

**NATIONAL UNIVERSITY OF POLITICAL SCIENCE
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Doctoral School – Political Science

- PhD Thesis Abstract -

**Civilian-democratic Control of
Intelligence Services în New NATO and
EU Member States. The Cases of
Romania and Poland**

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1. Research objectives and hypothesis

Intelligence services are an important component of the institutional framework of any state, with their primary task being to inform political decision-making in the sphere of national security. Secrecy is undoubtedly an essential integral part of intelligence work, without which their effectiveness would significantly suffer. However, the secrecy and opacity surrounding intelligence services can conceal conformity, incompetence, illegality, overstepping of their duties, and politicization. All of these potential deficiencies affect the legitimacy and effectiveness of intelligence activities and, ultimately, impact citizens whose rights can be violated by an increasingly complex and capable intelligence apparatus. The privacy is especially vulnerable, as it is targeted by increasingly normalized measures of widespread surveillance.

This study does not aim to provide "recipes" for the democratization of intelligence services but rather to outline and test an analytical framework useful for both the in-depth study of mechanisms of democratic civilian control and institutional reform efforts in the intelligence sector, especially in Eastern Europe. Understanding the factors that affect the functioning of mechanisms of civil democratic control is an essential starting point in any reform endeavor in this sector

The purpose of this study was to contribute to filling the gaps in the literature on the democratization of the intelligence sector in post-communist Europe, especially the new EU and NATO member states. The experiences and lessons learned by these states so far are also valuable to countries currently undergoing reform processes. While not representative of all post-communist transitions (which, as we have seen, exhibit a certain degree of variability), the cases of Romania and Poland illustrate some of the inherent pitfalls of any democratization process based on rapid reforms and the borrowing, through external

cooperation, of elements insufficiently adapted to the national context and specificities.

Given the importance of in-depth research into how the historical-institutional context affects the functioning of mechanisms of civil democratic control, this study aims to answer the following questions:

- What are the convergent and divergent points between the mechanisms of civil democratic control of intelligence services in EU and NATO member states?
- What are the peculiarities of the functioning of these mechanisms in the new EU and NATO member states (in terms of regulatory framework, operation mode, effectiveness, and impact on the activities of intelligence services)?
- What are the institutional-historical factors that have determined/determine these peculiarities?

The hypothesis of this study can be formulated as follows: the post-communist historical legacy and how it is managed in the early years of the transition period, determine the effectiveness of mechanisms of civil democratic control. The effect is primarily a direct one, through the initial institutional configuration of the transition, which, in the absence of critical junctures (systemic crises), will leave its mark on all subsequent configurations. Secondly, the effect is indirect, with the management of the authoritarian legacy determining: 1. the political-intelligence services relationship; 2. the society-intelligence services relationship; and 3. the extent to which external factors are allowed to influence the reform process in the intelligence sector.

Thus, an initial period of transition in which there is no clear dissociation from the old regime's intelligence sector and in which the initial institutional framework is constructed to favor the efficiency of services at the expense of transparency/openness will lead to an ecosystem of civil democratic control mechanisms that are less diverse and less effective. At the same time, it will generate a high degree of politicization of the intelligence system, societal distrust in it, and

greater autonomy of intelligence services regarding external cooperation (which will gradually become a tool to enhance efficiency rather than contribute to democratization). These secondary effects, in turn, further diminish the effectiveness of control mechanisms.

2. Research methodology

Considering the general objectives of this study (as presented in Chapter 1), a multi-method qualitative approach is necessary, involving a comparative analysis of official documents/legislation and discourse. This approach allows for both comparisons between different institutional configurations analyzed and an in-depth examination of specific cases to describe in detail the causal mechanisms connecting the dependent variable - the civil-democratic control mechanism (including its structure and effectiveness) - to the independent variables - the factors that generate these institutional configurations and influence their functioning.

The dependent variable, the framework of civil-democratic control mechanisms, is analysed from the following perspectives: the types of control mechanisms available to the political sphere; the nature and scope of the control mandate exercised; the level of expertise and access of control institutions to information regarding the activities of the controlled structures; the effectiveness of the implementation/application of mechanisms established by legislation - including specific cases of the response of control mechanisms to deviations by intelligence structures; how control mechanisms affect the effectiveness of the controlled institutions and ensure a necessary/sufficient degree of information and operational secrecy; the adaptability of the institutional framework created as the complexity of the "threat landscape" that intelligence services must manage increases.

The independent variables take into account the factors that impact the formation and functioning of civil-democratic control mechanisms. These factors include: historical legacy and how it was managed during the post-authoritarian transition period; the relationship between the

intelligence sector and the political sphere; the external dimension (international cooperation and the involvement of other states in reform processes); civil society and the media - the last line of defence in situations where formal control (exercised by state structures) is insufficient or ineffective.

The research is divided into two phases. The first phase - the comparative phase - includes a synthetic overview of democratic control mechanisms at the level of European states that are members of the EU and NATO. This is necessary to refine the variables and identify the "focus points" for the two case studies. The analysed sample follows the principle of maximum diversity and includes the following states: France, Germany, Belgium, Portugal, Bulgaria, Croatia, Hungary, Estonia. For all eight states, I will review the structure and the emergence of civil-democratic control mechanisms currently in operation and the challenges they have faced since their adoption. Data for the comparative phase of the research were obtained through the consultation of official documents available online (websites of intelligence services in the eight states under analysis, relevant legislation available in English or French, official reports, etc.), as well as secondary sources - academic works on the functioning of civil-democratic control mechanisms.

The second phase - two case studies - deepens the analysis by using the established variables and highlights the relationships between them in the case of two post-communist states with apparently different trajectories and experiences - Romania and Poland. Data collection for the two case studies was conducted through qualitative content analysis of legislation, official documents, and public discourse (including interviews) of decision-makers in the analysed states, as well as policy analysis.

3. Structure of the thesis

Chapter 1 - Introduction - provides an overview of the importance of studying civil-democratic control, emphasizing that

governing the intelligence sector within a democratic framework becomes a crucial issue that can only be resolved through greater transparency, democratization, and the implementation of effective control mechanisms over the intelligence sector. Studying these mechanisms, as well as the factors that affect their effectiveness, is sensitive and challenging, with a high level of political implications, especially in national contexts like Romania, where the connections between politics and intelligence services are recurrent in public debate, and data about the activities of the intelligence sector and its interactions with other state institutions are difficult to obtain.

The chapter sets the research objectives and limitations (see above) and clarifies the concepts that form the analytical framework of this work - many of which have varying uses in the literature or are even "essentially contested" (democratization, "consolidated" vs. "new" democracies, intelligence services, civil-democratic control, the effectiveness of civil-democratic control mechanisms).

Chapter 2 - Theoretical Framework - outlines a general theoretical framework for the study that allows for a focus on institutions as the unit of analysis and the capturing of their historical evolution. The theoretical framework of this work is situated within the paradigm of new historical institutionalism, which is connected with two concepts useful in explaining the formation and functioning of institutions - institutional isomorphism and path dependence.

The usefulness of the new historical institutionalism for studying civil-democratic control mechanisms, particularly for understanding institutional changes, is discussed. This is due to the versatility of the paradigm and its ability to synthesize and incorporate specific elements of the other two "new institutionalisms" (rational choice institutionalism and sociological institutionalism) in understanding institutions as a bridge between the rational interests of actors and the structural factors with which they interact.

To adapt this theoretical framework to the intelligence sector, the study references literature on intelligence studies and civil-military

relations, which provide detailed analyses of the functioning of intelligence services and how they are subject to civil-democratic control. The starting point is the literature on civil-military relations - the general framework in which democratization of intelligence services is usually discussed is that of civil-military relations. Most of the literature addressing democratization in the context of civil-military relations focuses, on one hand, on the subordination of the armed forces to elected leaders and, on the other hand, on the mechanisms that prevent the armed forces from violating democratic norms. The main problem identified is the "double challenge of control and effectiveness, the two main pillars of civil-military relations in a democratic context."

The issue of democratizing intelligence services and civil-democratic control has been primarily addressed in the field of intelligence studies, with many concepts and notions borrowed from the realm of civilian-military relations. Although intelligence services, through their primary role in informing political decisions, have a greater intersection with national political processes (unlike the armed forces, which are "responsible for the defense of the country, not its governance"), there are numerous parallels with the military sphere - the intelligence sector is an opaque, highly specialized sector, guided by secrecy norms, and having a monopoly on the collection and analysis of secret information, as well as on certain restrictions on civil rights and liberties. However, civilian-democratic control mechanisms are not always a primary concern for authors in intelligence studies, with many of them embracing the premise of the exceptional nature of the intelligence sector.

From the literature examined, the study extracts the general lines of the analytical framework, identifying the role of the management of "historical legacy," the relationship with politics, the external dimension, as well as informal control mechanisms (civil society and the media) in the functioning of civil-democratic control mechanisms.

Chapter 3 - Methodological Aspects - primarily outlines the premises from which the research starts:

- Intelligence services play an important role in the defense of national security in democratic states.
- Reforming the intelligence sector and establishing civil-democratic control mechanisms is an integral part of any democratization process, but also the most difficult.
- In the case of new post-communist democracies, the transition to a democratic regime can be considered a critical juncture - a point zero, marked by political and institutional instability, in which the creation of new institutions was done rapidly, without sufficient reflection or public consultation.
- In these transitions, "history matters," and tracking the formation of the institutional framework is useful for explaining how they function in the present.

The chapter then outlines the analytical framework (including the hypothesis, research phases, and data used - see above).

Chapter 4 - Types of Civil-Democratic Control in EU and NATO Member States - represents the comparative phase of the research and focuses on the following states:

- "Large" consolidated democracies - France (Section 4.1) and Germany (Section 4.2).
- "Small" consolidated democracies - Belgium (Section 4.3), Portugal (post-authoritarian transition; Section 4.4).
- Post-communist democracies - Bulgaria (Section 4.5), Croatia (post-conflict transition; Section 4.6), Hungary (Section 4.7), Estonia (former Soviet state; Section 4.8). For each, the study reviews the structure and the emergence of civil-democratic control mechanisms currently in operation and the challenges they have faced since their adoption.

The chapter provides some interim conclusions. Firstly, the eight civilian-democratic control systems exhibit relative variability but also have commonalities - parliamentary committees are a constant, as are

their limited resources - in most cases, the committees do not have their own staff, and their effectiveness depends on the time allocated by their members, the deputies. On the other hand, in states with robust control frameworks, non-parliamentary expert committees operate in parallel, which generally have dedicated resources and a clear mandate.

Secondly, the regulation of the intelligence sector – whether it involves clarifying the mandate of intelligence services or establishing control mechanisms – does not have a long tradition even in consolidated democracies. In this context, post-communist democracies had to look to older systems, albeit less adapted to the Eastern European national contexts where democratic political culture was only just beginning to take shape – one of the preferred models being the American one. Only certain components of consolidated systems were adopted (e.g. parliamentary committees) without an analysis of the institutional ecosystem from which they originated. The aim was not a genuine democratization of the intelligence sector but rather a minimal adjustment of the national regulatory framework to make it compatible with Western states.

Chapters 5 and 6 – Romania and Poland, respectively – represent two case studies in which I delve into the factors affecting the effectiveness of civilian-democratic control mechanisms (the independent variables of the study). The analytical frameworks are not identical and have been adapted based on data availability in the two cases. In the case of Romania, I started with the communist legacy (the evolution of the Securitate after World War II, examining its organizational structure, functions, and relationship with the Communist Party), followed by an assessment of how this legacy was addressed post-1989. I highlighted the role of international cooperation in the reform process, the role of the media, and the politicization of the intelligence sector. In the case of Poland, I began with a similar evaluation of the communist legacy (the post-war evolution of the Bezpieka until the end of the communist period), followed by a detailed examination of the lustration process, the opening of archives of former

repressive structures, and the formation of the new regulatory framework for intelligence services. I then focused on the relationship between the intelligence sector and the political environment and its impact on the effectiveness of civilian-democratic control. The different treatment of these two cases is not an impediment, as Romania and Poland, despite their seemingly different paths, have common elements and have managed to create relatively similar frameworks for civil-democratic control – both states avoided making a clear break from the old regime, at least regarding the intelligence sector (if lustration occurred, it was ineffective, prioritizing the retention of sufficient personnel with expertise to ensure the effective functioning of intelligence institutions) and preferred to implement executive-hierarchical control frameworks, as other possible mechanisms were ineffective (parliamentary control) or completely absent (independent expert control).

Chapter 7 – Conclusions – starts with the similarities between the cases of Poland and Romania and concludes that both states had to manage similar historical legacies. However, in neither of these cases did we observe a clear dissociation from the old regime. The effective implementation of lustration processes allowed for a certain degree of institutional continuity for the old Securitate structures, as political decision-makers appreciated from the outset that the priority of the transition process was not necessarily democratization but rather maintaining a sufficient level of efficiency in the intelligence sector. The main guidelines of the reform processes were thus: the need to establish hierarchical (civil, not necessarily democratic) control; intelligence sector reforms focused on increasing efficiency, and the implementation of democratic requirements was more ceremonial (resulting in the consolidation of the perception that the intelligence sector could only be legitimized through its own effectiveness, not through public support).

In this way, we can conclude that the post-communist historical legacy and how it is managed in the early years of the transition period are the main determining factors of the effectiveness of civil-democratic control mechanisms. As shown, the effect is primarily direct – in the absence of critical junctions/significant system crises (absent in all post-communist states analysed in this study), the first institutional configuration of the transition period has an impact on all subsequent configurations. Reforms, when they occurred, did not bring about essential changes in terms of democracy but rather aimed at increasing the efficiency of intelligence services. Not only is the institutional configuration affected, but also the way in which the political factor and society relate to the intelligence sector. In all analysed cases, politics tends to follow the patterns of previous regimes, emphasizing executive-hierarchical control measures and superficial accommodation of democratic requirements, leading to an ecosystem of civilian-democratic control mechanisms that is both limited in diversity and effectiveness, as well as politicized and mistrusted by society. The ineffectiveness of politics and its control mechanisms and their lack of resources (primarily expertise) grant intelligence services greater autonomy, enabling them to take the initiative in their own reform, which becomes an instrument for increasing efficiency rather than contributing to democratization.

The chapter also addresses avenues for further research and implications for public policies in the security sector. Useful conclusions in this regard are: i. vague/lacunary legislative frameworks reduce the effectiveness of civil-democratic control mechanisms; ii. importing institutions from consolidated democracies does not in itself lead to effective frameworks for regulating civil-democratic control; iii. bureaucratic autonomy of intelligence services does not necessarily rely on public legitimization; iv. increasing civil control does not equate to increasing civil-democratic control.

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