” for the facilities that the criminal gangs have. Also, prospectively, Barrios (2016) just as Matul (2016) argued that the State is not prepared to deal with new threats, specifically terrorism and its financing, therefore, it could be argued that it is still immersed in a “competitive loop” as Antón, Miratvillas and Serra (2012) pointed out, in terms of reacting and not in preventing threatening events.

IV. Doctrine, culture, and intelligence community

The Costa Rican intelligence has a diffuse definition of its professional attributions and strategic competencies that impact on its doctrine, culture and community. From the point of view of intelligence doctrine, it can be understood as the “set of axioms, concepts, principles, values, norms and processes that characterize intelligence activity in a particular political

culture. The idea... derives not only from documents... but also from procedures and values that are accepted in a society (Bitencourt, 2013, p. 125).”

Formally speaking, there is no intelligence doctrine in Costa Rica, there are principles of the Security Doctrine established by the Ministry of Public Security by Executive Decree 32177-SP in 2005 (cf. Matul Romero & Juárez, 2014, p. 4). However, this does not replace the doctrine of intelligence and its absence implies risks in terms of intelligence culture, specifically in a context of an increase in organized crime in Central America that places the State in a strategic point of regional attention (UNODC, 2012).

The DIS has tried to progress building doctrine, looking for formal documentation and therefore, to evaluate every work and all detected failures. Despite the above, exist at least three generations in this intelligence service, each of them with different “mental models” (Martínez-Sánchez, 2014; Sáiz, 2010) that complicate cohesion and can even defy the command and authority. The first generation consists of staff members that have worked in the institution for 25–35 years, some of them are still with the mindsets of the Cold War. A second generation, 15–25 years of service, who lived the end of the Cold War is characterized by having university education; and a younger third generation, with 5–15 years of serving in the DIS, with better intellectual preparation that incorporates more analytical quality but does not have the capacity to modify the traditional structure (Barrios Oviedo, 2016).

These difficulties that Costa Rica experienced to develop a doctrine of intelligence are associated with the intelligence culture, or rather its weakness. As stated before, the official information or the academic literature regarding the intelligence service of Costa Rica is limited, reflecting the lack of knowledge about their duties and responsibilities, except for intelligence failures that are widely presented in the news. Therefore, Torres argues that “Costa Rica does not have a developed intelligence culture, which has implied a slow process for the [DIS] to exit the deep ostracism to which it was involved since the mid-eighties (Torres, 2016).”

The lack of intelligence culture is explained historically with the abolition of the army in Costa Rica, factor that affects the citizenship to do not conceive the usefulness of the intelligence service neither as a relevant tool for its foreign policy. This results in thinking about the old paradigm in respects to espionage and information theft, which for a Small and unarmed State results problematic for overshadowing the foreign policy tools that would allow prospecting and preventing risks and threats to its external and domestic security. This lack of intelligence culture has also affected the training of the diplomatic service in terms of skills development and intelligence activities abroad, that could allow exploding formal contacts that

involve the diplomatic function, and the access to open sources in the country of destination with a strategic sense (Murillo Zamora, 2016).

Because of this lack of intelligence culture, the academy is reluctant to cooperate with the DIS, especially with emerging issues, such as those related to terrorism and its various manifestations, which require more sophisticated scientific knowledge (Barrios Oviedo, 2016). The current administration of the DIS (2014–2018) has emphasized its willingness to collaborate with universities, but they need experience, as well as better hiring criteria for such professionals or services. Arcos and Antón (2010) said that the main obstacle in expanding the intelligence community is precisely the misinformation about the role of the intelligence service, therefore, it represents a problem of intelligence culture. Stereotypes, prejudices, and the worldview of malpractices generate resistance to bring these professionals to the intelligence service, as exemplified before.

It is important to note that in the case of Costa Rica certainly the DIS is the largest apparatus with the greatest resources; however, there exist other units that perform intelligence, such as the Judiciary, Public Force, the Drug Control Police, or institutions focusing on commercial, financial, and tax issues. In order to expand the intelligence community, it is necessary to develop an intelligence culture in accordance with a Democratic and Constitutional State, to the extent that the service responsibilities and functions are known, assimilated and internalized by the society. Hence, ontologically, the link of these external professionals to the intelligence services strengthens legitimacy insofar as these links are regulated, as they would be in any State organism.

V. The intelligence political and democratic control

The lack of political and democratic control of the intelligence service has been the biggest obstacle to build a professional and competent institution. A weak intelligence culture, lack of intelligence doctrine, and reluctance to cooperate by third actors have an ontological overlap with the need to improve the mechanisms of political control and accountability. As Velasco and Díaz say “democracy and ignorance of the intelligence services’ work are not compatible” (2013, p. 110).

The Law that gives foundations to the current DIS is the starting point antecedent of the democratic controls because “it has not progressed in terms of controls from other branches of the government, or on the wide margin of the Presidency to set the guidelines, priorities and decide on the direction of the body” (Hernández, 2010, p. 4). The author quotes Francisco Dall’Anese, whom as Attorney General said that “it does not render account, does not underwrite reports nor assumes responsibility for its actions... its unknown what it does to the security of Costa Rica, we only have news of its actions and omissions to the detriment of the country” (Hernández, 2010, p. 10).

Formally, the activities that the DIS can legally develop are stipulated in the General Police Law; and for covert operations, an endorsement from a judge is required. Torres (2016) affirms that the actual intelligence service is based on three pillars to obtain information: governance, understood as requirements administration of the citizen's rights; sovereignty of the nation, in terms of border conflicts and foreign interference; and management of nontraditional threats, focused on transnational crime.

The Administration Solís Rivera (2014–2018) has tried to gain insight into a change of the perception and function of the DIS. However, prejudices, stereotypes and experiences from the past continue to raise deep questioning; for instance between 2009 and 2014 there have been eight Bills related to the intelligence service in the Legislative Assembly, of these, five tried to eliminate it (62.5%), others tried to modify it or transform it into police force, and the last one tried to reform it, based on modern criteria related to the new paradigm, to a Directorate of National Strategic Intelligence (Matul Romero & Juárez, 2014; p. 4; Matul Romero & Torres, 2015; Torres, 2016; Murillo Zamora, 2016). It is important to emphasize that the ruling political party “Acción Ciudadana” proposed in its Government Plan (2014–2018) the elimination of the intelligence service during its electoral campaign.

The main interrogatives with regard to political control are,

- (1) The Discretion of the Executive Power to Define Threats. This leads the DIS to investigate issues that do not pertain to the intelligence service, specifically domestic political actors, or ordinary criminals.
- (2) Political, Criminal and Administrative Responsibility. When failures occur in intelligence, it seems that impunity is the norm. Even though, there are authors that consider that it by nature will always be like this (Sáiz, 2010), in a mature democracy there must be established sanctions, which must be borne by those responsible of the organism: the President or the Minister of the Presidency, besides those leading it.
- (3) Involvement of the Other Branches of the Republic. Specially of the Legislative Assembly by reviewing the proceedings, creating laws or regulations that define their duties in a better way, or also the national debate with regard to threats to the Costa Rican State. Likewise, the Judiciary and the Constitutional Court by doing a legal review of the actions of the intelligence service and its control when coercive situation that are related to security are coordinated, or when they are potentially related to the violation of the Human Rights that are associated to the constitutional, hemispheric, and the universal system regulations.

Subsequently, Matul and Torres highlighted the noninstitutionalized social controls that are related to civil complaints, public opinion, and

pressure media, as complementary mechanisms that will prevent problems from the past, and will generate a more conducive environment for the discussion about the scope of a modern intelligence service (2015, pp. 13–15).

The Solís Rivera Administration (2014–2018) proposed a reform to the DIS in respects to audit and democratic control, and also, a rapprochement to the new paradigm of the strategic intelligence, including greater openness for accountability and closer ties with the university. By means of the draft Bill “Transformation of the Directorate of Intelligence and National Security to the Directorate of National Strategic Intelligence (DIEN by its Spanish initials)” presented in 2014 under the record 19.346. This Project explicitly states as its aim “depoliticize and make the organism of current intelligence transparent, to modernize and professionalize it, to evolve from an intelligence governmental agency to an intelligence agency of the State,” for which the creation of an Audit Committee, including the various branches of the Government, is proposed.

Regarding transparency, the Sub-Directorate of the DIS informs that, as public institution, it is subject to the established legal order, which is: the Constitution, Comptroller General of the Republic and Ministry of the Presidency, also as the General Law of Public Administration, Law of the National Archives and the General Law on Internal Control. It is stressed that the administrative and legal documents are for public access and also sensitive to scrutiny, while the substantive production (intelligence) is protected by its “confidential” declaratory, opened to be declared as “State secret” in particular cases (Torres, 2016).

Conclusion

The Costa Rican case is *sui generis* because of its political culture that represents the intelligence service as an obstacle from the past, due to its ideological and militaristic heritage. This political culture and national identity is built up on pillars such as the banning of the armed forces and perpetual and unilateral neutrality, which explains the absence of a doctrine of intelligence and a defense policy that defines the threats faced by the State, but at the same time enable the denaturation of the intelligence service as its instruments can be used for legal or police investigation.

A mature democracy like Costa Rica has failed to enhance its international position in terms of its external defense and the prevention of risk and threats, which can be understood by the negative images and stereotypes blocking the change in terms of defense and security policies. As a result, the intelligence services have been systematically questioned, proposing its deletion, and as correlative has affected the reduced development of foreign intelligence through its diplomatic service.

This study analyzed the Costa Rican intelligence services based on the paradigmatic debates in intelligence studies, considering five criteria: the nature of changes; the absence of an intelligence doctrine; the weak intelligence culture; its political and democratic controls and the limited intelligence community, arriving to the conclusion that the case is between the old and the new paradigm. In one hand its formal and institutional framework reflects the prevailing logic of the Cold War, as the transformations that have occurred were not enough to temper the service to confront global changes; in fact complaints and scandals linked to intelligence failures has been publicly known.

In the other hand, the Administration Solís Rivera (2014–2018) has had greater permeability on political and the paradigmatic debates, which is evidenced in the proposal to transform the Directorate of Intelligence and National Security (DIS) to the Directorate of National Strategic Intelligence (DIEN), promoting a new intelligence culture and projecting a proactive, preventive and prospective vision to deal with the emerging threats that Central America faces. These proposals of transformations will enable the development of other branches of intelligence that underline its strategic direction, from diplomacy to the insertion into the international economy.

Note

- 1 This type of State is characterized by low participation in issues of global scope, an active participation in international institutions, the use of moral positions in international politics, a limited range of action in terms of its geographic projection, high support to international law and avoidance of the use of armed forces in foreign policy (Braveboy-Wagner, 2008; Hey, 2003; Murillo Zamora, 2012).

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