1. THE SECURITY SECTOR AND ORGANIZED CRIME IN POST-COMMUNIST STATES

1.1. 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.[2] 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. Institutionalized 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

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[2] This study does not aim to analyze the risks of symbiosis between organized crime and Ministry of Defense officials. Such a focus would require a separate investigation.

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. 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.[3]

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.[4] 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)[5] 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.

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[3] "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.

[4] *Ibid.*, p. 252.

[5] 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.

The "culture of cynicism"[6] 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 information 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.

1.2. THE SECURITY SECTOR IN THE TRANSITION PERIOD

After the collapse of communism, the security sector had to radically refocus its functions, objectives and tasks. At that time, security services primarily protected the party-state's power and the interests of the nearly irremovable incumbents. Their function was essentially political, thus the high status of the political police.

Liberal democracy on the other hand, assigns to the security sector the task of safeguarding the security, rights and interests of citizens. The security sector (which underwent changes after the Cold War even in developed democracies) is a separate democratic institution that should, in its own right, stand for the modern principles of government and the values of democracy. So, security sector reform (SSR) should principally aim at transparency, efficiency and effectiveness.[7] That is, this zone of confidential issues and state secrets should be no exception to principles of good government.[8] In addition, the sector's new function had to be defined in light of the security threats to Bulgaria and its citizens during the transition, as well as the state's international security commitments.

First of all, security services and the related institutions had to eliminate excessive secrecy, gain full legitimacy, and become integrated into public democratic institutions. This involved a redefinition of the sector's position in the new hierarchy of power.

During the 1990s, in most East European countries, the politicians reached a consensus as to the functions of the security sector. The basic priorities were to:

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[6] Kiernan Williams and Dennis Deletant, *Security Intelligence Services in New Democracies: The Czech Republic, Slovakia and Romania.* (London: Palgrave Macmillan, 2001), p. 20.

[7] Alex Morrison, President, the Pearson Peacekeeping Center, Opening Statement to the *Security Sector Reform Conference*, Cornwallis, Nova Scotia, Canada, 29.11-01.12.2002.

[8] *Ibid.*

- depoliticize the security sector through partial or thorough lustration.

- abolish the political police and focus on anti-crime efforts within the country and worldwide.

- dissociate the security sector from Soviet and Russian security services and maintain regular professional relations with counterpart services in democratic states.

- guarantee the legitimacy of security forces by adopting primary and secondary legislation regulating their activity and their re-integration into the public system of government.

- achieve transparency and accountability through democratic control and oversight on the part of the legislature, the judiciary and civil society and eliminate unnecessary secrecy.

- integrate the security sector into the NATO and EU security systems.

The Transformation of Securitate

After Romania's secret police Securitate was dismantled, nine new services were set up, the foremost of them being:

- the Romanian Intelligence Service (SRI), the most important among the newly established Romanian intelligence services. It is staffed with employees of the former Domestic Security Directorate. SRI's major task is to collect the information necessary to prevent and counter actions which might constitute threats to the national security of Romania. Its competencies include anti-terrorist protection, in which this service joins forces with the Service for Protection and Guard. The total number of officers at the SRI is between 10,000 and 12,000.

- the Service for Protection and Guard (SPP). This is the transformed Fourth Directorate (the former guards of Nikolae Chaushesku). At present, the service is responsible for the safety of the Romanian president and party leaders as well as of foreign dignitaries during their stays in Romania. It has recruited its personnel of 1,500 officers mainly from the army. Its three areas of activity are: the protection of official buildings and residences, VIP safety, and general surveillance.

- the Foreign Intelligence Service (SIE). After its establishment in 1990, it took over the functions of the CIE (the Securitate Department for Foreign Intelligence).

- the Investigation and Security Service with the Ministry of Interior (UM 0215). This was built upon the Bucharest branch of the Securitate. It recreated certain Securitate practices including collecting information about Romanian nationals abroad, about the staff of foreign companies operating in Romania and about foreign nationals residing in the country. UM 0215 made observations on politicians, journalists and trade union leaders and was obliged to contribute relevant data to the SRI information system. In March 1994 a department for surveillance and reconnaissance was set up at the ministry to focus on trans-border crime and to contain the influence of UM 0215. In May 1998, prodded by media and foreign consultants, the service was reformed due to growing concerns of lax parliamentary control over it. Its staff was reduced from 1440 to 150 people, but the service continued to function, albeit under a new name—the General Department of Intelligence and Internal Protection. The "reformed" department implemented internal anti-corruption measures and gathered intelligence on external threats targeting the Ministry of Interior.

Source: Kiernan Williams and Dennis Deletant, ibid., pp. 218-219.

Depoliticization of the security sector was one of the primary goals for all Eastern European states in the post-communist period. Depoliticization consisted of four basic stages:

1. Implementation of a law specifically prohibiting political party membership for security officers.

2. Lustration, or dismissal from high- or medium-rank positions of persons who have participated in communist governance.

3. Cutbacks in the network of the political-police's intelligence agents and dissolution of the politically-motivated informer network.

4. Withdrawal of political functions from the security sector and resignation from political party membership of its staff.

The first task was easily accomplished. The political police force, which was the embodiment of communist abuse of secret services, was dismantled. Lustration of communist staff members was fully accomplished at the highest level, but in some countries in Southeast Europe, such resignations did not reach medium government levels. All of the states, however, managed to replace most security personnel, which opened the door for modernization of the security forces. This was also a step forward in changing the intelligence and police structures and the type of activities they performed.

The accomplishment of lustrations in Southeast Europe contrasts with the lack of such steps in states of the former Soviet Union. Louise Shelley points to the lack of lustration as one of the main factors that allows the political-criminal nexus to endure in states like Russia and Ukraine.[9]

This report will track the interrelation between post-communist security sector transformation and the expansion of organized crime in Bulgaria. In particular, it will aim to prove that incomplete security sector reform poses the danger of the continuation of a partnership between the security sector and organized crime that began at the start of the transitions to democracy. This study will argue that delaying the adoption of good governance principles and the lack of proper evaluation and control over such an important government sector unleash corruption among individual officials (or even whole units) who then substitute public benefit concerns with private or group interests. The concluding chapter of this report offers recommendations to stepping up reforms, which take into consideration the security threats to both the post-communist security sectors themselves and the security of reforming Eastern European societies in general.

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[9] Shelley, Louise, "Russia and Ukraine: Transition or Tragedy?", in *Menace to Society: Political-Criminal Collaboration Around the World*, ed. Roy Godson, New Brunswick, USA and London (UK) Transaction Publishers, 2003.

The communist heritage remains present in modern-day multi-party democracies, as is evident in the continuing practice of manipulation of official information and in the abundant smear campaigns commonly seen in the media and intended to misinform the public. Corrupt security sector employees often abuse their unrestricted access to classified information, thus placing intelligence apparatus at the center of informal political networks. The risk that any falsified information may become official is also a continued threat.

1.3. THE SECURITY SECTOR AND THE CONFLICTS IN THE WESTERN BALKANS

Questionable relationships between the security sector and the major players in trans-border crime have also taken on new dimensions (to be presented in Chapter 2 of this report). In the 1990s, Southeast Europe became a firm link in international trafficking of drugs, people and arms, while the Balkan route became synonymous with the idea of the import of crime into Western Europe. In addition to the heightened traffic from Asia—prompted by liberalized border-crossing procedures all over the Balkans—the international embargo of Yugoslavia also led to a boom in illegal smuggling of fuel, food and other commodities. The involvement of security sector officers from adjacent countries in large-scale contraband was the main factor in the emergence of corruption networks that sustained stable smuggling channels.

The symbiosis between the security sector and organized crime in the Western Balkans became particularly alarming after the armed conflicts following the unraveling of Marshal Tito's federation and the formation of independent post-Yugoslav states. The very origin of the security sector in these new states was criminal. Arms smuggling, having been facilitated by the security services, officers and army units in the former republics, had been regarded as a patriotic activity bringing benefit to society during national independence wars. The armed conflicts and the embargo regime also made Albania an integral part of the trafficking and smuggling schemes in which its secret services, notably the *Sigurimi*, were thoroughly enmeshed.

In Yugoslavia (now Serbia and Montenegro), Milosevic utilized precisely that symbiosis to build his one-man regime. He also portrayed the state-run contraband operation as a genuine patriotic effort for national survival under an embargo regime. The assassination of democratically-elected Prime Minister Djindjić by mob leaders who were former members of elite security units was an act that further verified the link between organized crime and the security services in the emerging post-Yugoslav state.

In spite of all of the peculiar circumstances of each state in the Western Balkans, the pattern of communist security sector reform is quite uniform. Reform measures will gain clarity and focus as fledgling states resume normal relations and stability is established in the region. Such improvements will facilitate cooperation in combating trans-border crime between national security bodies in the separate countries.