ROMANIA'S TRANSITION TO DEMOCRACY:

PRESS'S ROLE IN INTELLIGENCE REFORM

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Introduction

Since the end of the Communist regime, Romania has tried to consolidate its democracy by gaining acceptance from elites and civil society, reforming and restructuring the economy, and bringing the armed forces and intelligence agencies under democratic, civilian control. Years after the end of the Cold War, the post-Communist intelligence community — once *persona non grata* — has, surprisingly, become one of the more trusted state institutions in Romania. Two factors can be credited with this transition of the intelligence services: an aggressive media, which helped force the government's hand at bringing about democratic reforms and an imperative for Romania to institute reforms that NATO/EU would accept in order to accept Romania as full member.

While formal oversight mechanisms existed, informal control, mainly through the media, has sometimes been a more effective oversight mechanism to ensure that both the popular demand for democratic norms and the Western requirements for accession have been fulfilled. The media have exposed government wrongdoing to both domestic and international audiences; thus, forcing the hand of the decision-makers to institute reforms. This paper will discuss the role that external forces have played in fostering the intelligence reform in Romania.

The Prior, Non-Democratic, Regime

Before 1989, Romania was an authoritarian communist regime, characterized by one party rule in the form of the Romanian Communist Party (PCR) and a cult of personality around dictator Nicolae Ceausescu and his wife Elena.[1] The population was forced to

participate in continuous meetings, support demonstrations, congresses, and conferences, which no one actually believed in or supported. As in other authoritarian regimes, the country's intelligence apparatus, the Department of State Security (DSS), was the core for the regime's maintenance of political power. The DSS, better known as the Securitate was the political police of the Ceausescu and his regime and he used them ruthlessly to impose his rule and coerce society.

Organized in the late 1940s to defend the new regime, Securitate or "Secu" [2] was a specially-trained force entrusted to watch over the internal security of the Ceausescu regime. Within the DSS functioned the Department of External Information (DIE), which was Romania's principal organization focusing on foreign intelligence and counterintelligence, including technological espionage, disinformation to promote Romania's national interests and foreign policies, and monitoring the activities of exiled dissidents criticizing Ceausescu's regime.[3]

Securitate personnel (mocked as Securisti) enjoyed special treatment from the communist leaders in order to ensure their loyalty.[4] A huge number of citizens, who either voluntarily offered their services to Securitate for personal reasons or were forced by Securitate officers through various coercive measures, collaborated with Securitate. The Securitate was, on a per capita basis, the largest secret police force in Eastern Europe.[5] Like so many other Eastern Bloc intelligence organizations, Securitate frequently operated against both imaginary and real "enemies" of the regime without regard to any objective framework for analysis and assessment. These "enemies" were intimidated, beaten, had their property broken into or confiscated, imprisoned, and murdered. The Securitate officers themselves were in turn under observation by their superiors. Most problematic was that many of Securitate officers were illiterate and single-minded.[6]

According to researchers, Securitate kept files on approximately one million people.[7] Securitate/DIE agents were sometimes sent abroad to commit terrorist acts and assassinate selected émigrés that opposed the regime. They collaborated with guerilla movements as well as terrorist and organized crime groups.[8]

Securitate succeeded in installing in the population a "fear of their own shadow" and the belief that the visible presence of officers was only an infinitesimal element of an omnipresent network of officers, agents, informers, and collaborators that were watching them. It was indeed a state of mind as much as the instrument of state oppression.

Other than the control exercised by Ceausescu and his wife, there was no oversight of the military, police and intelligence agencies. In order to prevent the development of an opposition power base, the regime frequently rotated government officials from one job to another. The regime forbade any autonomous social organizations that did not come under the state's sphere of control. Although there existed unions and associations, formed mainly by PCR members, they were not allowed to express views that differed from the Party and regime. Religion was taboo too, not only had Ceausescu forbade free expression of religious belief, but he had a great many churches demolished. There were priests who were PCR members and Securitate agents.

There was no real civil society let alone a liberalizing faction within the regime.[9] Nor was there free press: newspapers, magazines, radio and television were under the control of the dictator or the PCR and were severely censored. Newspapers and television programs that did exist were mainly dedicated to the Romanian communist regime, its leadership and their "great accomplishments." Starting in the late 1970s, there was only one television channel and it broadcasted a maximum of six hours a day.[10]

With the collapse of the Berlin Wall, social and political discontent against Ceausescu and communism led to a mass revolt in December 1989 that culminated in the execution of the Ceausescus after a brief trial and set Romania on a path toward democracy.

The Securitate forces, the symbol of the Communist "inquisition," were subsequently placed under the control of the military. DSS files and reports were also taken by the armed forces. Important Securitate leaders were arrested, sent to trial and convicted. "Deactivating" Securitate was critical, not only for deterring elements still loyal to the regime, but also for the success of regime change. Romania could have easily ended up in civil war between pro-

communist and pro-democratic factions had the Securitate not been dismantled and its leaders arrested.

Because of the absence of any liberalizing faction, Romania's transition to democracy was not a protracted negotiation between Ceausescu's old guard and the pro-democratic elements; it happened with violence and the deaths of students, intellectuals and common people.[11]

As one can see from the details above, the construction of civil society, political institutions, constitutionalism, and rule of law was non-existent and had to be created from scratch.

Intelligence in the Post-Transition Period

Romania's new government took the form of a Republic, organized under the principle of the separation and balance of powers –- legislative, executive, and judicial. Political pluralism was a condition and a guarantee of the Constitution. The Constitution and the National Security Law of 1991 established oversight of all governmental activities related to national security, including intelligence and security organizations.

New Intelligence Services

Building new intelligence agencies and bringing them under a legal basis and democratic oversight was problematic in a country where the populace's rage at the prior intelligence apparatus was immense. As previously mentioned, during the Revolution the former Securitate was placed under the armed forces and, for a certain period of time, the government did not want to deal with it. However, due to a number of events which impacted the state's national security (ethnic unrest in two of the countries with large Hungarian minority for example), the newly-formed transitional government considered the creation of an intelligence system to be important. Establishing one service was out of the question; a return to a concentration of power was not what the Romanian people wanted after the overthrow of the communist regime. The government decided to divide the former intelligence sector into several agencies.[12] Currently, there are at least six intelligence agencies. Their legal basis is founded in the Constitution and the Law of National Security

Number 51/1991.[13] The new intelligence services can be categorized in two ways: independent intelligence services and those that are part of a specific ministry. The independent intelligence services include the Romanian Intelligence Service (SRI) the Foreign Intelligence Service (SIE) the Guard and Protection Service (SPP) and the Special Telecommunication Service (STS) Those working in specific ministries include the General Directorate for Intelligence and Internal Protection (DGIPI) and the Directorate for General Information of the Army (DGIA).

Independent Intelligence Services

Romanian Intelligence Service (SRI) is responsible for collecting information pertaining to Romania's national security.[14] It collects and analyzes intelligence on both domestic and foreign threats, and has an anti-terrorism protection and intervention role which it shares with the SIE and SPP. It also carries out technical collection. SRI was established under Decree 181 of 26 March 1990, and placed under a statutory basis under Law Number 14 of 1992, "Organization and Functioning of the Romanian Intelligence Service."[15]

The Foreign Intelligence Service (SIE) is responsible for foreign intelligence activities with respect to Romania's national security and safeguarding of its national interests.[16] SIE was set up in January 1990, and is regulated by Law Number 1 /1998 on the "Organization and Functioning of the Foreign Intelligence Service" and the Romanian Government Emergency Ordinance on the modification and completion of the respective Law.

The Guard and Protection Service (SPP) is an independent military-administrative authority set up on 7 May 1990 under decree 204 of the Provisional Council of National Unity, to ensure the protection of the President, Romanian party leaders and foreign diplomats.

Created in 1996, under the Government Resolution 229 of 27 May 1993, the Special Telecommunication Service (STS) is charged with ensuring military and government communications security, providing national signals intelligence. In addition, the Service is believed to have agents operating undercover.

Ministerial Intelligence Services

The Ministry of Defense's Directorate for General Information of the Army (DGIA) was created by the Emergency Ordinance Number 14 of 26 January 2001, and is charged with intelligence collection and analysis on domestic and external, military and non-military threats to national security. It is responsible for ensuring the protection of security information and cryptographic activities as well as the geographical intelligence needed by the military.[17] The Directorate for Intelligence and Military Representation (DIRM), which monitors the service's foreign activities, and the Directorate for Military Security (DSM), the former Counter-Espionage Department, are now subordinated to DGIA.[18]

The Counter-intelligence department of the Ministry of the Interior, originally known as UM 0215, was set up on 1 February 1990 with President Ion Iliescu's approval and included Securitate officers previously placed on reserve. After several failed attempts, UM 0215 was placed finally within a legal framework in June 1990.[19] Due to constant criticism by both the media and Western governments and NGOs on the presence of ex-Securisti in the Unit and its dubious modus operandi, in 1998 UM 0215 was restructured and underwent a significant personnel reduction. A special commission under the direction of the First Deputy Minister of the Interior was assigned to do background checks on the remaining personnel, in order to decide where to assign them.   In 1999 it was renamed UM 0962 –- General Directorate for Intelligence and Internal Protection (DGIPI) and now consists of two bodies responsible for countering corruption and crime prevention.

Reform of the Intelligence System

Following the Cold War, there was a need to adjust intelligence to meet the new spectrum of threats and challenges to national and international security as well as align the intelligence community to democratic values. Reform of intelligence processes, organizations, personnel, doctrine and strategy has all taken place, and the driving force for much of this reform is the media's constant criticism and a parallel concern for meeting NATO/EU membership requirements. Reforming intelligence in Romania was neither an

easy nor a short process. It took years and myriad obstacles — many of them within the services — had to be overcome in order to complete an overhaul of intelligence services. But, with a tremendous momentum from the media, these impediments have been overcome.

The main obstacle was the legacy of the past: the Securitate and its personnel were reluctant to give up their positions and many tried and succeeded by concealing their Securitate background.[20] This problem, coupled with the inability or unwillingness of the new government in dealing with intelligence, helped perpetuate the old institution's methods and mentality within the post-Communist institutions. Consequently, there was insufficient trust in the state institutions, and a fear that any successor of the Securitate would be the reincarnation of it. The continuity of former Securitate officers in the Romanian intelligence network was a drawback for Romania's full membership to NATO for a number of reasons. One was that the former Securisti were viewed as a potential danger to safeguarding Allies' classified information after Romania's accession to NATO.[21] The public's initial concern has been ameliorated as the former Securitate personnel were gradually reduced from the force to a lower percentage. The remaining personnel have one or two years to retirement.

Removing the Securitate personnel created other problems for Romanian intelligence; specifically a lack of expertise, poor personnel recruitment and substandard education. In the attempt to deal with the lack in personnel with background in intelligence, the services kept some of the ex-DSS officers as specialists. Unfortunately this had a negative impact on the new generation of intelligence officers as the ex-Securisti continued to apply Securitate methods.

Staffing and training have also been a major problem due partially to people's reluctance to join the secret services still associated in people's minds with the former Securitate. To fill the staffing gap, a campaign was started in early 1990 to recruit representatives from the civil society, especially new graduates from universities, more open to reform, following Euro-Atlantic standards and procedures. While special attention has been given to training and specialization of the newly-recruited personnel, building primarily on Western standards, recruiting and training has been less than perfect.[22] In addition, SRI

created the National Intelligence Academy, which offers courses specific to NATO intelligence officers, and uses foreign faculty, predominantly from NATO countries.[23] The SRI leadership identified the lack of intelligence expertise and its legitimate functions among civil society as constituting one of the most significant challenges to the effective performance of the SRI. To address the issue the SRI and SIE created the Higher National Security College (HNSC) in 2002. The HNSC provides instruction on security and intelligence issues to public authorities and parliamentarians, other intelligence structures, civic organizations (particularly those with preoccupations in the defense and security sector), journalists, and independent analysts.[24]

Media and Intelligence Reform

Civil society in Romania was essentially born immediately after the Revolution, in the University Square of Bucharest, where students protested against a new government that opted for "Communism with human face" as opposed to democracy. Representatives of newly-created NGOs, private associations, labor union members, intellectuals, artists and the media joined the protesters. From this dramatic beginning, with time numerous associations and NGOs have been founded and function throughout the country in monitoring the activity of the government institutions, including the intelligence apparatus.

The media have led the way in supervising the government and intelligence agencies after the fall of Communism. Freedom of the press that occurred following the 1989 revolution set about important institutional changes in the media: private and public owned television and radio stations appeared and they began broadcasting 24 hours a day (including programs in minorities' languages); numerous local and nationwide newspapers and magazines appeared. The key institutional change though, was that journalists, who during communism were trained and monitored by the PCR, have been able to take on a new role: exercising their profession based on their personal judgment and analysis.

This change did not occur right away, however. In the immediate aftermath of the communist collapse, the press was aggressive and indiscriminate, opting for sensationalism, rather than serving the public interest.[25] The media's role as "watchdog" was therefore not

entirely constructive. Of late, the situation has changed for the better. Legislation protecting both media and individuals has been passed and there are now laws regulating journalist ethics, free access to information, audio-visuals, slander and libel. Departments teaching media, communications, journalism and public relations have been created within almost all universities to ensure professional and academic training, and the use of foreign expertise has opened doors for Romanian journalists. The press has increasingly become more professional, ethical and spirited.

Regarding the press's role in overseeing intelligence, the media has continuously watched the government and intelligence services, pointing out every mistake to the national and international audiences ensuring the intelligence apparatus does not regress into the former Communist oppressive service and that the NATO and EU requirements are fulfilled. While media coverage has shown the intelligence services in a poor light, the intelligence community has attempted to manipulate or discourage the media from doing so.[26] Numerous media disclosures on the intelligence agencies have occurred and it is worth mentioning those that have pressured the governments to start investigations, sped up reform, and forced passage of new legislation or amended existing legislation.

Criticism of Intelligence System

First, the Romanian media, along with Western governments and NGOs, has constantly criticized the existence of so many intelligence agencies and asked the officials to reduce their number.[27] As a result, the number of Romanian intelligence agencies decreased to six from nine in the mid-1990s. In addition, a National Intelligence Community (CNI) was created in November 2005 to gather all agencies under the same umbrella and foster inter agency cooperation.[28]

Second, media frequently accused the intelligence services – in particular SRI, SPP and the former UM 0215 - of meddling in politics and reviving Securitate-type methods and mentality.[29] The press also covered cases of corruption and organized crime within the intelligence services. In response, Parliamentary Committees started internal SRI and SIE investigations and inquiries that resulted in removal of personnel.[30] Officials claimed they would continue the reform in the legal sector to better prevent and counteract violations of

civil rights and liberties, emphasizing changes in surveillance and wiretapping. A positive step was the revocation of the Emergency Ordinance 29 of 2001, which had broadened the power of DGIPI to collection, wiretapping, surveillance, search and seizure without a warrant from the General Prosecutor.[31]

Third, one of the most criticized issues regarding intelligence services was the presence of former Securitate in key-positions within the government and intelligence agencies and the slow process of removing them from those services. In 2002, a newspaper printed a list of Securitate officers sitting in key-positions within the intelligence services. It claimed these ex-Securisti represented a roadblock to intelligence reform.[32] Later, a number of newspapers translated and republished a Wall Street Journal article warning that NATO may be unwilling to share classified information with former Securisti.[33] NATO press officers declined to comment on whether the presence of former Securitate agents in intelligence services was among the issues under consideration by the alliance in assessing Bucharest's bid to join NATO, stressing respect for all democratic values – including freedom of the press, respect for the rights of minorities and fighting corruption were key issues. However, the US Congress, passed a provision that the President report to Congress by 1 January 2004 on the progress made by the seven new NATO members on intelligence reform, to ensure that they were interoperable with NATO in protecting intelligence sources.[34] In response, Romania adopted measures to screen all intelligence officials who may share NATO secrets.[35] From 2002-2003, NATO Office of Security (NOS) inspectors visited Romanian intelligence services and the new body created to deal with NATO classified information, to ensure Romania was on the right track regarding NATO membership. In 2003 DGIA declared that there were no former Securitate officers and the rest of the services claimed they were downsizing their ex-Securitate officers.

Fourth, the media backed the initiative to gain access to former Securitate files, which became law in 1998 (and upheld in a 1999 judicial ruling) allowing Romanian or foreign citizens who had Romanian citizenship after 1945 access to their own files. The so-called Ticu Law (named after a former political prisoner, Ticu Dumitrescu, who was the driving force behind its passage) led to the creation of the National Council for the Study of the

Securitate Archives (CNSAS) which took into its custody all of the files that did not pose a threat to national security. In compliance with the Law, the CNSAS is responsible for checking the Securitate archives for proof which current candidates for political office have been past Securitate collaborators. The law was considered a success; access to the once unattainable Securitate files marked a move away from the bitter past, exposed officials who were running for office and opened a new chapter in Romanian transparency.[36]

The impact of this new culture of an open society has not been lost on the intelligence services. Both the SRI and the SIE have made significant efforts to make information publicly available, especially after 9/11. Press conferences are organized on a regular basis to brief the media representatives and populace on the current level of threat or ongoing missions. The end result is that the SRI has initiated a "security culture strategy" by establishing a partnership with the civil society. Through this partnership, the Secret services make available expertise and analyses for population.

Analysis of the Media's Role in Oversight

The relationship between media and the intelligence agencies in Romania is both "tense" and "symbiotic".[37] It is tense because there is conflict in the way the news is conveyed and interpreted and the way the government wants to be perceived: media wants to ensure the intelligence is accountable and transparent to the society, by letting the citizens know what is going on within the intelligence system, while the intelligence agencies want to operate in secret. The relationship is symbiotic because each party has something the other wants and needs: the media needs a "story" which the secret services usually have, while the intelligence needs to look "good" in the public's eye which can generally only happen if the media reports it that way. Overall, the media's unofficial supervision of intelligence agencies has sometimes proven to be more efficient than the formal oversight.

Conclusion

The Media have played a huge role in overseeing the intelligence community and forcing reform. Indeed, 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 with NATO and the EU; as an outcome, today, the Romanian

intelligence apparatus is a democratic community, under democratic control and oversight, communicating with the civil society and the press, in order to decrease the gap between secrecy and transparency and to make the security sector more accountable to the large public.

Endnotes:

[1] Barbara Geddes would describe the Romanian case as "personalist." See Barbara Geddes, <u>Paradigms and Sand Castles: Theory Building and Research Design in Comparative Politics</u> (Ann Arbor: The University of Michigan Press, 2003): 50-87.

[2] A Play on words mocking the illiteracy and stupidity of the Securitate officers - <u>Sec</u> in Romanian means empty.

[3] See **http://exastriscientia.fateback.com/romania.htm** .

[4] Securitate personnel earned higher salaries as compared with other military/police employers, had better living standards and also enjoyed the possibility to travel abroad.

[5] See http://www.free-definition.com/Securitate.html.

[6] Marius Oprea, <u>Mostenitorii Securitatii</u> (Bucuresti: Humanitas 2004): 25.

[7] Bianca Guruita, "The Shadow of Securitate. Leaked Files and Political Machination Mark Romania's Struggle to Open its Secret Police Archives," at: http://archive.tol.cz/transitions/sep98/thshadow.html

[8] Several terrorist acts on Radio Free Europe's (RFE) in Germany, and the deaths of three consecutive directors of the RFE which have been attributed to DIE and were later acknowledged by president Iliescu to have been committed by the Securitate; See
http://www.globalsecurity.org/intell/world/romania/securitate.htm; and
http://www.rferl.org/about/speeches/301101.asp.

[9] Chris D. Ivanes, "Romania: A Kidnapped Revolution and the History of a Pseudo-Transition," available at http://www.arts.monash.edu.au/eras/edition_2/ivanes.htm.

[10] Three hours during the week (mainly worshiping the president and communism) and up to 6 hours during the weekend (including some entertainment and old American movies). Occasionally, Romanians were also able to watch live soccer games.

[11] I use the definition of democracy as defined by Diamond and Plattner: free and fair elections; freedom of belief, expression, organization protest, and other civil liberties, including protection from political terror and unjustified imprisonment; a rule of law under which all citizens are treated equally and due process is secure; the political independence and neutrality of the judiciary and of other institutions of "horizontal accountability" that check the abuse of power, such as electoral administration, the audit and the central bank; an open pluralistic civil society, including free mass media; civilian control over the military; See Larry Diamond and Marc F. Plattner eds., <u>The Global Divergences of Democracies</u> (Baltimore: The Johns Hopkins University Press, 2001): ix – xi.

[12] There were at least 9 agencies in the early 1990s.

[13] 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; http://www.dcaf.ch/news/Intelligence%20Oversight_051002/ws_papers/Szabo.pdf, Accessed 08/09/2004.

[14] See at: www.sri.ro

[15] Kieran Williams and Dennis Deletant Security Intelligence Services in New Democracies: The Czech Republic, Slovakia and Romania, (London: Palgrave, 2001): 220

[16] **www.sie.ro.**

[17] **www.mapn.ro, Accessed 08/08/2004.**

[18] Doru Dragomir: "Hurricane in the Army's Secret Services;" Ziua 04/09/2003

[19] Williams and Deletant, <u>Security Intelligence Services in New Democracies</u> 226-227 .

[20] The first SRI Director was in office for seven years before his Securitate background was revealed.

21 **Eugen Tomiuc "Romania: Authorities To Screen Officers Likely To Work With NATO Secrets," available at http://www.rferl.org/features/2002/05/16052002082653.asp.**

22 In summer 2004, two SPP officers, not on duty, stopped a member of the Audio-Visual Council of the Secretary of State, and beat him in front of his family. The ensuing investigation revealed that one of them had criminal record. ("Ziua" 08/09 – 08/13/2004 and "Romania Libera" 12/17/2004.)

23 Ibid.

24 Larry L. Watts, "Control and Oversight Of Security Intelligence In Romania," Geneva Centre For The Democratic Control Of Armed Forces (DCAF) Working Paper No. 111 available at http://www.dcaf.ch/publications/Working_Papers/111.pdf

25 For instance media reported alleged links between Radu Timofte and the KGB before the 2000 elections when he was proposed for SRI Director, demanding his withdrawal from consideration for this position. It turned out that not only had Timofte not been involved with KGB but his career in the military was terminated by the Securitate in the 1980s because his sister emigrated to the United States. See Watts "Control and Oversight," 18. SRI later published the names of several SRI officers that faked information to discredit Timofte. See "The Balkans."

26 For example the first SRI Director tried to close one of the "problem" newspapers for the Government to curb the newspaper's investigative coverage. Also, former defense minister Pascu tried to get a journalist to "moderate" (his coverage/behavior), threatening the "minister of defense knows all he (the journalist) is doing, where he is going, what and with whom he is talking," implying that the journalist was under surveillance by the intelligence directorate within the Ministry of Defense. For more information see Ziua 11 October, 2004.

27 See "Evenimentul Zilei" 12/03/2001 and "Ziua" 12/04/2002. "SPP a Fost Transformat in Serviciu Secret" – Doru Dragomir si Boddana Paun."

28 http://www.rferl.org/listen/ondemand/bd/ro/ro-default.asp

29 See Baleanu, "A Clear and Present Danger to Democracy."

30 Watts, "Control and Oversight in Intelligence Services," 17.

31 Ibid., 28.

32 "Armageddon of Securitate People," Ziua, 28 Mar 02 pp I-IV.

33 Eugen Tomiuc, "Romania: Journalists Condemn Defense Ministry Intimidation, Officials Deny Threats," available at http://www.rferl.org/features/2002/05/14052002081156.asp.

34 See Jane's Intelligence Digest – 09/05/2003

35 Eugen Tomiuc, "Romania: Authorities to Screen Officers Likely To Work With NATO Secrets", available at http://www.rferl.org/features/2002/05/16052002082653.asp; Accessed 01/24/2005.

36 It should be noted that access to the files has not been entirely positive. Romanians found out just how involved present-day officials were in the former communist party; discovered the depths to which society sunk in order to gain extra-income for collaborating with the Securitate; and learned that their relatives or best friends had betrayed them to the Securitate.

37 The idea of tense and symbiotic is borrowed from Pat M. Holt, Secret Intelligence and Public Policy: A Dilemma of Democracy, (Washington: Congressional Quarterly Press, 1995): 169-172.

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