Intelligence sector reform in Romania. The impact of international cooperation

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ABSTRACT

The purpose of this article is to contribute to the relatively scarce scholarly literature regarding the democratisation of the intelligence sector in post-communist Europe, with a focus on the experience and lessons that can be learned from the case of Romania. Essentially, the article addresses the impact of external pressure (derived from international cooperation, both at the national and agency level) on the reforms undertaken by Romania after 1989 and in preparation for its accession to NATO and the EU. I build upon literature in intelligence studies and civil-military relations and I analyse the two waves of legislative and institutional changes reflected in official documents, legislation, and public interviews by prominent members of the intelligence community. I also highlight the importance as well as the limits of international cooperation of Romanian agencies with their Western counterparts (NATO/EU institutions as well as agencies in member states) as a factor of democratization.

Introduction

International cooperation in the highly competitive realm of intelligence is generally thought of as a pragmatic undertaking, usually limited to intelligence and assessment exchanges between actors ultimately interested in pursuing their own objectives. Faced with increasingly complex security threats, most of which are cross-border in nature (e.g. terrorism, cyber-crime), intelligence agencies turn to cooperation mainly as a means of expanding their tools for fulfilling the national security mandate. Former director-general of the UK Security Service (MI5) Stephen Lander argues that:

> "*Intelligence cooperation is something of an oxymoron. Intelligence services and intelligence collection are at heart manifestations of individual state power and of national self-interest. The very language used about the work [«national security», «defence and foreign policies»] makes the point*" (Lander: 2004, p. 481).

One apparent exception to this model is international cooperation in the field of intelligence sector reform. In the European context, this type of cooperation usually took place when the intelligence agencies and institutions of "old" democracies offered assistance to post-communist democracies in the process of establishing a new intelligence institutional framework. The process targeted two main objectives:

    a. the professionalization and capacity building in newly established agencies - through exchanges of know-how and good practices and sharing of intelligence and assessments;

    b. the democratisation of the security/intelligence frameworks.

For the purposes of this article, I define democratisation as the process of regulating the intelligence sector within a democratic framework, aimed at reaching a balance between the need for secrecy and the need for transparency (Matei, 2009b, p. 668). At a minimum, the reform process would:

> "*(1) delineate the rights, obligations, and powers of the intelligence organizations, as well as the arrangements for their governance and accountability; (2) provide the intelligence system with guidance as to what it can and cannot do; (3) indicate who is in charge and who oversees the activity*

of intelligence; (4) ensure that the intelligence apparatus is responsible before the law in the case of abuses; and (5) make sure that the intelligence community benefits from legal protection if it observes the legally agreed guidance and directions" (Ibidem).

The need for international cooperation in post-communist contexts derives from the lack of relevant and useful "blueprints" – democratic traditions, precedents, or sets of good practices well enough adapted to the local culture and security context. Thomas Hammond notices the lack of an empirical foundation that would guide the reform efforts in this sector – "*policymakers and legislators simply do not know how to identify the most appropriate structure for the intelligence community*" (Caceres-Rodriguez & Landon-Murray: 2019, p. 144).

In working out a new regulatory framework for the security sector and the adjacent mechanisms of democratic oversight, more often than not, states were driven to seek international assistance – which was initially understood as a means of "importing" know-how and ready-made models of regulatory frameworks from "consolidated democracies" and, in certain cases, direct foreign involvement in the reform process.

After the initial early 1990s "push", the reform process was subsequently continued under the pressure of NATO and EU legislative and institutional integration processes – fulfilling the requirements for accession meant that the security sector in general, and the intelligence agencies, in particular, would have to be reformed and aligned to "Western" standards of democracy and effectiveness. This process was also doubled by an increase in direct cooperation with Euro-Atlantic intelligence agencies. This increasing number of contacts further led to progress in the professionalization and democratisation of the post-communist agencies involved.

Within this context, it is important to distinguish between two types of cooperation for reform, both having different focuses:

a) **Agency-level cooperation** – between national intelligence services and their foreign counterparts.

This type of cooperation is focused mainly on the capacity-building aspects of reform. The pragmatic incentives are obvious – the assistance providers are interested in helping future

allies in becoming more useful and contributing to the collective security, while the receivers are interested in increasing their capacities and their prestige (both nationally and internationally);

b) **Political level cooperation** – comprised of contacts between the authorities of democratizing states and the structures within the international organisation, as well as representatives of their member states.

The focus falls mainly on the democratisation side of the reform process, but also on achieving a sufficient degree of efficacy, that would turn the newly reformed agencies into a political asset. Thus, the main drive for reform is political, and not specific to the intelligence sector. In the case of post-communist democracies, the objective was fulfilling the preconditions for NATO or EU accession.

The aim of this article is to highlight the limits of external cooperation as a factor for democratisation in post-communist democracies seeking to gain membership to NATO and the EU. I will illustrate these limits using the case of Romania, focusing on the assistance offered by NATO and EU institutions, as well as member-states of both organisations in the reform of the intelligence sector. I explore, on one hand, the main steps Romania and its intelligence agencies undertook for reforming the sector (both for increasing its efficacy and its accountability of its main civilian intelligence services[24] – the Romanian Intelligence Service/SRI and the Foreign Intelligence Service/SIE), and on the other hand, on the international cooperation Romania was engaged in, both at political and agency level.

The analysed case seems to suggest that international cooperation has had a greater impact on increasing the effectiveness of Romanian intelligence institutions than their accountability and the mechanisms of civil-democratic oversight. I argue that the narrow scope of international cooperation essentially prevented it firstly from having a profound

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[24] The term civilian refers to the scope and mandate of the two agencies (i.e. not military intelligence) despite their being militarized institutions – a particularity of the Romanian intelligence framework, as many similar independent (not under ministerial subordination) agencies in, for instance, NATO member states are civil institutions (even though their cadres often enjoy special status).

impact on the implemented reforms and secondly from remaining at all relevant after the political goals of the decision-makers have been fulfilled.

The limits of international cooperation

Scholarly literature points out the positive effect on democratisation of "external" factors such as international cooperation. Matei and Bruneau (2011) identify the NATO and EU integration processes – including technical assistance, intelligence exchanges and foreign aid specifically targeted towards reforming the intelligence/security sector institutions – as one of the main factors that would push policymakers to follow through with an adequate intelligence sector reform.

Similarly, Croissant and Kuehn (2017) identify three mechanisms through which "external" factors produce effects in the democratisation of the security sector in new democracies. Firstly, modifications in the threat landscape of national decision-makers modify or extend the mandate of intelligence agencies and create pressure to "update" the mechanisms of democratic oversight.

Secondly, the states' perspectives for NATO and/or EU accession will drive them to adopt regulations that would allow them to fulfil the accession requirements. These criteria, especially those pertaining to civil-democratic control, are equivalent to

> *"achieving a reliable functional inter-relationship between the democratic society, state and its armed forces as well as the other security institutions in such a way that at any stage of this interaction the principles of pluralistic democracy, market economy and the rule of law are implemented while national security is guaranteed"* (Pantev & al.: 2005, p. 103).

Thirdly, bilateral international cooperation triggers both the direct and indirect involvement of foreign partner agencies in the reform process.

Even though, as we have seen, the "external factor" is generally viewed as having a strong impact on the reform of the intelligence sector, in post-communist settings, many reforms were driven mainly by the short-term political or personal prestige objectives of the decision-makers (Croissant, Kuehn: 2017, p. 8). This only produced seemingly superficial changes, failing to create profound shifts in organizational culture, or to overcome the

distrust of intelligence cadres towards foreign involvement and "international good practices".

Kieran Williams and Dennis Deletant (quoted in Bruneau & Dombroski, 2014), notice that "western-styled" reforms were often implemented in post-communist countries in an "artificial" manner, inorganically grafted onto societal contexts that were (and still are) ailed by a chronic mistrust in state institutions, with strongly politicized bureaucracies, and without a democratic institutional culture. In these contexts, as other authors, such as Caceres-Rodriguez and Landon-Murray (2019) also notice the "external factor" generates a phenomenon of "institutional isomorphism" – under structural (coercive, mimetic, or normative) pressure, larger or smaller organisations seek to obtain internal and external validation and legitimacy by adopting institutions and practices of larger, prestigious and more mature organisations – often, these changes disregard the real needs of the institutions that implement them and do not fully take into consideration national interest (such inadequate choices are difficult to correct, as any effort in that direction would have to change not only the institutions but also the "philosophy" that guide their functioning).

Thus, accomplishing the reforms required does not guarantee the continual and sustained long-term implementation of democratic standards, especially in those cases where mechanisms of oversight are not functional, despite their being formally implemented. The reform process is gradually abandoned after the "grand" objectives have been reached: on the political level – accession to NATO and EU; on the institutional level – reaching a sufficient degree of trust between national intelligence agencies and their allied counterparts.

A further obstacle in the path of an increased role of international cooperation in the intelligence sector reform is the pervasively national nature of intelligence activities. This has two main consequences.

Firstly, bilateral cooperation in intelligence is circumscribed to the pragmatic interests of the intelligence agencies (according to the realist principle "states don't have friends, they have interests"). This aspect pronouncedly limits interactions with regard to reforms, none of the parties being truly interested in deepening this type of dialogue beyond certain clear boundaries. Thus, the provider of international assistance is interested in increasing its

sphere of influence/prestige and obtaining allies that, at least formally, share its own values and standards. The receiver of international assistance is interested in building trust and gaining access to the intelligence sharing that takes place between the "big players".

Secondly, both NATO and the EU lack genuine integrationist ambitions that target the intelligence sector. Thus, cooperation between member states on intelligence topics as well as reform remains within the boundaries of voluntary cooperation as there are no "common rules" dictating how oversight should be conducted or how transparent intelligence agencies should be. In the case of the EU, the idea of increasing the level of integration of intelligence agencies has been well received by politicians and academia, while unanimously rejected by intelligence practitioners (Palacios, 2020) – for example, Ilkka Salmi, former head of INTCEN and former director of the Finnish Security and Intelligence Service (SUPO) assessed in 2014 that:

> *"for the moment [there is] no real need nor will on the part of the Member States to take any steps towards that kind of integration. The trend is rather to identify the areas where multi-European intelligence cooperation can give real added value to the Member States".* (Ibidem)

The main argument invoked by the opponents of increased integration of intelligence agencies is Article 4 (2) of the Treaty on European Union (consolidated version after the Lisbon Treaty) – which states that "national security remains the sole responsibility of each Member State". While this phrasing leaves room for debate, most practitioners agree that, as the intelligence sector is a crucial provider of national security, its activity must remain the exclusive prerogative of national authorities, without external oversight. Similarly, Ballast (2018) notices that even after the Paris terrorist attacks, the reluctance towards any initiative that would increase the degree of intelligence agency integration was specific to those states with developed and "prestigious" intelligence systems that would have the least to gain from increased cooperation (The United Kingdom, Germany, France, Spain, Italy; the German internal affairs minister assessed that, at that time, he "cannot imagine how European states would agree to give up national sovereignty" in the field of intelligence).

These phenomena are well illustrated by post-communist transitions in Central and Eastern Europe, where the reform of the intelligence sector took place in at least two "waves" – a

first phase immediately after 1989, a second one during preparations for NATO, and/or EU accession. The institutional change was often undertaken without sufficient consideration for the national context and without identifying the most adequate institutional configurations. Rather, the reforms undertaken were shaped by the short-term objectives of the politicians and whichever the most "active" foreign partners were at the time[25].

Methodological considerations

In the next sections of the article, I will review the impact of international cooperation on the post-communist transformation of the Romanian intelligence sector, focusing on the experiences of the country's two main national intelligence agencies – SRI and SIE.

As I have shown, the aim of the article is to highlight the limits of international cooperation (understood as both agency and political level cooperation) as a factor of democratisation. A direct approach – the only one that would establish a clear causal link between democratisation and international cooperation – would be to uncover in-depth the incentives and the inputs of stakeholders for each of the steps of the reform process. This however would be next to impossible due to the fact that much of the data needed is classified.

Instead, I approach the task indirectly, by comparing the trajectory of democratic reform in the Romanian case to that of international cooperation at the agency and political level, on the other hand, reinterpreting existing research, while also bringing it into discussion under-researched primary data. I argue that, since the two trajectories do not mirror each other (i.e. increased cooperation does not equal increased concern with democratisation), the effects of international cooperation one democratisation are neither long-lasting (e.g. impacting democratisation beyond the initial accession requirements pressure) nor profound (e.g. changing the organisational culture of the reformed agencies). Other factors

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[25] For instance, in Romania's case, in the immediate aftermath of 1989, one of the most involved contributors to the intelligence sector reform was the FBI – an institution whose main attributions pertain to law enforcement and judicial investigation, not primarily collecting and analysing intelligence.

(beyond the scope of this article) may have a greater impact or, in the long run, diminish the positive impact of international cooperation.

The data available on the subject is somewhat scarce and does not generate a balanced overview of the development of all Romanian intelligence agencies. In the case of the Romanian Intelligence Service (SRI), the time frame 1989 - 2015 is relatively well documented and I rely on the following main sources: the yearly activity reports issued by the institution26, that are most likely redacted versions of the documents presented to the Supreme Council of National Defence – the CSAT), the two public "strategic vision" documents27 elaborated by the institution, as well as several publications edited by the institution – the most useful being «Monografia SRI» book, published in 2015 and edited by Iulian Diculescu (that uses extensively information published in the aforementioned activity reports). After 2015 the SRI has not published any more detailed information regarding its activity – with the exception of yearly reports regarding requests to public information (a quantitative summary of requests received by the institution under Law no. 544[28] regarding the free access to public information).

Data referring to the reform process underwent by The Foreign Intelligence Service (SIE) and its relationship with Euro-Atlantic partners are considerably harder to find (there are no public documents on the subject issued by the institution, nor any yearly activity reports). But, in this case, the most useful sources have been from the journalistic

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[26] The activity reports offer an overview – with varying levels of detail - of the agency's activity, on topics such the main threats addressed by the institution, the way it has fulfilled its mandate, international cooperation, human resources, its relation with the CSAT, and the democratic oversight organisms, as well as with the civil society. It also sets out the priorities for the next year. The documents cover the period between 1994 and 2014 (with the exception of a short unaccounted period between September 1996 and May 1997), http://arhiva.sri.ro/rapoarte-de-actiivitate.html

[27] "Strategic Vision 2007 – 2010" and "Strategic Vision 2011 – 2015: «SRI in the information age»", http://arhiva.sri.ro/documente-programatice.html

[28] Law no. 544 of 12 October 2001 on free access to information of public interest, https://www.sri.ro/assets/files/legislatie/legea544.pdf

interviews offered by SIE's former director Mihai Razvan Ungureanu[29] and former deputy director Silviu Predoiu[30].

The first wave of post-communist reforms in Romania

Larry Watts (2016) argues that in the case of Romania the intelligence sector had, in 1989, reached „a complete loss of domestic legitimacy" – which generated for the post-communist decision-makers an immediate concern for the swift regulation of the new intelligence agencies – SRI and SIE. The ensuing legislative process did not have, as a guideline (at least initially) a coherent vision regarding the reforms, firstly because its main goal has not been to achieve an effective and professional intelligence apparatus. Instead, the main concern was neutralizing the risk of repressive structures of the communist regime (which were thought to still hold a certain amount of influence) gaining any influence in the first post-communist reforms (Matei 2009a, p. 678). Secondly, the politicians leading the reform process lacked expertise in the field of security sector reform. The result was a quasi-lack of adequate legislation and a clear inefficacy of those civil-democratic oversight mechanisms that were put in place (Ibidem).

The establishment of the modern Romanian intelligence framework started with the dismantling of the „Securitate", formally „The Directorate for State Security" (DSS), at the moment a department within the Ministry of Internal Affairs. On the 30th of December 1990, through Decree no. 33 issued by the National Salvation Front Council (CFSN), the DSS was decommissioned after all its internal structures and personnel had been moved from the Ministry of Internal Affairs to the Ministry of Defence. On the 26th of March 1990, the Provisionary Council for National Union ("Consiliul Provizoriu de Uniune Naţională" – CPUN) issued the Decree no. 181, formally establishing a new agency - the SRI, which would take over, with some exceptions, all components of the former DSS. The most

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[29] Mixich, V., 2009, "*Interviu cu directorul SIE, Mihai Razvan Ungureanu: Dintr-o Dacie, SIE s-a transformat intr-un Rolls-Royce*", Hotnews, https://www.hotnews.ro/stiri-esential-5459490-interviu-directorul-sie-mihai-razvan-ungureanu-dintr-dacie-sie-transformat-intr-rolls-royce.htm

[30] Fati, S. (2019), "*Silviu Predoiu: Cum influenţează serviciile secrete politicul*", Europa Liberă, available at : https://romania.europalibera.org/a/silviu-predoiu-serviciile-secrete-influen%C8%9Beaz%C4%83-politicul/30303635.html

notable exceptions are the Foreign Intelligence Center (which would remain part of the Ministry of Defence until the 13th of December 1990, when it became an independent institution), the Counterintelligence Direction, and the Security and Guard Direction (which would become the new Protection and Guard Service). The decree (which was never officially published, only unofficially in the Romanian mass-media[31]) is comprised of only eight articles, two of them establishing the institutional subordination of the new service (namely SRI would answer to the Provisional National Unity Council (CPUN) until the upcoming 1990 general elections[32], and after that to the President of Romania) and its oversight mechanisms (CPUN and the Parliament, respectively, may establish oversight committees for the control of the way the activity of SRI complies with the constitutional principles and norms, and with the fundamental rights and freedoms of the citizens). The document contained no further details in that respect.

In 1991, Law 51[33] on the National Security of Romania brought some clarity regarding the role of each component of the intelligence apparatus[34]. However, a proper statute for SRI would only be issued in 1992 through Law no. 14[35], which confers the agency several specific intelligence attributions in the field of national security, it also authorises the institution to "possess and use specific means, adequate to its mission"[36], and on the 30th

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[31] Iacob, B.T, (2019), "26 martie 1990: Povestea misteriosului decret de naștere a SRI", Inpolitics, https://inpolitics.ro/26-martie-1990-povestea-misteriosului-decret-de-nastere-a-sri26-martie-1990-povestea-misteriosului-decret-de-nastere-al-sri_18442303.html

[32] The Provisional National Unity Council had, as its main task elaborating a new electoral law that would be used in organising the general elections of May 1990. The organism had both executive and legislative prerogatives and served, in place of a Parliament, as an oversight institution for SRI until the investiture of the new Legislative. It did not establish any specialised committees for that task, so its oversight prerogatives did not take effect.

[33] Law no. 51/1991 on the National Security of Romania, https://www.sri.ro/assets/files/legislatie/Legea51.pdf

[34] Law no. 51 determines that SRI is the state agency specialized in collecting intelligence within the national borders while SIE is specialized in gathering intelligence abroad. The activity of the two institutions is „organized and coordinated by the Supreme Council of National Defence".

[35] Law no. 14/1992 regarding the organisation and functioning of SRI, https://www.sri.ro/assets/files/legislatie/Legea14.pdf

[36] In the first article of the Law it is also stated that „yearly or whenever the Parliament decides, the head of the Romanian Intelligence Service hands in reports regarding the manner in which the agency's attributions set by the legislation have been fulfilled" and that „for the purpose of exercising concrete and permanent oversight, a joint bicameral committee is to be established. The organisation, the functioning and the means of exercising said oversight are to be established by subsequent resolutions adopted by the Parliament".

of June 1993 a permanent joint parliamentary committee would be established, tasked with the oversight of SRI activity.

SIE's first "statute" is even briefer – Law no. 39/1990[37], through which the CSAT was established, grants the agency the status of an independent public institution, without regulating any other aspect of its functioning or setting the limits of its mandate. The institution would only be granted its proper statute in 1998 (as part of Romania's preparations to NATO accession, as I will show in the next section).

The same time frame also marks the beginning of international cooperation for the two Romanian institutions, but only after an initial moment of confusion – opening up to foreign intelligence agencies, especially Western ones, initially happened reluctantly, as intelligence practitioners perceived a "*certain initial ambiguity of the Romanian state regarding its relations to other countries*" (a justifiable ambiguity, if we take into consideration that the former enemies had become friends and vice-versa) as the "*geo-strategical options had not yet been clearly defined. The boundary between friend and foe was not yet clear enough*" (Diculescu 2015, p. 63).

After the clarification of the new geopolitical coordinates, the attention of Romanian intelligence services was directed firstly towards "*agencies from powerful Western states (the US, Great Britain, Germany and France)*" and secondly towards "*agencies in neighbouring countries*" – the first contacts were generally exploratory, centred around trust-building efforts, without any particular focus on the reform process. Already, by 1996, "*several agencies assigned liaison officers in Bucharest, feeling the need to deepen the dialogue [with their Romanian counterparts]*" (Ibidem).

The *ex post factum* reflection of this period in SRI sanctioned literature points to the idea that the Romanian service was "*aware of its being subjected by its foreign partners to a «study», an ongoing test of trust*" (Ibidem). In this context, it sought to manifest its openness regarding cooperation and to learn the "lesson" of democratic approaches, but

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[37] Law no. 39/1990 on the Establishment, organization and functioning of the Supreme Council of National Defence, https://legislatie.just.ro/Public/DetaliiDocumentAfis/815

also to highlight that, it is able, in its own right, to offer expertise on certain topics to other agencies.

On the other hand, this "learning" period was not reflected in a subsequent legislative reform, as the legal framework, set out by Law no. 51, remained much the same. SRI's activity report for 1996 points out that there were still significant legislative gaps and the legislation framing its operations was inadequate[38]. Furthermore, SIE still had no statute – a further obstacle in the way of deepening international cooperation, despite the good faith shown by the two Romanian institutions.

The second wave of post-communist reforms in Romania. Accession to NATO and EU

In Romania's case, the most relevant push towards reform came in the context of NATO and EU accession. Between 1997 and 2007, all institutional reforms and international cooperation efforts were channelled towards meeting the accession requirements for NATO and EU respectively. As Matei (2009) argues, even though policymakers at the legislative and executive level set out to create and develop a functioning post-communist intelligence community and sought to establish effective and transparent agencies, their role was secondary compared to the „*carrots and sticks*" approach requirements for EU and NATO accession. This new context also enabled increased pressure from mass media and civil society, including several entities financed or directed from abroad).

The first step towards a reformed intelligence sector was setting up a regulatory framework for SIE. This took the form of Law no. 1/1998[39] (still enforced) which confers to the agency the status of "state organ specialized in foreign intelligence" and establishes the democratic control and oversight mechanisms - the Supreme National Defence Council (executive control) would assess the effectiveness of the institution in fulfilling its mandate, while the Parliament, through a specialized committee (parliamentary oversight) would verify

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[38] Report with regard to the performance of his duties, according to the law, the Romanian Intelligence Service, to achieve national security - October 1995 - December 1996, http://arhiva.sri.ro/fisiere/rapoarte/raport96.pdf
[39] Law no. 1/1998, regarding the organisation and functioning of SIE, https://www.sie.ro/pdf/legislatie/1.pdf

"compliance of SIE's activity with the Constitution and with the state's relevant policies"[40]. It is to be noted that although formally established, the new committee would only start functioning at the end of October of 1998.

The first set of guidelines for the security sector reform consisted of the monitoring instruments set out after the 1999 Washington NATO Summit (the Membership Action Plan/MAP) and the 1999 Helsinki European Council (based on the Copenhagen and Madrid criteria for the enlargement process. Accession negotiations for Romania started in 2000 (Diculescu 2015, p. 136). Matei (2009) points out that international cooperation increased significantly especially in preparation to Romania's NATO accession[41].

Several areas were targeted, among which were the intelligence exchange, technical assistance in the reform process, work visits, and know-how sharing. Several Western agencies were involved, the US and Great Britain (through the NSA, FBI, the CIA, the Secret Service, as well as the British MI6) having a prominent role in the process. In 2001, the FBI opened a liaison bureau in Bucharest tasked with increasing cooperation in combating organized crime. Subsequently, in 1999, SRI and SIE notably gained membership in the Middle European Conference (MEC), a multi-lateral cooperation format formed by European intelligence agencies, which was seen as a "*success and a confirmation of both the Romanian agencies professionalism and their embracing democratic values*" and Euro-Atlantic standards (Diculescu 2015 p.148).

In the case of SRI, international cooperation manifested as technical assistance for NATO accession – one of the agency's most important partners being the NATO Office of Security (NOS) as „*NOS officers offered permanent advice on all topics*" (Diculescu 2015, p. 148). At the same time, "*an important role in adapting the SRI to the NATO standards*" and

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[40] Article 3 stipulates that "oversight over the activity of the Foreign Intelligence Service is exercised by the Romanian Parliament, observing the secrecy of means and sources of intelligence. To this purpose, a special committee is to be established, formed of three deputies and two senators, chosen from the members of the defence, public order and national security committees of both chambers of Parliament". Law no. 69/2017 raised the number of members to four deputies and three senators, without changing the principles on which the committee functioned or the (lack of) concrete levers at its disposal.

[41] Although much of this cooperation was not aimed at democratizing the emergent agencies, but at increasing their effectiveness and interoperability with their Western counterparts.

fulfilling the accession standards" was played by some allied states' intelligence agencies (Ibidem).

In 2001 SRI adopted its first International Cooperation Concept, a strategic document, on the basis of which, between 2002 and 2004, cooperation with other agencies was strengthened. In 2003, following the efforts in the context of NATO and EU accession, a new dedicated structure was established within the SRI, tasked with "coherently liaising" with EU and NATO institutions specialized in intelligence and security.

Between 2001 and 2004 SRI benefited from technical assistance not only in matters pertaining to its mandate (anti-terrorism, cyber-crime) but also in the legislative sphere – regarding the protection of NATO classified information and documents, focusing on regulating and operationalizing public access to the archives of the former "Securitate". The most prominent partners in this undertaking were the FBI/US and the DGSI/France (Diculescu 2015, p. 266).

Information on how SIE was reformed after 1999 is relatively scarcer. However, the former director of the institution, Mihai Răzvan Ungureanu, claims that

> "*[after] SIE became autonomous and its activity complimentary to that of SRI, in the beginning of the 1990s, it gradually transformed (depending on how much the policymakers trusted the special institutions) until this gradual pace became insufficient. [...] Romania's membership in NATO fundamentally changed our security paradigm, with everything it entails: from how our Defence Ministry was structured, to how the special services were organized*"[42].

The new guideline for intelligence sector reform became achieving compatibility with NATO and Romania's counterparts within the member states; „*there would automatically become partner agencies [...] which guaranteed a continuous professional, coherent, credible and result-oriented dialogue*"[43], however, somewhat conditioned by Romania's

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[42] Mixich, V., 2009, "*Interviu cu directorul SIE, Mihai Razvan Ungureanu: Dintr-o Dacie, SIE s-a transformat intr-un Rolls-Royce*", Hotnews; available at https://www.hotnews.ro/stiri-esential-5459490-interviu-directorul-sie-mihai-razvan-ungureanu-dintr-dacie-sie-transformat-intr-rolls-royce.htm
[43] Ibidem;

compliance to leave behind the „undemocratic heritage" and the cadres' willingness to undergo a "mentality reform".

Moreover, de-structuring and reconstructing SIE was done using a "*Western matrix*", aided by foreign assistance – with the „*undiscriminating help of our partners, which were also interested in Romania having an effective, resilient and cooperation-oriented espionage agency*"[44].

Aftermath

Despite promising results in the field of democratisation (reaching a balance between transparency/democratic oversight and effectiveness), after 2007 the reform focus in the intelligence sector shifted towards effectiveness, transparency and oversight being more and more neglected (Matei: 2014, p. 636). This tendency lingered on despite the fact that Romania became increasingly connected to the Euro-Atlantic processes and can be traced on two levels:

   a) **agency level -** the Romanian intelligence agencies became increasingly engaged in international cooperation, however not cooperation for reform, but capacity building and intelligence/assessment sharing - as means to raise their own profile within NATO, the EU, and in relation to the Western counterparts.

For instance, in 2007, SRI adopted a new International Cooperation Concept which focuses on developing intelligence exchanges and international cooperation on topics related to the agency's legal mandate, as well as on the concept of intelligence diplomacy[45], through which "the national interest would be pursued, contributing to Romania's efforts to achieve its security objectives". The agency also becomes increasingly visible in security multilateral formats (at UE and NATO levels) and even starts to offer assistance for the

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[44] Ibidem;

[45] Intelligence diplomacy refers to using the intelligence agencies' network of contacts and personnel to accomplish diplomatic tasks (oftentimes, maintaining an unofficial dialogue with actors with whom an official contact is not possible or advisable). This type of activity sees intelligence agencies non-transparently assume prerogatives outside their legal mandate, to overlap that of the "traditional" diplomacy.

modernisation and reform of agencies in the prospective of NATO members (Diculescu 2015; p. 267).

The gradual shift away from democratic concerns is also reflected in SRI's "Strategic Vision" documents. The report for 2007-2010[46] identifies "*consolidating democratic values within and outside of the organisation*" as one of the key principles that would guide the activity of the institution. The document also states that SRI "*recognizes its own role in a democratic state*", even if it is not clear what is entailed in applying this principle. In stark contrast, the 2010 – 2015 "Strategic Vision"[47], a continuation of the former document, contains no references to democracy or the principles that the institution adheres to. Instead, it focuses on capacity building and the security threats the institution must address. According to the "vision" it sets out "*increasing performance will consolidate the role of the Service as a national authority in its areas of responsibility, offering the opportunity to position itself as a lead provider of strategic knowledge within the national security framework*". Shifting the focus away from democratisation concerns may suggest either the disregard for such, issued after 2007 - 2010 or, more likely, the understanding that the institution had been sufficiently aligned to democratic standards and that further reforms in that direction would be detrimental to the overall efficacy of the agency.

b) **political level** - the withdrawal of policy-makers from the reform of intelligence services and the oversight mechanisms they require is traceable in the institutional evolution of both SRI and SIE after 2007.

SIE's statute was set out in Law no. 1/1998 regarding the organisation and functioning of SIE[48] and has only been amended once, in 2017, when Law no. 69[49] modified the structure of the Parliamentary Committee (increasing the number of members by two) and changed the investiture procedure for the director of the organisation (replacing the CSAT with the

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[46] SRI, (2007), "*Strategic Vision 2007 – 2010*", http://arhiva.sri.ro/documente-programatice.html
[47] SRI (2011), "S*trategic Vision 2011 – 2015: «SRI in the information age»*", http://arhiva.sri.ro/documente-programatice.html
[48] Law no. 1/1998, regarding the organisation and functioning of SIE, available at https://www.sie.ro/pdf/legislatie/1.pdf
[49] Law no. 69/2017 regarding the organisation and functioning of SIE, https://legislatie.just.ro/Public/DetaliiDocument/188417

Parliament as the authority competent to appoint a new director and unchanging the President's role to propose a candidate for the appointment).

In the case of SRI, its statute was regulated in Law no. 14/1992 regarding the organisation and functioning of SRI (still in force), and it has only been modified twice after 2007 – through Law no. 255/2013[50] (which expands its mandate in the field of judicial criminal proceedings) and through Emergency Ordinance 6/2016[51] (which regulates the relation of SRI with judicial authorities in the matter of surveillance). No other changes to the control and oversight mechanisms of the two institutions have been made, which is to say that the original frameworks established before Romania's accession to the NATO and EU (and which proved their inefficacy in several instances) are still in place.

Furthermore, draft law no. 209/2007[52], regulating the statute of intelligence officers, is a piece of legislation that would, in fact, demilitarize the Romanian intelligence services and potentially contribute to further democratise the sector. The draft has only been rejected by the Chamber of Deputies in 2021, after more than 14 years after its initial approval by the Senate. No equivalent draft legislation is currently being discussed in the Romanian Parliament.

The Parliamentary Oversight Committee for SRI did however issue, in the "Maior Report"[53] a series of recommendations regarding possible improvements to the extant oversight mechanisms:

a)   setting up coherent and transparent legislation regulating the relations of SRI with other institutions;

b)   strengthening the mandate of the oversight committee;

c)   legislative amendments that clearly define the legal beneficiaries for SRI.

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[50] Law no. 255 for the implementation of Law no. 135/2010 on the Code of Criminal Procedure and for amending and supplementing some normative acts that include criminal procedural provisions, https://legislatie.just.ro/Public/DetaliiDocument/150697
[51] Emergency Ordinance no. 6/2016 regarding some measures for the execution of the technical supervision mandates ordered in the criminal process, https://legislatie.just.ro/Public/DetaliiDocumentAfis/176546
[52]PL-x no. 609/2007 Draft Law on the Status of Intelligence Officers, http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=8658
[53]A report by the Committee investigating allegations of politicization of SRI activity by former director of SRI, George Maior. The report discusses the relation between SRI and the National Integrity Agency.

There has been no follow-up on Committee's proposals.

As Zulean (2018) notices, the interest for the democratisation of the intelligence sector also vanished from the intelligence studies sphere – a field best represented in Romania by the "Mihai Viteazu" National Intelligence Academy (ANIMV, affiliated with SRI). Zulean argues that of all the articles published in the Romanian Intelligence Studies Review (open access and double-blind peer-reviewed academic journal edited by the ANIMV) between 2009 and 2017 (19 issues, each containing an average of 15 articles), none deals specifically with democratic oversight in the intelligence sector. I notice that Zulean's conclusion stands true even after 2017 – the six issues published between 2018 and 2021 focus more and more on the tradecraft of intelligence while neglecting critical analyses of the role of intelligence in modern democracies. The same tendency can be noticed in other areas where the University is active. For instance, only one of the 123 volumes published by the ANIMV Publishing House[54] has democratic control as the main theme.

Furthermore, the Proceedings of the four consecutive ANIMV's annual "*Intelligence in the Knowledge Society* International Conference", from the period of 2013 to 2016, resulted in four published volumes, comprised of 102 papers. Within the Proceedings, democratic oversight is only discussed in-depth as a "modern challenge" that intelligence services must adapt to, especially in the context of the increased need for mass surveillance[55].

In fact, the foreword to the "*Intelligence in the Knowledge Society - Proceedings of the XVIIIth International Conference*" addressed democratisation not as a current concern, but as finalized historical stage:

> "*Romania has offered an interesting case as an Eastern European country suffering from a totalitarian past, whose Communist security service had gained quite an ill-reputed fame before 1989. In this specific historical context, the Romanian Intelligence Service had to undergo, immediately after its creation in the early 90s,*

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[54]According to the National Library of Romania online catalogue (as of January 22nd, 2022) - Stroe, R. (2013), "*Controlul parlamentar - între certitudine şi aşteptări*" ("Parliamentary oversight - between certainty and experctations), ANIMV Publishing House, Bucharest.
[55]E.g. Liluashvili, G. (2016), "*The protection of personal data and intelligence needs. An impossible equilibrium?*" and Lesidrenska, R., Bancheva, V. (2013), "*Adaptation of Intelligence and Security Services to Contemporary Challenges*".

two parallel reform processes, of democratisation and modernization, which made it aware of the need to shed away the legacy of its past and promote an open relationship with the academia and the society as a whole" (Ștefan & Dumitru: 2013, p. 1-7).

The gradual alteration of priorities also impacted the role of civil society and mass media as informal components of the civil-democratic oversight framework. As Matei (2014) argues, until Romania's accession to the EU, any digression from the path of intelligence sector democratisation had been promptly sanctioned by the public opinion and quickly addressed under NATO/EU pressures, although after 2007 these external pressures "evaporated", the task is passed on solely to the mass-media and civil society. However, this shift had limited success as the two sectors were insufficiently developed and, in the absence of international backing, proved to be ineffective as means of keeping the intelligence sector under scrutiny. This also led to increasing tensions between the intelligence agencies and the mass media, as intelligence services seem to consider most of the mass media as "sensationalist" and incapable of responsibly addressing national security intelligence. Likewise critical, the mass media considers that the agencies have not undergone sufficient reforms, they are not transparent enough, and that they are not subjected to a sufficient degree of democratic oversight (Matei.: 2009b, p. 580).

Conclusion

The purpose of this article was to contribute to the relatively scarce scholarly literature regarding the democratisation of the intelligence sector in post-communist Europe, with a focus on the experience and lessons that can be learned from Romania's case. Without being representative for all post-communist transitions, it highlights some of the pitfalls of "fast" reform processes that relied on international cooperation without building oversight frameworks well adapted to national contexts. It also shows the limited scope of international assistance for reform in the field of intelligence agencies.

The data available brings into question the limits of international cooperation as a factor of democratisation processes. Despite its initial positive effect on the democratisation of the intelligence sector, it appears to have had a limited impact on the manner that reforms are

implemented and on how profound the reform processes are once initiated. For Romania, fulfilling the NATO and EU accession requirements was the main drive behind international cooperation, both at the policy and agency levels. After the political objectives had been achieved, policy-makers assumed a quasi-passive role with regard to intelligence agencies.

Beyond that, international cooperation was led by the intelligence agencies themselves and gradually directed international cooperation towards increasing capabilities and interoperability with allied counterparts, in the absence of strong incentives that would maintain focus on democratic concerns.

There are several ways in which future research can build upon the findings of this article. Firstly, the literature on the democratisation of Eastern European intelligence sectors would benefit from a wider-scale comparative study on democratisation trajectories *versus* international cooperation, acknowledging at the same time the distinction between political and agency-level cooperation. Secondly, a more in-depth mapping of actors involved in the democratisation process, their respective incentive structures, as well as contacts with foreign counterparts may paint a more accurate picture of the mechanisms that dictate why reform sometimes stops short of achieving coherent oversight frameworks – an issue not limited to emerging or new democracies.

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