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THESIS

**INTELLIGENCE REFORM IN ALBANIA: ITS RELATION
TO DEMOCRATIZATION AND INTEGRATION INTO
THE EU AND NATO**

by

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March 2008

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DEMOCRATIZATION AND INTEGRATION IN EU AND NATO**

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ABSTRACT

This thesis will focus on analyzing the challenges of the Albanian intelligence services during the implementation of the Security Sector Reform. What is the progress made in addressing these challenges and what are the problems still remaining? Which are the challenges that these services should face during the second phase, the consolidation of the SSR reform in the process of integration in EU and NATO?

Albania as a new democratic society should not wait for better conditions to vigorously consolidate the reform of the intelligence services and the system for controlling, directing and coordinating these services. The intelligence structure reform would reflect NATOs and EUs norms, the western standards of transparency and accountability in a modern democracy, but also the efforts of the intelligence and security domain for combating new threats. The reform will improve the mechanisms of accountability and control, as well as legislative and judicial oversight over intelligence and security services working under the rule of law, and accelerate the process of integration in NATO and EU. In this difficult work and without a clear scheme as how to do it, the experience of the other states that have achieved this objective is useful.

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LIST OF ABBREVIATIONS

CEEC	Central East European Countries
CMR	Civil-Military Relation
CSAT	National Supreme Defense Council
DCAF	Geneva Center for the Democratic Control of Armed Forces
DGIA	Defense General Informative Agency
DIE	Department of the External Information
DGIPI	General Directorate for Internal Protection
DSS	Department of the State Security
EU	European Union
HNSC	High National Security College
HUMINT	Human Intelligence
IMINT	Imagery Intelligence
MAP	Membership Action Plan
MASINT	Measurement and Signature Intelligence
MIS	Military Intelligence Service
NATO	North Atlantic Treaty Organization
NIA	National Intelligence Academy
NSC	National Security Council
NIS	National Intelligence Service s
ORNISS	National Registry Office for Classified Information
OSINT	Open Source Intelligence
OSSH	Organs of the State Security
OSSH	Organet e Sigurimit te Shtetit
PfP	Partnership for Peace
SAS	Stabilization Association Agreement
SHIK	Sherbimi Informative Kombetar
SHISH	Sherbimi Informative Shteteror

SHIU	Sherbimi Informative Ushtarak
SIE	Foreign Intelligence Service
SIGNIT	Signal Intelligence
SIS	State Intelligence Service
SIS	Secret Informative Service
SPP	Service for Protection and Guard
SRI	Romania Intelligence Service
SSR	Security Sector Reform
STS	Special Telecommunication Service
UE	European Union
UN	United Nations
USA	United States of America

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I. INTRODUCTION

A. PURPOSE

After more than seventeen years since the fall of the Soviet Union, it is obvious that different Eastern European countries have moved in a number of directions. Unlike the other Central and East European countries (CEECs) that now are part of the European Union (EU) and North Atlantic Treaty Organization (NATO), the Western Balkans countries, Albania in particular, have not yet reached the same objectives. The path to democracy and integration has turned out to be more complicated than expected. At times, it appeared as though Albanians had overcome many difficulties and were progressively building new a democratic state and democratic institutions. Soon after that, however, everything seemed to collapse into armed conflict, terrorist threats, organized crime, corruption which were the new challenges to national security. The main objective of this thesis is to address two questions: first, what are the challenges facing the intelligence services in their process of adhering to democratic standards; and, second, how can the transformation into more democratic, professional and effective services improve the performance of their mission and duties while accelerating the process of Albania's integration into NATO and the EU.

B. IMPORTANCE

Since the fall of the Berlin Wall in 1989 and the end of the Cold War, the main challenges facing Eastern and Central Europe, as well as US and European policies toward these areas, have been achieving peace and stability, building democracy, accomplishing economic and institutional reform, accelerating growth and

modernization, and the integration of these countries into the EU and NATO.¹ For most of the CEECs, the need to satisfy the challenging conditions to earn membership into the European Community and NATO has acted as an “anchor” of democratization and other reforms.² The prospect of EU accession influenced virtually every aspect of post-Communist change in the candidate countries. Intelligence reform is one of the many issues faced by the former communist countries of East Europe. New threats such as terrorism and proliferation of weapons of mass destruction, as well as traditional threats like corruption and strategic crime,³ have emerged as the top priorities to be addressed on the intelligence capabilities of the newly democratic governments. The case of Albania, as one of the newest democracies, coming to terms with the old regime and its authoritarian institutions makes intelligence reform that much more difficult.

Albania holds a special place in the history of relationships between NATO and former-Eastern Bloc nations; in December 1992 it became the first ex-Communist country to publicly announce its desire to join the Alliance. In beginning of 1994, Albania endorsed the Partnership for Peace (PfP) concept and became one of the first countries to sign the PfP document with the implementation of the Membership Action Plan (MAP).⁴ In a similar vein, on June 12, 2006 Albania signed the Stabilization and

¹ See the Stability Pact for Southeastern Europe which was adopted in Cologne on 10 June 1999. In the founding document, more than 40 partner countries and organizations undertook to strengthen the countries of Southeastern Europe "in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region". Euro-Atlantic integration was promised to all the countries in the region. At a summit meeting in Sarajevo on 30 July 1999, the Pact was reaffirmed. The Stability Pact Partners are the SEE countries: Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Romania and Serbia and Montenegro; the European Union Member States and the European Commission, non EU-members of the G8: USA, Canada, Japan and Russia; other countries such as the Czech Republic, Hungary, Norway, Poland, Slovakia, Slovenia, Switzerland, and Turkey; International organizations such as UN, OSCE, Council of Europe, UNHCR, NATO, OECD; International financial institutions such as World Bank, International Monetary Fund (IMF), European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), Council of Europe Development Bank (CEB); Regional initiatives such as Black Sea Economic Cooperation (BSEC), Central European Initiative (CEI), Southeast European Cooperative Initiative (SECI) and Southeast Europe Cooperation Process (SEECF).

² Balkans: Region Awaits Clear Signal From EU, NATO. RadioFreeEurope, Prague, May 29, 2006. 1999 [article online]; available from <http://www.rferl.org/featuresarticle/2006/05/543497d3-0690-4937-a6fb-06379f12f9ba.html> (accessed March 9, 2008).

³ Defined here as ‘transnational organized crime related to human, drugs, or arms trafficking.’

⁴ NATO, “Membership Action Plan (MAP),” NATO Press Release NAC-S(99)66, April 24, 1999 [article online]; available from <http://www.fas.org/man/nato/natodocs/>; Internet; accessed August 10, 2007.

Association Agreement (SAA) with the EU.⁵ As such, these milestones represent an important step for Albania on the path toward membership in the EU and NATO, and toward democracy in general. But, at the same time, they represent an ongoing obligation for Albania to commit itself into continuing its efforts of strengthening its democratic society, where some of the major projects and challenges it faces are those related to matters of national security and its Intelligence Services, to include providing useful intelligence for fighting organized crime, corruption, terrorism, and the implementation of international obligations in these areas.

Albanians and their political representatives are working to consolidate their democracy, reforming and restructuring social structures and creating new intelligence services with a revised role and mission to both protect and foster democratic society. New political realities have brought about a profound psychological transformation in intelligence thinking. This, in turn, has led directly to a complete revision of the professional perceptions of new allies, new enemies, new threats, and new priorities. However, the post-9/11 security environment and the process of integration in European and Euro-Atlantic institutions proved that further steps should be taken, and that the performance and the reform of the intelligence services should be focused on the challenges that Albania, as a new democratic society, should have at its forefront.⁶ Despite the good results that the intelligence services have achieved in the war against terrorism, combating extremism, and fighting organized crime, it is apparent that this transformation process is not yet complete.⁷

The issues facing the Albanian Intelligence Services are best summarized in the recommendations made by the Political Affairs Committee of the Parliamentary Assembly of European Council on June 2, 2005. The Committee highly recommended

⁵ See Stabilizations and Association Agreement (SAA) between the European Community (EC) and Albania available from <http://mie.gov.al/skedaret/1159172212-SAA%20Final%20EN.pdf>; Internet; accessed August 13, 2007.

⁶ For more see "NATO's Intelligence Concerns," *Jane's Intelligence Digest*, September 5, 2003 [journal online]; available from <http://jid.janes.com/>; Internet; accessed June 13, 2007.

⁷ See "The Balkans: Security and Foreign Forces, Albania," *Jane's Sentinel Security Assessment*, June 13, 2007 [journal online]; available from <http://jmsa.janes.com.libproxy.nps.edu/JDIC/JMSA/search/quickSearchResults.do?searchTerm>; Internet; accessed December 12, 2007.

continuing the process of reform in the intelligence and security services for new member states to fulfill these following standards: (a) the functioning of these services must be based on clear and appropriate legislation; (b) each parliament should have an appropriately functioning committee. Supervision of the intelligence services' "remits" and budgets is a minimum prerequisite; (c) conditions for the use of exceptional measures by these services must be laid down in law with precise time limits; (d) under no circumstances should the intelligence services be politicized as they must be able to report to policy makers in an objective, impartial, and professional manner. Further, any restrictions imposed on the civil and political rights of security personnel must be prescribed by the law; and, (e) parliament must be kept regularly informed about general intelligence policy.⁸

C. LITERATURE REVIEW

The end of the Cold War and the new threats that are facing today's democratic societies indicate that intelligence is a necessity for modern governments, and that intelligence services are essential in order for any state to protect its values and interests. They play a crucial role in providing necessary information and analysis relevant to the security of a nation and its society, as well as helping to safeguard the national interest. For this reason, intelligence and intelligence services have an indispensable role in democratic societies.⁹

As crucial as they are for a nation, intelligence services are also considered a potential threat to both democracy and democratic society. First, knowing that they provide substantial information to those in power means that those who hold this information are powerful;¹⁰ and second, to be effective, most intelligence activities are

⁸ See Parliamentary Assembly of European Council, "[Democratic Oversight of the Security Sector in Member States](http://assembly.coe.int/Documents/AdoptedText/TA05/EREC1713.htm)," Recommendation 1713 of the Parliamentary Assembly of European Council [article online]; available from <http://assembly.coe.int/Documents/AdoptedText/TA05/EREC1713.htm>; Internet; accessed December 11, 2007.

⁹ Theodor H. Winkler and Leif Mevik, "Foreword," in *Who's Watching the Spies?* ed. Hans Born, Loch K. Johnson and Jan Leigh (Washington D.C.: Potomac Books, 2005), ix.

¹⁰ Robert Jervis, "Intelligence, Civil-Intelligence Relations, and Democracy" in *Reforming Intelligence : Obstacles to Democratic Control and Effectiveness*, ed. Thomas C. Bruneau and Steven C. Boraz (Austin: University of Texas Press, 2007), vii.

developed discreetly and in secret, potentially in opposition to the democratic principles of accountability and transparency. This is less of a problem in established democracies than establishing democracies. Because of that, the new democracies are in the process of rebuking the worst experiences garnered from past regimes, and are creating new regimes, based on the best practices of more established democratic societies.¹¹ Successful consolidation of the democratic process, particularly in new democratic countries, former Communist nations, or ex-totalitarian regimes necessitates civilian control over the military: this is one of four necessary processes of democratization of the state in new democracies.¹²

Civil-military relations (CMR), as one school of thought, emphasizes the role of civil democratic control over the military and intelligence services. This is defined as a subset of the civilian-military relations, and is one of the most problematic; particularly in new democracies when one considers the importance of the intelligence communities in these countries.¹³ The second school of thought is called Security Sector Reform (SSR). It stems from the field of civil-military relations (CMR), particularly in relation to developments in Central and Eastern Europe where post-Communist circumstances have led many analysts to think more holistically about key aspects of CMR.¹⁴

The Civil–Military Relationship,¹⁵and Security Sector Reforms,¹⁶ seem to have included in their studies the relationships between intelligence, the state, and civil society

¹¹ Thomas C. Bruneau, “Reforming Intelligence: the Challenge of Control in New Democracy,” in *Who Guards the Guardians and How*, ed. Thomas C. Bruneau and Scott D. Tollefson (Austin: University of Texas Press, 2006), 145.

¹² Philippe C. Schmitter, “The Consolidation of Political Democracies: Processes, Rhythms, Sequences and Types,” in *Transitions to Democracy*, ed. Geoffrey Pridham (Aldershot: Dartmouth, 1995), 562.

¹³ Alfred Stepan, “Rethinking Military Politics: Brazil and the Southern Cone,” in *The Brazilian Intelligence System in Comparative Perspective*, ed. Alfred Stepan (NJ: Princeton University Press, 1988), 13-29.

¹⁴ Timothy Edmunds, “Security sector reform: Concepts and implementation,” in *Towards Security Sector Reform in Post Cold War Europe: A Framework for Assessment*, ed. Wilhelm N. Germann and Timothy Edmunds [book online] (DCAF/BICC, 2003); available from <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=20278&nav1=4>; Internet; cited December 14, 2007.

¹⁵ Jervis, vii.

¹⁶ Greg Hannah, Kevin A. O’Brien, and Andrew Rathmell “Intelligence and Security Legislation for Security Sector Reform,” [RAND: Technical Report](http://www.rand.org/pubs/technical_reports/2005/RAND_TR288.pdf) [article online] available from http://www.rand.org/pubs/technical_reports/2005/RAND_TR288.pdf; Internet; accessed December 14, 2007.

as part of the democratic process of those societies: to have the intelligence services under civilian control as well as to ensure their effectiveness and efficiency. These are fundamental considerations for established democracies, and are even more essential for new democracies navigating the difficult path to consolidating their democracy.

Both schools of thought are focused on the process of ensuring civilian control of the intelligence services, to ensure adequate oversight of the intelligence community with a view to maintaining roles and operations consistent with the mandate of the elected government. The necessity for exercising oversight and civilian control of the intelligence apparatus in the post dictatorial and totalitarian regimes comes from the requirement of a democratic society to ensure that the intelligence services do not influence or interfere in political competition.¹⁷ The two schools share the common theme that in order to have a consolidated democratic society, civilian authority must give the intelligence services a clear role and mission, and provide a budget and professional staff of intelligence operators in order to fulfill their assigned tasks. This must be balanced with the fact that intelligence agencies will focus on the duties assigned to them by their political leaders in the interest of their nation.¹⁸ Gathering intelligence on new threats and in new environments serves to prevent acts of political violence from occurring, and assist political leaders in responding to acts of violence when they do occur, as well as positively influencing international security.

CMR and SSR both maintain that one of the most important issues facing the intelligence services in countries transitioning to democracy are legacies from the former intelligence services. These legacies are a significant obstacle for the new democratic society because the role that the previous services played during the totalitarian or dictatorial period, as political police who routinely abused human rights and evoked fear throughout a population, could undermine the relationship between the intelligence

¹⁷ Marina Caparini, "Controlling and Overseeing Intelligence Services in Democratic States," in *Democratic Control of the Intelligence Services: Containing Rogue Elephants*, ed. Hans Born and Marina Caparini (Aldershot, England; Burlington, VT: Ashgate, 2007), 3-4.

¹⁸ Steven C. Boraz, "Executive Privilege: Intelligence Oversight in the United State," in *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, ed. Thomas C. Bruneau and Steven C. Boraz (Austin: University of Texas Press, 2007), 29-34.

community and a fledgling democracy.¹⁹ Similarly, both schools see the professionalism of the intelligence services as fundamental for them to be able to fulfill the needs of the civilian state government in an effective and efficient manner while being consistent with the democratic system.²⁰

The SSR given that is a key element in any process of post-authoritarian or post-conflict transition, has emerged in Central and Eastern Europe, but particularly in Western Balkans remains an important factor for these countries wanting to join the EU and NATO.²¹ In this context the EU and NATO also play a central role, and the prospect of future membership in these two organizations has become one of the main incentives for the reform in the security sector, the intelligence services in particular.²²

Moreover, the SSR is a process that in post-authoritarian societies comprises two phases. In the first phase the SSR is more interested in establishing new institutions, structures, and legislation for democratic control and depoliticizing the intelligence services as part of the security sector.²³ In the second phase the SSR is more concerned with the consolidation of achievements of the democratic procedures of oversight and transparency, more so than the way that intelligence institutions implement policy and improvements in effectiveness and efficiency.²⁴

¹⁹ Andrzej Zybortowicz, "Transformation of the Polish Secret Service: from Authoritarian to Informal Power Networks" in *Democratic Control of the Intelligence Services: Containing Rouge Elephants*, ed. Hans Born and Marina Caparini (Aldershot, England; Burlington, VT: Ashgate, 2007), 65-82.

²⁰ Greg Hannah, Kevin A. O'Brien, and Andrew Rathmell.

²¹ Philipp Fluri, "Preface," in *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and Its Reform*, ed. Hans Born, Philipp H. Fluri, and Simon Lunn see http://www.dcaf.ch/docs/dcaf_doc4.pdf (accessed December 20, 2007)

²² Owen Greene, "International Standards and Obligations: Norms and Criteria for DCAF in EU, OSCE, and OECD areas" in *Towards Security Sector Reform in Post Cold War Europe: A Framework for Assessment*, ed. Wilhelm N. Germann and Timothy Edmunds [book online] (DCAF / BICC, 2003). Available from <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=20278&nav1=4>; Internet; cited December 14, 2007.

²³ European Commission for Democracy Through Law (Venice Commission), "Report on the Democratic Oversight of the Security Service," Study No. 388/2006 (Strasbourg, 11 June 2007) [article online]; available from [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)016-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)016-e.asp); Internet; accessed December 21, 2007.

²⁴ Edmunds.

The thesis will focus on analyzing the challenges facing the Albanian intelligence services during the first phase of the implementation of the SSR reform. Specifically, it will address what progress has been made in addressing these challenges, and what problems still remain. Further, it will consider which challenges these services should address during the second phase of the consolidation of the SSR reform in the process of integration in EU and NATO. Finally, what are the lessons learned from similar cases that may be applied in Albania.

D. METHODOLOGY AND SOURCES

This thesis utilizes the case study method to show some of the methods used to reform the intelligence and security services and to integrate countries into the EU and NATO, as well as to identify lessons learned and best practices.²⁵ Some of the practices will tell us the problems and difficulties that other countries have passed, but also will teach us to use their best experiences and achievements and avoid their “mistakes” or “wrong ways”. The thesis employs a controlled comparison of the Romanian experience, a country with rather similar political, social, and cultural make-up. Romania and Albania share common geographical and historical backgrounds and face similar new internal and external threats; thus, Romania is an appropriate model of a nation in which reform policies in the intelligence and security sector have resulted in significant improvements.

This study will be conducted using secondary sources comprised, in large part, of studies made by specialized institutions such as the Geneva Center for the Democratic Control of Armed Forces (DCAF), Woodrow Wilson International Center for Scholars, EU Enlargement Commission, US Department of State, and the United States Institute for Peace. Additionally, reports from International Commission on the Balkans, International Crisis Group (ICG), and the Institute for Security Studies will be relied upon.

²⁵ Thomas C. Bruneau and Steven C. Boraz, “Intelligence Reform: Balancing Democracy and Effectiveness,” in *Reforming Intelligence*, ed. Thomas C. Bruneau and Steven C. Boraz, (Austin: University of Texas Press, 2006), 21.

E. THESIS ORGANIZATION

The entire study is divided into five chapters, commencing with this introduction as Chapter I. The second chapter offers a historical and political background of the intelligence services of Albania, and discusses the intelligence services' role as a political and military organization in support of a dictatorial regime. Chapter III examines the current process of the transformation of the intelligence services, their problems, legal frameworks, civil oversight and control, as well as the political initiative to fulfill NATO and European Union policies as part of the Civil-Military Relations and Security Sector Reforms in intelligence services. This chapter also presents discussion on the negative impact associated with the legacy from former-Communist structures that have hindered the reform of the intelligence services and the detrimental effects of the reform with regard to the consolidation of new democratic institutions. Chapter IV is dedicated to examining the experience of the Romanian intelligence services, including the processes they undertook to realize transformation of their intelligence services and attain democratic standards. The last chapter will provide conclusions and recommendations to improve the reform in the Albanian intelligence services, which should assist with the integration of the country into Euro-Atlantic institutions and the European Union.

F. DEFINITION

In order to better understand several concepts used in this thesis, it is necessary to define them. Specifically, what is intelligence? What is the aim of the state in building intelligence services? What are the functions of intelligence? What does the control over the intelligence services mean, and who are the main actors exercising that control?

Intelligence is a broad concept with three meanings:

First, Intelligence is a process by which specific types of the information important to national security are requested, collected, analyzed, and disseminated to the policy maker, and as the way in which certain types of the covert are convinced and conduced. Second, Intelligence is a product; it can be thought of as the product of processes like the analyses and

intelligence operations themselves. Third, Intelligence is an organization; it can be thought of as the units that carry out its various the functions.²⁶

This study is focused on the third meaning of the intelligence, as an institution of the state. A state builds intelligence organizations for two main purposes: first, to provide policy makers with required information and reliable analysis relating to internal and external state security, national defense, and foreign relations; and second, to support military operations or police forces with adequate information for the purpose of national security.²⁷ To accomplish these tasks intelligence organizations conduct four activities: collection, analysis, counter-intelligence and covert operations.

Collection is the process of producing information to fulfill the needs of policy makers as well as military or police forces. To serve this purpose the intelligence organizations build their sources for collection as: human intelligence(HUMINT), signals intelligence (SIGNIT), imagery intelligence (IMINT), measurement and signature intelligence (MASINT), open - source intelligence (OSINT).²⁸ Analysis is not merely reorganizing data and information and creating a better organized product. First, analysis should fully describe the phenomenon under study. Second, at the next higher level of analysis, a thorough explanation of the phenomenon is obtained by interpreting the significance and effects of its constituent elements upon the whole. Ideally, analysis can reach successfully beyond the descriptive and explanatory levels and up to synthesis and effective persuasion, often referred to as estimation. The purpose of intelligence analysis is to reveal to decision makers or military commanders the underlying significance of selected target information.²⁹

Counterintelligence and security intelligence have the purpose of protecting the state and its secrets through the acquisition of information or knowledge of activities from hostile states and their intelligence services. These activities involve techniques

²⁶ Mark M. Lowenthal, *Intelligence: From Secret to Policy* (Washington DC: Congressional Quarterly Press, 2003), 9.

²⁷ Thomas C. Bruneau and Steven C. Boraz, 6-7.

²⁸ Michael Herman, *Intelligence Power in Peace and War* (Cambridge & New York: Cambridge University Press, 1996), 61-81.

²⁹ *Ibid.*, 100-112.

such as espionage against foreign intelligence services, debriefing of defectors, analysis of the methods of hostile operations, penetration and disruption of these hostile services and their activities.³⁰ Likewise, activities are undertaken to protect a nation and its interests from espionage, sabotage, foreign influence activities, political violence and subversion.³¹ Interestingly, in opposition to the mission and role of the counterintelligence and security activities in a democratic society, in totalitarian or authoritarian regimes the role and mission of counterintelligence and security services is to protect the regime and to threaten opponents of the regime, and, more broadly, the citizens of the nation.³²

Covert action can be defined as any operation or activity designed to influence foreign governments in support of the sponsoring government's foreign policy objectives while keeping the sponsoring government's role in the operation a secret. Covert operations include many types of activities across a range of violence and degree of plausible deniability. The lowest level is propaganda against another country in support of individuals or groups friendly to one side while undermining one's opposition. Second, it is a political activity against the target country with an objective to intervene in its political process by funding or providing other support to government leaders, political parties, unions, or the opposition. Political activity is an escalation above the use of propaganda, but both can be employed simultaneously. Third are economic activities against hostile governments. The fourth level is the overthrowing of governments by *coup d'état*. The highest level is the conduct of paramilitary operations which is the most violent type of covert operation and includes military operations and direct assault against an enemy.³³

'Control' of the intelligence services in democratic society means direction and supervision. With direction it is important to note that the responsibility for the

³⁰ Abraham N. Shulsky, *Silent Warfare: Understanding the World of Intelligence* (Washington, D.C: Consortium for the Study of Intelligence, 1993), 111.

³¹ Peter Gill, *Policing Politics: Security Intelligence and the Liberal Democratic State* (New York: Fran Cass, 1994), 6-7.

³² Caparini, 6-7.

³³ Lowenthal, 157-173.

intelligence services rests with civilians. Likewise, it is the responsibility of democratic governments to supervise all the aspects of the intelligence services from their organization, budget, and personnel, to their legislative structure. The institutions that have been created to control the intelligence system in democratic societies are nested within legislative bodies, executive branches and internal controls, judicial systems, and public scrutiny.³⁴

³⁴ Boraz, 27.

II. HISTORICAL BACKGROUND OF THE ALBANIAN INTELLIGENCE SERVICES

A. ALBANIA'S NASCENT SECURITY SERVICES

Situated on the European Continent surrounded by powerful, warring empires, Albania has witnessed considerable conflict and tumult throughout its history at the hands of the Greeks, Romans, Byzantines, and Ottomans. From 8-6 BC Albania was colonized by the Greeks, and after that the Romans occupied the Illyrian in 165 BC. During this period Illyria was reorganized as a Roman territory and divided into the provinces of Dalmatia, which is modern-day Croatia, and Pannonia, the area that incorporates Albania today. After the fall of the Roman Empire, Albania was integrated into the Byzantine Empire which ruled over Albania until the fourteenth-century AD when the Ottoman Turks took control of the entire Byzantine Empire. Albanians, during the mid-fifteenth-century became a symbol of the resistance against the Ottomans and their proselytizing of Islam upon Europe. The Albanian leader Skanderbeg (George Kastriot) halted Ottoman efforts to spread Islam to Albania and Western Europe for more than two decades until he died in 1468. In recognition of his persistent resistance, Pope Pius II conferred upon him the title "*Athleta Christi*" - "Champion of Christ." After Skanderbeg's death the Ottoman occupation of Albania lasted for more than five hundred years until November 28, 1912, when Albania gained its independence from the Ottoman Empire.

By the end of the Second Balkan War in 1913, with Ottoman influence removed from the Balkans, Albania faced a new threat: the possibility of being absorbed by the aggressive foreign policies of one of its neighboring countries, namely Serbia, Greece and Italy. It was under these circumstances and in the interest of national survival that the newly created Albanian provisional government decided to form both the national army and intelligence service.³⁵ The decisions and official records of the interim

³⁵ In the period immediately following the proclamation of the independence of Albania (November 28, 1912) while the Second Balkan War continued, parts of Albanian territory were occupied: by Serbs in the North, Greeks in South East, and the Italians maintained an interest in the city of Vlora.

government of Vlora”³⁶ relating to ‘political, military, and financial issues,’ dated 4 of Shendre 1328 (referring to the old Turkish calendar, corresponding to December 17, 1912 on the Gregorian calendar) states that: “the organization of a secret service for the occupied territories of Albania be done.”³⁷

The first Albanian government assigned the newly established secret service a primary duty of collecting intelligence with a specific focus on the occupied areas.³⁸ The intent of gathering information in the occupied areas was aimed at both liberating and establishing state authority throughout the territory of the new Albanian state; moreover, this appears to have been the fundamental mission of the secret service. We can hereby mention the requests for gathering intelligence on the activity of neighbor countries enemy troops that were striking terror and unrest through murder and robberies in the liberated areas.

By 1925 Albania became a consolidated state under the rule of Ahmed Zogu who, in 1928, declared himself King Zog I -- the first Albanian monarch. During his reign the parliament and his government reorganized the secret service; concomitantly, this service began to be more institutionally shaped and was placed under the Secret Office, administered by the Ministry of Interior Affairs. This lasted till 1939, when the Second World War started and Albania was occupied by the Nazi-fascist forces.³⁹

³⁶ Vlora is the city in South Albania where, on November 28, 1912 the leaders from the different regions of Albania declared the independence.

³⁷ The post-Communist Albanian state recognizes December 17, 1912 as the official date of the establishment of the secret services as determined by a Decision of the Council of Ministers of the Albanian Government, No. 486 (National Archives, July 14, 2006). Fund No.145 (Head of the Temporary Government of Vlora, 1912, Vol. II), 5.

³⁸ Ibid., 6.

³⁹ Stefanaq Pollo and Arben Puto, *The History of Albania from Its Origins to the Present Day* (London and Boston: Routledge and Kegan Paul, 1981), 197-222.

B. INTELLIGENCE SERVICES DURING THE COMMUNIST REGIME

1. Organs of State Security (OSS), a Political Police Force

The Albanian Communist Party, which was the political leadership of the National Liberation Army (NLA)⁴⁰ during the Second World War, actively sought to destroy the infrastructure of the old political system and to create new Communist institutions. One of these institutions, and the perhaps the most faithful, was the secret service. Initially the Communists named it the Secret Informative Service, but later took the name of the Organs of the State Security (OSS). The decision to create a secret service was made during the first conference of the Albanian Communist Party on March 20, 1943 when the senior leaders of the Communist Party announced the creation of the Albanian Secret Informative Service, its structural organization, and priorities and tasks of its activities.⁴¹

Since its establishment, it had become quite evident that the Secret Service would be completely politically driven. Aside from obvious assignments like the collection of intelligence related to the activities of the contemporary Nazi occupiers, the service was targeting and controlling the activities of the Communist Party's political opposition, the so-called 'Fifth Column' aligned with the Nazis. The secret service had also focused on collecting intelligence relating to the activities of foreign missions, most commonly the Anglo-Americans,⁴² as they were considered to be obstacles to the post-conflict aspirations of the Albanian Communist Party: by contrast, the Soviets and Yugoslavians were considered partners and friends by the Communist leadership. All the intelligence collected was sent directly to the Central Committee of the Albanian Communist Party which then will assign to the secret services the duty to keep "the internal and external enemies" under surveillance and close watch or even their physical elimination.

⁴⁰ Apart from the Communist Party, "Legality" and the "National Front" were already established as political parties in Albania during World War II, and each had their own military organizations.

⁴¹ Enver Hoxha, *Always Vigilant: for the Organs of the Interior Affairs, Vol. I* (Tirana: Publishing House 8 Nentori, 1986), 44-48 and 250-256.

⁴² *Ibid.*, 49-50 and 142-143.

a. *The Role, Mission and Structure*

In November 1944 Albania was liberated from the Nazi-fascist regime, only to find itself under a totalitarian communist regime that would last for more than 46 years. Enver Hoxha,⁴³ a xenophobic Communist leader, turned the country into the most isolated place in Europe.⁴⁴ The first mission of the Communist leadership was to consolidate their power and influence, prior to instigating a strategy to attain their far-reaching political ambition.⁴⁵ The Communist leadership focused on organizing and shaping the new structure of the secret service as the main weapon for liquidation of their political opposition.⁴⁶

In 1945, right after the Communist Party took power, the secret service was organized under the People's Defense Division which was staffed by Hoxha's most trusted brother-in-arms. It targeted the Communist Party's political opponents, the so-called 'reactionary elements,' those wealthy individuals labeled "*bourgeois strata*" by the Communists. The division was organized into some regiments of infantry that would be ordered to quell domestic disturbances if posing a threat to the party leadership. The People's Defense Division consisted of the secret service, the State Police, and the Border Guard, all incorporated into the Ministry of Internal Affairs (MIA).⁴⁷

Like other intelligence services of the Eastern Bloc, the Albanian security service had been part of the Communist's intelligence 'family.' The history of the relationship amongst the Albanian OSS better known as "*Sigurimi*" and its foreign counterparts has waxed and waned commensurate with the political relationship of the Albanian Communist regime and its Communist neighbors. As with all Eastern Bloc nations, the Albanian *Sigurimi* was under the influence of the Soviet intelligence services.

⁴³ Enver Hoxha was the leader of the Albanian Communist Party and the dictator of the Albanian Communist regime.

⁴⁴ See Welcome to Freedom House, <http://www.freedomhouse.org/template.cfm?page=1> Internet; accessed March 4, 2008.

⁴⁵ The general elections held on December 2, 1944 instituted the Communist regime in Albania, with Enver Hoxha as its leader.

⁴⁶ Hoxha, 442-446.

⁴⁷ Pollo and Puto, 246.

The Soviets worked closely with OSS leadership from the late 1940's through the early 1960's, significantly influencing both the nature and structure of OSS.⁴⁸ The Soviet Security methodology was applied at large in the Albanian *Sigurimi* even after Albania officially severed relations with the Soviet Union.

The Soviet secret services had developed its background from the *Ochrana*.⁴⁹ In the late eighteenth-century Russia founded the *Ochrana*, a secret police force extant within the Ministry of Internal Affairs to monitor its internal opponents. After the Russian Revolution the *Ochrana* was succeeded by the *Cheka*,⁵⁰ the *Bolshevik* security service, which adopted similar methods as previous services. From its inception the *raison d'être* of the *Cheka* was to target remnants of the Tsarist regime and opposing communist parties such as the Social Revolutionaries and other anti-*Bolshevik* groups. Alternately, the *Bolshevik* state, like other dictatorial regimes, also had opponents abroad. Thus, from *Cheka*, the first secret political service of the after the Russian Revolution to *KGB*⁵¹ the last security agency of the United Soviet Socialist Republic (USSR),⁵² they developed external departments to deal with the neutralization of those political opponents abroad who the regime considered threats. These departments would ultimately become full-fledged foreign intelligence operations. The same system was adopted by the Communist regimes of Central and Eastern Europe.⁵³

Within the Ministry of Interior, *Sigurimi* was a centralized service with three main directories (the first directory was the Counterintelligence Service, the second directory was the Physical Security Service, and the last was the Foreign Service). They were all headed by the Deputy Minister of Internal Affairs. MIA was part of the

⁴⁸ Nicholas Bethell, *Betrayed* (New York: Times Books, 1984), 7.

⁴⁹The *Okhrannoye Otdeleniye* (translated from Russian it literally means "Protection Section") is usually referred to as the *Okhrana* in Western sources.

⁵⁰ In Russian: *Vserossiyskaya Chrezvychajnaya Komissiya*. In English it translates to "The All-Russian Extraordinary Commission for Combating Counter-Revolution and Sabotage."

⁵¹ KGB is the Russian abbreviation for Committee for State Security (Russian: Комитет государственной безопасности,) which was the official name the umbrella organization serving as the Soviet Union's premier security agency, secret police, and intelligence agency, from 1954 to 1991.

⁵² The Soviet Union had a succession of secret police agencies over the course of its existence.

⁵³ Herman, *Intelligence Power in Peace and War*, 19-20.

executive government and had established its presence countrywide, incorporated within the District Stations of Internal Affairs; and, by law it was part of the Armed Forces of the People's Republic of Albania.

The first counter-intelligence directorate was organized with both a national headquarters with different branches, and district headquarters in each of Albania's twenty-six districts. The counter-espionage branch was responsible for neutralizing foreign intelligence operations in Albania, as well as domestic movements and political opposition. The second branch was responsible for monitoring and controlling the activity of foreigners posted to Albania by the foreign diplomatic missions and locals who were in contact with them. The third branch was in charge of monitoring Albanian police, border guards, and prison camps. The Prisons Section was charged with the political re-education of inmates and the evaluation of the degree to which they posed a danger to society. The fourth branch comprised the *Sigurimi* Filing Section and Archives. *Sigurimi* records, files, and statistics were stored and administered by this branch. The fifth dealt with telecommunications censorship. It was involved in an extensive program of monitoring and intercepting private phone conversations and mail. The sixth was Army Counter-intelligence. The seventh branch was in charge of the collection and evaluation of intelligence dealing with crimes against the socialist economy. The eighth branch was the Political Control Section. Its primary function was the monitoring of the political loyalty of the party members. The eighth branch bears responsibility for the purge of many individuals: members of the party, government, and military, under alleged charges of diversion, sabotage, and discrete collaboration with countries labeled hostile to Albania: countries such as Yugoslavia, the Soviet Union, and China, from all of which Albania severed alliances.⁵⁴ More than 170 communist party Politburo and Party Central Committee members were executed as a result of the *Sigurimi*'s set-up cases.⁵⁵

⁵⁴ Raymond E. Zickel and Walter R. Iwaskiw, *Albania: A Country Study* (Washington, DC: Federal Research Division, Library of Congress, 1994).

⁵⁵ Arshi Pipa, *Albanian Stalinism: Ideo-Political Aspects* (Columbia University Press, New York, 1990), 79-80.

The second directorate was in charge of providing protection and security to the Politburo in general and to the dictator and his family. The third directorate, the foreign intelligence directorate, was focused on collecting intelligence from external threats targeting the communist regime which, in most cases, were masterminded by the dissident Albanian Diaspora in foreign countries. Because of this, the Foreign Intelligence Directorate maintained personnel in Albanian embassies under a diplomatic cover and was focused on the activity of elements that lived outside Albania, with a view to maintaining observation and control in order to disrupt plans of attempt to overthrow the extant communist regime in Albania.

Sigurimi as a whole was basically a collection mechanism more so than an analytical mechanism. There was no structured analytical unit in charge of intelligence processing and analysis. In most cases the information sent to customers was both subjective and biased. The main consumer of the information was known to be the Party Central Committee Apparatus, which used intelligence to both strengthen its political power, and as a punitive mechanism against any non-desirable or opposition element.

b. Political Duties and Control

The Albanian Communist regime further accentuated the existence of the OSS as a political weapon of the party. From its first years, the Albanian Communist Party clearly demarcated that it was the party itself that would dictate the type of information that should be gathered, who should be observed, and the policies relating to dealing with political opponents.⁵⁶ Enver Hoxha, head of the Communist Party, was vested with the authority of head of the state as well; resulting in near-absolute authority over all state institutions, including the OSS. The Communist Party mentored the activity of the OSS by politically and ideologically indoctrinating it. The Minister of Internal Affairs, who was the head of the OSS, was also a member of the Political Bureau.

The priorities, objectives, goals, and scope of activity for the *Sigurimi* were determined by the Communist leadership. Although some of the activities of OSS

⁵⁶ Hoxha, 460-462.

were in the interest of the country, the fundamental goal of the organization rested in the protection and preservation of the dictatorship. As such the basic reference for the activity of *Sigurimi* served the OSS Platform,⁵⁷ a fundamental, doctrinaire, procedural manual approved by the Political Bureau of the Central Committee of the Albanian Communist Party. The OSS Platform stipulated that (OSS) targeted all persons who committed ‘crimes’ against the Communist state, a list of which was comprehensively described in the existing Penal Code. The fundamental principle of the functioning of the OSS was that of “class struggle,” a principle that stimulated controversy between two groups, one representing the dictatorship and the other one representing the opponents of the communist regime and its ideology, respectively.⁵⁸

It is evident that the OSS had a predetermined target, based on the aforementioned ideological and political criteria, the so-called “declassed” and “anti-socialist” elements were targeted and grouped into “contingents.” They were segregated from the rest of the population and were subject to constant monitoring and scrutiny of OSS personnel. The OSS was so zealous in the execution of their assigned duties that they would falsely prosecute political opponents for activities and deeds that they had never committed. Intimidation and blackmail were some of the methods the OSS used to force their targets to provide false evidence, even against themselves. Operationally, OSS succeeded in creating a massive network of informants within the “contingents” that, in many cases, ended up targeting and collecting data on each other.⁵⁹

Based on the fact that the OSS was leaded, guided and served to the Communist Party, its employees were simply considered by the Communist Party as political workers. This was the basis for the so-called “political police,” where political affiliation fully prevailed over professional competencies.⁶⁰

⁵⁷See Aleksander Meksi, “Sigurimi I Shtetit dhe Arkivat e Tij,” [article online]; available from <http://www.aleksandermeksi.com/blog/wp-content/uploads/2006/10/sigurimi-i-shtetit-dhe-arkivat-e-tij.pdf>; Internet; accessed January 29, 2008.

⁵⁸Ibid.

⁵⁹Ibid.

⁶⁰ Hoxha, 69-72.

There was no parliamentary control of the *Sigurimi*, but there was control from the Communist Party. The activities of the service were directly monitored by a group of people in the Central Committee of the Albanian Communist Party, which was the highest power-bearing organization of Dictator Enver Hoxha. The Central Committee determined whether OSS had respected the doctrine of the party, dictated the duties it was tasked with, and approved the progression or regression of the careers of the Communist Party's highest executives from the Minister to the vice-chairmen of the regional branches.⁶¹

c. Professionalism

Sigurimi had its own school for training, it was a military school subordinated to the Ministry of Internal Affairs. It provided training for the employees of the three main services of the Ministry of Internal Affairs: political, military and professional. Consequently, the structure of the school was divided into three branches, mirroring the three main functions of the Ministry of Internal Affairs, namely the Security Branch, the Police Force and the Border Guard Branch.

As in all communist education systems, communist ideology was an essential part of the curriculum. In this specific school, the ideology and the subjects of a political nature covered approximately 30 percent of the subject matter, whereas military and professional training were somewhat secondary. Besides the subjects with an ideological focus, the professional and military training topics were also quite politicized; wherein the role of the Communist Party and the dictator were frequently overstated.

The basic foundation for selecting a candidate to attend the school was politically motivated in that not only the candidate, but his entire family, had to go through a strict political vetting process before getting clearance. Second, throughout the school the student remained on probation, meaning that political loyalty was still a

⁶¹ Elez Biberaj, *Albania: A Socialist Maverick* (Boulder: Westview Press, 1990), 53-54.

potential criterion. Loyalty to the regime, the Communist Party and its leader was paramount for the people that served in OSS and remained the main potential criteria in their whole career.

Although it faithfully served the Communist Party, the role of the OSS was underestimated and overshadowed by the Communist leader Hoxha when he stated: “The Organs of the State Security cannot boastfully claim that it succeeded in uncovering the activity of the hostile groups, because at the end, the potential hostile groups were uncovered by the Party, instead.”⁶² This comment was apparently driven by the paranoia and distress of the dictator himself, which caused him to perceive a decline of the Party’s control over the *Sigurimi*. Hoxha accused all ex-security service directors of distorting the policy of the Communist Party in the OSS and accused them of being “agents” of the foreign intelligence services; subsequently he purged them. Hoxha’s actions served two purposes: First, to perpetuate his rule by evoking fear amongst his security officers, and second, to purge all those who were directly responsible for ‘crimes’ against the Communist Party.

After these political eliminations, the Party started to recruit and employ new security officers in the *Sigurimi* structure who were Party members, or, as Hoxha called them, “new communist blood.” These ‘reliable’ people depended upon, and were connected to the closest clan of the dictator: often, after a short period of training they were employed in the most strategic positions of the service -- Intelligence or Counter-Intelligence. But these measures bore negative consequences, in many cases destroying the little professionalism that remained in the service.

2. Military Intelligence Directorate

The Military Intelligence Directorate (MID) was a military and political structure in the Albanian Armed Forces. The Military Intelligence Directorate, like *Sigurimi*, was almost directly subordinated to the senior leadership of the Communist Party. By virtue of the Albanian Constitution, the Armed Forces were under direct command of the

⁶² Hoxha, 613-614.

Communist Party; specifically, they responded to the leader of the communist party who was also the Army Commander-in-Chief. The Minister of People's Defense was normally a member of the Council of Ministers and traditionally assigned as a Deputy Prime Minister and member of the Party Political Bureau. The Minister exercised day-to-day administrative control and, through the Chief-of-the-General Staff, operational control over all elements of the military.

The key MID targets were perceived to be nations of the North Atlantic Treaty Organization (NATO) and the Warsaw Pact, as well as neighboring countries recently withdrawn from the military blocs, such as Yugoslavia. The MID's basis of operations was set forth by the Minister of People's Defense and its activities were placed under the purview of the Defense Council Decisions. The Military Intelligence Directorate's intelligence collection efforts included both human intelligence (HUMINT) and signals intelligence (SIGINT).⁶³HUMINT sources were conceived to be an extended structure of the military's operational and tactical units, military commands, and several information centers, all related to the MID mission. The SIGINT sources to obtain data were radio intercepts (radio relay, teletype, telephoto) with enemies' Armed Forces, and were considered to be first hand information. Both HUMINT and SIGINT were channeled to the Intelligence Directorate, where from it was disseminated to the Commanders of the Armed Forces and field Military Centers.

C. CONCLUSION

During the Communist period, the intelligence services were one of the most important and successful political instruments of the Communist Party, which was used to control the Albanian society. It had served as the mainstay of the Hoxha's regime and provided an effective tool for maintaining power over the entire population. Thousands of "class enemies" were executed, imprisoned, or interned in labor camps. *Sigurimi* played a large role in the efforts that the Communists made to stay in power by violating basic human rights and earning the title of "political police."

⁶³Hoxha, 431-435.

The collapse of the Communist regime and the process of transformation of the intelligence services are associated with the legacy of the secret police. Throughout the post communist transition period constantly the opposing parties have accused the parties in power of using the intelligence service as a political instrument in order to control and evoke fear. While some of the legacy problems still exist, intelligence services reform has resulted in substantial change, but there is still a requirement for further improvement.

III. ALBANIA CASE STUDY: BUILDING NEW INTELLIGENCE INSTITUTIONS

A. INTRODUCTION

The immediate post-Communist period of the Albanian intelligence services represented the legacy of the old Communist service both in mentality and in structures: this was characterized by weak, unclear, and unconsolidated roles, missions and duties that reflected the relatively long lasting transition period of the Albanian state, as well as the weakness of the existing institutions and fragility of the established democracy.

The reorganization of the new intelligence institutions went through two major developmental periods. The first period, covering 1991-1992, was characterized by the efforts for change and amendment to the intelligence community under the legacy of Communist institutions. The second period split into two sub terms; the first term starting in 1992 with the democratic elections that brought the opposition democratic forces into power, until 1997 when Albania was threatened by economic and political crises and the potential collapse of state institutions. The second sub term started in 1998 with the re-structuring of the intelligence community and continues to this day as Albania strives to meet the requisite criteria to join the EU and NATO.

B. DISMANTLING THE OLD STRUCTURE AND ESTABLISHING THE NEW INTELLIGENCE COMMUNITY

The first phase of the reformation of the intelligence community started with the overthrow of the Communist regime in 1991. The period of 1991-1992, was a period of great conciliation in all aspects of life after a half-century of dictatorship. Combining a hatred for their oppressors and the desire for rapid democratic transformation, Albanians were eager to make up for a lack of an inherited democratic experience.

The newly elected inaugural post-Communist pluralist parliament set forth with its primary task to do the democratization of the state institutions, including the intelligence community which still had the legacy of the former OSS *Sigurimi*.

Intelligence reform would be accomplished by creating new intelligence services that would not be affiliated with any political party.⁶⁴ By placing the government in control of the intelligence community the government could be directly informed of both domestic and international threats. The first measure taken was the suspension of the activities of the old intelligence service. Secondly, the intelligence services were separated from the Ministry of Internal Affairs and divided into five smaller intelligence services.

The main service to succeed the former *Sigurimi* was named the Albanian National Intelligence Service⁶⁵ (NIS). The NIS' scope of activity included both foreign intelligence and counterintelligence based on Act Number 7495, dated July 02, 1991 titled "For the Organization of the National Intelligence Service."⁶⁶ The law clearly defined that the NIS was directly subordinated to the government and its main target of activity was to be threats and risks to national security other than political opposition. Further, political party membership of NIS personnel was prohibited by law.⁶⁷

The second service to be created was the Military Intelligence Service (MIS),⁶⁸ which was established in accordance with Law Number 7530, passed on December 11, 1991 titled "For the Organization of the Military Intelligence and Counter-Intelligence Service."⁶⁹ The mission of the MIS was to detect anti-constitutional activities within the Armed Forces, specifically to: "collect intelligence to protect the country from foreign aggression and any other hostile activity conducted in the forms of espionage, sabotage,

⁶⁴See "Dispozitat Kryesore Kushtetuese te Shqiperise" [article online]; available from <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%207491%20Datë%2029-04-1991.htm>; Internet; accessed January 17, 2008.

⁶⁵ In Albanian: Shërbimi Informativ Kombëtar, SHIK.

⁶⁶See Qendra e Botimeve Zyrtare (QBZ) [article online]; available from <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%207495%20Datë%2002-07-1991.htm>; Internet; accessed January 17, 2008.

⁶⁷ See Neni Nr. 3 I "Ligjit per Sherbimin Informativ Kombetar" Article Nr. 3 The law No.7495 date July 2, 1991 "For the Organization of the National Intelligence Service." <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%207495%20Datë%2002-07-1991.htm>; Internet; accessed January 17, 2008.

⁶⁸In Albanian: Shërbimi Informativ Ushtarak, SHIU .

⁶⁹ See Qendra e Botimeve Zyrtare (QBZ) [article online] <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%207773%20Datë%2013-12-1993.htm>; Internet; accessed January 17, 2008.

diversion, political corruption, military provoking incidents to ensure the integrity and independence of the country.”⁷⁰ As in the NIS, political party membership of MIS personnel was prohibited by law as well. The MIS organizational structure consisted of Military Intelligence, Military Counter Intelligence, and a SIGINT battalion. MIS main efforts and goals were approved by the Defence Council, but the organisation and its competences were defined by the Minister of Defence. The Minister of Defence was, by law, the civilian authority in charge of overseeing MIS activity.

The third service was the Counter-Intelligence Service of the Organs of the Public Order,⁷¹ established according to Law Number 7530, passed on December 11, 1991 “For the Organization of the Police Intelligence Service and the Counter-Intelligence Service in Organs of the Public Order.”⁷² The fourth service was the former-Physical Security Service, which was placed under the umbrella of the Republican Guard in charge of providing protection and security to senior state authorities.⁷³ The fifth service was the Prison Intelligence Service,⁷⁴ it had a mission of gathering information on delinquency in prison system and was subordinated to the Ministry of Justice. Note, however, that this service is no longer active.

The government and parliament placed emphasis on the democratic oversight of the activities of the intelligence services,⁷⁵ a new characteristic of the reform that was vested in parliament. A Parliamentary Committee chaired by the opposition party investigated the process of the suspension of the activity of the old security service and its division and transformation in several other services as well as the dismissal from the

⁷⁰ See Qendra e Botimeve Zyrtare (QBZ).

⁷¹ In Albanian: Sherbimi I Kunderzbulimit ne Organet e Rendit Publik.

⁷² The construction of the Military Intelligence Service and Counter-Intelligence Service in the Ministry of the Public Order was put under the same framework of law. See <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%207773%20Datë%2013-12-1993.htm>; Internet; accessed January 17, 2008.

⁷³ See Ligji Nr 7602 date 9 Shtator 1992 “Per Garden e Republikes se Shqiperise” (The Law No 7602 September 9, 1992 “For the Albanian National Life Guard”) [article online]; available from <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%207602%20Datë%2009-09-1992.htm>; Internet; accessed January 17, 2008.

⁷⁴ In Albanian: Sherbimi Informativ per Kampe dhe Burgje.

⁷⁵ See “Dispozitat Kryesore Kushtetuese te Shqiperise”

new services of the ex-representatives of the Communist Party. This problem was supported in the most part from the new generation of employees in the service, as it was a problem that had previously created a contradiction with the other employees who were not members of any political party, introducing the idea of an intelligence service based on a professional career.

Despite all the efforts of the personnel attached to the newly revised intelligence services to change the reputation of the services, less was achieved than desired in attempting to depose the old *modus operandi* and mentality. The NIS, the main heir of *Sigurimi* legacy was not able to completely change its poor reputation and earn the credibility it needed.⁷⁶ The reform process did manage, to a limited extent, to dismantle the structure of the previous service.

C. THE FAILURE OF THE INTELLIGENCE REFORM, 1992-1997

The beginning of the second phase of reformation is marked by the ascension to power of the right wing coalition parties following the general elections held on March 22, 1992. The intelligence community went through further reformation resulting in a number of positive steps, although the concept and the strategy of the reform was not well perceived initially, especially in relation to the National Intelligence Service.

A large scale dismissal of ex-*Sigurimi* members from the NIS, whose membership in the service dropped to 2 percent by the mid-1990s, was considered a positive step. Parliament approved Act Number 8001, dated September 22, 1995 titled “On the Genocide and Crime Against Humanity Committed in Albania During Communist Rule on Political, Ideological and Religious Motives,”⁷⁷ and Act Number 8043, dated November 30, 1995 - “On the Verification of the Moral Character of the Officials and Other Individuals Connected with the Protection of the Democratic State;” these

⁷⁶ See Library of Congress Country Studies Albania “Directory of State Security” [website]; available from [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+al0170\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+al0170)); Internet: accessed December 23, 2007.

⁷⁷ See Qendra e Botimeve Zyrtare (QBZ) [article online]; <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%208001%20Datë%2022-09-1995.htm>; Internet; accessed January 17, 2008.

provisions prevented those who had previously worked for the *Sigurimi* from holding positions in government until the year 2002.⁷⁸ The Albanian intelligence services established relations with foreign liaison services and became more concerned with, and willing to exchange, intelligence relating to regional security.

The changes made in the intelligence community, particularly those in the NIS, did not bring about the anticipated level of progress. The reform was widely misperceived and its effectiveness was reduced, especially with reference to NIS, to a simple replacement of dismissed personnel with new inexperienced employees who, in most cases, had political affiliations. The new director of the service was picked from the membership of the new leading political party.⁷⁹ Similarly the recruitment of mostly members of the political party, who were often incompetent, and the failure to proceed with fundamental reformation required during the 1996-1997 timeframe, had further negative consequences for the NIS. Political manipulation of the NIS and its use in a political context as a mean against the opposition parties was clearly a step backward. During the 1996 hotly disputed general elections (both nationally and internationally), the NIS was actively involved in the election process by shadowing and monitoring the activity of members of the opposition.⁸⁰ Furthermore, during 1997's civil unrest throughout the country, the NIS inspectors were sent to suppress the revolts that followed the crises of the pyramid schemes, next to the police forces.⁸¹ This resulted in the perpetuation of the same poor image of the Communist-era intelligence services; that of a partisan military service, essentially a 'political police force.'

The poor oversight of the activities of the services led to illegal actions going on unchecked. None of the intelligence services were ever seriously scrutinized by the

⁷⁸ See Qendra e Botimeve Zyrtare(QBZ) [article online]; <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%208043%20Datë%2030-11-1995.htm>; Internet; Accessed January 17, 2008.

⁷⁹ Elez Biberaj, *Albania in Transition: The Rocky Road to Democracy* (Boulder: Westview Press, 1999), 152.

⁸⁰ *Ibid.*, 161.

⁸¹ A pyramid scheme is a non-sustainable business model that involves the exchange of money primarily for enrolling other people into the scheme, usually without any product or service being delivered. The massive Albania Pyramid Schemes of 1996 brought the collapse of the Albanian state and led to the almost destruction of all the state institutions.

Parliamentary Committee for Public Order. The NIS acted mostly upon political orientations, rather than the government's need for information serving national security. There was no exact institution or board established to determine the threats and dangers posed to the country or to define information requirements.⁸² From a professional perspective, the service did not succeed in creating an open procedure for the employees it recruited, there was no school where the new recruits could be trained, and there was also a total lack of a career progression process.

Apart from political affiliation and the lack of professionalism that pushed the NIS to illegally participate in violent actions in 1997, the contemporary existing law on the NIS, a law which was appropriate only for the time and purpose for which it was created, positively contributed to the regress of reforms. The goal of the 1991 law was the dismantling of the OSS *Sigurimi* as a barrier to the process of democratization. Additionally, the law provided legal a basis for the creation of the new services and the placement of these new services under the civilian control of the government and parliament.

Incorporation of the NIS, by law, as part of the Armed Forces represented a remnant from the Communist legacy. In 1997, this designation provided a legal basis for the promotion of the head of an intelligence service with the military rank of General. The placement of director of NIS as the Head of Special Operations Forces,⁸³ and the transformation of the intelligence services into militarized forces created a paradox that resulted in conflict with Police and the Armed Forces. This paradox represented a legacy

⁸² British Helsinki Human Rights Group, "Intelligence Services See a Return of the Old Guard, [article online]; in *Albania 1997: Politics and Purge*; available from <http://www.bhhrg.org.albania/albania/1997/shik.htm>; Internet; accessed January 24, 2008.

⁸³ The Albanian parliament, with Act No. 298, dated March 2, 1997 appointed the head of the NIS as the commander-in-chief of the operations against the revolt that followed the collapse of the pyramid-schemes in 1997. The schemes not only left masses of Albanians destitute, but also undermined the country's security and political stability as public revolt spread throughout the country. For further information see <http://www.qpz.gov.al/doc.jsp?doc=docs/Vendim%20Nr%20298%20Datë%2002-03-1997.htm>; Internet; accessed February 6, 2008.

of the past regime when the intelligence services, as the most trusted institutions of the leading party, controlled the state police and the armed forces.⁸⁴

This timeframe resulted in limited positive progress regarding the reformation of the intelligence community as it is marked by a number of setbacks and deviation of the intelligence services from their constitutional tasks, as well as accusations from civil society for not fully complying with the legal framework. Despite the efforts of the new political leadership to reform the intelligence community and bring it under professional and democratic standards, it was not a resounding success because the reform was too spontaneous and it was led by the legacy of the old service.⁸⁵ The political crisis of 1997 led to a temporary moratorium of NIS activities, enacted by the national conciliation government.⁸⁶ Furthermore, two heads of NIS, the director and the deputy director were named each from different political groups to lead and control the service.⁸⁷

D. THE NEED TO REORGANIZE THE INTELLIGENCE SERVICES

As previously discussed, the 1997 political crisis in Albania resulted, in part, due to the failure to reform and restructure the intelligence community; this served as an indication of regression for the transition of the state infrastructure as a whole.

⁸⁴ British Helsinki Human Rights Group, “Human Rights Watch World Report 1998, Albania,” [article online]; available from <http://www.hrw.org/worldreport/Helsinki-01.htm>; Internet; accessed January 24, 2008.

⁸⁵ See Human Rights Watch, “Democracy Derailed: Violation in the May 26, 1996 Albania Elections” [article online]; June 1996, Vol 8, No. 10(D); available from <http://www.hrw.org/summaries/s.albania965.html>; Internet; accessed October 22, 2007.

⁸⁶ For more on this issue see “Intelligence Monitor, Albania,” *Jane’s Intelligence Review* [journal online]; available from http://www8.janes.com.libproxy.nps.edu/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir97/jir00381.htm@current&pageSelected=allJanes&keyword=jane's%20intelligence%20review%20Albania&backPath=http://search.janes.com/Search&Prod_Name=JIR&; Internet; accessed December 20, 2007.

⁸⁷ For more on this issue see “Intelligence Monitor, Albania” *Jane’s Intelligence Review* [journal online]; available from http://www8.janes.com.libproxy.nps.edu/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir97/jir00262.htm@current&pageSelected=allJanes&keyword=jane's%20intelligence%20review%20Albania&backPath=http://search.janes.com/Search&Prod_Name=JIR&; Internet; accessed December 20, 2007.

The situation in the region was becoming even more threatening given the developments in Kosovo⁸⁸ and the emerging risk of global terrorism.⁸⁹ Given the contemporary security environment and the necessity of filling the gap of national intelligence collection, it became even more indispensable for the government to seriously consider ways to restructure the intelligence services and establish democratic levers to check that the intelligence activities are conducted in accordance with the legal framework.

In 1997, the internal security situation became seriously aggravated and, at times, appeared hopeless given the fact that huge amounts of military weapons and ammunition looted from military depots fell into the hands of civilians, state institutions collapsed, and the rule of law did not exist in the most of the country.⁹⁰ Such a situation was clearly to the advantage of organized crime groups that began to flourish, concentrating in illegal immigration, drugs and weapon smuggling, etc.⁹¹

The problem of religious extremism became even more evident given the lack of measures taken by Albanian state agencies, particularly the intelligence community, to protect the country from the influence of religious radicals. During the mid-1990s Albania was a safe haven to a number of declared members of the Egyptian Islamic Jihad (EIJ) organization and who posed a threat not only to the security of Albania, but to neighboring countries and beyond. Many foreign radicals migrated from Middle Eastern countries under the cover of charity organizations, which made it difficult to detect, tack, and monitor, thus requiring intelligence experts to identify them. Moreover, having been an atheistic country for almost a half-century and having been thoroughly isolated throughout the period of the dictatorship, Albania openly welcomed foreigners without

⁸⁸ See Gus Xhudo, "Europe, Ethnic Violence Escalates in Kosovo," *Intelligence Review*, 1997, Volume/Issue: 009/003..

⁸⁹ For more on this issue see "Albania: Internal Affairs," *Jane's Sentinel Security Assessment* [online article]; available at <http://jir.janes.com/docs/jir/search.jsp>; Internet: accessed January 24, 2008.

⁹⁰ Gus Xhudo, "Man of Purpose: The Growth of Albanian Criminal Activity," *The Ridgway Center for International Security Studies* 2, (Spring 1996), 2-4.

⁹¹ Ilir Gjoni, "Organized Crime and National Security: the Albania Case," (M.A. thesis, United States Naval Postgraduate School, 2004).

paying much attention to their background.⁹² Similarly, there was no legal premise to direct the intelligence and security services to observe antiterrorist activities. This is further compounded by the fact that the intelligence services and political class at that time lacked understanding of the phenomenon today known as Islamist terrorism.⁹³

In addition to the aforementioned threats, the need to deepen democratic reforms, especially in the intelligence services, depended heavily upon the continuous interest of Albania to join NATO and the EU. Complimentarily, NATO and the EU requested Albania's parliament and government to continue the process of democratization, the war against terrorism, and to support the NATO and EU positions within the region.⁹⁴ These requests by strategic partners, namely the US, the EU, and NATO, motivated the political class which, in turn, brought positive change in terms of the role and activity of the intelligence services.

1. Reconstruction of the Intelligence Services

a. State Intelligence Service

The democratic transformation period of Albania re-commenced in earnest when the new government, elected in June 1997, considered further reform of the intelligence community -- especially that of the NIS -- as indispensable. As a result of the destructive events prior to this time, and with the cessation of the activities of the NIS, the Albanian Parliament took the reign again in assuming a leading role in reforming the intelligence services and increasing its oversight role of the services. In 1998 parliament created an investigative committee charged with reviewing "the role of

⁹² Ali Othman, "Albania Begins Search for the Lost Islamic Moorings," *Arab News*, 8 December 1993.

⁹³ Damian Gjijnuri, "Albania's Counter-terrorism Policy Options: Finding a Strategy of Common Sense," (M.A. thesis, United States Naval Postgraduate School, 2004).

⁹⁴ "The Present Situation in Albania," Commission on Security and Cooperation in Europe briefing to the US Congress, May 23, 1997, Washington DC, 35.

the NIS on events of January-March 1997.”⁹⁵ The investigation of this parliamentary committee would, in time, prove valuable as it identified facts implicating the NIS in the conduct of illegal activities.

The new NIS leadership set up a working group to determine a new legal framework for the service as was requested by the newly elected Albanian Parliament. Eventually, the Albanian parliament approved Act Number 8391, signed October 28, 1998 concerning the NIS (which would later change its name to the State Intelligence Service⁹⁶ (SIS)). This was a key piece of legislation wherein the mission of the NIS was clearly defined as an intelligence, counterintelligence, and analysis entity with a mission: a) to collect foreign intelligence that serves the national interest; b) conduct counterintelligence activity for the protection of the integrity, the independence and the constitutional order; c) to collect intelligence on terrorism, drug manufacturing and trafficking, proliferation of weapons of mass destruction, and crimes affecting environment; d) to collect intelligence on organized crime affecting the national security; e) to preserve the security of its activity, information, employees and property enabling suitable means, to include the vetting procedures and qualification of the candidates, employees and contractors; f) conduct back up technical administrative activity pursue the needs for the fulfillment of the functions mentioned here above. The de-politicization of NIS members was explicitly incorporated in the new Act, as well as the scope of its activity, vetting of the personnel, and recruitment criteria based on professionalism. SIS remains, by law, the principal intelligence and security service of Albania.⁹⁷

New threats helped define the restructuring of the intelligence services. Besides the traditional foreign intelligence and counterintelligence organizations, the law provided the legal basis for building the new structures to face emerging threats such as international terrorism and organized crime. In addition, the Service changed its structure

⁹⁵ See “Head of Inquiry Commission Prepares Alternative Report on Unrest” Albanian Telegraphic Agency, June 03, 1998 [online newspaper]; available from <http://www.telpress.it/ata>; Internet; accessed October 25, 2007.

⁹⁶ In Albanian: Sherbimi Informativ Shteteror, SHISH.

⁹⁷ Qendra e Botimeve Zyrtare (QBZ) [article online]; available from <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%208391%20Datë%2028-10-1998.htm>; Internet; accessed March 12, 2008.

by adding new useful elements such as Counter-terrorism Center which plays a key role in the fight against terrorism, the Analysis Unit, which filters the information sent to the customers and also by establishing the NIS Institution which is another new element that greatly contributes to the preparation and training of the new cadres of intelligence operators that are selected from a considerable number of eligible applicants.

The reforms increased the reliability of the intelligence services in the public eye, and improved cooperation and exchange of information amongst the NIS and its partner intelligence services. The cooperation led to a number of successful joint operations in the domain of counter-terrorism, most notably operations mounted to take down the EIJ cell stationed in Tirana,⁹⁸ the closure of some NGO's connected to terrorism, and the freezing of Al-Qaeda assets.⁹⁹ Additionally, the Albanian intelligence services, in particular SIS and MIS, contributed greatly during the Kosovo crisis.

Despite this progress, this period is also marked by some problems that impacted the political arena and the service itself. The events of 1997 showed the need for a more professional intelligence service. To meet this need, the new leaders of the service began recruiting from the pool of ex-*Sigurimi* officers who were young enough and had not been implicated with the Communist Party. As a result, the leaders relied on the 'Commission for the Scrutiny of the Senior Officials' for the vetting of all ex-members of the OSS who would be hired.¹⁰⁰ Notwithstanding the great efforts of the committee, some ex-directors and elements connected to the Communist regime were hired; a fact which rose concerns from both the opposition and foreign security partners.¹⁰¹ As a consequence, the legacy of the old service employed within the current

⁹⁸ See *Jane's World Insurgency and Terrorism Center*, Terrorist Groups: Egyptian Islamic Jihad [article online]; available from http://www4.janes.com/subscribe/jtic/doc_view_events.jsp?K2DocKey=/content1/janesdata/binder/jwit/jwit0292.htm@current&Prod_Name=JWIT&QueryText=&group=Egyptian+Islamic+Jihad; Internet; accessed January 24, 2008.

⁹⁹ See The Albanian Legislation: Orders of the Minister of Finance [website]; available from http://www.fint.gov.al/en/lshqiptar_faq2.htm; Internet; accessed January 24, 2008.

¹⁰⁰ Qendra e Botimeve Zyrtare (QBZ) [article online]; available from <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligj%20Nr%208280%20Datë%2015-01-1998.htm>; Internet; accessed January 24, 2008.

¹⁰¹ British Helsinki Human Rights Group.

SIS negatively served to raise skepticism and increase tensions between the service and the opposition.¹⁰² The tension stemmed from accusations that the service was monitoring leaders of the opposition, and it was believed that the service hired ex-*Sigurimi* officers to deal with the opposition. The service became the target of criticism by the opposition in September 1998 following the murder of an opposition member of parliament, a key figure in the opposing Democratic Party.

The opposition pointed to structures of the government, including the leadership of the NIS, as masterminding the murder. Therefore, the head of the government called for the resignation of the director of the SIS, but that request was objected to by the President of the Republic, who has the ultimate authority in accordance with the Constitution to approve or deny the Prime Minister's proposal for dismissal.¹⁰³ The President of the Republic refused to dismiss the head of the service claiming that there were no strong reasons to do so.¹⁰⁴ As a result, the conflict between the Prime Minister on one side, and the President of the Republic and the head of the service on the other side brought about some 'independence' for the service. Both the Prime Minister and opposition parties accused the director of the service and his key co-workers (most of them were ex-*Sigurimi* leaders) of working for their own interests and the political groups who supported them.¹⁰⁵ The situation worsened at the end of 2002 during the presidential elections. Political parties on both ends of the political spectrum and the media accused the director of the service and its close collaborators of involvement in the presidential election process.

Consequently, the two main political parties reached an agreement to consensually elect a president. As a result, after the new president of the Albania was elected a special parliamentary committee was formed to investigate the role of the

¹⁰² MAPO magazine, October 14, 2007.

¹⁰³ Government of Albania, "Albanian Constitution" [article online]; available from <http://www.parlament.al/eng/dokumenti.asp?id=855>; Internet; accessed ; Internet; January 24, 2008

¹⁰⁴ See [East European Constitutional Review](#) [journal online], Winter 2002/Spring 2003, Vol. 11/12, No. 4/1; available from http://www.law.nyu.edu/eecr/vol11_12num4_1/constitutionwatch/albania.html; Internet; accessed January 25, 2008.

¹⁰⁵ Ibid.

service in domestic political life.¹⁰⁶ The political consensus included the replacement of the head of the service and his principal allies. Subsequently, the director of the service was substituted with a person who enjoyed the support of the entire Albanian political spectrum.¹⁰⁷ After the assignment of the new consensual head of the intelligence service there has been obvious support from the political class which, in turn, has brought about legal support for the mission and role of the SIS. Most of the related legislation introduced after this period has passed by consensus, and the services' work is considered a positive contribution to the national interest and is conducted within the rule of law.

b. Military Intelligence Service

Albanian membership in NATO, PfP, and active participation in the global efforts against terrorism called for a reorganization of the Military Intelligence Service.¹⁰⁸ After 1998, the MIS continuously faced structural changes. In the framework of the reformation of the Armed Forces (AF) the J2 Directorate was established, and it had the assets of the MIS (Military Intelligence branch, the Analysis unit, and SIGINT Battalion) subordinated to it. Although SIGINT was directly subordinated to the Army General Headquarters, it was managed by the J2 Directorate whose mission was to generate new intelligence tactical capabilities and security elements within the AF.

A new Act, Number 9074 dated May 19, 2003 regarding the MIS was passed in the Albanian Parliament. According to this legislation MIS was legally charged with data collection, analysis and management of information concerning activities threatening national security, and provision of assessments to Direction and Strategic Command on possible external and internal threats targeting the AF during the exercise

¹⁰⁶ Robert D. Henderson, *Brassey's International Intelligence Yearbook* (Washington, D.C.: Brassey's Inc. 2003), 6-7.

¹⁰⁷ See BBC ne Shqip (BBC in Albanian), October 19, 2002 [article online]; available from <http://www.bbc.co.uk/albanian/021119143657.shtml>; Internet: accessed January 25, 2008.

¹⁰⁸ See "Jane's Intelligence Watch Report," June 2, 2004 [article online]; available from <http://www8.janes.com.libproxy.nps.edu/JDIC/JMSA/documentView.do?docId=/content1/janesdata/mags/iwr/history/iwr2004/iv11n110a.htm@current&pageSelected=allJanes&keyword=02-Jun-2004%20%20%20%20%20%2002%3A14%3A20&backPath=http://jmsa.janes.com/JDIC/JMSA/search&ProdName=IWR&activeNav=http://www8.janes.com/JDIC/JMSA>; Internet: accessed December 20, 2007.

of its mission.¹⁰⁹ The law was created in consult with foreign counterparts. The prime minister issued an Order on July 3, 2005: “The Functioning Regulation of MIS.” Objectivity, institutional interaction, respecting and protecting human rights and liberties were the basic principles summarizing the order. The legal framework pertaining to the MIS defined that all the activities of the MIS are supervised by parliament through the Parliamentary Committee on National Security, by the government, the Attorney General, and the country Ombudsman.

The MIS structure is organised into the Operational Branch, composed of the Intelligence Collection unit, Counter intelligence and Counter Terrorism Service, Analysis and the Support Branch, and Training Centre. The other side of the MOS structure is comprised of the Administration and other supportive structures. Cooperation and coordination amongst the MIS, J2, and Military SIGINT is arranged by a separate Order of the Minister of Defense.

2. Oversight of the Albanian Intelligence Community

Oversight of the Albanian intelligence community has its primary legal reference enconced in provisions of the Albanian Constitution. The authority for oversight of the activities of the Albanian intelligence community is vested in several authorities including: a) Legislative; b) Executive; c) Judiciary; and, d) public oversight.

a. Legislative

The role of Parliament in restructuring and overseeing the activities of the Intelligence community has been of fundamental importance.¹¹⁰ The Albanian parliament has passed a number of Acts related to the activity of the intelligence agencies to include structure, scope, interaction and coordination, data administration, work procedures, etc. This legislation has gone through periodic amendments and upgrades. The legal package now includes: Law on SIS (8391/1998); MIS (9074/2003); Law No

¹⁰⁹See Albania Ministry of Defense, SHIU Legislation [article online]; available from <http://www.mod.gov.al/index.php?crd=0,0,0,0,1,Lng2>; Internet: accessed January 25, 2008.

¹¹⁰ Government of Albania, the Albanian Constitution.

8457 on November 2, 1999 “On information classified as ‘State Secret’”; Law No 9157 on December 4, 2003 “On Telecommunication Interception”; Law No 9357 on March 17, 2005 “Status of the SIS Personnel”; Law of No 9295 on October 21, 2004 “Criteria of the recruitment, career and termination of work relations in MIS.” Furthermore, the National Security Strategy was passed by the Albanian parliament in December 2004 and is due to be revised this year. It represents a foundation document leading the activity of all state entities including the intelligence community.¹¹¹

Parliament exercises its oversight through parliamentary committee whose members are vetted by the Classified Information National Office. The oversight responsibilities of parliament include determining the legality of activities and audit of the budget allocated to the intelligence agencies.¹¹² The Director of the SIS is required by law to report to the parliamentary committee at least once a year and any time required by the committee, and the committee determines the issues the SIS director must report about. However, in practice the head of the SIS has been invited by the committee to report on specific issues more often than annually. The committee conducts its oversight as well during budget considerations and when draft laws related to national security are presented. The parliamentary committee may also undertake to oversee special cases of reported human rights violations.

The investigatory committee that was set up to oversee the work of the SIS has a constitutional basis. Article 77 of the Constitution of the Republic of Albania stipulates that: “The Assembly has the right and, upon the request of one-fourth of its members is obliged, to designate investigatory parliamentary committees to review a particular issue.”¹¹³ Its conclusions are not binding in a court of law, but they may be made known to the office of the prosecutor, which evaluates them according to legal

¹¹¹ See The National Security Strategy of the Republic of Albania 2004 [book online]; available from http://merln.ndu.edu/whitepapers/Albania_English-2004.pdf; Internet; accessed January 25, 2008.

¹¹² See Aldo Bumci, “Security Sector Reform in Albania,” In *Defense and Security Sector Governance and Reform in South East Europe: Insights and Perspectives, Albania, a Self Assessment Study. Vol 1*, edited by Philipp Fluri and Jan Trapans. CCMR for DCAF, 2003; available from <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=21335&nav1=4>; Internet; accessed March 12, 2008.

¹¹³ Government of Albania, “Albanian Constitution” [article online]; available from <http://www.parlament.al/eng/dokumenti.asp?id=855>; Internet; accessed ; Internet; January 24, 2008.

procedures. There are many democratic achievements in the provisions of this law: an investigatory committee can be established at the request of the opposition; the investigatory committee agrees to the request tabled by a member of the investigatory committee for investigation or collection of evidence without resorting to voting; and the minority's opinion is always attached to the final decision of the investigatory committee, which is made public.

In July 2002, on the initiative of a group of opposition Members of Parliament (MP), the investigatory parliamentary committee on the State Intelligence Service was set up. The scope of the activity of this committee was: investigation into eavesdropping and surveillance, especially with regard to the opposition; investigation into the involvement of the SIS in the murder of opposition MP, Azem Hajdari; investigation into claims of financial abuse; and investigation into the relations between the SIS and the media. The establishment of the first investigatory parliamentary committee to look into such a sensitive area as the secret service was a difficult parliamentary challenge. At the end of the investigation, agreement was reached that the Chairman of the investigatory parliamentary committee should submit two reports to Parliament, potentially drawing diametrically opposed conclusions, but that expressed the opinions of the majority and minority in the investigatory parliamentary committee.¹¹⁴

After the election of 2005 Parliament has constituted the National Security Committee which is the oversight body that covers not only intelligence services, but also the Armed Forces and other issues related to national security. There is a draft for the establishment of a parliamentary sub-committee consisting of fewer individuals that will be in charge of overseeing the intelligence community. The parliamentary committee overseeing the activity of the intelligence services was hindered for a number of reasons. Firstly, parliament, like most state structures, was focused on issues they deemed most important, such as election and judicial reforms, and economic reforms. Secondly, the

¹¹⁴ Sokol Berberi, "Democratic Control of the Intelligence Service." In *Defense and Security Sector Governance and Reform in South East Europe: Insights and Perspectives, Albania, a Self Assessment Study. Vol 1*, edited by Philipp Fluri and Jan Trapans. CCMR for DCAF, 2003; available from <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=21335&nav1=4> ; Internet; accessed March 12, 2008.

membership of the committee was politically motivated and its decision-making and scope was, in many cases, biased and based on political benefits. Thirdly, the activity of the committee was also affected by the lack of interaction with the other parliamentary committees. Fourthly, the level of access to information provided for the members of the Committee is not clearly defined.¹¹⁵

b. Executive Oversight

The SIS is accountable to the prime minister who appoints, by virtue of SIS basic law, an Inspector General who has the authority to conduct investigations and audits in the SIS as specified by the appropriate Acts. The prime minister approves the SIS structure and its total number of personnel, as well as the MIS book of regulations. The Minister of Defense, through specially approved programs, periodically and for a specific concern may authorize one of his advisers to run investigations into MIS activity.

The national Office of Classified Information is also related to the Intelligence Community oversight process and the Classified Information Security Directorate (CISD) which is under the Prime Minister's authority. CISD is the National Security Authority (NSA) that decides on the issue of the provision of Certificates of Security Clearance (CSC) to access classified national and NATO information to interested individuals. The SIS and the MIS are the authorised structures to conduct the clearance of civilian and military personnel that apply to have a CSC, but they do not have the authority to decide who gets access. Throughout the CSC procedure NSA is the authority that monitors and supervises the vetting process.

The government determines the intelligence community collection foci by releasing Priority Information Requests (PIR). PIR are annually approved by the Prime Minister for SIS interests and by the Minister of Defense for MIS interests. Likewise, the government focuses the efforts of the intelligence community by adopting and approving

¹¹⁵See Timothy Donais, "Analysis of the Stability Pact Self-Assessment Studies," available from <http://se2.isn.ch/serviceengine/FileContent?serviceID=21&fileid=FF3417D4-A6A3-25B6-38D8-D3ADFA98B59E&lng=en>; Internet; accessed January 20, 2008.

essential strategic policy documents such as the “National Strategy Against Drugs 2004-2010” or the “Counter-Terrorism Action Plan.”¹¹⁶

‘Internal control’ refers to the capacity of each agency for self-policing. SIS and MIS have established their own auditing teams. The directors of SIS and MIS respectively approve the agenda of their auditing teams.

c. Judicial Oversight

Judicial oversight of the intelligence services is established in the Constitution and the laws relating to the intelligence services. It is exercised by the Constitutional Court (for issues of constitutionality) and the Attorney General. The Attorney General has responsibility for approving and checking all the procedures used in the routine conduct of intelligence work for both the SIS and the MIS including: electronic surveillance; appropriate forms of protecting methods and sources of counterintelligence and foreign intelligence from the unauthorized access; ways of verifying and corroborating sources of information; and collection of intelligence on individuals viewed as potential sources of information. Interception is authorized or rejected by the Attorney General, who is also the authority that approves warrants for wiretaps requested by one of the agencies that have a legal right to conduct interception. The right to telecommunications interception lies with the Ministry of Interior, State Intelligence Service, Ministry of Defense and other law enforcement agencies, in order to gather information necessary to fulfill their legal duties.¹¹⁷

Judicial oversight exists in law and on paper, but in reality it is not very effective; in large part because the judicial system in Albania has problems. The judicial system is allegedly one of the most corrupt state institutions, which is problematic as its reformation is one of the two key conditions (the other is the reform of the electoral

¹¹⁶ See Government of Albania, “National Strategy against Drugs 2004-2010” [article online]; <http://www.qpz.gov.al/doc.jsp?doc=docs/Vendim%20Nr%20292%20Datë%2007-05-2004.htm>; Internet; accessed January 9, 2008.

¹¹⁷ See Government of Albania “On the Telecommunication Interception” [article online]; available from <http://www.qpz.gov.al/doc.jsp?doc=docs/Ligi%20Nr%209157%20Datë%2004-12-2003.htm>; Internet; accessed January 25, 2008.

process) that Albania requires for consideration of membership in NATO.¹¹⁸ Oversight from the Ombudsman is applicable only to the MIS. The Ombudsman may oversee certain activities of the MIS, as authorized by the Minister of Defense.

d. Public Oversight

The media and civil society have also played an important role in overseeing the activity of the intelligence services. The independent press has played a significant role in identifying the problems within the intelligence services. It was the media that exposed the political mistakes that that NIS committed during 1996-1997, as well as in 2002 when the director of the NIS was implicated in politically motivated activities. Currently mass media is backing initiatives concerning public disclosure of the *Sigurimi* files. However, Albania's transition to democracy and the process of reformation of the intelligence services have proven to be less visible to the media and the public scrutiny.¹¹⁹

E. CONCLUSION

Albania has definitely parted from its previous ways and 'secrecy psychosis,' but it still has a long way to go to ensure that transparency becomes part of the intelligence services' culture and institutionalized in practice.

The reform in the leadership of the intelligence services played a positive role in the Albanian intelligence community, and it also served to consolidate the intelligence community. The Albanian intelligence services have significantly improved their image within the public opinion, conveying the premise that their goal is national security. All these efforts, together with the positive results that the services have achieved in fighting

¹¹⁸ Sotiraq Hroni and Enis Sulstarove, "Republic of Albania: Survey on Intelligence Services, 2007" [article online]; available from <http://www.deaf.ch/publications/kms/details.cfm?lng=en&id=39776&nav1=4>; Internet; accessed January 25, 2008.

¹¹⁹ Ibid.

terrorism¹²⁰ and cooperating with the US, EU,¹²¹ and NATO partners,¹²² have all contributed to significant improvements in the general regard that civil society has for them.

The current leaders of both the SIS and the MIS have emphasized that professionalism of their personnel is at the top of the recruitment and training policies. Similarly, the Act “Status of the SIS Personnel,” which defines that the service is not part of the military, and the Law “On Criteria of the Employment, Career and Termination of the Work Relationship with MIS” provide a strong basis for the positive progress on professionalization of the both services.

The intelligence reform process in Albania has not been easy. Critics argue that the cultural legacy from the former-Communist regime remains in place, and that there is no genuine civilian, democratic control. Others argue that reform has occurred, that the new services have transformed themselves from their Communist past and are effectively under civilian control. But the reality regarding reform and democratic control of the Albanian intelligence services is somewhere in between; it is beyond the end of the first period characterized by Security Sector Reform, and in need to consolidate its gains.

¹²⁰ See U.S. Department of State, Country Report on Terrorism, “Country Reports: Europe and Eurasia Overview, Albania,” available from <http://www.state.gov/s/ct/rls/crt/2006/82732.htm>; Internet; accessed January 26, 2008.

¹²¹ European Union, “European Commission (EC), Albania: 2006 Progress Report,” 8 November 2006; available from http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/al_sec_1383_en.pdf; Internet; accessed January 26, 2008.

¹²² See “Albania’s Preparation for NATO Membership,” available from <http://www.nato.cz/english/clenove/albanie.html>; Internet; accessed January 26, 2008.

IV. ROMANIA CASE STUDY: GOOD EXPERIENCE

A. INTRODUCTION

Similar to other former-Communist countries, Romania has commenced social reforms aimed at bringing the state in line with democratic standards. An essential part of these reforms was the transformation of the security services, with the primary purpose of bringing them under civilian control and ensuring their activities are maintained within the purview of law. Based on their history, reform of the intelligence services was more sensitive than in other fields, but it also yielded some of the best results. The intelligence services, once *persona non grata* in post-Communist Romanian society, have surprisingly made a radical change and have become some of the more trusted state institutions.¹²³ Among many factors, two played a crucial role in the successful reform of Romanian intelligence services: first, it was the strong desire of Romanian society to become members of NATO and the EU, because of this civil society played a decisive role in pushing the political elite to carry on with the democratic transformation of the intelligence services; and second, there were the lessons learned from other nations' experiences in attaining membership in the EU and NATO. Intelligence reform was a joint venture amongst Romania's elected authorities, the intelligence organizations, civil society, the media, and the international community.

This chapter will discuss the Romanian experience of reforming its intelligence services and includes: the challenges that Romanian society faced; how they conducted the reform of the intelligence services; what experience was gained from recently-admitted NATO and EU members; and, what role external forces have played in achieving their positive results.

¹²³ Cristiana Matei, "Romanian Transition to Democracy and the role of the Press in Intelligence Reform" in *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, Thomas C. Bruneau and Steven C. Boraz, ed., (Austin: University of Texas Press, 2007), 219.

B. THE COMMUNIST PERIOD AND THE SECURITY SERVICES

After the Second World War, Romania, like other CEECs, remained under Communist influence. In Romania this was materialized as an authoritarian Communist regime where the Romanian Communist Party (PCR) was the only legal political party formed around the cult of personality that was Dictator Nicolae Ceausescu, and extended to his family members. Like other Communist regimes, they did not trust the previous institutions, so they razed them and created their own. The PCR and the dictator Ceausescu maintained absolute power over all aspects of the leadership of the country and its institutions, including the country's intelligence services, which were utilized as the key elements for the regime to control the country and maintain political power.

The structure of the Romanian intelligence services during this period was created by the establishment of the Department of the State Security (DSS) and the Department of External Information (DIE). The DSS, commonly known as the '*Securitate*' was the Ceausescu regimes' political police; and the regime frequently employed them mercilessly to impose Communist rule and coerce society.¹²⁴ The service was organized in 1948 to defend the Communist regime. Originally the *Securitate* was created as a paramilitary force entrusted to watch over the internal security of the Ceausescu regime and to crush any social unrest, political movements, opposition, or dissident group that criticized or contradicted the government.¹²⁵

DSS was similar to other Communist intelligence organizations during the Cold War; it operated against both imaginary and real "enemies" of the regime without regard for any objective framework for analysis or assessment. The service played a central role in intimidating, torturing, imprisoning, confiscating and murdering enemies of the totalitarian regime. *Securitate* was successful in instilling a fear within the country's population by using the visible presence of officers, but this was only an infinitesimal

¹²⁴ Matei, 220.

¹²⁵ Celestine Bohlen, "Upheaval in the East: Security Police: Romania Disbands Rebellious Force," *New York Times*, January 2, 1990 [newspaper online]; available from <http://query.nytimes.com/gst/fullpage.html?res=9C0CE6DA1E3AF931A35752C0A966958260>; Internet; accessed December 27, 2007.

element of an omnipresent network of officers, agents, informers, and collaborators who were busy monitoring the general population. At that time Romania was a “paranoid state that forced friend to spy on friend, lovers to betray each other to police, and informants to scour poems for signs of subversion.”¹²⁶

The other service, the Department of External Information, established with Soviet assistance in the mid-1950s, was Romania’s principal organization focusing on foreign intelligence. The service had a mission to conduct clandestine intelligence activities outside Romania. These activities included technological espionage, disinformation to promote Romania’s national interests and foreign policies, and monitoring the activities of exiled dissidents opposing Ceausescu’s regime.¹²⁷ DIE officers were given duties to commit terrorist acts and assassinate selected agitators living in foreign Diaspora.¹²⁸

The fall of the USSR had a significant impact in Romanian society. On 21 December 1989, the discontent against Ceausescu and Communism in general led to a mass revolt. Ceausescu attempted to escape an angry populace, but was arrested and executed after a brief trial marking the end of his dictatorship; this set Romania on a national path toward democracy. The new authorities of the Council of the National Salvation Front (CFSN) shut down the wiretapping and recording centers, opened records to public inspection, and outlawed the interception of private communications – a provision that remained in force until July 1991. On 26 December, the *Securitate* was transferred from the Interior Ministry to an unsympathetic Defense Ministry, and military forces took the control of the DSS, including of its all files and reports. Four days later, on 30 December 1989, the *Securitate* was entirely disbanded.

¹²⁶ Associated Press, “Opening of Romanian Secret Police Files Becomes National Obsession,” FoxNews.com, August 23, 2006 [website]; available from <http://www.foxnews.com/story/0,2933,209978,00.html>; Internet; accessed March 11, 2008.

¹²⁷ For further information see <http://www.exastriscientia.fateback.com/romania.htm>.

¹²⁸ Several terrorist acts against Radio Free Europe (RFE) in Germany, and the deaths of three consecutive directors of the RFE, were attributed to DIE and later acknowledged by President Iliescu to have been committed by the *Securitate*. For further information see <http://www.globalsecurity.org/intell/world/romania/securitate.htm>, and <http://www.rferl.org/about/speeches/301101.asp>.

Deactivation of the political security service had an important role during the initial period of Romania's transition from dictatorship to democracy, not only for deterring elements still loyal to the regime, but also for the overall success of the regime change. Dismantling and putting the *Securitate* under military control was determined to be a necessary step that CFSN took to help end up the civil war between pro-Communist and pro-democratic factions.

The transformation of Romania's post-Communist society has endured its share of ups and downs. This difficult period was finalized with the realization of the Romanian people's dream to be part of the European Union and NATO. This process has undergone four distinct phases:¹²⁹ 1990-1991, the first phase was characterized by uncertainty and insecurity; 1991-1996, the second phase was characterized by the building of new institutions and establishing legitimate legal basis; 1997-2000, the third phase focused on fulfilling of the requests of NATO's summits in Madrid and Washington; and 2001-present, the final phase is characterized by continuation of reform and anti-corruption measures and NATO and EU membership.¹³⁰

C. BUILDING THE NEW INTELLIGENCE SYSTEM

The need for intelligence services was generally recognized by the newly-formed transitional government and they were not willing to risk duplicating the *Securitate* experience by quickly reconstituting a security intelligence agency. But a number of events that threatened the state's national security, such as ethnic unrest in two neighboring counties with large Hungarian minorities, made the requirement to establish an intelligence system both important and timely. On the other hand, the construction of a single intelligence service was not palatable, particularly considering the poor reputation of the *Securitate* through the course of the former Communist regime.

¹²⁹ See Liviu Muresan, "Security Sector Reform -- A Chance for the Euro-Atlantic Integration of Romania," this paper was prepared for a workshop on 'Security Sector Reform in Central and Eastern Europe: Criteria for Success and Failure,' sponsored by the Geneva Centre for the Democratic Control of Armed Forces (DCAF); Geneva, Switzerland, 22-23 November 2001 [article online]; available from http://www.dcaf.ch/publications/E-packages/ws_criteria%20221101/The%20security%20sector%20reform.pdf; Internet; accessed on December 28, 2007.

¹³⁰ Matei, 222.

Ultimately, the government made a decision to divide the former intelligence services into several agencies with their legal basis founded in the Romanian Constitution and the Law of National Security Number 51 of 1991.¹³¹ Initially Romania established at least nine agencies on the ruins of the former *Securitate*, but would eventually reduce them to six services.¹³² Throughout this reform, the fundamental premise of civilian democratic control over the new intelligence community was seen as the guarantee for this process.

1. The Romanian Intelligence Service (SRI)

The SRI was established by Decree 181 of 26 March 1990, and given a statutory basis under Law Number 14 of 1992, “Organization and Functioning of the Romanian Intelligence Service.” The law states that “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.”¹³³ The SRI has collection and analysis capabilities and is also the main agency responsible for the protection of intelligence and counterintelligence. The SRI, under law, is the primary agency with responsibilities in the counter-terrorism field and represents the National Authority for Countering Terrorism, heads the Counter-Terrorism Operational Coordination Center (an inter-agency body), and develops the National Strategy for Countering and Preventing Terrorism. Other primary duties of the SRI include its fight against organized crime and trans-border risks (trafficking).¹³⁴

¹³¹ Károly F. Szabó, “Parliamentary Overview of Intelligence Services in Romania,” presented at a conference of the Geneva Centre for Democratic Control of Armed Forces, October 2002; available from http://www.dcaf.ch/news/Intelligence%20Oversight_051002/ws_papers/Szabo.pdf; Internet; accessed December 28, 2007.

¹³² Matei, 223.

¹³³ 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.

¹³⁴ For more detail see Romanian Intelligence Service, “Attributes and Responsibilities” (in Romanian); available from <http://www.sri.ro>; Internet; accessed December 28, 2007.

2. The Foreign Intelligence Service (SIE)

The Foreign Intelligence Service (SIE) was stood up in January 1990, and is regulated by Law Number 1 of 1998 concerning the “Organization and Functioning of the Foreign Intelligence Service.” The service has the mission to collect and analyze “political, economic, social, ecologic, and strategic factors originating from abroad, which threaten the national security of Romania.”¹³⁵

3. The Service for Protection and Guard (SPP)

The SPP was set up on 7 May 1990 under Decree 204 of the Provisional Council of National Unity and its primary role is to protect the Romanian President, Romanian political party leaders, and foreign diplomats on national territory. The SPP is permitted “to organize and carry out activities of gathering, checking and using necessary intelligence to fulfill its responsibilities.”¹³⁶

4. The Special Telecommunications Service (STS)

The Special Telecommunication Service (STS) was created in 1996, under Government Resolution 229 of 27 May 1993. The legal framework states that the STS is the primary intelligence agency to focus on special telecommunications with a mission “to administer, operate and develop...and manage and ensure protection” of the special telecommunications networks.”¹³⁷

5. The Defense General Information Agency (DGIA)

Defense General Information Agency (DGIA) as established by the Emergency Ordinance Number 14 of 26 January 2001. DGIA is a “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.” The

¹³⁵ Ionescu and Muresan, 47-48.

¹³⁶ Ibid., 49.

¹³⁷ Ibid., 50.

service is subordinated to the Ministry of Defense; thus, all its responsibilities are approved by the Minister of Defense.¹³⁸ It also manages intelligence with regard to the operational theaters where Romanian troops are deployed and is involved in counter-proliferation of weapons of mass destruction.¹³⁹

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). The service was stood up on 1 February 1990 as the Counter-intelligence department of the Ministry of the Interior, originally known as UM 0215, and in June 1990 was given a legal framework.¹⁴⁰ In 1998 UM 0215 was restructured and underwent a significant personnel reduction due to significant criticism from the media, NGOs, and Western governments regarding the employment of *ex-Securitate*. In 1999 it was renamed UM 0962 and placed under the General Directorate for Intelligence and Internal Protection (DGIPI), which now consists of two bodies and has legal responsibilities for the collection and use of intelligence with regard to organized crime, political or social violence (riots), and counter-intelligence protection of MOI personnel. MOI also possesses an Intervention and Special Actions Service (as part of the General Police Inspectorate) which is designed to take direct action against organized criminal groups.¹⁴¹

D. OVERSIGHT AND DEMOCRATIC CONTROL STRUCTURES

The second step that the Romanian government undertook in the process of reform was to implement legislation to ensure civilian oversight and control over the intelligence agencies. Democratic control of the intelligence services was carefully

¹³⁸ Cristian Troncotă, *Security Policies, Strategies and Institutions* (Bucharest: National Intelligence Academy, 2004), 190-195.

¹³⁹ Doru Dragomir, "Hurricane in the Army's Secret Services;" *Ziua*, April 9, 2003 [journal online]; available from <http://www.fas.org/irp/world/romania/dgia.html>; Internet; accessed December 28, 2007.

¹⁴⁰ Kieran Williams and Dennis Deletant, *Security Intelligence Services in New Democracies: The Czech Republic, Slovakia and Romania* (London: Palgrave, 2001), 226-227.

¹⁴¹ Troncotă, 197-198.

stipulated in a solid legal framework based on the Romanian Constitution. The main actors that exert this control are the legislative and the executive bodies, but other forms of control, such as judicial or public, are also noteworthy.

1. Legislative Oversight

Since the collapse of the Communist system, the Romanian Parliament assumed all responsibilities concerning the legal framework on intelligence. It is Parliament that approves or amends the laws relating to numerous facets of the intelligence services. First, by establishing the intelligence agencies and defining their roles and missions. Second, by creating the National Supreme Defense Council (CSAT), the most important executive body that coordinates, organizes and directs activities in the security sector. Third, by providing the statutory laws of the autonomous intelligence agencies; specifying their missions, roles and their overall organizational charts. Fourth, by approving the essential strategic policy, the ‘National Security Strategy.’ And fifth, by approving the head of the SRI (the largest intelligence agency), whose nomination must be approved by the two chambers of Parliament (House of Deputies and Senate), after presidential recommendation.

Legislative oversight of the intelligence agencies is carried out through the Committees for Defense, Public Order and National Security in both chambers of the Parliament which form 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 intelligence agencies, the SRI and the SIE, are each monitored through Joint Standing Committees for Exercising Parliamentary Control of the SRI and the SIE, respectively; these committees exist in both the Senate and the Chamber of Deputies.

The oversight committees have the following duties: to verify constitutional and legal compliance of the intelligence services’ activities; to investigate allegations of illegal intelligence collections, to conduct hearings on the presidential nominees for director positions; to assess the directors’ annual reports; to request data from the intelligence agencies (unless it jeopardizes the operations, identities of agents, sources, or

methods); to investigate the directors of the agencies and their staffs; and conduct unannounced visits to the services, to which the services are required to grant full access to data, personnel, etc.¹⁴²

Parliamentary oversight of the intelligence services is carried out in compliance with the Constitution's provisions that ministerial heads be held accountable to Parliament. Additionally, one particular component of parliamentary oversight over the ministerial intelligence services is control over their budgets. During their investigative work, the parliamentary committees have not only uncovered illegal activities conducted by the services, but they have also made suggestions to improve the legal framework to help prevent future occurrences of such illegal activities.

Problems that parliamentary oversight committees have faced in their work are manifold. The state does not view the oversight issue as a primary duty; thus, insufficient time is dedicated to performing oversight. As well, most parliamentarians lack experience in intelligence matters, and oversight committee members are often selected based on their political affiliation rather than their professional merits. The process is further obfuscated by poor cooperation and coordination amongst parties, and there are issues of trust and confidence to contend with between committees and the services.

2. Executive Oversight

In Romania, the supreme executive institution that exercises control of intelligence is the National Supreme Defense Council (CSAT), a specialized central body that organizes and coordinates all intelligence activities. The National Defense Supreme Council was created by Law Number 39 of 13 December 1990 to ensure the unified coordination of all activities pertaining to defense and state security.¹⁴³ The CSAT consists of the President (chair), Prime Minister (vice-chair), the Ministers for Industry,

¹⁴² See assembly of the WEU, [Interparliamentary European Security and Defence](#) Assembly, "Parliamentary Oversight of the Intelligence Services in the WEU Countries: Current Situation and Prospects for Reform" [article online]; available from <http://www.assembly-weu.org/en/>; Internet; accessed December 30, 2007.

¹⁴³ Law Number 39 of 1990 on the Establishment, Organization and Functioning of the Supreme Defense Council, Article 1, Law Number 51 of 1991 on National Security, Article 7, and the Romanian Constitution, Articles 92 and 118.

Defense, Interior and Foreign Affairs, the President's National Security Advisor, the SRI and SIE directors, and the Chief of the General Staff. 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 agencies), and the chairmen of the parliamentary specialized committees may participate in CSAT meetings. It is responsible for coordinating SRI, SIE, and SPP activities, and council members are empowered to decide on collection policies as well as to regulate the information flow throughout the intelligence community.¹⁴⁴

3. Judicial Oversight

The Romanian Constitution and the 1991 National Security Law had established judicial oversight; however, judicial oversight is generally limited in practice to the consideration and issuing of warrants for technical surveillance that infringe on civil rights and liberties.¹⁴⁵

4. Public and Media Oversight

The Media in Romania have played a significant role in overseeing the intelligence community and forcing reform. The press and civil society have held the government and the intelligence services to very high standards regarding democratic control, transparency, and requirements for integration within NATO and the EU.¹⁴⁶

E. INTELLIGENCE AND INTEGRATION INTO NATO AND THE EU

When Romania was excluded from the first NATO enlargement in June 1997, several allies, most notably the United States and the United Kingdom argued that Romania still had a long way to go before it could be seen as sufficiently Western-like (liberal democratic) to be eligible for admission into the Euro-Atlantic Security

¹⁴⁴ Larry L. Watts, "Control and Oversight of Security Intelligence in Romania," DCAF Working Paper No. 111 [article online]; available from http://www.dcaf.ch/publications/Working_Papers/111.pdf; Internet; accessed December 29, 2007.

¹⁴⁵ Ibid.

¹⁴⁶ Matei, 234.

organization.¹⁴⁷ Among the reforms, the intelligence reform was regarded as one of the most important. The reform had the objective of balancing the need for intelligence to meet new threats and challenges to national and international security, as well as aligning the intelligence community to democratic values. NATO and EU membership has been viewed by Romania as a proof of its departure from its former-Communist ways, and from Russian influence. This is commonly regarded as a return to the Western values and standards that Romanian society aspired to before the Communist era.

Maintaining momentum for continuing to reform intelligence services in Romania with the objective of consolidating democratic values was neither an easy nor a quick process. Reform faces many challenges such as the existence of many intelligence agencies; overlapping responsibilities; rivalries amongst services; too much secrecy or lack of transparency; undemocratic control; politicization of intelligence organizations; and poor human resource management.¹⁴⁸ But the main obstacle was the legacy of the past, the *Securitate* and its personnel.¹⁴⁹

F. STEPS TO CONSOLIDATION

The Romanian political class acted in the concert with the desire to fulfill national interests related to attaining NATO and EU membership. These efforts were sped up by NATO's and EU's membership requirements to candidate members as well as by the need to adequately respond to new security threats.

First, the Romanian government acted to establish the legal framework that has led to a redefinition of the roles and missions of the intelligence agencies, a strengthening of interagency cooperation and information sharing. Parliament enacted the National

¹⁴⁷ Alexandra Gheichiu, *NATO in the 'New Europe: the Politics of the International Socialization after the Cold War* (Stanford: Stanford University Press, 2005), 157.

¹⁴⁸ V. G. Baleanu, "The Enemy Within: The Romanian Intelligence Service In Transition" [article online]; available from <http://www.fas.org/irp/workd/romania/g43.html>, Internet; accessed March 11, 2008.

¹⁴⁹ The problem was made evident not only in the Romanian press but also abroad. An article by former U.S. Presidential Advisor Michael Ledeen and Mihai Pacepa appeared in *The Washington Times* suggesting that Romania would lose its NATO membership due to the continued employment of thousands of *Securitate* officers in the current intelligence structures. Similarly, another article appeared in *The Wall Street Journal* on a similar topic: NATO's lack of trust in Romanian intelligence.

Security Law of 1991, as well as the main legislation on the organization and function of each intelligence agency with a view to defining mandates and structures for the intelligence organizations. In 2001 the government amended the national security strategy to fit the post-9/11 security environment. The strategy has been revised on a regular basis, for instance, the last revision took place in the spring of 2006; thus ensuring feedback from policymakers.¹⁵⁰ The Romanian parliament also passed legislation on countering terrorism and combating organized crime which led to the new “National Anti-Terrorism Strategy.” In the international forum the Romanian government ratified all twelve United Nations counter terrorism conventions, as well as all the relevant international conventions on issues related to organized crime.¹⁵¹

Due to NATO’s request for fulfilling the standards in November 2002, the government enacted the Emergency Ordinance Number 153 on Protection of Classified Information and created the National Registry Office for Classified Information (ORNISS) by Emergency Ordinance Number 153 to issue both national and NATO security clearances. ORNISS has two bodies, the Office of the National Registry of State Secret Information and the National Authority for Security.

The Second step that the Romanian government took to increase the effectiveness of the intelligence community and bring it in line with democratic standards was the creation of a new intelligence committee in Romania. 2005 brought the establishment of a National Intelligence Community (CNI), functioning under the National Defense Supreme Council (CSAT). CNI is the lead agency created to both balance and channel competition amongst the Romanian intelligence services with a view to enhancing inter-agency cooperation and intelligence sharing. On the other hand, by 2006 the Romanian Government reduced the number of the intelligence agencies to six. Now Romania has independent agencies including the Romanian Intelligence Service (SRI); the Foreign

¹⁵⁰ See Jane's Sentinel Security Assessment – The Balkans, “Security and Foreign Forces, [Romania](#) - July 25, 2007” [website]; available from http://www8.janes.com.libproxy.nps.edu/Search/documentView.do?docId=/content1/janesdata/sent/balksu/romas140.htm@current&pageSelected=allJanes&keyword=Security%20Assessment%20%20The%20Balkans&backPath=http://search.janes.com/Search&Prod_Name=BALK&; Internet; accessed December 10, 2007.

¹⁵¹ Ibid.

Intelligence Service (SIE); the Guard and Protection Service (SPP) and the Special Telecommunication Service (STS); and ministerial agencies include the General Directorate for Intelligence and Internal Protection (DGIPI) and the Directorate for General Information of the Army (DGIA). The Romanian government subordinated its intelligence gathering agencies under the MOD during the early 2000s and eliminated the MOJ's intelligence agency, DGPA, in 2006 due to pressure from the EU.¹⁵²

The third step undertaken by the Romanian government was the consolidation of democratic control over the intelligence services. The legislative control by parliament has increased its role by reconstructing the legal framework governing the intelligence services as well as structural changes to the intelligence community; these reforms have resulted in attaining democratic oversight standards, Parliamentary approval and ultimate control of the intelligence budget, and the attribution of other residual powers that the Romanian Constitution gives to it. Hence, the specialized committees are the essential legislative bodies that exercise parliamentary control.¹⁵³

Both chambers of Parliament, the Senate and the Chamber of Deputies, have their own Permanent Commissions for Defense, Public Order, and National Security. While they have included in the membership of their Committees people with experience in the intelligence field in order to increase their effectiveness, this also served to decrease the politicization of the services' work. Further, these Committees are conducted in a partisan manner where opposition parties have a presence.¹⁵⁴ A new organization, the National Council for the Study of the Securitate Archives Executive (CNSAS), which fulfills other requirements for EU membership, may be considered a 'watchdog' hired by parliament.¹⁵⁵ Executive control of the intelligence services is significantly more

¹⁵² See Government of Romania, "[Progress Achieved in Preparing the Accession to the European Union](http://www.mdpl.ro/documente/engleza/dialog_ro_ue/2006/Annual_Extensive_Report.pdf), 30 September 2005 – 28 February 2006" [online article]; available from http://www.mdpl.ro/documente/engleza/dialog_ro_ue/2006/Annual_Extensive_Report.pdf; Internet; accessed December 29, 2007.

¹⁵³ Ionescu and Muresan, 21-22.

¹⁵⁴ See Romanian Chamber of Deputies, Committees Structure [website] available at <http://www.cdep.ro/pls/parlam/structura.co?leg=2004&cam=0&idc=21&poz=0&idl=1>; Internet; accessed January 3, 2008.

¹⁵⁵ Valentin Fernand Filip, "The Intelligence Phenomenon in a New Democratic Milieu. Romania – Case Study" (M.A. thesis, United States Naval Postgraduate School, 2006).

organized that ever before, and has included numerous new structures. Besides the CSAT, new structures such as CNI and ORNISS are working in this field. The Constitutional Court, the Attorney General, and the Courts of Justice exercise juridical control of the intelligence services. Civil society and the media have also played an important role in increasing the standards regarding democratic control, transforming the legal framework, and reconstructing the intelligence community in order to fulfill European Union and Euro-Atlantic integration requirements.¹⁵⁶

The efforts made to develop professional intelligence services constitute the last step. At the national level, Romania has established the National Intelligence Academy (NIA) and the High National Security College (HNSC). The HNSC provides lessons regarding security and intelligence issues to public authorities, parliamentarians, other intelligence agencies, and civil society. Furthermore, other intelligence agencies have specialized training units, whose programs, like NIA and HNSC, rely heavily on NATO and Western curricula and teaching expertise.¹⁵⁷

All these steps together have given Romania the opportunity to significantly reform their intelligence services in accordance with similar Western institutions. They helped to do away with the *Securitate* legacy, they made the functions of the Romanian intelligence agencies meet democratic standards, and they increased the effectiveness of the Romanian intelligence services. Perhaps what is most significant is that these steps have made the intelligence services compatible for international membership before the remainder of Romanian institutions.¹⁵⁸

G. CONCLUSION

The process of transformation of the intelligence services from their Communist roots to meeting new democratic standards has passed through two phases. The first

¹⁵⁶ Matei, 30.

¹⁵⁷ Cristiana Matei, "Intelligence Community in Romania. From an Instrument of Dictatorship to Serving Democracy" *International Journal of Intelligence and CounterIntelligence*, Volume 20, Issue 4 December 2007. <http://www.informaworld.com/smpp/content?content=10.1080/08850600701492762>, 629 – 660, (accessed January 25, 2008)

¹⁵⁸ *Ibid.*, 36.

phase consisted of establishing new institutions and was characterized by breaking with the legacy of the old services, and their impact on Romania's integration into the EU and NATO. The second phase was a result of the general efforts of Romanian civil society and the new political leadership. Intelligence reform made possible not only the consolidation of the new institutions within the intelligence sector, but it also helped them become a more professional and effective community, not only in Romania, but in the international intelligence community.¹⁵⁹ The participation of Romania in international endeavors to fight terrorism and organized crime has proven useful in the development and transformation of their intelligence services.

¹⁵⁹ Florina Cristina Matei, "Reconciling Intelligence Effectiveness and Transparency: The Case of Romania," *Strategic Insights*, Vol. VI, Issue 3.

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V. CONCLUSION

A. THE CONSOLIDATION EFFORTS, LESSONS LEARNED AND ROAD AHEAD

The process of consolidating democracy and the integration into NATO and the EU embraces numerous reforms that cover almost all aspects of society, replacing the legacy of the totalitarian Communist regime with a new legacy; one fit for a consolidated western democratic society.

The international community, notably the EU and NATO, has supported and encouraged all candidate countries to follow the democratic reform processes in the security sector, especially in the security and intelligence services as the intelligence services are simultaneously necessary for democracy and a threat to democracy.¹⁶⁰ The EU and NATO are also looking ahead to the third round of enlargement, and the scholars believe that the problems identified within the intelligence services of the former-Communist countries recently invited to join will pale in comparison to those of the next round of states to be invited to join.¹⁶¹

Intelligence reform is undoubtedly a very important process and each country has to choose the most suitable and practical way to carry it out. Fundamentally, there are some common values that need to be shared and subscribed to. It is also understandable that the reform of the intelligence sector in every country is a difficult process, especially in those countries having had typical authoritarian and Communist regimes where the intelligence services were identified with the regimes themselves: it poses a challenge

¹⁶⁰ Robert Jervish, "Intelligence, Civil-Intelligence Relation and Democracy," in *Reforming Intelligence*, ed. Thomas C. Bruneau and Steven C. Boraz (Austin: University of Texas Press, 2006), vii.

¹⁶¹ For more on this issue see *Jane's Intelligence Digest* [journal online]; September 05, 2003; available from http://www8.janes.com.libproxy.nps.edu/Search/documentView.do?docId=/content1/janesdata/mags/jid/history/jid2003/jid00229.htm@current&pageSelected=allJanes&keyword=NATO's%20intelligence%20concerns&backPath=http://search.janes.com/Search&Prod_Name=JID&; Internet; accessed February 7, 2008.

with many unknown difficulties and no clear road map.¹⁶² In order to protect new democratic achievements and a nations' reputation, the reformation and transformation process of the intelligence services in those countries must be conducted properly and with transparency. Meanwhile, this reform cannot be achieved in isolation and separated from the experiences of other states that have already undergone these transformations. Their practices will show the problems and difficulties that they have experienced; also, they offer us the opportunity to learn and benefit from their best practices and achievements with a view to avoiding their mistakes or missteps taken in the process of security sector reform.

In the Romanian case, the evaluation of the new intelligence service during the transition process from a totalitarian regime into a NATO and EU member is a successful example that shows how the political elite and the intelligence community have resolved many problems. In the Romanian experience we also note the important role that international institutions (i.e. NATO and the EU) played in motivating the Romanian political class to meet the democratic standards concerning the intelligence services. The Romanian government strongly supported policies to progress the reform process and the performance of intelligence services as required by the NATO and EU standards.

The role of civil society, the media, and NGOs were indispensable in this process, reflecting both the eagerness and desire to attain the ultimate goal of the Romanian people - to reform all institutions, including the intelligence community, in accordance with democratic principles. This difficult journey was achieved by overcoming significant obstacles and getting rid of the legacy of the Communist intelligence services; by doing so, the Romanian people made their dream of joining NATO and the EU come true.

In the Albanian case, intelligence reform is part of the democratic transformation process of society as a whole, and has taken steps both back and forth in a way reflective of the experiences and a mentality inherited from the past. The politicization of the

¹⁶² Steven C. Boraz and Thomas C. Bruneau, "Best Practice: Balancing Democracy and Effectiveness," in *Reforming Intelligence*, ed. Thomas C. Bruneau and Steven C. Boraz (Austin: University of Texas Press, 2006).

services in different periods, and the insufficient democratic oversight of the process were two key elements which negatively impacted the transformation process of the intelligence services. Although progress is noted, the old legacy of the intelligence services remains one of the greatest obstacles for the road ahead and requires decisive action from the entire political spectrum, including both parliament and the government. Failures and mistakes committed during the initial phase of the intelligence services' restructuring and reformation may recur throughout the ongoing process as well. Intelligence reform requires a special focus and is one of the main targets of democratic transformation provided that intelligence is an important and sensitive element of SSR.

The ongoing phase of SSR coincides with major political developments in the country, most notably the invitation for Albania to join NATO in early April 2008 and the implementation of standards to join the EU that are tightly bound with the second phase of the SSR (relating to the reform of the intelligence services and its democratic oversight and control structures). The reform of the intelligence community calls for the consensus of a vast political spectrum, a consensus that has been evident with the recent election and judicial reforms set forth as pre-conditions for the admission of Albania to NATO and accession to EU due course.

The reformation of the SIS, the principal intelligence service in the country, is also dictated by the changes in the security environment, emergence of new internal and external threats such as international terrorism, proliferation of WMD, and organized crime networks, etc. The same situation applies to the Military Intelligence Agency, given the activity of the Albanian military abroad (the Albanian military is currently deployed in Iraq, Afghanistan, as well as Bosnia and Herzegovina) under both NATO and UN auspices. The current structure and status of the intelligence community can not cope with these future threats unless they continue to evolve.

As mentioned above, reforms in the intelligence services also call for contributions by, and participation from, all of the relevant levers such as legislative, executive, judiciary, and civil society. It is requisite that Albanian politicians work closely with Albanian civil society and take advantage of the expertise offered by prestigious and specialized international and national institutions, and Non-Profitable

Organizations (NPO), such as the Geneva Center for the Democratic Control of Armed Forces; the Federation of the American Scientists; the Institute for Democracy and Mediation; the Center for Civil-Military Relations at the United States Naval Postgraduate School, etc.; all of which are willing to assist in this process. As well, it is worthy to note that both NATO and the EU have redoubled their commitment to assist in reforming Albanian intelligence and security structures as well as its legal framework to reflect the NATO and EU norms.

B. RECOMMENDATION

The current trend of democratic progress in Albanian society calls for the immediate reformation of the Albanian intelligence community that will positively contribute to the effectiveness and implementation of the priorities of the Albanian state to the benefit of Albanian society. The process of reformation should consist primarily of the adjustment of the role and mission of the intelligence services; and, to ensure proper oversight, improvements and amendments of the existing legal framework are required. These reforms should be carried out systematically with a view to attaining the standards of the Euro-Atlantic democratic nations' intelligence services, with adjustments to meet the specific circumstances of Albania.

Reformation calls for contributions from all powers, but particularly legislative reform through the parliament. The intelligence services should have a clear mandate where their role is clearly articulated and approved by three levels of state power – the executive leadership, the elected legislative body, and the judiciary. Likewise, based on past experience, the consent of civil society is also an important consideration.

Intelligence reform should also determine the number and size of intelligence services required in the country: considerations should include threat level, risk assessment, size of the population, budget considerations, etc. Experience has shown that due to lack of coordination at senior levels, the mandates of the intelligence services have overlapped, consequently wasting manpower and finances; this issue must be considered by lawmakers and policymakers throughout the reformation process.

Democratic control of the intelligence services has thus far been neglected, and has to be updated in accordance with the best of practices of established democratic countries. It is essential as a mean of helping to ensure the activities of the intelligence services are confined within a legal framework. It is a matter of fact that many intelligence services in both old and new democratic societies have become targets of criticism for applying procedures that have been considered to constitute violations of fundamental human rights and liberties. For this reason judiciary control must be clear and explicitly incorporated in the legal acts related to intelligence services. The intelligence services must comply with the law and they must be held accountable to civil society and its appropriate levers on a need-to-know basis. Transparency to the public positively contributes to the image of the intelligence services, given their poor reputation inherited from former regimes.

Throughout the reformation process special focus should be paid to the new cadre's recruitment processes and the provision of updated professional training to the existing personnel employed in the intelligence services. The entire reformation process should aim at creating a strong basis for a professional intelligence community serving the national security of the country and contributing to the aspiration of the Albanian society to do away with the prolonged democratic transition and integrate itself in the Euro-Atlantic bodies. It also needs to identify potential leaders and managers and to evolve capacity building mechanisms and career promotions systems with a view to successfully accomplishing assigned goals and missions, as well as to ensure the optimal performance and positive legacy of the intelligence services.

1. Legal Improvements

Little is mentioned about the intelligence agencies in the current Albanian Constitution wherein it is simply cited that the President of the Republic appoints and dismisses the head of the SIS upon the proposal of the Prime Minister. Given the essential changes that have influenced the security environment, the emergence of new threats and risks, it is an immediate necessity that legislation concerning both services, the SIS and the MIS, require either profound amendment or the creation of new Acts in

order to make the services more efficient and compliant. The new legal framework must be sufficiently robust enough overcome the mistakes and errors committed thus far, and must anticipate future developments and changes: it should also reflect the substance and extent of the term ‘national security’ that have changed, and will continue to change, in the future security environment.

Although the current legislative Act concerning the SIS was developed in consult with well-regarded individuals in the area of law and has undergone some minor periodical amendments, the current legal framework appears to be relatively outdated. The Act grants the service a mission that focuses primarily on domestic affairs and, in many ways, lacks flexibility and limits the scope of its activity. The SIS Act approved in 1998 primarily aimed at narrowing the competencies of the organization, stressing the de-politicization of the service. The MIS basic law differed from the SIS Act in this respect; however, it lacked long-term vision and did not consider future developments. As such, it is not very compatible with the recently approved Strategy of Defense. Aside from the basic Acts of the intelligence services, a number of other Acts related to the intelligence services must be amended as well.

2. Parliamentary Oversight

Parliament, whose role has been enhanced in the current constitution, represents the most important institution relating to democratic control. Likewise, Parliament approves strategic policy on national security, the budget, and it exerts parliamentary control over activities connected to the intelligence services. Parliament has exercised its oversight of the intelligence community through periodical reporting of the heads of the services to the Parliamentary Committee on National Security, ad-hoc Parliamentary committees, Investigative Committees, and with respect to budgetary accountability.

In many cases, individuals involved in the oversight bodies have not been experts in the security and intelligence field; therefore, the establishment of a Parliamentary Sub-Committee whose membership must come from the Parliamentary Committee on National Security is deemed necessary.

3. Executive Tasking and Oversight

Given the direct dependency of the intelligence services upon the government, the latter has an indispensable role regarding tasking, control and oversight. The head of the government determines the priorities of SIS while for MIS he acts through the minister of Defense. The Prime Minister is also head of the Inter-Ministerial Committee for National Security, and his advisor on national security has traditionally led the joint working group responsible for drafting the National Security Strategy, the principal document addressing security issues in the country. Currently the National Security Strategy is somewhat vague and does not clearly elucidate the role of the intelligence services. At present the distinction between the responsibilities of the President of the Republic, as the overall head of the National Security Council, and those of the Prime Minister, as the head of the Inter-ministerial Committee for National Security, are unclear. Moreover, both bodies have advisory authority rather than decision making authority and, in some ways, their activities appear to overlap each other.

It is recommended that a Cabinet Committee for Security and Intelligence Affairs be established under the auspices of the Prime Minister's office. Further, this Committee should be provided with the authority to coordinate the activities and efforts of intelligence agencies, and responsibility for oversight of the dissemination of the intelligence agencies' finished products to the appropriate governmental entities.

It is also recommended that a National Intelligence Coordination body be established, whose membership must consist of the heads of the intelligence services and other authorities from governmental bodies related to these issues. This new structure will contribute to the executive control and supervision of the intelligence and security services, would serve as an interim body between the policy makers and the intelligence services, and would be the center for the coordination of intelligence activities in the country and produce the Executive Intelligence Assessment on behalf of the entire intelligence community.

The government has oversight authority over the intelligence services. According to current legislation, the Prime Minister appoints an Inspector General who may run

investigations on specific issues related to the activities of the SIS, although his authority is not well delineated as the head of the government oversees the activities of MIS through the cabinet. The Minister of Defense has also appointed an Inspector for the service to run investigations. The role and the mission of these inspectors should be defined by law. The government also has full authority to carry out audits on intelligence services' budget issues as well, although these responsibilities and requirements should be better defined.

4. Judiciary Supervision

Although it is clearly defined in the existing Acts that the General Prosecution Office is in charge of approving and overseeing means and methods applied by intelligence services to implement their tasking, this has resulted in disagreements over interpretation of intent and circumstance. This has been most common on cases involving phone interceptions; therefore, laws relating to interception need to be updated. It is also unclear exactly how the rules and legislation regarding the use of information generated by intelligence services are to be applied as evidence in prosecution.

5. Press and Civil Society

Experience has shown that intelligence services in Albania have not been sufficiently transparent and accountable to the public, and that has negatively contributed to the image of the services by unnecessarily making them targets of criticism. It is very important that the reformation process consider that public transparency is essential for the consolidation and credibility of the services. The intelligence services must convey the principle that they consistently execute their tasking while respecting fundamental human rights and liberties.

6. Intelligence Services Structure

Regarding the structure of the intelligence services, the reformation must consider the best fit for the circumstances. Surveys of the structures of intelligence services in a number of democratic societies reveal that they have split domestic and foreign services

into two separate bodies, and in relatively few others examples they are both incorporated in one service. Given Albania's circumstances, a small country with limited resources, it appears practical to maintain the existing intelligence services with some slight changes to their structure, role and mission, and, in particular, their personnel and budget allocations to avoid overlap and to increase their effectiveness and efficiency.

7. Professionalism of the Albanian Intelligence Services

The intelligence services have benefited significantly from training programs of all types provided by potential liaison counterparts, conducted both domestically and abroad. Selection of the candidates to be trained has not been proper, since many of those trained personnel were affected by periodical personnel changes during this transition period. Although there is an existing legal framework related to intelligence service personnel career promotion, reality has shown it is not consistently applied. The SIS school in charge of providing basic and updated training for most of the intelligence personnel in the country also needs to be reformed by applying more contemporary methodology and curricula.

Regarding the process of the consolidation of democratic society and integration into NATO and the EU, Albanians need to take note of all the changes that have occurred both inside and outside of the country, and learn from the experience of other countries; thus, taking steps toward removing the legacy of the totalitarian and Communist regime, as well as clearly aiming toward building contemporary professional intelligence services. The process of reformation of the intelligence community is most certainly difficult, but in order to ensure a professional, democratic and transparent intelligence services that serve the national interest it is essential to implement the reforms recommended in this thesis. The reforms should provide effective and efficient intelligence services ready to face new threats such as organized crime, corruption, and international terrorism, all the while adhering to the implementation of democratic and internationally recognized obligations in the conduct of the intelligence services. Furthermore, it will surely help speed up the process of integrating Albania into NATO and the EU.

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