

PARTNERS IN ORGANIZED CRIME

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As Polish philosopher Leszek Kolakowski maintains, the ultimate cause for the supremacy of Stalinist totalitarianism was the complete lack of respect for the rule of law.¹ This brief look at the situation in Bulgaria – a former Communist state – gives us a case in point of the continuing residue from that history.

THE SECURITY SECTOR AND ORGANIZED CRIME IN POST-COMMUNIST STATES: THE COMMUNIST HERITAGE

Security sector reform is a crucial undertaking if the transition of Eastern Europe from communist to democratic rule is to be successful. The term “security sector” is used to describe a variety of institutions that are vested with authority to guarantee the security of a democratic state as well as the personal security and protection of its citizens. In recent years, the idea of a “security sector” has been heavily probed and disputed in Bulgaria and in Eastern Europe as a whole. The advantage of this term over terms like “secret services”, “homeland security”, “national defense”, “law-enforcement institutions”, etc., lies in its quality of integrating the relevant bodies and departments according to their essential function, not according to any institutional framework.

A number of factors and interrelated causes have determined the complementarity and overlapping of functions of the multiple institutions that belong to the security sector. The relationship between the police forces and the higher-ranking secret services in Eastern Europe were rather complicated and at times quite strained. Western security services have also had similar inter-institutional tensions, but in communist states such problems were more than merely structural. The communist elites of East European states placed the building and maintenance of a police state at the core of their policy. The most significant tools in this endeavor were the special intelligence agencies (such as the KGB in the USSR or Stasi in East Germany) whose power equaled that of ministries and whose status was much higher than that of the police forces that were part of the Ministry of Interior. Institution-

alized repressive apparatuses, such as Stasi or the KGB, encompassed a range of structures from the regular police to intelligence and counter-intelligence services, to the typical political police (such as the infamous Sixth Main Directorate of Bulgaria's secret police known as the "Committee for State Security", henceforth referred to simply as "State Security"). The only secret service that remained beyond this mega-structure's authority was the Military Intelligence Service, accountable to the Bulgarian Ministry of Defense.

Unsurprisingly, a repressive apparatus that dictates a system's protection and continuity at the expense of its citizen's rights will keep its functions off the record, i.e. officially unregulated by law. This explains why the secret service's status and its organizational rules were determined through classified decrees, decisions, and regulations of the governing party or state bodies. This was part of the pervasive manipulation by the communist powers of the law and the legal system. . . .

In addition to the classification of files on individuals under investigation and of information gathered by the communist security sector, the sector's status and functions remained off the record. This secrecy helped it to become imbedded into society, not least through its network of collaborators, agents and informers. This pervasive spy network was an embodiment of the government principle of communism (Kolakowski, 1994:252). The network of non-payroll collaborators was, in sociological terms, the "soft periphery" of the "hard core" of payroll agents and police officers. Thus, under communism, a large portion of society was integral to the surveillance system within which the law had no authority and the discretionary power of the security sector staff was unchecked. In this grey zone of the spy state, the border between law enforcement and crime was hard to distinguish.

In the transition to democracy after the downfall of communism in 1989, the security sector's specific techniques of control, domination and pressure over its network of agents transformed in order to adapt to the new conditions. The sector used their traditional approach, but now it was employed in smear campaigns and corruption schemes through which ex-secret servicemen penetrated and influenced the authorities and the mass media.

Another potentially criminal trend dating back from communist times is the involvement of security staff in the economy. Apart from conventional intelligence and counter-intelligence motives, it was justified by the drive to gather scientific and technological information by circumventing the restrictions of Coordinating Committee for Multilateral Export Controls (COCOM)² through appropriate business contacts. One of the founding elements of the early transition economy of crime was the participation of security agents in illicit financial and business operations and the setting up of companies abroad, later appropriated by the same secret service staff.

The "culture of cynicism" (Williams and Deletant, 2001:20) inherited from the communist era has also contributed to the general climate of corruption. The attitude incorporates contempt toward ordinary citizens, uncontrolled discretionary power of security service employees, and the latter's sense of belonging to a secret

elite at the helm of the state. This cynical abuse of informational and public status adopted new guises during the transition period, informally reproducing the schemes of dependence and pressure. Due in part to these attitudes, the former State Security principles that had prioritized the party-state's interests could not be expected to be outgrown and replaced by the more humane priorities of human security.

Notes

1. "The rule of law did indeed remain as a system of procedural rules that applied to public law. But it was altogether abolished (and never reinstated) as a system of rules that could curtail, at any point, the unlimited power of the state over the individual. This law had to be such as never to break the principle according to which citizens were treated as property of the state. In matters of utmost importance totalitarian law has to be vague and ambiguous, so that its actual application will depend on the arbitrary, shifting decisions of the executive and each citizen may at any moment be pronounced a criminal . . . Law, as an instrument of mediation between the state and the people, was abolished to be transformed into a flexible tool solely at the service of the state".
Kolakowski, Leszek, "Politics and the Devil", *Politics and the Devil and Other Essays* (Sofia, Bulgaria: Panorama, 1994), pp.250–251.
2. The Coordinating Committee for Multilateral Export Controls (COCOM) was founded by NATO in 1949 to maintain export controls on arms and dual-use technologies in Warsaw Pact countries.

References

- Kolakowski, Leszek, "Politics and the Devil", *Politics and the Devil and Other Essays*, Sofia, Bulgaria: Panorama, 1994.
- Williams, Kiernan and Dennis Deletant, *Security Intelligence Services in New Democracies: The Czech Republic, Slovakia and Romania* (London: Palgrave Macmillan, 2001), p. 20.

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