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THESIS

**THE INTELLIGENCE PHENOMENON IN A NEW
DEMOCRATIC MILIEU. ROMANIA—A CASE STUDY**

by

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March 2006

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ROMANIA—A CASE STUDY**

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ABSTRACT

In the post–Cold War era, two major trends illustrate the evolution of the international security environment: the spread of democracies and the emergence of asymmetric threats. The former focuses on freedom, the latter on security.

New democracies must pay close attention to fundamental values and norms that stand at their core, such as respect for human rights and civil liberties, rule of law, and civilian and democratic control. At the same time, they need effective and efficient intelligence to fight the new threats. Regulating intelligence activities is one of the greatest challenges of a democratic regime because there is a fundamental clash between the democratic culture, based on individual freedom, openness, transparency, accountability, and the secrecy and security-oriented intelligence culture.

A fundamental question is raised: How to democratize intelligence and maintain its efficiency and effectiveness at the same time? The conundrum of intelligence reforms requires a trade-off between the need for good intelligence and the respect and promotion of democratic values. This thesis analyses the impact of democratization on intelligence in four major areas: mandate, structure, control, and professionalization. It studies the major academic debates on the matter and then applies the theoretical framework to the Romanian case.

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I. INTRODUCTION

A. FOREWORD

The end of the Cold War did not mean the end of history. The democratic peace theory proved to be partially true, in that democratic states did not fight each other. But the theory failed to explain or anticipate the new challenges to worldwide peace and security. Despite democratic regimes flourishing throughout the world to an unprecedented number, different kind of risks, labeled “unconventional” or “asymmetric,” now threaten democracies around the world. Especially after 9/11, terrorism, proliferation of weapons of mass destruction, and strategic crime¹ emerged as top priorities to be addressed on the security agenda of democratic governments.

These evolutions of the security environment inevitably lead to a transformation of those tools and mechanisms set up by states to counter the new threats. This transformation is known as the security sector reform (SSR) and refers to changes made in the “state institutions and agencies that have the legitimate authority to use force, to order force, or to threaten the use of force,”² namely the military, the intelligence agencies, and other institutions with responsibilities in this field (police and border troops as well as other paramilitary organizations such as the Gendarmerie). SSR also concerns those governmental bodies that monitor and control the above-mentioned institutions (legislative, executive and judicial powers). The aim of SSR is to increase the efficiency and effectiveness of the institutions with responsibilities in the security field. At the same time, democratic regimes must pay close attention to fundamental values and norms that stand at their core, such as respect for human rights and civil liberties, rule of law, and civilian and democratic control.

Within SSR, regulating intelligence is one of the greatest challenges in a democratic regime, because of its emphasis on secrecy. The process itself (collection, analysis, dissemination) is secret, the product of this process is also secret, and the

¹ Defined here as transnational organized crime related to human, drug or arms trafficking.

² Hans Born and Philipp Fluri, “Oversight And Guidance: The Relevance Of Parliamentary Oversight For The Security Sector And Its Reform,” in Hans Born, Philipp Fluri and Anders Johnsson, eds. *Handbook for Parliamentarians N°5, Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, (Geneva: IPU/DCAF, 2003) 16.

organizations/individuals that carry out these tasks are often secret. The reason for the cultural and structural contradiction between democratic values and intelligence is the need for secrecy in the latter. “The basic conundrum for intelligence lies in its requirement for secrecy to be effective. Intelligence services cannot disclose their activities to the public without disclosing them to their targets at the same time. Their budgets are secret, their operations are secret, and both their products and their achievements are secret.”³ Moreover, secrecy and access to information unknown to others offer power (knowledge is power), but can sometimes lead to an inclination abuse of that power.

Ensuring that intelligence activities are directed according to a set of rules, principles and laws inherent to a democratic system is a continuous process. There is a fundamental clash between the democratic culture, based on individual freedom, openness, transparency, and accountability, and the secrecy and security-oriented intelligence culture.⁴ To put it simply, “Democracy and secrecy are incompatible.”⁵ The need to “respect fundamental norms integral to the effective functioning of an open society” situates itself in a troublesome relationship with the requirement of maintaining the operation of intelligence capabilities.⁶ On the other hand, intelligence is needed for informing policy, so that governments may better serve and protect the people.⁷ Intelligence is “a permanent requirement for all states, no matter their form of government, because it enables a nation to anticipate and protect against threats to its basic security.”⁸ Moreover, “Intelligence services contribute to a democracy’s ability to

³ DCAF Intelligence Working Group, *Intelligence Practice and Democratic Oversight—A Practitioner’s View*, DCAF, August 2003, 2, available at http://www.dcaf.ch/publications/Occasional_Papers/3.pdf (last accessed: March 03, 2006).

⁴ William J. Lahneman, *Problems of U.S. Intelligence Performance Prior to 9/11 and Attempts at Reform in a Democracy* (Monterey: Proceedings from and international roundtable on intelligence and democracy, Center for Civil-Military Relations, Naval Postgraduate School, August 2004), 1.

⁵ Pat M. Holt, *Secret Intelligence and Public Policy. A Dilemma of Democracy* (Washington DC: CQ Press 1995), 1.

⁶ Peter Chalk and William Rosenau, *Confronting the “Enemy Within”* (Santa Monica: RAND Corporation 2004), 56.

⁷ Loch Johnson, “Seven Sins of Strategic Intelligence,” in Loch Johnson, ed. *America’s Secret Power: The CIA in a Democratic Society* (New York: Oxford University Press 1989), 59.

⁸ Elizabeth Rindskopf Parker, *The American Experience: One Model for Intelligence Oversight in a Democracy* (Cambridge, MA: Harvard University, Project on Justice in Times of Transition, 15 October 2001), 2.

safeguard the security and well-being of the nation and its people, to good governance, and efficient and effective functioning of the state.”⁹

To summarize, intelligence is essential, but at the same time it is one of the most challenging aspects of SSR because it fundamentally clashes with principles such as accountability and transparency and may imperil human rights and civil liberties.

There is no panacea for the intelligence versus democratic principles conundrum. The right balance between the freedom innate to a democracy and the emphasis on security of the intelligence agencies is a matter of degree, depending on the particularities of each country and its perceptions of the threat-environment. However, new democracies attempt to copy or follow the model of modern, consolidated democracies to benefit from their experience. But in the case of new democracies, the dilemma of balancing democratization with the maintenance of adequate intelligence efficiency and effectiveness is accentuated by a new problem: the authoritarian legacy. In the old days of the former regimes, the intelligence apparatus was associated with an instrument of coercion and oppression, perhaps the most important one. Consequently, intelligence reforms are hampered by the obstruction of intelligence agencies, who are unwilling to relinquish the power they once retained, the stigma that the same agencies carried in the eyes of the civil society (memories of the past are hard to obliterate), and the lack of interest of politicians (debates on intelligence are confidential and rarely result in votes). Furthermore, the security institutions and implicitly the intelligence agencies of the new democracies must undergo a dual set of reforms. In these countries, intelligence agencies are subject not only to “a static end situation but to a dynamic end state” and “internal transformation has to be thus subsumed to a double process of transformation [international transformation].”¹⁰ On the one hand, these countries have to democratize, which means dealing with the past and getting rid of the remnants of the former regime; while on the other hand, they have to align themselves to the transformation process initiated by the modern democracies in order to counter the new threats. In other words, new democracies must catch-up with the consolidated democracies and reach their level

⁹ DCAF, 6.

¹⁰ George Maior and Sebastian Huluban “Interdependent Transformation or Transforming Together. Revisiting Government–Intelligence Relations” (Unpublished manuscript, to be published as book chapter by Ashgate Publishing in 2007), 10.

of democratic reforms, while simultaneously developing within the parameters reached by the consolidated democracies. Functioning within dual process (becoming democratic and countering new security threats) is even more cumbersome when one considers the economic and social reforms that a new democracy must develop. Consequently, intelligence reforms are much more challenging in a new democracy than in a consolidated one for several reasons: limited time for the build-up of mature democratic institutions; fewer resources (financial and human) available for the reforms; the multiple-scope trait of intelligence reforms (democratization and countering new security threats) and their dual task of attaining and sustaining the level of efficiency and democratization of Western intelligence agencies; and finally the “cleansing” of the intelligence officers linked to former regimes, which creates personnel problems.

Romania parallels this pattern. After the Revolution of 1989, it adopted intelligence reforms at a slow pace. The first steps were to break up the former security intelligence apparatus (The Department of State Security — Securitate) into several agencies and then to implement legislation to ensure some civilian oversight and control over intelligence agencies.¹¹ On paper, everything looked good, but practically, major changes were disregarded. At the same time, the Romanian media had reported scandals related to the intelligence agencies. Nowadays the reform of the intelligence community is again scrutinized. A new draft of the National Security Strategy is in the initial phase of elaboration, and a package of laws that aims to regulate the security sector is being debated in the specialized commissions of Parliament. However, despite concerns by the media and in academic circles, studies on the issue of intelligence reform are scarce in the public sector. This thesis is intended to help fill this vacuum.

B. HYPOTHESIS

This thesis analyzes the perils challenging intelligence reforms in a new democratic regime in order to find out the consequences of current or future attempts to transform the intelligence community in Romania. It intends to study the major academic debates on intelligence and then apply the theoretical framework to the Romanian case.

¹¹ Deletant observed how the post-revolutionary agencies were “each formed around the nucleus of a former *Securitate* directorate or unit.” Source: Dennis Deletant, “The Successors to the Securitate” in Kieran Williams and Dennis Deletant, *Security Intelligence Services in New Democracies* (New York: Palgrave, 2001), 219.

This thesis focuses on the causal relationship between democracy and its major impact on the efficiency and effectiveness of the intelligence community. To be more specific, if the intelligence community is democratized, then its ability to fulfill its functions and conduct its activities may be hampered.¹² The key issue is to identify a proper balance between the need for good intelligence and a respect for democratic values. The two are separated by a thin line that is easily crossed; on the one hand, too much focus on democracy may impede good intelligence, and on the other hand, too much freedom of action of the intelligence community may lead to a disregard of democratic values and norms and may even endanger the existence of a democratic regime. No matter the nature and form of this trade-off, one thing is certain: A democracy must compromise some of its most precious values and norms in order to protect itself, but in the same time must be careful not to consume itself. This is the paradox of this cultural relationship: For the sake of safeguarding freedom, one needs to sacrifice some of it. For the sake of protecting a right (ultimately, the right to live), one needs to give up other civil liberties. This trade-off has to be understood in order to be accepted. Both politicians and intelligence officers must be aware of the need for this compromise in order not to fall into the extremes.

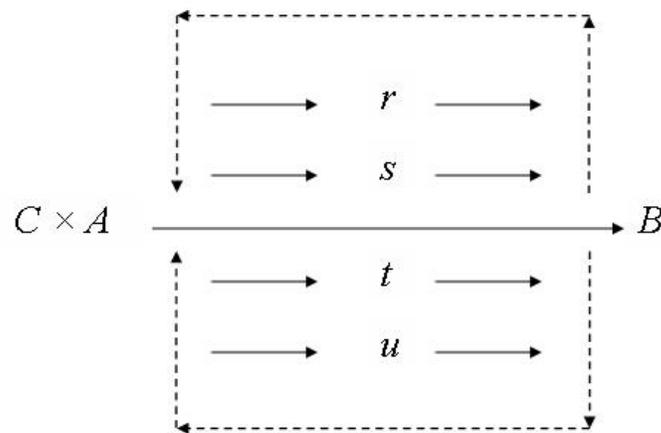
The fundamental issue dealt with in this thesis is the problematic compatibility between democracy and intelligence, which could be considered a part of the broader freedom versus security debate. This leads to specific discussions on intelligence as organization: the control exercised by civilian authorities, the role and mandate of intelligence agencies, the structure of the intelligence community, and professionalization of the personnel. Intelligence as a process is also briefly discussed in this thesis, particularly the impact of democratization on the intelligence cycle, starting from its direction by decision-makers, through the collection, processing, and analysis phases, and then its dissemination back to the consumers.

The question is how to regulate intelligence in order to keep it both effective and democratic. How do democratic reforms affect intelligence, both as a process and as an organization? What is the proper level of accountability of intelligence agencies and

¹² This process of making the intelligence community work in a democracy is referred in public debates as democratization of intelligence and this thesis will use the term in this precise sense.

which civilian authorities should exercise control? How do policy-makers interact with intelligence agencies? What are the functions of intelligence agencies and how should they be accomplished? Is there a proper structure for the organization of the intelligence community? How should the behavior of intelligence officers be shaped, and how should they be trained and educated? Finally, what is the impact of democratization on the component aspects of the intelligence process? What should we ask from intelligence agencies and how do we ameliorate their course of collection, analysis and dissemination?

The following arrow diagram frames the theory that is the basis of this thesis.



Legend:

- A**—The independent variable (IV): democratization of intelligence
- B**—The dependent variable (DV): efficiency and effectiveness of intelligence
- C**—The antecedent condition (AC) that multiplies $A \rightarrow B$ causal relationship: new democratic regime and authoritarian legacy
- r, s, t, u**—The intervening variables (IntV): role of intelligence, structure of intelligence, control of intelligence, professionalization of intelligence

Figure 1. Arrow-diagram of the hypothesis

The diagram should be read as follows. In a new democratic regime with a strong authoritarian legacy (AC), democratization of intelligence (IV) causes changes to the role, structure, control, and professionalization of intelligence (IntV), thus causing a decrease in the efficiency and effectiveness of intelligence (DV).

The most important characteristic of this relationship is the presence of a feedback loop (dashed line). The information regarding the impact of democratization on the efficiency and effectiveness of intelligence is sent back to the policy-makers who initiate the reforms, and makes them aware of the results of policies and reforms. If the outcome of democratization is a decrease in efficiency and effectiveness, then the policy-makers may correct this relationship by lessening the process of democratization, which would lead to a reverse effect on the outcome. Ideally, the purpose of corrective actions is to maintain equilibrium between the independent and the dependent variables, i.e., between the democratization of intelligence and its efficiency and effectiveness.

The purpose of this thesis is to focus on the intervening variables, not to study the independent and dependent variables or the antecedent conditions. This thesis analyzes how the independent and dependent variables affect each other through the intervening variables, including the role of intelligence, its control, its structure, and its professionalization.

C. METHODOLOGY AND STRUCTURE

This thesis is mainly theory-testing and policy-evaluative. It explores the idea that democratization affects the efficiency and effectiveness of intelligence. This thesis assesses the literature on this topic and, based on the theoretical background, it will observe and evaluate the impact of intelligence reforms in a new democracy. The main case-study is Romania, with a limited number of examples from other countries selected for comparative analysis. Without intending to become policy-prescriptive, the summary of findings will nevertheless constitute a forecast revealing the consequences of current and future policy steps. It may thus provide alternative courses of action for policy- and decision-makers, increasing their awareness regarding the effects of reform efforts.

The primary theme of this thesis is the relationship between politics and intelligence in a new democracy. Politics and intelligence clearly interact, as it will be

shown by the end of this introduction. Each chapter will then address areas of friction between state bodies and intelligence agencies: the role, the structure, the control and the professionalization of intelligence.

D. DEFINITIONS

In order to clarify several concepts used in this thesis, some definitions are needed. The word phenomenon, when referring to “intelligence” in the title of the thesis, is determined by its definition: “A fact or event of scientific interest susceptible to scientific description and explanation.”¹³ This definition not only incorporates all meanings of intelligence, but it also suggests the academic attempts to study the topic. Throughout the paper, the term intelligence refers the community, unless otherwise specified (as process or product).

There are a large number of theories on democracy and democratization. In this thesis, democracy refers to the liberal democracy concept (as opposed to the defective types of democracy), based on liberal constitutionalism and the rule of law which guarantee a pluralist political system dominated by the democratically legitimated authorities.¹⁴ Central to this liberal type of democracy is individual freedom (expressed here as human and civil rights and liberties). For a variety of reasons (philosophical legacy, religion, politics etc.), in a liberal democracy, “The individual as an autonomous person with inalienable rights also constitutes, as a citizen, the main objective of the state, and is the central part of social and political organization.”¹⁵ Freedom is thus not some immaterial idea, but it is a tangible value enshrined in legal/constitutional provisions. We know what we mean by freedom (respect for human rights and civil liberties) and we know when freedom is violated. In addition, freedom is about the individual.¹⁶ It would seem that freedom and intelligence operate at different levels. Freedom is about the

¹³ Merriam-Webster’s Collegiate Dictionary, 11th edition (Springfield MA: Merriam Webster’s Inc., 2001), 929.

¹⁴ For more details, see Wolfgang Merkel and Aurel Croissant, “Defective Democracies: Concept and Causes,” *Central European Political Science Review* (quarterly of the Central European Political Science Association, vol. 1, no. 2, December 2000).

¹⁵ See Edwin R. Micevski, “Strategic Cultures – Definitions, Problems, Challenges” in Edwin R. Micevski, ed. *Ethics and International Politics* (Vienna: Literas, 2001), 66.

¹⁶ However, freedom may become a collective value if, for example, the independence of a state is the center of the debate, since it is perceived as the sum of the aspirations for self-determination of a certain number of individuals.

broad cultural environment, while intelligence is more about organizational culture. In order to maintain an adequate proportion of these dimensions, it is worth mentioning that in a democracy, the overall emphasis on freedom and the “power of the people” translates into expectations at the organizational level. Thus, institutions and organizations must be transparent (people must be able to see what is going on in an organization, to check if it commits abuses), must be open (people must be able to participate in the organization’s process), and must be accountable (the organization has to be controlled, ultimately by the people who hold the power and vest that authority in representatives). Consequently, in this thesis, democracy refers to freedom, accountability, transparency and openness, while democratization refers to the process that makes an organization (in our case, the intelligence agencies) respect these values and norms.

Efficiency and effectiveness lack units of measurement. Michael Herman, a British scholar and former intelligence officer, remarks that intelligence efficiency and effectiveness are “hard to measure” and the outcome of the process is hardly the object of a “traditional cost-benefit analysis.” There is no “perfect system of accountancy” that could quantify intelligence efficiency and effectiveness.¹⁷ Effectiveness can be approached in the sense that intelligence failures indicate lack of effectiveness, but that does not necessarily translate to mean that absence of failures signifies effective intelligence. Sometimes, there are means to identify whether the intelligence (as product) was timely and accurate. On the other hand, efficiency is the least knowable domain because of the need to protect the process (how information is obtained, by whom, at what costs).¹⁸

To summarize, the term effectiveness is used in this thesis as “the result of the intelligence process; the value of the product.” Ideally, effectiveness shows whether the intelligence agencies fulfill their functions. Efficiency refers to “the process or how the intelligence agencies achieve their results.”

¹⁷ Michael Herman, *Intelligence Power in Peace and War*, (Cambridge U.K.: Cambridge University Press, 1996), 298-300.

¹⁸ Thomas Bruneau, “Civil-Military Relations in Latin America: The Hedgehog and the Fox Revisited” in *Revista Fuerzas Armadas y Sociedad*, (Santiago de Chile: vol.1/2005), 111-131.

Control is another concept that lacks an exact definition. In a study on intelligence, the Geneva Centre for Democratic Control of Armed Forces (DCAF) offers the following definitions: “Control, in the narrowest sense, means ensuring that specific procedures are followed. In the broadest sense, it means creating the conditions that lead to the achievement of agreed standards of performance, including the desired results as well as compliance with law and policy.” Another concept, accountability, refers to “a relationship based on the obligation to demonstrate and be responsible for performance in light of agreed expectations.”¹⁹ And oversight is “the power to hold the executive accountable” and takes the form of a process both proactive and reactive.²⁰ Peter Gill, a leading British scholar in the field of intelligence, distinguishes between accountability, which “refers to the liability of an agency to explain or justify its actions to some other body,” and control, which “refers to the situation in which some outside body manages or directs the actions of the security agency.”²¹ Jean-Paul Brodeur and Nicolas Dupeyron, a Canadian and, respectively, a French researcher in the field of intelligence, define accountability as “an information process whereby an agency is under a legal obligation to answer truly and completely the questions put to it by an authority to which it is accountable.” Moreover, “True accountability is directed to an external authority. Being accountable only to oneself is being accountable to no one,” while control consists of “measures—systemic reforms and individual sanctions—taken on the basis of the information provided by an agency.”²² In his study on civilian control over the military, Harold Trinkunas proposes another distinction (which could be extrapolated from the military to the intelligence sector) between “control by containment,” which is about restraining “jurisdictional activities,” and “control by oversight,” which refers to “military exclusion from political activities and active civilian supervision of military affairs.”²³

¹⁹ DCAF, 39.

²⁰ *Ibid.*, 47.

²¹ Peter Gill, “Security and Intelligence Services in the United Kingdom” in Jean-Paul Brodeur, Peter Gill and Dennis Töllborg, eds. *Democracy, Law and Security. Internal Security Services in Contemporary Europe* (Hampshire/England: Ashgate Publishing Limited, 2003), 282-283.

²² Jean-Paul Brodeur and Nicolas Dupeyron, “Democracy and Secrecy: The French Intelligence Community” in Brodeur, Gill and Töllborg, 19.

²³ Harold Trinkunas, *Crafting Civilian Control of the Military in Venezuela. A Comparative Perspective* (University of North Carolina Press, 2005), 19.

In order to synthesize these debates and simplify the use of the concept, in this thesis, control is generally defined as both “direction and monitoring (oversight) of the intelligence agencies,” unless otherwise stated.

E. INTELLIGENCE AND POLITICS

1. Theoretical Aspects

Since this thesis evolves around the interaction between intelligence and politics, a brief analysis of this relationship is necessary. In order to assess the relationship between intelligence and politics, this thesis uses the model developed by Peter Gill: the Gore-Tex state.²⁴

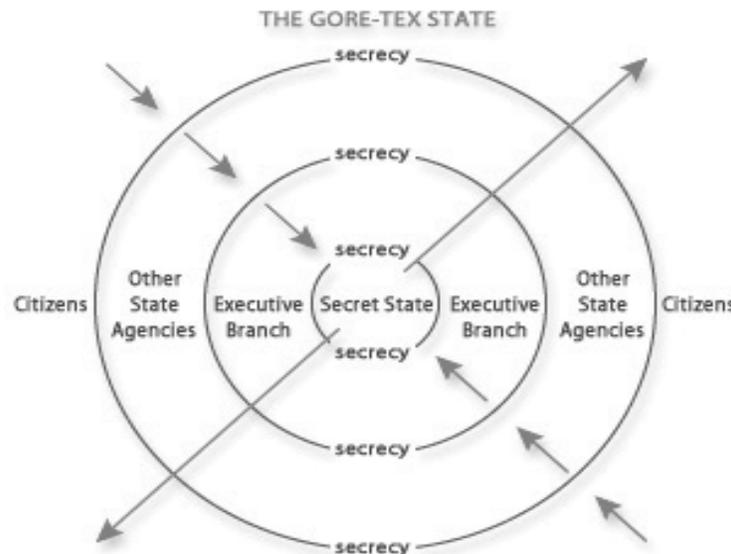


Figure 2. The Gore-Tex state (From: Gill, *Policing Politics*, 80)

Gill starts by identifying several levels of the state: the first level—intelligence community; the second level—executive body; the third level—legislative and judiciary bodies; and the fourth level—civil society. He then builds a typology of intelligence agencies. The “core” of his model, intelligence, relates to the other “layers” in terms of autonomy (dotted line), representing the degree to which intelligence is influenced by state and society, and penetration, representing the degree to which intelligence influences state and society. Depending on these degrees of autonomy and penetration,

²⁴ Peter Gill, *Policing Politics. Security Intelligence and the Liberal Democratic State* (New York: Frank Cass, 1994), 79-83.

Gill classifies the ideal types of security intelligence agencies: “independent security state, political police, and domestic intelligence bureau.” He then shows how the nature of the Gore-Tex state (weak or strong) reflects the mandate, structure and accountability of the intelligence community. The domestic intelligence bureau (DIB) is a model of particular relevance to our discussion. The DIB is a concept formulated by Keller and reinterpreted by Gill, referring to the ideal type of an intelligence agency in a democratic regime. The DIB mandate shapes the agency as one with “limited and specific powers derived from a charter or statute,” whose main function is “to gather information relating to the criminal prosecution of security offences,” without conducting “aggressive countering operations against citizens or political groups.” The control issue may be inferred from the arguments regarding autonomy from politics and penetration into society: DIB is “subject to firm ministerial control, relying primarily on open source material and not engaging in countering activities.”²⁵ DIB is specific to what Gill calls a “weak” Gore-Tex state (low degrees of autonomy and penetration). It is worth mentioning that Keller discusses two slightly different levels from Gill: autonomy (from executive control) and insularity (from external oversight, such as legislative or judicial). He also places DIB in the low autonomy-low penetration cell and considers it the “desired agency for a liberal democracy.”²⁶

Table 1. A Typology of Security Intelligence Agencies (From: Gill, Policing Politics, 82)

		Penetration		
		High	Medium	Low
Autonomy	High	Independent Security State		
	Medium		Political Police	
	Low			DIB

Mark Lowenthal, an eminent American intelligence official and academic, studies the role of the policy-makers in the intelligence process, arguing that “they do more than receive intelligence; they shape it.”²⁷ He focuses on the influence that politicians may

²⁵ Gill, 60-82.

²⁶ Williams and Deletant, 3.

²⁷ Mark M. Lowenthal, *Intelligence. From Secrets to Policy*, 2nd ed. (Washington D.C.: CQ Press, 2003), 139.

exert (or may not, depending on their behavior) at every stage of the intelligence process (intelligence requirements, collection, analysis, covert actions). He also approaches the sensitive issue of “politicized intelligence” and remarks that, ideally, there should be “a great divide” between policy-makers and intelligence. This means that the two spheres should be separated by a “semi-permeable membrane” that allows policy-makers to cross into the intelligence realm, but not vice versa.²⁸

Michael Handel, former professor at the U.S. Naval War College and author of numerous studies on intelligence, also notes the special interaction between the intelligence community and policy-makers which consists of a trade-off between “the professional independence of the former and the authority of the latter.” Furthermore, he warns of the same risk of politicization, which is caused by politicians tempted to use intelligence in order to promote their own political interests.²⁹

Kieran Williams and Dennis Deletant, British analysts of intelligence affairs in Eastern Europe, analyze the former Romanian security intelligence agency (Securitate) former, which was the repressive apparatus of the communist rulers during the former regime, and point out the immense powers it amassed in its last years. Deletant then studies the implications of the Securitate legacy for the post-1989 intelligence community and its relations with the state and society, which is best characterized as “old habits die hard.”³⁰

Thomas Bruneau and Kenneth Dombroski, American researchers at the U.S. Naval Postgraduate School in the field of intelligence, note the difficulties of young democracies when dealing with intelligence, especially their “little public awareness of intelligence functions and organizations,” due to a combination of fear and/or ignorance.³¹ Contrary to the consolidated democracies, newer regimes lack the time that

²⁸Mark M. Lowenthal, *Intelligence. From Secrets to Policy*, 2nd ed. (Washington D.C.: CQ Press, 2003), 4-5.

²⁹ Michael Handel, “Intelligence and The Problem of Strategic Surprise” in Richard K Betts and Thomas G. Mahnken, eds. *Paradoxes of Strategic Intelligence. Essays in Honor of Michael I. Handel*, (Portland OR: Frank Cass, 2003), 26.

³⁰ Deletant, “The Securitate Legacy in Romania,” 160-198.

³¹ Thomas C. Bruneau and Kenneth Dombroski, “Reforming Intelligence: The Challenge of Control in New Democracies,” (Monterey: Proceedings from an international roundtable on intelligence and democracy, CCMR, NPS August 2004), 5-7.

allows the strengthening of those institutions, which are designed to regulate the interaction between state, society and intelligence. Dombroski also elaborates on Gill's model and offer an alternative model that illustrates a more flexible, relative typology of intelligence agencies based on their autonomy and penetration.

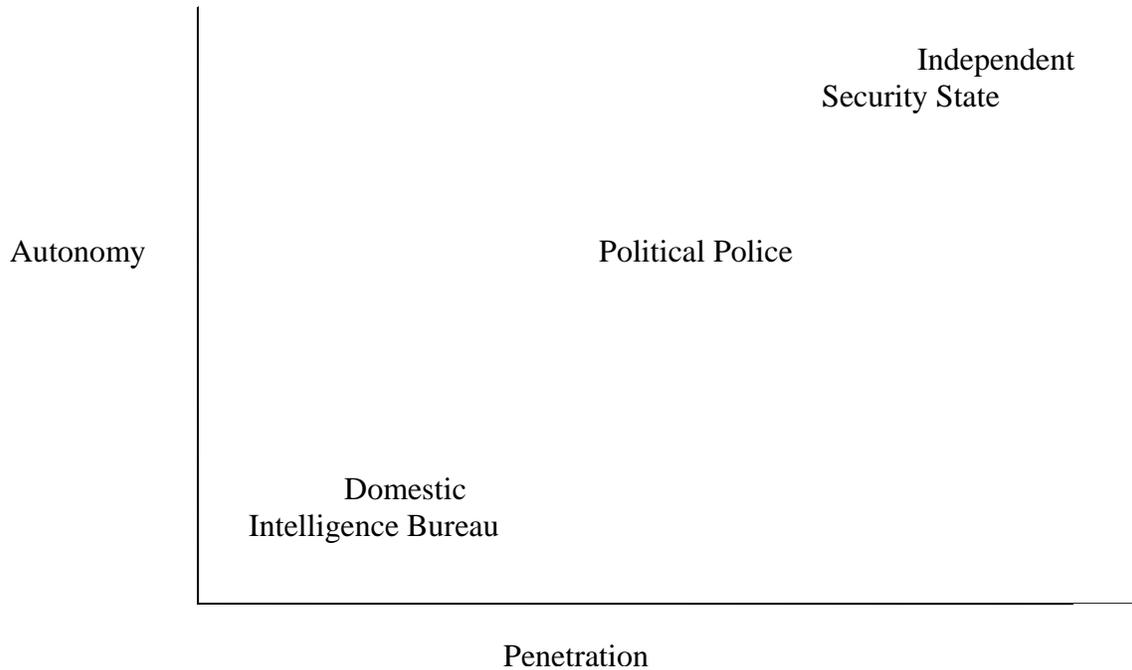


Figure 3. A typology of security intelligence agencies (From: Dombroski, *Reforming Intelligence*, 7)

Furthermore, Bruneau and Dombroski offer a general view on the regime types that correspond to the different types of intelligence agencies, based on their emphasis on national security (as counterweight to freedom) and perception of the level of internal threat.

Generally, a domestic intelligence bureau is the intelligence agency within a democracy; the political police is found within an authoritarian regime, while an independent security state is an aberration of the political police.

In a new democracy, for several reasons, politicians might not be interested in developing expertise in intelligence matters or tools to control the intelligence agencies,³² Due to the fact that politicians are held accountable by their constituencies and that their primary mission is to amass sufficient electoral capital in order to get re-elected, they tend to be less willing to deal with intelligence-related issues. Generally, these matters are secret and do not offer as much publicity as other topics, except in cases of emergency or major scandals involving the intelligence community.

Fear or ignorance may be another reason that contributes to this reluctance of the politicians to actively pursue their control over the intelligence community.³³ Also, politicians may distrust intelligence agencies because they are usually less affected by governmental changes (outside the electoral game) and the agencies' loyalty does not reside with a certain political party or ideology, but with other higher interests (national security or simply the State). Conversely, relationship between politicians and the intelligence community that is too close that may result in the politicization of intelligence, which may lead to the use of the intelligence apparatus as political police. There are several meanings for the term politicization with regard to intelligence:³⁴

- Intelligence is politicized when it becomes “a point of contention between organized political groupings”—this is “partisan politicization.”
- Intelligence is politicized when it becomes “involved in public policy choices and the ordering of power”—this is “bipartisan politicization.”
- Intelligence is politicized when its estimates are “influenced by imbedded policy positions”—this is “intelligence to please.”

The distance or proximity between politicians and intelligence affects the overall intelligence cycle (direction, collection, analysis, processing and dissemination, as defined by Herman, Lowenthal and many other scholars). If politicians do not establish a list of priorities and do not request proper information from the intelligence agencies, the collection of information tends to become indiscriminate (when everything and nothing is relevant: “the more, the better”). On the other hand, if intelligence is politicized, it may

³² Thomas Bruneau, “Controlling Intelligence in New Democracies” in Loch Johnson and James Wirtz, eds. *Strategic Intelligence. Windows into a Secret World* (Los Angeles: Roxbury Publishing Company, 2004), 448-449.

³³ Bruneau and Dombroski, 6.

³⁴ Harry Howe Ransom, “The Politicization of Intelligence” in Johnson and Wirtz, 171.

be geared toward collecting, analyzing and producing biased information that supports certain political preferences³⁵. Analysis may also be hampered by intelligence analysts providing a biased product to their consumers (either to provide what the latter wants to hear or drive/manipulate policy-making in a certain direction). Dissemination may also be limited due to the classified character of the final intelligence product. If politicians are considered to be possible leaks of information, their access to intelligence may be restricted.³⁶ Politicians themselves may disregard intelligence if they do not trust it or if it does not coincide with their preconceptions. Likewise, due to the “funnel” set-up of the intelligence process, politicians may lack the means to consume the amount of information that results from the collection and analysis process³⁷. The “funnel” is used to describe the relationship between the information produced and the capacity of the consumers (policy-makers) to absorb it. Herman’s key finding is that no matter how much intelligence is produced, the amount that may be used by policy-makers is always limited.

Jeanne Kinney-Giraldo, American scholar and researcher at the Naval Postgraduate School, elaborated on the role that the nature of the regime (presidentialism or parliamentarism, essentially differentiated by the conflict of interest between parliament and government) and sub-regime factors, such as a party and the electoral system, affect the general legislative/executive relationship. She argues that electoral systems (proportional/winner-take-all, nominal/lists) influence “the number of parties, their level of discipline, and their programmatic interests” and thus have a greater impact on the separation of powers. The conclusion is that in general, governing parties are more interested in the formulation stage of policies (relevant role of party leaders, party discipline and number of parties), while opposition parties pay more attention to exercising oversight (and usually lack power to intervene in direct control).³⁸ In the case

³⁵ Johnson, 60-64.

³⁶ Holt, 3.

³⁷ Herman, 45.

³⁸ Jeanne Kinney-Giraldo, “Legislatures and National Defense: Global Comparisons” in Thomas Bruneau, ed. “Who Guards the Guardians and How: Democratic Civil-Military Relation” (to be published, Austin TX: University of Texas Press, 2006), 53-58.

of intelligence, this would mean that political opposition is interested in being part of the parliamentary specialized committees that oversee intelligence agencies.

2. Intelligence and Politics in Romania

In Romania, there is a mixture of both attraction and fear that characterizes perceptions on intelligence. The regime factors and sub-factors of the semi-presidential system make the present Romanian political system highly confrontational. A fragile political coalition is in power and has a bare majority in the Parliament (two bigger parties—Liberal and Democrat; and two smaller parties—Conservative and Democratic Union of the Hungarian Minority). The Nationalists (the Greater Romania Party) and Social-Democrats form the opposition. The Prime-Minister is the head of the Liberal Party, while the President of Romania is the former head of the Democrat Party (this double-headed executive branch already offers incentives for competition for power). The heads of the two Parliamentary Chambers are both Social-Democrats. To summarize, Romania has a multi-polar political configuration in which intelligence is seen as vital. In a political environment where each political group is trying to have an edge over the competition, intelligence becomes closely connected to politics in the sense that each political faction attempts to control it or at least to prevent its control by its rivals.

In this environment of low autonomy and insularity (in Keller's terms), a certain degree of politicization of intelligence is unavoidable; not only are intelligence agencies (or their product) used as "weapon" against political forces, but the intelligence agencies themselves try to influence the political scene as well (culminating with the famous declaration of the former head of Romanian Security Intelligence, Virgil Magureanu, stating that: "President Constantinescu won the elections of 1996 with my help. I acted in such a manner to rally political parties to his side"³⁹). Building on Max Weber's view on bureaucracy, it may be that the Romanian intelligence community follows the general pattern of any bureaucracy (to ensure its survival) and tends to control itself, expand and gain more autonomy (in its ultimate sense, to "usurp" power).

³⁹ Ioana Lupea, "Magureanu: Talpes pleca la americani cu mapa, pe asta si-a construit cariera," in *Evenimentul Zilei* (Bucharest), May 27, 2005. Available at <http://www.evz.ro/article.php?artid=187286> (last accessed: March 03, 2006).

Finally, the following is a list of the main Romanian intelligence agencies that are analyzed in this thesis:

- The Romanian Intelligence Service (Serviciul Roman de Informatii—SRI), the autonomous domestic security intelligence agency.
- The Foreign Intelligence Service (Serviciul de Informatii Externe—SIE), the autonomous foreign intelligence agency.
- The Service for Protection and Guard (Serviciul de Protectie si Paza—SPP), the autonomous security intelligence agency responsible for the protection of Romanian and foreign dignitaries, but also has intelligence capabilities.
- The Special Telecommunications Service (Serviciul de Transmisiuni Speciale—STS), the autonomous signals and communications intelligence agency.
- The Defense General Directorate for Intelligence (Directia Generala de Informatii a Apararii—DGIA), the military intelligence agency, part of the Romanian Ministry of National Defense (MoD).
- The General Directorate for Intelligence and Internal Protection (Directia Generala de Informatii si Protectie Interna—DGIPI), the intelligence agency of the Romanian Ministry of Interior and Administration (MoI).

It is worth mentioning the current dismantlement of another relevant intelligence agency — the General Directorate for Protection and Anti-Corruption (Directia Generala pentru Protectie si Anticoruptie—DGPA), which is the intelligence agency of the Romanian Ministry of Justice (MoJ). At the proposal of the Minister of Justice, the Romanian government made the decision to dismantle this agency on January 26, 2006. This process is supposed to take 90 days during which the personnel are to be dismissed and compensated or reassigned to other intelligence agencies. Meanwhile, the responsibilities of the DGPA are to be transferred to other institutions with responsibilities in the field. The rationale behind this move was a result of a “self-evaluation” of the DGPA and MoJ, which took place between April and October 2005, which revealed a number of problems within the DGPA, including human rights abuses in prisons, misuse of funds, exertion of influence on the judiciary, and the creation of an illegal database that focused on politicians.⁴⁰ Another important reason behind the

⁴⁰ Source: Romanian newspapers – *Cotidianul*, *Azi* and *Gandul*, available at <http://www.gardianul.ro/index.php?a=primapagina2006012703.xml>; <http://www.azi.ro/arhive/2006/01/28-29/justitie.htm>, and http://www.gandul.info/2006-01-27/actual/spionii_justitiei (last accessed: March 03, 2006).

dismantlement of the DGPA was the criticism received in the EU Commission's Report on Romania (October 2004), which accused this agency of a "lack of transparency and accountability" and concluded that "the rationale for the existence of a militarized security service within the Ministry of Justice remains to be demonstrated."⁴¹

⁴¹ Source: EU Commission October 2004 Regular Report on Romania's progress towards accession, 21, available at http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_ro_2004_en.pdf (last accessed: March 03, 2006).

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II. THE ROLE OF INTELLIGENCE

The purpose of this chapter is to analyze the role that an intelligence agency plays or should play in a democracy. The first section is dedicated to the academic debate on this topic, while the second section deals with the Romanian case. The main questions to be answered are: What is the proper role of intelligence in a democracy? Who establishes this role? What are the implications of the mandate of intelligence?

A. THE ROLE OF INTELLIGENCE — THEORETICAL FRAMEWORK

According to Gill, “National security provides the most general security intelligence mandate,”⁴² but emphasizes that, due to the broadness of security as a concept, it is essential to establish a limited legal mandate for the intelligence agencies, based on a clear identification of the threats to national security.⁴³ As already mentioned in the introduction, Gill sees the ideal security intelligence agency in a democracy as the domestic intelligence bureau (DIB) whose mandate should be stipulated in a charter or statute and whose primary functions should be limited to collection and analysis. The DIB should refrain from the exercise of aggressive covert action or counter-intelligence against citizens or political organizations, which implies that the intelligence community respects human rights and civil liberties and is not politicized.

Herman states that, in Western democracies, the intelligence system comprises “the collection of information by special means and [...] the subsequent study of particular subjects, using all available information from all sources.”⁴⁴ Lowenthal is very firm on this issue: “Intelligence exists solely to support policy-makers.” He argues that intelligence agencies have four major *raison d’être*: to avoid strategic surprise, to provide long-time expertise, to support the policy process, and to maintain the secrecy of information, needs and methods.”⁴⁵ Finally, Bruneau and Dombroski argue that “The

⁴² Gill, *Policing Politics*, 91.

⁴³ *Ibid.*, 127.

⁴⁴ Herman, 56.

⁴⁵ Lowenthal, 2-4.

most important function [of intelligence organizations] is informing the government of what it needs to know about external and internal threats.”⁴⁶

In summary, the primary role of an intelligence agency in a democracy should be to inform and support policy. “To inform” relates to the intelligence process and is more passive (inform policy-makers regarding the crimes against the state, and the capabilities and intentions of potential threats), while “support policy” refers to counter-intelligence, operations and covert action and is more active (support policies/strategies established by the policy-makers). It is worth mentioning that covert actions should be an aspect of the foreign intelligence and military intelligence agencies and should only be carried out abroad. This is an interesting attribute of democratic regimes, whose domestic and foreign activities are carried out differently. For example, domestically, the collection of information is limited by law since the law has to protect human rights and civil liberties (such as the right to privacy). At the same time, legal limits are also placed on intelligence agencies’ foreign activities, especially its covert actions, but these limits are much broader and flexible.⁴⁷ As a result, a double standard exists concerning operations conducted abroad and directed toward non-native actors and citizens. Intelligence agencies are allowed to break laws in other countries as long as the infractions are plausibly deniable⁴⁸; but domestic unlawful actions against one’s own citizens are restricted.⁴⁹ The lines between the two realms (domestic and foreign) may become blurred.

Further problems may arise when these two areas are constrained by the institutional and cultural particularities of different countries. For example, overlapping occur between law enforcement and intelligence (“Rules governing the collection of intelligence must not be confused with those applicable to the collection of information

⁴⁶ Bruneau and Dombroski, 8.

⁴⁷ Lahneman, 7-8.

⁴⁸ Bruneau and Dombroski, 13.

⁴⁹ This last point raises another question: how should we deal with an alleged terrorist? The FBI, for example, dominated by a “cop culture” (oriented toward law enforcement, prosecution), is primarily reactive (it requires hard evidence to arrest the alleged terrorist). But the FBI has few, if any, preventive tools. If the alleged terrorist is a real terrorist, then there is no problem in monitoring him; however, if he is not a terrorist, all surveillance methods are clearly a violation of civil rights and liberties, at least morally, if not legally.

for law enforcement purposes.”)⁵⁰ While intelligence is mainly about prevention, law enforcement agencies are about reaction. Their mandate is complicated by an even larger contextual dilemma—that of the liberty versus security. Democracies are very sensitive when it comes to freedom and tend to solve the freedom-security contradiction in favor of freedom. As George Maior, Romanian scholar and chairman of the Commission for Defense, Public Order and National Security of the Romanian Senate, and Sebastian Huluban, Romanian researcher in defense affairs, put it, “Unfortunately, we probably do not think enough how much our security [read intelligence] might be affected by not challenging the prejudice on the so-called sensitivity of our liberty. As the events of 9/11 showed, we tend to underestimate the importance of our security for the sake of a taboo, the sensitivity of our liberty, even at our peril.”⁵¹

Moreover, the mandate of intelligence agencies is usually built on a preliminary assessment of threats to national security. But then, national security is such a vast and vague concept. In practice, the mandate appears to be clear only with regard to what is forbidden, not what is allowed, and is mainly directed towards the avoidance of any infringement on civil rights and liberties.

Finally, following the same lines, Michael Handel perceives intelligence as an instrument used by policy-makers to achieve their goals. In his view, the main role of intelligence is to reduce uncertainty and avoid surprise so that both political and military leaders may “improve the quality of their decisions, develop more effective strategies, or conduct more successful military operations.”⁵²

To conclude, in a democracy, the mandate of intelligence agencies should have a legal basis (stipulated by law), and it should be issued by democratically elected authorities in accordance to democratic principles.

B. THE ROMANIAN CASE

In Romania, the mandate and attributes of the intelligence agencies are stipulated by laws. In the case of the Romanian Intelligence Service (SRI) and the Foreign

⁵⁰ Elizabeth Rindskopf Parker, 2.

⁵¹ Maior and Huluban, 2.

⁵² Michael Handel, “Leaders and Intelligence” in Michael Handel, ed. *Leaders and Intelligence* (Totowa NJ: Frank Cass & Co Ltd., 1989), 3.

Intelligence Service (SIE), they even have constitutional grounds. In contrast, some of the attributes of the departmental intelligence agencies (that belong to a minister, e.g., the Defense General Directorate for Intelligence–DGIA/Minister of Defense and the General Directorate for Intelligence and Internal Protection–DGIPI/Minister of Internal Affairs) are derived from the legal framework that regulates the activity of their respective ministries. In other words, DGIA and DGIPI are placed under the institutional and legal umbrella of the MoD and MoI, respectively.

An important fact is that none of the Romanian intelligence agencies has prosecutorial authority and are not endowed with the powers of arrest and detention. However, they are closely connected to law enforcement and the judicial authorities who issue their warrants.

In spite of this broad legal framework, operationally, their record has been far from perfect. The post-1989 history of Romanian intelligence (especially security intelligence) is replete with scandals related to repeated violations of civil rights and liberties and charges of politicization due to intelligence agencies being accused of attempting to compromise political leaders. Deletant presents a series of cases that show “the threat posed by discretionary actions of the Romanian security services to the exercise of democracy in Romania.”⁵³

Little is known about the current package of laws that is supposed to re-regulate all activities in the national security field (including intelligence). The legislative material is confidential and has been sent by the National Supreme Defense Council (Consiliul Suprem de Aparare a Tarii/CSAT—an executive body similar to the U.S. National Security Council) in the specialized commissions of the Parliament for review. If approved, the CSAT will initiate procedures to transform the legislative material into bills, which will be sent to the Parliament and debated in public sessions (and this implies a debate in the civil society).

Despite some leaks in the media, the present public discussion is based on speculations, since officials are reluctant to confirm the plausibility of the information debated by the journalists. However, most newspapers hint at the possibility that the SRI

⁵³ Deletant, “Successors,” 231-243.

and DGIPI will be granted the power of arrest and detention, with a legal mandate. The domestic security intelligence agencies are also likely to receive more powers when it comes to the surveillance of alleged terrorists or criminals. The debate may be influenced by recent evolutions in the intelligence field. In the last few months, the SRI twice expelled foreign nationals based on vaguely formulated accusations (at least from a legal point of view). Several Muslims have been accused of Islamic fundamentalist and terrorist propaganda and have allegedly been connected to the Al-Qaeda network. The fact that they were simply expelled and not indicted in a tribunal may be related to the intelligence cycle. The intelligence presented by the SRI may have been collected illegally and therefore not usable in a court of law. There is little debate on this topic in the media, but the actions have been presented as a success of the Romanian intelligence.

As a final comment, all Romanian intelligence agencies are legally allowed to cooperate at the international level (e.g., at NATO level). This aspect is highly relevant because, viewed in the broader perspective of Romania's Euro-Atlantic integration process, it offers more incentives for the alignment of Romanian intelligence agencies to the democratic values and norms inherent in the Euro-Atlantic community.

1. The Romanian Intelligence Service (SRI)

The mandate of the SRI is limited by law to domestic security and is focused on collection and analysis. The "SRI organizes and conducts activities of gathering, checking and utilizing intelligence for the identification, prevention and counteracting of actions that may, according to the law, endanger the national security of Romania."⁵⁴ The SRI has thus collection and analysis capabilities. It is also the main agency responsible for the protection of intelligence and prevention of leakages (counter-intelligence). In addition, the SRI is the primary agency with responsibilities in the counter-terrorism field. In this respect, it represents the National Authority for Countering Terrorism, heads the Counter-Terrorism Operational Coordination Center

⁵⁴ Razvan Ionescu and Liviu Muresan, *Monitoring Exercise of Instruments and Mechanisms for Parliamentary Oversight of the Security Sector in Romania* (Pilot project of the EURISC foundation, the Commission for Defense, Public Order and National Security of the House of Deputies – Parliament of Romania and with the support of the Geneva DCAF, 2004), 47.

(inter-agency body) and develops the National Strategy for Countering and Preventing Terrorism (approved by the CSAT). Another of SRI's primary duties is its fight against organized crime and trans-border risks (trafficking).⁵⁵

2. The Foreign Intelligence Service (SIE)

The law stipulates that the mandate of the SIE includes the identification and countering of “political, economic, social, ecologic, and strategic factors originating from abroad, which threaten the national security of Romania.”⁵⁶

3. The Service for Protection and Guard (SPP)

As prescribed by law, the SPP's primary role is to protect and guard Romanian and foreign dignitaries on national territory. However, the SPP is also allowed “to organize and carry out activities of gathering, checking and using necessary intelligence to fulfill its responsibilities.”⁵⁷

4. The Special Telecommunications Service (STS)

The legal framework stipulates that the STS is the primary intelligence agency that focuses on special telecommunications. Its role is “to administer, operate and develop [...] and manage and ensure protection” of the special telecommunications networks.⁵⁸

5. The Defense General Directorate for Intelligence (DGIA)

As part of the MoD, the responsibilities of the DGIA are approved by the Minister of Defense, within the legal framework stipulated for the MoD. DGIA is the “specialized structure of the MoD responsible for the collection, processing, and verification of intelligence regarding internal and external, military and non-military risk factors to the national security.”⁵⁹ It also manages intelligence with regard to the operational theaters where Romanian troops are deployed and is involved in WMD counter-proliferation.

⁵⁵ For more details, Romanian Intelligence Service “Attributes and Responsibilities” (in Romanian). SRI available at <http://www.sri.ro> (last accessed: March 03, 2006).

⁵⁶ Ionescu and Muresan, 47-48.

⁵⁷ Ibid., 49.

⁵⁸ Ibid., 50.

⁵⁹ Cristian Troncotă, *Security Policies, Strategies and Institutions* (Bucharest: National Intelligence Academy course, 2004), 190-195.

6. The General Directorate for Intelligence and Internal Protection (DGIPI)

DGIPI is the specialized intelligence agency of the Minister of Internal Affairs and Administration (MoI) and has the following legal responsibilities: collection and use of intelligence with regard to organized crime and political or social violence (riots), and counter-intelligence protection of the MoI personnel. It is worth mentioning that the MoI also possesses an Intervention and Special Actions Service (as part of the General Police Inspectorate) which is designed to take direct actions against organized criminal groups.⁶⁰

A comparison of the Romanian case with the model built on theoretical grounds reveals that, in general, the mandate and functions of the Romanian intelligence agencies meet the democratic standards. The major exception is the National Intelligence Community (Comunitatea Nationala de Informatii — CNI), which has not yet received the legal approval of Parliament (an aspect which will be addressed later). Thus, a major priority of the intelligence reform process is to correct this deviation.

⁶⁰ Troncotă, 197-198.

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III. THE STRUCTURE OF INTELLIGENCE

This chapter focuses on the various ways to organize intelligence and follows the same structure as the previous section. First, it briefly presents the different academic perspectives on the issue and then it broaches the situation in Romania. The main questions this section seeks to answer are: How should the intelligence agencies be organized in a democracy? How does structure affect the inter-agency cooperation, at one level, and the relationship between agencies and other state authorities, at another level?

A. ORGANIZING INTELLIGENCE — THEORETICAL FRAMEWORK

Gill views the organization of the intelligence community as directly connected to the dimensions on which intelligence focuses. Starting from the British model, he proposes an organizational structure divided into four main pillars: by the source of threat—intelligence can be foreign and domestic; by the specificity of threat—it can be economic, military, anti-terrorist or designed to address “political violence” and counter criminality; by objective (divided in two spheres)—it can be oriented towards gathering information (long-term strategic intelligence, short-term operational intelligence, case-oriented crime intelligence) or towards countering intelligence (disruption/disinformation or arrest/prosecution).⁶¹

Lowenthal uses the American model to build a functional organization of the intelligence community, based on the role played by various agencies. He divides the intelligence agencies into several categories: managers/customers, collectors/builders, collectors and producers.⁶² Herman’s approach is more historical. He looks back at the American and British experiences and notes how the need for intelligence progressed from purely military to diplomatic and internal (which implicitly requires military, foreign and domestic intelligence). He concludes by assessing the current result of this

⁶¹ Gill, *Policing Politics*, 208.

⁶² Lowenthal, 29.

historical evolution: presently, the structure of the intelligence community reflects the needs of various governments for specialization in collection and assessment: foreign and internal security, geographic targets, and specific subjects.⁶³

To summarize, intelligence agencies may experience several minimal divisions:

- Operational theater; e.g., domestic and abroad.
- Issue-oriented (nature of threat); e.g., counter-terrorist, counter-proliferation, against organized crime, military, and economic.
- Functional; e.g., collectors, analysts, producers, and counter-intelligence.

The separation of intelligence agencies then follows the distinct functions they fulfill. Bruneau and Dombroski show that in the U.S., for example, counterintelligence and security intelligence are handled by the FBI, while the CIA deals with intelligence gathering and counterintelligence abroad. Similarly, in Europe, most consolidated democracies have separate agencies that fulfill the various functions at home or abroad. However, Bruneau and Dombroski also note that the new democracies do not focus that much on this division, since their intelligence activities are mainly internal and foreign intelligence is quite expensive. Finally, one of the main issues in the restructuring of the intelligence agencies in a new democratic regime is the problem of inter-agency coordination. Bruneau and Dombroski link this specific issue to the broader relationship between intelligence and policy-makers and the regime factors and sub-factors. The dilemma here is to choose between creating a central agency that coordinates all other agencies (e.g., the U.S.) or keeping separate, stand alone agencies (e.g., the UK).⁶⁴ For example, Lowenthal favored the latest centralization in the U.S. intelligence system with the creation of a Director for National Intelligence, because it better integrated various U.S. intelligence agencies, limiting their duplication of effort as well as diminishing the risk of “internecine competition.”⁶⁵

To recap, the organization of the intelligence agencies should reflect the particularities of the political system within which they operate. Agencies should be separated by function. The main decision regarding the coordination of intelligence

⁶³ Herman, 16-35.

⁶⁴ Bruneau and Dombroski, 15-16.

⁶⁵ Lowenthal, 226.

agencies is the choice between creating a central body or maintaining separate agencies. However, a centralized system should include careful and thorough control as in the U.S., in order to “prevent any single entity from having a monopoly” on intelligence.⁶⁶ In any case, the structure of the intelligence community must be clear and open, in order to avoid creating confusion with regard to roles and responsibilities.

B. THE ORGANIZATION OF THE ROMANIAN INTELLIGENCE COMMUNITY

The Romanian intelligence agencies hardly constitute an intelligence community in the real sense of the concept described by British scholar Zara Steiner: “harmonious interplay between agencies and government control” aiming at “an end to animosities [among various intelligence agencies], the establishment of friendly, productive relations.”⁶⁷

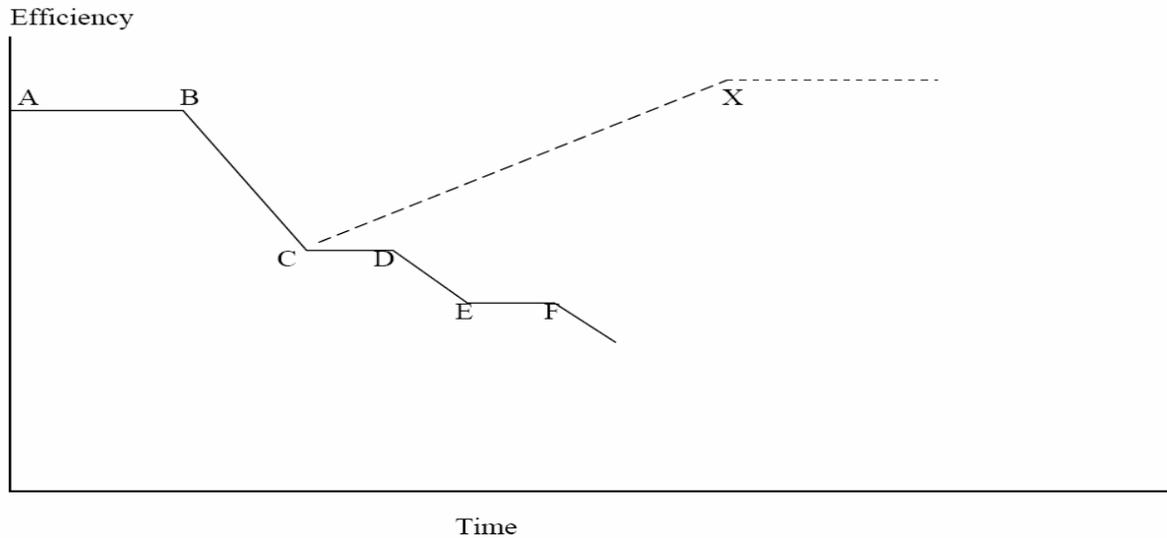
Whatever level of cooperation is achieved, it is done horizontally. The National Supreme Defense Council (CSAT) may hardly be considered an authority that coordinates activities vertically, because it does not focus only on intelligence, but on all aspects of the security sector. Its field of expertise is too broad. This may be the reason behind the recent creation of another intelligence body. The National Intelligence Community (Comunitatea Nationala de Informatii—CNI) was created by CSAT as a subordinated structure, at the proposal of the President of Romania. Presently, however, it is supposed that a new package of laws regarding national security, which includes stipulations regarding CNI, is being debated in the Parliament, a subject of contention among various political parties.

The decision of the CSAT stipulates the creation of a “functional network” that includes representatives from the Romanian Intelligence Service (SRI), the Foreign Intelligence Service (SIE), the Defense General Directorate for Intelligence (DGIA), and the General Directorate for Intelligence and Internal Protection (DGIPI). The role of the CNI is to integrate and coordinate the intelligence process (request from consumers, and collection, and analysis, and dissemination of intelligence product). Only the future will tell whether the CNI will increase the efficiency and effectiveness of the intelligence

⁶⁶ Bruneau and Dombroski, 16.

⁶⁷ Zara Steiner, quoted in Thomas F. Troy, “The Quaintness of the U.S. Intelligence Community: Its Origin, Theory, and Problems,” in Johnson and Wirtz, 21-26.

community or whether the addition of another bureaucratic layer will lead to further inefficiency. Dombroski refers to this phenomenon (reforming the intelligence structure by adding bureaucratic layers) as the self-defeating repetitive pattern in organizational transformation (e.g., South Africa’s reform of the intelligence community).⁶⁸



- A = Operating Level of Efficiency of Old Organization
- B = Transformation Point
- C = New Organization Level of Efficiency
- D = Reorganization Point
- E = Reorganization Level of Efficiency
- F = Reorganization Point
- X = Desired Level of Efficiency after Transformation

Figure 4. Problems of organizational transformation (From: Dombroski, *Reforming Intelligence*, 23)

His argument is that reforming the structure of intelligence requires a certain amount of time to allow the agency to gradually adapt and recover efficiency. Reforms do not have immediate effects. In the case illustrated above, the policy-makers observe the drop in efficiency and attempt to correct it by initiating changes. However, the short-term effect of transforming structure is lower efficiency, since the new organization needs time to become functional. If efficiency does not reach the desired level in a short time, policy-makers initiate another change in structure which implicitly leads to further efficiency loss and so on.

⁶⁸ Bruneau and Dombroski, 23.

The Romanian intelligence community is characterized by a significant degree of fragmentation. This fragmentation is a result of the need to tear down the former Securitate after the 1989 Revolution.⁶⁹ The current intelligence system, as a consequence, duplicates tasks and activities, and encourages intense rivalry between different agencies for influence and resources, resulting in a lack of cooperation among themselves (i.e. the “stovepipe” problem).⁷⁰ However, security intelligence is clearly differentiated from law enforcement agencies, the military and foreign intelligence structures.

The Romanian intelligence agencies are divided as follows.

1. Operational (Territory where Intelligence Agencies Conduct Their Activities)

- (1) SRI: domestic
- (2) SIE: foreign
- (3) SPP: mixed, but mainly domestic (it may accompany Romanian dignitaries abroad)
- (4) STS: mainly domestic
- (5) DGIA: mixed (it assesses domestic military and political-military threats, but it also gathers and analyzes intelligence from the operational theaters where Romanian troops are deployed, as well as from military attaches in Romanian diplomatic missions)

- (6) DGIPI: domestic

2. Issue Oriented

- (1) SRI: multi-dimensional
- (2) SIE: multi-dimensional
- (3) SPP: mainly related to protection of dignitaries
- (4) STS: mainly SIGINT (or COMINT, a subset of SIGINT)
- (5) DGIA: mainly military and political-military
- (6) DGIPI: mainly directed against organized crime

⁶⁹ Williams and Deletant, 212.

⁷⁰ Both Lowenthal and Lahneman point out the harmful and wasteful competition among intelligence agencies in the U.S. system, caused by the existence of “similar or analogous lines of work.” For more details, see Lowenthal, 227 and Lahneman, 13.

3. Functional

- (1) SRI: all-inclusive
- (2) SIE: all-inclusive (except counter intelligence)
- (3) SPP: collectors/analysts
- (4) STS: collectors/analysts and counter-intelligence
- (5) DGIA: all-inclusive
- (6) DGIPI: all-inclusive

To conclude, Romanian intelligence agencies do not benefit from a clear structure. The lines that are supposed to separate their roles, functions and operational areas are quite blurred. Strictly in terms of organization, Romania seems to be closer to the British model with its autonomous agencies, but because Romania does not benefit from the same regime/sub-regime factors as Britain (Romania's political stage is more confrontational and less collegial), the result is not the same in terms of efficiency and control (there is duplication of functions, less cooperation, and responsibilities are so intermingled it is difficult to assess who has done what). However, the present attempts at reform indicate the will to correct these problems. Eliminating some agencies (and thus duplication of roles, as with the intelligence agency of the Minister of Justice) and by creating a central authority (probably following the U.S. example, creating the CNI), Romania may move forward on the right path. Nevertheless, centralization of intelligence should be accompanied by an analysis of the control mechanisms, in order to eliminate the risk of a single entity monopolizing intelligence.

IV. THE CONTROL OF INTELLIGENCE

This chapter addresses the sensitive issue of the control of intelligence in a democracy.⁷¹ The first section is dedicated to the theoretical framework, while the second presents the Romanian case. The questions to be answered are: Who should exert control and oversight over intelligence agencies and to what extent? What are the consequences of too much/too little accountability?

A. THEORETICAL PERSPECTIVE ON THE CONTROL AND OVERSIGHT OF INTELLIGENCE

Gill reviews a number of control and oversight mechanisms needed to prevent abuses of power by the intelligence agencies. He proposes four levels of control and oversight: the first is exerted by the intelligence agency itself; the second is applied by the overall executive branch; the third is employed by other state bodies such as the legislative or the judicial branch; finally, the fourth is executed by civil society itself.⁷² Lowenthal considers control and oversight as one of the most enduring and complex challenges regarding intelligence: “Sed quis custodiet ipso custodies? (But who will guard the guards?).”⁷³ He assesses the difficulties of controlling and overseeing intelligence by two main actors in the process: the executive and the legislative branches. Bruneau and Dombroski consider that “Within the realm of civilian control of the armed forces as a subset of civil-military relations, probably the most problematic issue is control of the intelligence services.”⁷⁴ They note the intrinsic clash of values between a democracy based on accountability and transparency and the secrecy-oriented intelligence community. Moreover, they maintain that the success of the democratic consolidation process is determined by the degree of control and oversight of the intelligence agencies. They also link aspects of structure and control by stating that “A common mechanism to control intelligence is by separating it into different agencies, to

⁷¹ As already stated in the introduction, control refers to the process of managing and supervising intelligence, while oversight refers to monitoring intelligence. However, for the sake of simplification, this paper will generally use control as a concept including all of the above mentioned meanings, unless otherwise specified.

⁷² Gill, 248-311.

⁷³ Lowenthal, 153, paraphrasing Juvenal.

⁷⁴ Bruneau and Dombroski, 1.

prevent any single entity from having a monopoly on its production or use.” They also emphasize the need for an external type of control and oversight (legislative, judicial, public), since self-monitoring (by the executive or agency itself) may be biased, and how to assess its value.⁷⁵

Bruneau proposes an interesting trinity: control–effectiveness–efficiency.⁷⁶ His argument states that the three concepts are positioned in a triangular relationship to form the institutional basis for achieving civil–military relations. However, in the intelligence field, only the first two elements of the trinity are maintained, because there is civilian and democratic control over intelligence is consolidated and because politicians have a vested interest in the success (effectiveness) of the intelligence agencies and their product. Bruneau also concludes that there is little attention paid to the efficiency of the intelligence community, in part due to the secret nature of the budgets of intelligence agencies.

Maior and Huluban make an important note that the “overseers” and “controllers” should transform at the same time as the intelligence agencies themselves. They argue that “You cannot understand the dimension of required transformation as long as you do not transform yourself. In other words, you cannot properly oversee the dynamics as long as your overseeing position is static and, unfortunately, many times rigid.”⁷⁷ This aspect relates back to the relationship between intelligence and policy-makers and points to the incentives and expertise that politicians have in order to get involved into intelligence matters.

1. Legislative Control

In addition to being a separate entity from the intelligence community, the legislative body (or Parliament) is also the most representative institution in a democracy (all members are elected), making it useful as a regulatory body. Because democracies

⁷⁵ Bruneau and Dombroski, 8-17.

⁷⁶ Bruneau, “The Hedgehog and the Fox,” 113.

⁷⁷ Maior and Huluban, 4.

have free and fair elections, the power rests with the people, and they deliberately delegate that power to the branches of government. A legislative body ensures a “dependence on the people,” in Johnson’s terms.⁷⁸

The “citizens of a democracy [...] rely on government policy-making institutions controlled by elected officials.”⁷⁹ These elected officials are the members of the Parliament. The major trait of democracies is then the fact that rulers “are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives.”⁸⁰

It seems clear then that the legislative body plays a key role in the functioning of a democracy, and implicitly, in regulating intelligence activities. The parliamentary check on intelligence is part of the larger system of checks and balances between legislative and executive powers, protected by the principle of separation and balance of powers (also known as “sharing of power between separate institutions”).⁸¹

Some of Giraldo’s conclusions regarding the role of legislatures in defense issues are also valid for intelligence.⁸² The need for legislative participation in the intelligence realm is motivated by the goal to increase: the accountability of the intelligence community, to maintain the quality of the policy, and to ensure the transparency and legitimacy of the policy (and consequently the stability of policy). Legislative participation may also help to prevent or correct executive/intelligence misbehavior. However, the legislature may also delay the decision-making process (as Giraldo put it, “time-consuming”) and this may be the reason most countries have constitutional or legal stipulations that decrease the role of legislatures in times of emergency, crisis, or war, when the need for action is immediate. Legislative control may also decrease intelligence efficiency and effectiveness. Policy quality is also doubtful, especially when the obtaining the approval of several parties within Parliament requires huge compromises.

⁷⁸ Loch Johnson, “The CIA and the Question of Accountability,” *Intelligence and National Security*, January 1997, 178.

⁷⁹ Bruneau and Dombroski, 6.

⁸⁰ Schmitter and Karl quoted in Bruneau and Dombroski, 7.

⁸¹ Loch Johnson, “The CIA and the Question of Accountability,” 179.

⁸² Jeanne Kinney-Giraldo, “Legislatures and National Defense,” ch. 2.

Legislative responsibilities regarding intelligence and military issues may be categorized as general powers—to “make and oversee budgets, decisions, laws and policies,” and specific powers—related to “procurement, deployment of troops [covert operations, in the case of intelligence], defense and security policy planning, personnel management and approval of international treaties related to defense [intelligence cooperation in this case].” General powers are exercised during both the formulation stage (control—direct impact) and implementation stage (oversight—indirect impact) of laws, decisions, budgets, and policies. Oversight is about holding the executive and the intelligence community accountable and checking whether laws have the desired result or outcome, and works through the so-called “police patrols” and “fire alarms”(the latter are less effective in the intelligence realm due to the lack of strong NGOs or other think-tanks).⁸³

There is little consensus regarding what the legislative powers should be and Giraldo summarizes the options as: “no best practices,” “informed expert,” informed expert plus core powers,” and “ideal type.” The first is self-evident, there is no magic formula and every country has a different model. The second refers to the access to information by the legislature and to its need for expertise (usually materialized in an intelligence committee). The third includes some “must-have” powers, such as budgeting, appointment/approval of intelligence officials and deployment of troops. The last alternative supports the idea that maximum influence equals maximum benefits (“informed expert plus full range of powers”). Building on Giraldo’s arguments, it can be said that intelligence committees are the key to better legislative control and oversight over intelligence and the executive branch. She notes the difficulties in accessing information (the intelligence realm is characterized by a high level of secrecy) and obtaining expertise (lack of qualified personnel with a grasp on intelligence issues and lack of political will to develop expertise). She proposes measures that would increase

⁸³ Giraldo, ch. 2., 35-38.

the ability of the legislature to solicit and access information and to acquire specialized staff.⁸⁴ Secrecy is also the reason the budgeting function of Parliament is more focused on “spending levels not spending choices,” as Giraldo put it.⁸⁵

Finally, regulating intelligence can be approached in two ways: “routine, systematic surveillance (‘police patrols’)” or “enquiry only after learning of misdeeds (‘fire alarms’).” Regulation can also be organized around two variables: participation (the number of legislative bodies involved in intelligence oversight—chambers, committees, commissions etc.), which subsequently leads to a differentiation between multilateral and unilateral oversight; and the means to oversee intelligence, distinguished by personal oversight (when done by individuals nominated on the basis of trust and leadership) and constitutional oversight (when appointment is the responsibility of the elected bodies).⁸⁶

2. Executive Control

As the DCAF researcher Marina Caparini puts it, “Executive oversight generally concerns itself with issues of efficacy of the intelligence services; questioning whether the intelligence services are functioning efficiently and carrying out their assigned tasks.”⁸⁷ Decision-makers should verify whether intelligence actions are carried out in accordance with their orders.⁸⁸

Executive control refers to the control exercised by the executive body, other than the intelligence agencies themselves. Executive control usually has several functions:

- Involvement in the elaboration of the mandate and statute of the intelligence agencies (through governmental decisions, ordinances and emergency ordinances).
- Projection of the budget levels and allocations (synonymous with a closer implication in spending choices, as opposed to the legislative). The

⁸⁴ Giraldo, ch.2, 38-51.

⁸⁵ Jeanne Kinney-Giraldo, “Defense Budgets, Democratic Civilian Control, and Effective Governance,” Ch. 7, in Thomas Bruneau, ed. *Who Guards the Guardians and How: Democratic Civil-Military Relations* (Austin: University of Texas Press, 2006), 199.

⁸⁶ Kieran Williams, “Introduction” in Williams and Deletant, 8-13.

⁸⁷ Marina Caparini, “Challenges of Control and Oversight of Intelligence Services in a Liberal Democracy,” (Geneva: paper presented at the Workshop on Democratic and Parliamentary Oversight of Intelligence Services, DCAF, October 2002), 8-9. Available at: http://www.dcaf.ch/news/Intelligence%20Oversight_051002/ws_papers/caparini.pdf (last accessed, March 03 2006).

⁸⁸ Lowenthal, 155.

executive usually goes through a complex internal and inter-agency process of deliberation and negotiation regarding the finances fixed for every intelligence agency. It is then approved, or not, by Parliament.

- Monitoring intelligence activities through inspectors and other similar institutional arrangements.

There is an ongoing debate over the appropriate level of control exercised by executive bodies. Too much oversight is considered an infringement on the effectiveness of the intelligence community, transforming it into a “sclerotic bureaucracy,” due to the “near endless briefings that nibble to death” intelligence officials.”⁸⁹

It is worth mentioning that legislative and executive control are highly influenced by the broader relationship between these two entities.⁹⁰ If the legislators are too executive-minded, rarely questioning executive actions, legislative control may be labeled superficial and not producing the desired outcome. On the other hand, if the legislative-executive relationship is characterized by tensions and discord, too much control might not allow the intelligence agencies to perform their duties. As Lowenthal puts it, “The oversight system is, of necessity, adversarial but not necessarily hostile. Any system that divides power [separation of powers] is bound to have debates and friction. But they do not have to be played out in an antagonistic manner. When antagonism arises, it is more often the effect of personalities, issues, and partisanship [Giraldo’s sub-regime factors] rather than the oversight system per se.”⁹¹

3. Other Types of Control

Judicial control is about issues of propriety, in Caparini’s terms, since it deals with the legality of intelligence activities (like verifying the constitutionality of the laws concerning intelligence or prosecuting intelligence abuses). Although it seems quite limited, because it does not have a direct effect on intelligence policy, judicial control is considered a form of “anticipatory control.”⁹² In other words, intelligence professionals

⁸⁹ Stephen Knott, “Executive Power and the Control of American Intelligence,” *Intelligence and National Security*, Summer 1998, 183.

⁹⁰ Bruneau and Boraz offer the example of the Hughes-Ryan Amendment in 1974 which demanded the U.S. President to report to Congress regarding covert operations. Source: Thomas Bruneau and Steven Boraz, “Democracy and Effectiveness: The Challenges of Intelligence Reform in New and Old Democracies,” unpublished material, 13.

⁹¹ Lowenthal, 173.

⁹² DCAF, 5.

may restrain themselves from violation of the legal framework or of the rights/liberties stipulated by the constitution, because they know they will later be subject to judicial control. However, this assumes two probable conditions. First, that intelligence agencies make a rational calculation (gains may be lower if laws are broken); second, that intelligence agencies believe there is a higher probability of their actions being revealed.

Frederic Manget, an American intelligence official and scholar, says that U.S. judges “interpret the laws that affect national security to reach compromises necessary to reconcile the open world of American jurisprudence and the closed world of intelligence operations.”⁹³ However, Larry Watts, a U.S. consultant to Romanian Government on SSR issues, notes that “judicial oversight is generally limited in practice to the consideration and issuing of warrants for technical surveillance that infringe on civil rights and liberties. By requiring the approval of judicial authorities—whether judicial commissioners, prosecutors, or judges—a pre-emptive control is established.”⁹⁴ As with the relationship between the legislative and executive branches, judicial control is influenced by its interaction with the other two branches. However, the most relevant aspect of this relationship is the independence of the judges vis-à-vis the legislative and, especially, the executive.

There is also internal control, which refers to intelligence controlling itself, and consists of the “selection, training and overall preparation of the intelligence professionals,”⁹⁵ as well as the mechanisms that regulate the internal affairs of an agency. To be more specific, there are incentives that the employees themselves have (as a result of education and training) to refrain themselves from abusing or misusing intelligence. The existence of a director (management), inspector (monitoring) and an internal set of rules also help to prevent employees from abusing or misusing intelligence. Finally, there is external control, exercised by the civil society (NGOs) and the media. This type

⁹³ Frederic F. Manget, “Another System of Oversight: Intelligence and the Rise of Judicial Intervention” in Johnson and Wirtz, 407.

⁹⁴ Larry Watts, “Control and Oversight of Security Intelligence in Romania,” *DCAF Working Paper no. 111*, Geneva 2003, 15, available at www.dcaf.ch/pcaf/ev_geneva_021002_prog_watts.pdf (last accessed: March 13, 2006).

⁹⁵ Bruneau in Johnson and Wirtz, 450. This type of control is closely connected to the professionalization issue and it will be addressed in the next chapter.

of control refers mainly to the actions performed by civil society actors (newspapers, interest groups, civil liberties advocates, and individual citizens) in order “to expose security intelligence transgressions and to prevent their recurrence.”⁹⁶

B. CONTROL OF THE ROMANIAN INTELLIGENCE AGENCIES

The control of the Romanian intelligence agencies is carefully stipulated in a solid legal framework (including the Romanian Constitution). The main actors which exert this control are the legislative and the executive bodies. However, other types of control, such as judicial or public, are also noteworthy.

1. Legislative

Parliament builds the legal framework within which intelligence agencies operate. Parliamentary control is translated into laws that created the intelligence agencies, establishing their mandate and statute.

First, Parliament adopts and/or amends laws that specify the functions of the National Supreme Defense Council (CSAT), the most important executive body that coordinates, organizes and directs activities in the security sector. It is a structure created through constitutional provisions, which were approved by referendum, chaired by the President of Romania, vice-chaired by the Prime-Minister, and comprises all executive bodies with responsibilities in the security sector. Parliament also adopts/amends two fundamental laws in the field of intelligence: Law on National Security (51/1991) and Law on the Protection of Classified Information (182/2002).

Second, the Parliament adopts and/or amends the statutory laws of the autonomous intelligence agencies, specifying their missions, roles and their overall organizational charts. Departmental agencies are regulated through laws that define the activity of the broader executive structures to which they belong.⁹⁷

Parliament also prioritizes the intelligence agenda by adopting and approving essential strategic documents, such as the National Security Strategy. It is also worth mentioning that the head of the SRI (the largest intelligence agency, in quantitative

⁹⁶ Williams, “Introduction” in Williams and Deletant, 8-9.

⁹⁷ Ionescu and Muresan, 41-51.

terms) must be approved by the two chambers of Parliament (House of Deputies and Senate), after presidential recommendation.

Yet, there is no parliamentary stipulation regarding the most recent intelligence agency (the National Intelligence Community — CNI). The CNI was initiated by the President and created through a decision of the CSAT, as an analysis unit (and is itself a part of the CSAT). Until now, the CNI has avoided any form of legislative control or oversight. It includes members from several executive bodies and is supposed to coordinate and integrate the information provided by all other intelligence agencies. It will probably be headed by a politician named by the President and approved by the CSAT, and is operatively directed by the presidential adviser on national security (who is the former head of the military intelligence).

Budgeting is also a responsibility of Parliament (as mentioned previously, this budgetary function focuses on budget levels, not budget allocations). Finally, the legislature exerts its fundamental control through the annual adoption and/or revision of the Law on State Budget. The following tables present a comparison of the budgets of Romanian intelligence agencies.⁹⁸ They reflect both the size of each agency as well as their importance in the eyes of policy-makers.

The budgets of the intelligence agencies are transparent (with the exception of the DGIPI) and tend to be approximately 3.3 percent of the state budget (and possibly as much as 3.6-3.7 percent, when including estimations regarding the budget of DGIPI). It is also worth mentioning that SRI and STS are able to significantly increase their budgets through extra-budgetary funds (which include credits from European and Euro-Atlantic institutions).

⁹⁸ The figures and tables are based on the Laws of State Budget for 2005 and 2006. Romanian Ministry of Finances. Budget Archives. Romanian Ministry of Finances available at <http://www.mfinante.ro/link.jsp?body=/buget/index2006.htm> and <http://www.mfinante.ro/buget/index.jsp?selected=1> (last accessed: March 03, 2006).

The estimates do not include the budgets for DGIPI.

Table 2. Budgetary levels for Romanian intelligence agencies in 2005 (From: Law of State Budget for 2005, available at the website of the Romanian Minister of Finances)

	Allocation from State Budget (million USD)	Total budgets including extra- budgetary funds (millions USD)
SRI	196.84	231.01
SIE	52.05	65.26
SPP	21.15	21.28
STS	83.73	134.32
DGIA	51.72	(* MoD total budget: 1975.53)
Total State Budget	12626	-

Table 3. Budgetary levels for intelligence agencies in 2006 (From: Law of State Budget for 2006, available at the website of the Romanian Minister of Finances)

	Allocation from State Budget (million USD)	Total budgets including extra- budgetary funds (millions USD)
SRI	243.14	269.55
SIE	54.73	54.73
SPP	27.71	27.84
STS	77.70	99.56
DGIA	56.26	(* MoD total budget: 2066.14)
Total State Budget	14134	-

2005 budget of security institutions

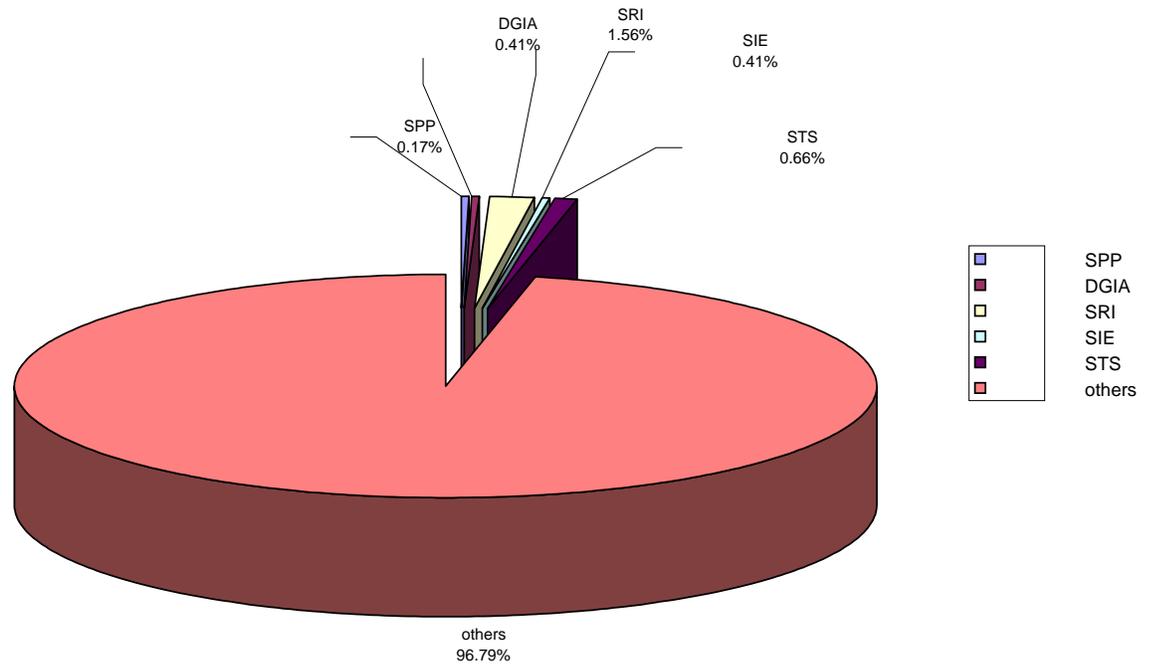


Figure 5. Budgets of intelligence agencies as percentages of the State Budget in 2005 (From: Law of State Budget for 2005, available at the website of the Romanian Minister of Finances)

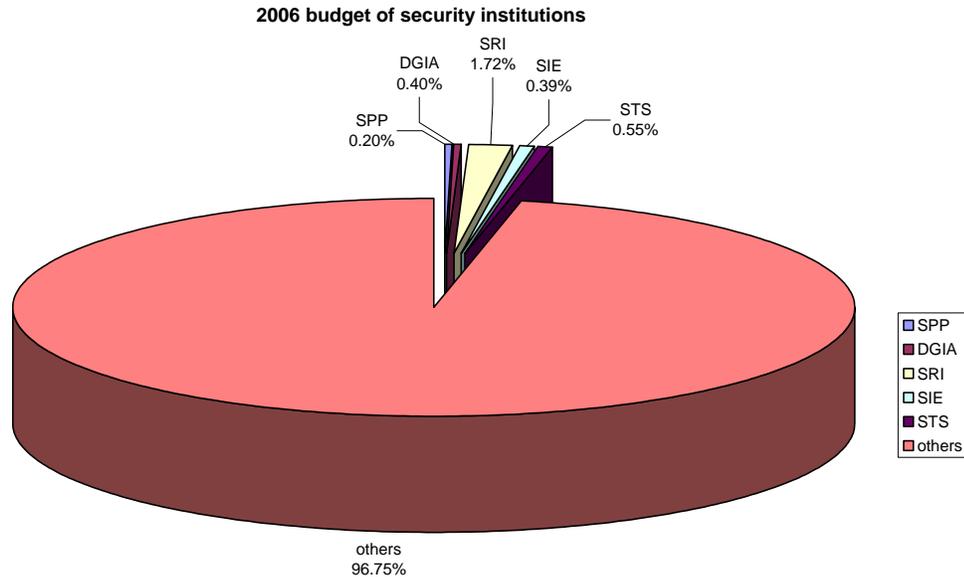


Figure 6. Budgets of intelligence agencies as percentages of the State Budget in 2006 (From: Law of State Budget for 2006, available at the website of the Romanian Minister of Finances)

All the methods mentioned above function as pro-active legislative control (ab initio). It can also be argued that they also function as active control (simultaneous) because of the law amendment and the budget review prerogatives of the Parliament.

Parliament also has reactive powers (legislative oversight), allowing the monitoring of the intelligence community. Parliament makes use of the following as part of this function.⁹⁹

- Reports—Parliament requires reviews of the executive/intelligence activity.
- Questions—similar to reports, but on more concrete aspects.
- Interpellations—Parliament requires justification of certain activities/policies.

⁹⁹ Ionescu and Muresan, 21-22

- Investigations— the Executive is obliged to allow legislative active inspections.
- Simple motions—Parliament issues statements on a specific problem, which act as a kind of warning to the government (including intelligence)
- Censorship motions—Parliament states its opposition to a certain policy/activity, it may result in a weakened Executive (or the government may “behead” chiefs of intelligence in order to restore its image).

The key legislative bodies that exert parliamentary control, as argued by Giraldo, are the specialized committees. Each chamber of Parliament has its own permanent Commission for Defense, Public Order and National Security, to which all intelligence agencies are accountable. Moreover, the most important autonomous agencies, SRI and SIE, are each monitored through a Joint Standing Committee for Exercising Parliamentary Control of SRI, and respectively SIE (committees of both Senate and Chamber of Deputies).

Currently, the House of Deputies’ Commission for Defense, Public Order and National Security includes 24 members, out of which the governing coalition has a total of 11 seats, and the opposition has 12 seats, with the last seat going to a representative of the minorities.

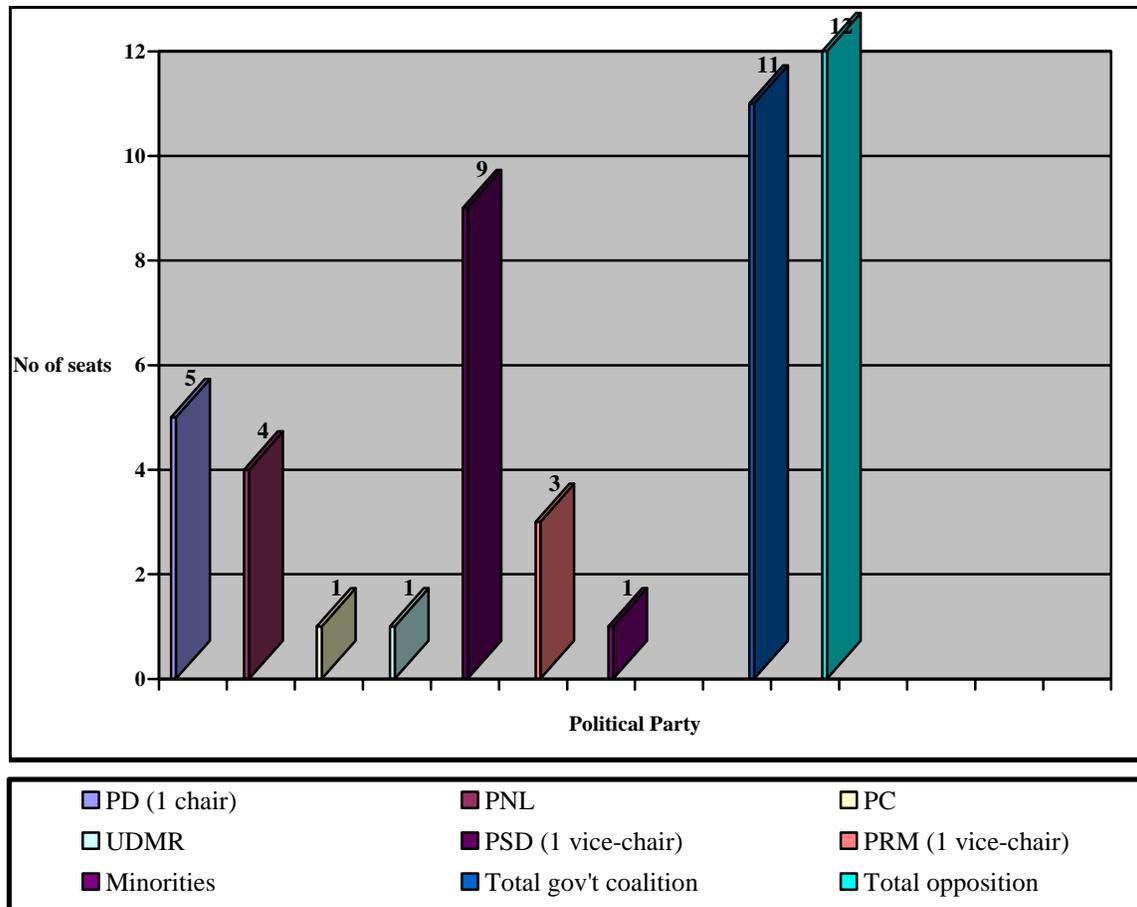


Figure 7. Distribution of seats in the Commission for Defense, Public Order and National Security of the Romanian House of Deputies (From: Website of Romanian Chamber of Deputies)¹⁰⁰

The abbreviations correspond to the following political parties: PD—Democratic Party (Partidul Democrat); PNL—Liberal Party (Partidul National Liberal); PC—Conservative Party (Partidul Conservator); UDMR—Hungarian Democratic Union (Uniunea Democrata a Maghiarilor din Romania); PSD—Partidul Social-Democrat (Social-Democratic Party); PRM—Greater Romania Party (Partidul Romania Mare).

The homologue commission from the Senate has a total of 11 seats, out of which the governing coalition has six, and the opposition has five (including one independent seat of a former member of the PSD).

¹⁰⁰ Source: Romanian Chamber of Deputies. Committees Structure. Chamber of Deputies, available at <http://www.cdep.ro/pls/parlam/structura.co?leg=&cam=2&idc=12&poz=0&idl=1> (last accessed: March 13, 2006).

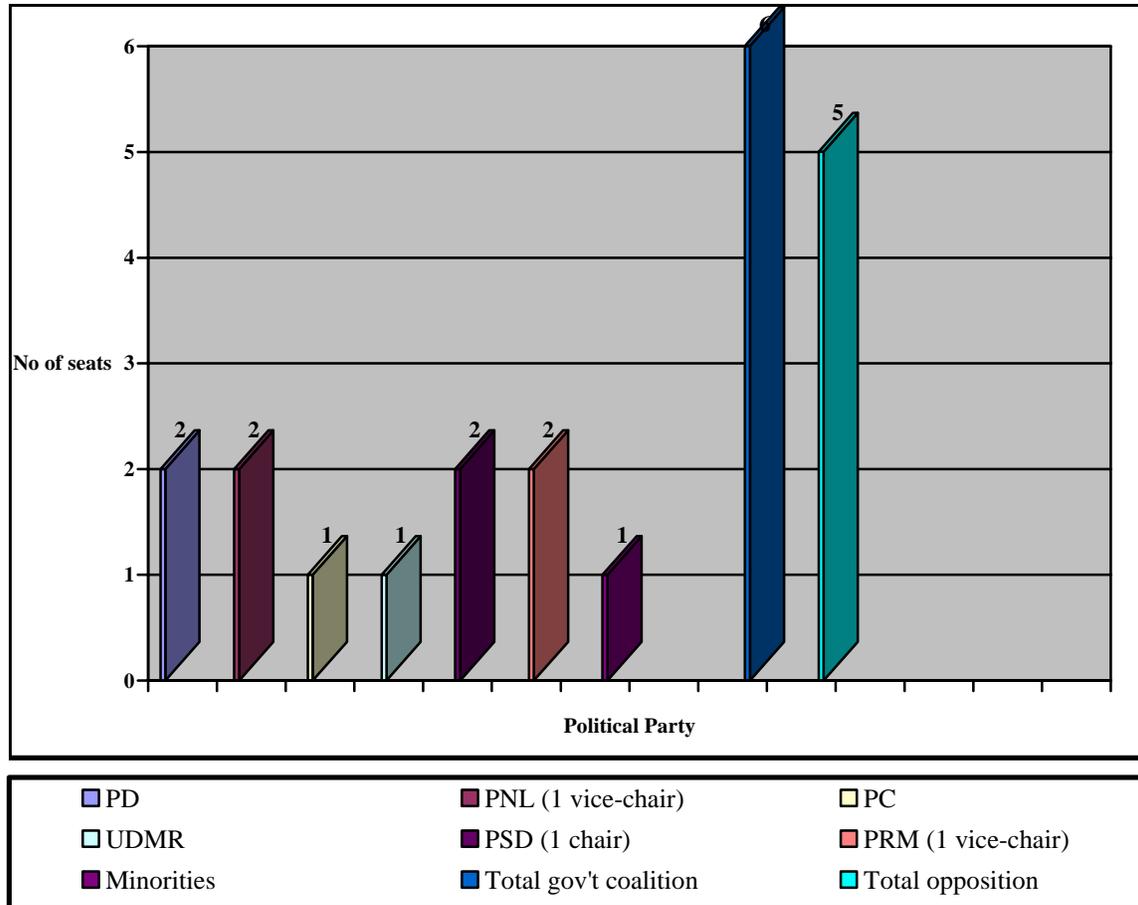


Figure 8. Distribution of seats in the Commission for Defense, Public Order and National Security of the Romanian Senate (From: Website of Romanian Chamber of Deputies)¹⁰¹

Both commissions include members with experience in the intelligence field, such as retired senior officers (the former Chief of the General Staff of the Romanian Armed Forces to which the DGIA was subordinated), former ministers and high officials.

The Joint Standing Committee for the Control of SRI includes nine members of both chambers of the Parliament. The governing coalition has five seats, while the opposition has four.

¹⁰¹ Source: Romanian Chamber of Deputies. Committees Structure. Chamber of Deputies, available at <http://www.cdep.ro/pls/parlam/structura.co?leg=2004&cam=1&idc=&poz=0&idl=1> (last accessed: March 13, 2006).

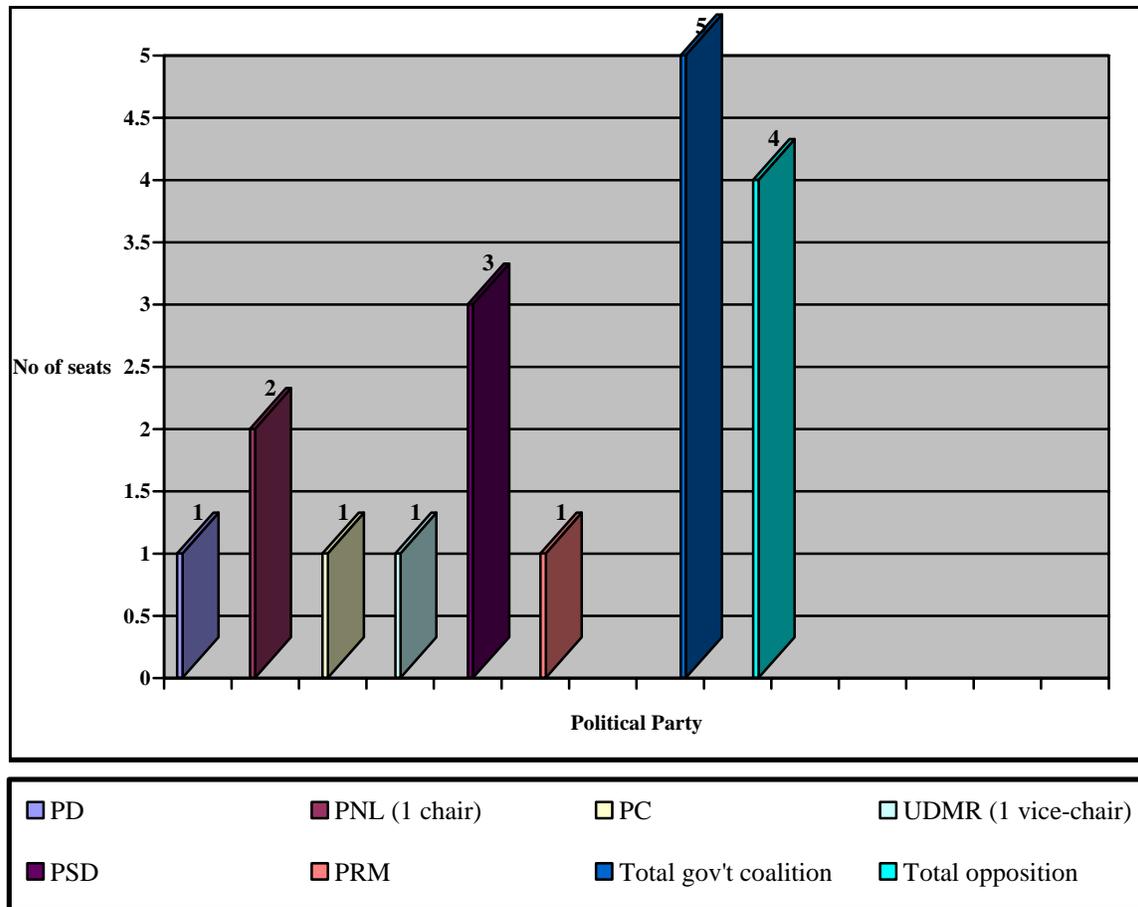


Figure 9. Distribution of seats in the Joint Standing Committee of the Romanian Parliament for the Control of SRI (From: Website of Romanian Chamber of Deputies)¹⁰²

The Joint Standing Committee for the Control of SIE has five members, out of which the governing coalition has two seats, and the opposition has three.

¹⁰² Source: Romanian Chamber of Deputies. Committees Structure. Chamber of Deputies, available at <http://www.cdep.ro/pls/parlam/structura.co?leg=2004&cam=0&idc=15&poz=0&idl=1> (last accessed: March 13, 2006).

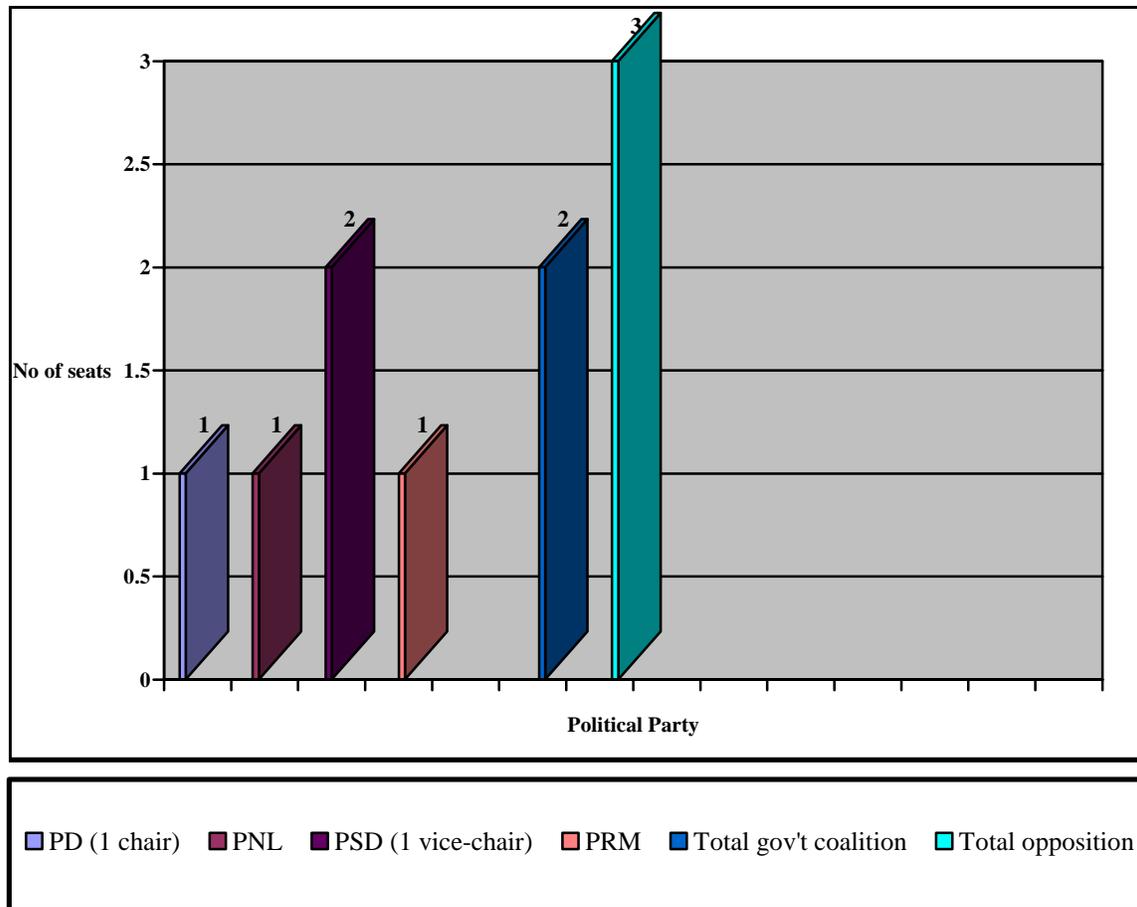


Figure 10. Distribution of seats in the Joint Standing Committee of the Romanian Parliament for the Control of SIE (From: Website of Romanian Chamber of Deputies)¹⁰³

These graphs demonstrate how balanced the representation of different political parties is in these committees. Without an adequate presence of the opposition, the parliamentarians of the governing coalition would have fewer incentives to check on their colleagues in the government (this is a peculiarity of the Romanian political system—a sub-factor as Giraldo might have called it: ministries and important members of the executive are usually also members of Parliament or have support from their party

¹⁰³ Source: Romanian Chamber of Deputies. Committees Structure. Chamber of Deputies, available at <http://www.cdep.ro/pls/parlam/structura.co?leg=2004&cam=0&idc=21&poz=0&idl=1> (last accessed: March 13, 2006)

colleagues). A major presence of the opposition in these committees also decreases the risk of politicization, since the activity of intelligence is checked by all parties represented in the Parliament.

2. Executive

In Romania, the supreme executive institution that exerts control over intelligence is the National Supreme Defense Council (CSAT), a specialized central body that organizes and coordinates all intelligence activities. The CSAT itself is subject to parliamentary control.¹⁰⁴ Its prerogatives include the analysis and endorsement of the National Security Strategy, the Military Strategy, as well as data, information, and reports submitted by the intelligence agencies. It also approves the bills of the government with regard to national security and budget allocation for the agencies with responsibilities in the field of security.¹⁰⁵ Besides the President and Prime-Minister of Romania (chairman and vice-chairman, respectively), the members of the CSAT include: the Minister of National Defense, the Minister of Administration and Internal Affairs, the Minister of Foreign Affairs, the Minister of Justice, the Minister of Industry and Resources, the Minister of Public Finances, the Director of the SRI, the Director of the SIE, the Chief of the General Staff of the Romanian Armed Forces, and the Presidential Adviser on National Security. Upon invitation by the President of Romania, the chairmen of the two parliamentary chambers, the governor of the National Bank, the heads of the other intelligence agencies (including the departmental ones), and the chairmen of the parliamentary specialized committees may participate in CSAT meetings.¹⁰⁶

Another relevant institution is the Office of the National Registry for State Secret Information (Oficiul Registrului National al Informatiilor Secrete de Stat—ORNISS), created as part of Romania's NATO accession process (emphasizing once again the relevance of the international community in security sector reform, including civilian control of intelligence). ORNISS is the central authority in the field of classified information protection and its most important attribute is issuing security clearances.

¹⁰⁴ Troncotă, 259.

¹⁰⁵ Ionescu and Muresan, 41-42.

¹⁰⁶ Ioan Bidu and Cristian Troncotă, *Coordonate de Securitate* (Bucuresti: National Intelligence Academy Publishing House, 2004), 5.

The departmental intelligence agencies are subject to more thorough executive control, being part of larger institutions (Minister of Defense and Minister of Internal Affairs). The control of the defense and internal affairs ministries over their own intelligence units is valuable especially in terms of budgetary execution (how the funds are spent) and verification of conformity between the intelligence activity and the requests of the policy-makers.¹⁰⁷

The autonomous agencies are less controlled, since they are subordinated to the CSAT, which includes the agencies' top officials (heads of SRI and SIE are members of CSAT). This is another Romanian peculiarity which raises doubts regarding the accountability of SRI and SIE, since they are part of the institution to which they are accountable.

3. Other Types of Control

In Romania, judicial control is exercised by the Constitutional Court (which makes decisions on issues of constitutionality), the Attorney General (who conducts investigations and prosecutes) and other courts of justice (which determine non-compliance with the law). Reactive control is exercised when third parties file a suit against abuses committed by the intelligence agencies.¹⁰⁸ The warrants requested by intelligence agencies have to be approved by the General Prosecutors' office. These warrants must be carefully elaborated in terms of motivation (threat to national security), use (category of activities allowed by the warrant; e.g., wiretapping), target (identity of the persons monitored by the intelligence agencies), location (where the activities will be carried out), duration (how long the activities will be carried out) and actor (what intelligence unit will perform those activities). In general, judicial authorities are "not known for high rates of refusal" when warrants are requested.¹⁰⁹

Internal control refers to the capacity of each agency for self-policing and the Romanian intelligence agencies possess specialized bodies (ad-hoc investigative committees, audit structures) whose main objective is to monitor the activity of

¹⁰⁷ Alexandru-Radu Timofte, *Originile si Marirea, Declinul si Renasterea Lumii Informatiilor Secrete* (Bucharest: National Intelligence Academy Publishing House, 2004), 423.

¹⁰⁸ *Ibid.*, 432.

¹⁰⁹ Watts, 16.

intelligence officers during the intelligence cycle. Internal control is also related to intelligence training and education programs, but this will be addressed in the chapter dedicated to professionalization.

When it comes to external control, one of the most relevant institutions is the National Council for the Research of Securitate Archives (Consiliul National pentru Studierea Arhivelor Securitatii—CNSAS). It is a non-governmental body but its members are elected by the legislative body in order to ensure its objectivity (the elected members are scholars, not official members of political parties). The CNSAS may be considered as a ‘watchdog’ hired by the Parliament. Its main function is to ensure access to archives of the former Securitate (to ensure transparency), but its powers are limited by a veto of the executive (which considers some documents to still be classified). In addition, the Romanian media plays an active role in monitoring domestic intelligence activity.¹¹⁰ According to Matei, a Romanian researcher at the Naval Postgraduate School, “The press and civil society have held the government and intelligence services to very high standards regarding democratic control, transparency, and requirements for European and Euro-Atlantic integration.” Through its criticism of the intelligence structure, the media put pressure on the executive to investigate intelligence abuses, speed up intelligence reforms and even forced the legislature to adopt/amend laws. Matei describes the relationship between intelligence and the media as “tense and symbiotic,” in the sense that there is discord in the interests of the two sides (the news does not correspond to the official views of the government), but also convergence (the media needs a “story,” the intelligence needs “good publicity”).¹¹¹ On the other hand, the role of the media is not always positive, because of a large penetration in the media of former Securitate officers which used it for “deception, disinformation, and blackmail.”¹¹²

In conclusion, legislative control of the intelligence in Romania can be estimated on a low-medium-high scale as “medium to high.” Budgetary levels are transparent; the activity of the intelligence agencies is monitored by specialized committees; members of

¹¹⁰ Williams and Deletant, 263.

¹¹¹ Cristina Matei, *Romania’s Transition to Democracy: Civil Society and the Press’ Role in Intelligence Reform* (Monterey: proceedings from and international roundtable on intelligence and democracy, Center for Civil-Military Relations, Naval Postgraduate School, August 2004), 8-12.

¹¹² Watts, 17.

those committees have expertise in intelligence matters; and Parliament approves the legal framework within which intelligence agencies operate and which establishes their roles and responsibilities.

Executive control in Romania can also be considered “medium to high.” Theoretically, intelligence is strictly subordinated to the executive bodies and therefore executive control could normally be considered high. However, given the specificity of CSAT and the reluctance of the executive bodies to fully assume intelligence control (to be able to use the “plausible deniability” principle or simply because they fear the power that intelligence has because of access to information), it is more realistic to consider executive control to be less than high. Moreover, if we include the creation of the CNI, a much debated issue in Romania, we have what seems to be an anomaly to this system of medium to high executive control. The CNI is a body that is practically subordinated to the President, is not established by a law approved by the Parliament, is not subject to Parliament control and has an autonomous budget (decided only by CSAT).

Judicial control can be labeled “low” because of its reactive nature. The speculations that the future powers of intelligence agencies will interfere with the judiciary are also indicators of the judiciary’s weakness when it comes to control over intelligence agencies. Watts also mentions the “vulnerability of the legal system, particularly in the poor enforcement of existing laws and constitutional provisions.”¹¹³

External control can be considered as “medium.” The media is quite successful in being watchful over intelligence activities and several authors have emphasized the vigilance of the media when reporting intelligence abuses.¹¹⁴ NGOs are also active in the field of civil liberties and human rights when it comes to the activity of intelligence agencies.

There is “medium” internal control because of the “low level of professionalization” noted by Watts. However, the author also points to the “capacity of self-policing” of the intelligence agencies.¹¹⁵

¹¹³ Watts, 26.

¹¹⁴ For more details, see Matei, 10-13, as well as Deletant in Williams and Deletant, ch. 7, and Watts, 17-19.

¹¹⁵ Watts, 19.

Table 4. Estimates regarding levels of control of intelligence in Romania

Authority	Level of control
Legislative	Medium to High
Executive	Medium to High
Judicial	Low
Internal	Medium
External	Medium

V. THE PROFESSIONALIZATION OF INTELLIGENCE

This chapter attempts to define intelligence as a profession and identify its main characteristics. It also discusses personnel policies in the intelligence field (recruitment, education, and training). The first section briefly outlines the academic debate, while the second deals with Romania specifically. The main questions to be answered are: Is intelligence distinguishable as a profession? Does it fit into a democratic milieu? What are the implications of recruitment, training and education?

A. INTELLIGENCE AS PROFESSION. A THEORETICAL PERSPECTIVE

There is little literature on intelligence as a profession. It may be useful to translate the model of Samuel Huntington, a famous American political scientist and approach intelligence in terms of expertise, responsibility and corporateness.¹¹⁶ Bruneau builds the case of an “intelligence profession,” on Huntingtonian grounds.¹¹⁷ Intelligence as a profession is thus defined in terms of expertise (handling of secrets), corporateness (access to secrets) and responsibility (to the state). However, Bruneau notices the contradictions within this equation. An organization that evolves around secrecy tends to become self-governing and self-accountable and less inclined to be controlled or overseen by an external body.

Bruneau and Dombroski also note that the most prominent feature of intelligence—secrecy— has direct implications in two of the three elements in this equation. The emphasis on secrecy leads to intelligence as a profession “largely governing itself.” It is therefore a major task of the democratic leaders “to inculcate a sense of professional responsibility by making intelligence officers and agencies answerable to the state.”¹¹⁸ This is what professionalization means, and it can be achieved by transforming the intelligence bureaucracy through attentive recruitment, education and training.

¹¹⁶ Samuel P. Huntington, *The Soldier and the Stated. The Theory and Politics of Civil-Military Relations* (Cambridge MA: Harvard University Press, 2003), 8-10.

¹¹⁷ Bruneau in Johnson and Wirtz, 450.

¹¹⁸ Bruneau and Dombroski, 21-22.

Bruneau and Boraz approach the same Huntingtonian model and suggest measures that would improve the professionalization of intelligence: attempting to “promote and inculcate a sense of professional responsibility by making intelligence officers and agencies accountable to the state via the democratically elected leaders” and by recruiting and training civilians for future positions within the intelligence agencies.¹¹⁹ Maior and Huluban emphasize the importance of training and education, since they see the transformation of intelligence as “transforming attitudes rather than just transforming/re-transforming organizational charts.”¹²⁰ Following this argument, it results that careful attention should be paid to the mentalities and values that predominate in the intelligence field and not only to concrete aspects such as the structure of intelligence or control mechanisms.

Marrin and Clemente make an interesting comparison between medicine and intelligence analysis, which they consider to be both craft and profession—they require “both a practical skill set and academic preparation.”¹²¹ Similarly, Maior and Huluban believe that intelligence may be built as profession using other models. However, they insist that the “model” should come from fields that are “neighboring the intelligence zone in terms of predicting the future out of intangible factors and hard-to-quantify variables,” such as political science, international relations and even philosophy.¹²² Intelligence agencies could only benefit from the presence of civilians with such a background in their structure.

Michael Handel argues that the professional integrity of the intelligence community is influenced by a number of factors, such as the quality of training and education, the extent to which self-criticism is encouraged within the organization, or career planning (e.g., favoritism or meritocracy). Additionally, he mentions the inherent

¹¹⁹ Bruneau and Boraz, 30.

¹²⁰ Maior and Huluban, 22.

¹²¹ Stephen Marrin and Jonathan Clemente, “Modelling an Intelligence Analysis on Medicine” (to be published in the *International Journal of Intelligence and Counter-Intelligence*, forthcoming 2006), 1, available at www.people.virginia.edu/~spm8p/Modeling_an_Intelligence.pdf (last accessed: March 03, 2006).

¹²² Maior and Huluban, 16.

traits of intelligence that alter its ideal, rational behavior: military patterns of thought (too rigid and direct for intelligence analysis), organizational parochialism (restricted access in the intelligence milieu) and excessive secrecy.¹²³

In summary, as a profession, intelligence is mainly characterized by secrecy. In order to counterweigh this aspect, two major efforts are needed: first—the inducement of a democratic ethos and an ethic of responsibility to the state and of serving the public interest, consisting of preserving human rights and civil liberties; and second—the “rapprochement” of intelligence with the civilian sphere, by the inclusion of more civilians in the system. Both of these traits are the direct result of the recruitment, training and education policies.

B. PROFESSIONALIZATION OF INTELLIGENCE IN ROMANIA

In Romania, the education/training/recruitment process takes place within the intelligence community itself. The main “personnel pool” for the major intelligence agency, in terms of personnel—the Romanian Intelligence Service (SRI)—is the National Intelligence Academy. The General Directorate for Intelligence and Internal Protection (DGIPI) and the Defense General Directorate for Intelligence (DGIA) also have some separate and autonomous educational establishments within the Police Academy and the Military Academy, respectively. The National Defense University and the Superior College of National Security are superior academic centers that also include intelligence in their curricula. Some of these intelligence educational institutions recruit civilians (both as students and instructors) and have ties to numerous domestic NGOs (EURISC, Pro Democratia Association) and other establishments (Center for Civil-Military Relation of the Naval Postgraduate School— Monterey; and Center for Democratic Control of the Armed Forces—Geneva).

However, most of the intelligence agencies have more transparent and open programs of recruitment (job opportunities on websites and in the media, available to civilians) that attract civilians into the intelligence system.

A major step toward the recruitment of civilians may be taken once Parliament passes a law regarding the de-militarization of SRI and SIE (currently under debate). The

¹²³ Handel, “Intelligence and the Problem of Strategic Surprise,” 34-35.

present intelligence officers will become civil servants with special status and only some specialized units will remain military. Intelligence civilians, rather than military, might better interact with other civilian structures of the government and with civil society. As Handel put it, they become free of some patterns of military thought (rigid, hierarchical, and direct) which are less suited for analysis. Additionally, civilians from the other branches of the government and the general public may perceive them closer, not separated by the mental limits that distinguish uniforms from the rest. In short, the status of the intelligence analysts within the state and society may change once they become part of the civil function of the government and not of the military. This evolution may also draw a more distinct line between military intelligence (MoD) and the other intelligence agencies. As civilian servants, intelligence personnel would benefit from a better career plan, which is stable and transparent.

VI. CONCLUSIONS

A. SUMMARY OF FINDINGS

Due to the multitude of particularities that characterize each democracy in its unique context, there is no universally accepted solution on how to manage the intelligence process. However, some traits are considered to be essential in any discussion regarding intelligence reforms in a democracy. A dialectical style is be appropriate when arguing for the balance of these values: freedom vs. security, transparency vs. secrecy, centralization vs. fragmentation of the intelligence community, and legislative vs. executive control over intelligence. In order to adapt to new circumstances (counter asymmetric risks and consolidation of democracy), an organizational transformation of intelligence is rather difficult and not always sufficient. Due to the complex interaction of the intelligence system with both state and society, attempts to reform it should encompass not only the intelligence community itself, but its relationship with the politicians and the people, and especially their mutual perceptions of each other (how the policy-makers and civil society view and implicitly control intelligence). And this is an endless process. Even in a consolidated democracy, managing intelligence remains problematic. As an example, in the post 9/11 era, the U.S. engaged in a profound transformation of its intelligence community. In a new democracy, the difficulties of reforming intelligence are magnified because of the dual transformation process mentioned in the introduction.

In order to summarize the findings, democratization of the intelligence system would require changes in the mandate, structure, control and professionalization of intelligence.

In terms of mandate, democratization of intelligence would mean a clear and limited role, stipulated in legal texts approved by all three state powers (issued by the executive, approved by the legislative and constitutionally sanctioned by the judiciary), with the consent of the civil society (public debates, both academic and in the media), and the respect of human rights and civil liberties, as promoted by liberal constitutionalism and enshrined in the rule of law.

In terms of structure, democratization means openness of the various intelligence agencies. Their organization should clarify individual mandates, thus preventing an overlapping of responsibilities or duplication of functions. Overlapping allows the concealment of abuses and is synonymous with vague responsibilities (intelligence agencies may pass the blame on to each other).

When it comes to control, democratization means more control of intelligence agencies and more transparency of the intelligence cycle. The most important overseer in a democracy seems to be the legislative body, since it is the most representative state power. However, the judicial body is the one that controls the legality of actions and thus the respect of the rule of law. The civil society should also be more involved in the process, through academia, the media and NGOs. Finally, the executive body and the intelligence agencies themselves must increase their control and oversight.

In terms of professionalization, democratization signifies the transformation of the recruitment/training/education process for intelligence officers and the promotion of democratic values in the spirit of intelligence as a profession. More attention should be given to the inclusion of civilians in the intelligence spheres.

Nevertheless, too much democratization may lead to less efficiency and effectiveness of intelligence. A mandate that is very strict and proposes too much emphasis on the sensitive issue of freedom (civil liberties) may practically handcuff the intelligence agencies in their pursuit of security. Similarly, a structure that is too open and transparent may expose the intelligence agencies to the same enemies they are supposed to counter. The same can be said for excessive control which may hamper the abilities of the intelligence agencies to fulfill their roles and responsibilities. Finally, a massive and careless recruitment of civilians with doubtful backgrounds, just for the sake of “civilianization” may compromise the ethos of intelligence and/or compromise its counter-intelligence functions.

It is all a matter of degree and of balance, since too little democratization for the sake of efficiency and effectiveness could result in changes with a negative impact for a

democracy. A mandate that is too flexible, with a less transparent structure, less control and too much isolation of the intelligence might permit abuses against democratic values and norms (human rights and civil liberties) and even endanger the regime.

Finally, the major challenge in deciphering the balance is efficiency. While effectiveness may be assessed internally or by the specialized parliamentary commissions or the executive body, efficiency is largely unknown and difficult to measure, which might be an incentive for future study and research. Ideally, efficiency could be calculated according to the following formula, which is practically a classical cost-benefit analysis:

<p style="text-align: center;">Input ~ Output</p> <p style="text-align: center;">where</p> <p style="text-align: center;"><u>Input = finances + democratic intelligence process (respect of values/norms) +</u> <u>professionalization</u></p> <p style="text-align: center;">and</p> <p style="text-align: center;"><u>Output = value of intelligence as product + implementation of mandate</u></p>

Figure 11. Intelligence efficiency formula

These variables could be defined as known, knowable and unknown. Most budgets are transparent in terms of levels, but not programs, so they are known and/or knowable. The intelligence process is the largest unknown in the formula, since little information is available on how intelligence agencies fulfill their mandate. This is a very sensitive issue because this variable is supposed to be largely classified; otherwise it may compromise the intelligence cycle. However, this secrecy may allow abuses or misuse of intelligence. The output is mostly unknown to the public, since even major successes are supposed to stay hidden from the enemy. Instead, the output is known or knowable to policy-makers, depending on their security clearances.

B. THE FUTURE: IMPLICATIONS OF INTELLIGENCE REFORMS IN ROMANIA

The current evolutions on the intelligence arena in Romania are crucial for the future of intelligence reforms, with respect to both democratization and

efficiency/effectiveness. The new National Security Strategy as well as the package of laws on national security will probably determine the degree of success of the security sector reform, in general, and intelligence, in particular.

In line with the hypothesis of this thesis, intelligence reforms carried out thus far focused especially on the democratization of intelligence. The mandate was clearly defined in legal texts approved by Parliament, according to democratic principles and values. In terms of structure, the intelligence community was fragmented in order to prevent the appearance of a monopoly and to allow better control. Control was tightened through the creation of a variety of mechanisms. Finally, more and more civilians have been given access to the intelligence community. All in all, the Romanian intelligence community is now closer than ever to Gill's domestic intelligence bureau.

All these steps, however, have led to a slight decrease in efficiency and effectiveness. Presently, intelligence reforms in Romania are in the phase of the feedback loop, which would explain the current attempts to increase efficiency and effectiveness: the redefinition of roles and responsibilities, centralization of intelligence, and review of control mechanisms.

Once again, equilibrium has to be taken into account for the future, as excessive emphasis on effectiveness and efficiency may lead to an undesirable drop in democratization levels. As for the short-term, the following changes may be considered critical.

1. Role

The new laws will probably reflect the threat environment assessed by the National Security Strategy. If the allegations regarding the prosecutorial attributes of the intelligence agencies are true, special attention has to be paid in defining the legal limits of this mandate.

2. Structure

The creation of the National Intelligence Community (CNI), if approved by Parliament, may finally lead to the creation of a true national intelligence community, with a central coordinator of intelligence analysis. The CNI may also facilitate a better communication between the consumers of intelligence and the collectors/analysts.

3. Control

The level of accountability seems adequate enough for the respect of democratic norms/values. Most of the abuses signaled by the media (this by itself is a proof of good oversight) seem to be a result of the lack of professionalization of isolated individuals, and not of the intelligence system as a whole. The only remaining issue in this field would be the oversight and control of the CNI by other state powers (legislative and judicial) as well as by the civil society.

4. Professionalization

This seems to be a problematic issue for the intelligence reform process. Despite the recruitment of some civilians and the de-militarization of the main intelligence agencies, the intelligence community still seems to be relatively closed to outsiders. The inclusion of political scientists and international relations specialists might provide the input that Romanian intelligence needs for a better self-definition as a profession, but this means the need for an effort to raise the interest of civilians to work for and with intelligence.

In the more distant future, Romanian decision-makers should allow sufficient time for the current reforms to settle and produce the desired results. An impulsive and sudden “reform of the reform” would only lead to the dangerous self-defeating repetitive pattern as described by Dombroski.

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