

## DEMOCRATISATION AND THE INTELLIGENCE SERVICE: A COMPARATIVE REFLECTION ON AFGHANISTAN AND ROMANIA

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### **Abstract**

*While Romania has been restructuring its intelligence service since the revolution in 1989, it has faced a number of obstacles and challenges to do with shaking-off former problems associated with the Securitate. Afghanistan has faced a similar challenge since the ISAF invasion of 2001 and has struggled with problems familiar to Romania, such as ethnic and sectarian factors; bureaucratic wrangles; and the continued influence of former communist actors and interests.*

*In Afghanistan, different political and religious stakeholders have led the reform of the intelligence service in opposite directions. Unlike the situation in Romania, the new NDS (National Directorate of Security of Afghanistan) lacks substantive reform and processes of legal and political oversight. While Romania seems to be moving in the right direction towards democratization and accountability, the same cannot be said of the security sector in Afghanistan, where intelligence operates in a controversial environment. On the jihadist threat, Romania has made progress, while Afghan intelligence is largely unable to counter the Taliban insurgency due to neighbouring countries. It seems that the key to success in Romania has been a move towards substantial democratization and demilitarization of the secret intelligence sector, and there may be much that Afghanistan could learn from this experience of transformation.*

**Keywords:** *Afghanistan Intelligence, Romania Intelligence, NDS, Terrorism*

### **Introduction**

The journey Romanian intelligence and security agencies commenced in 1948 now entered a determining juncture with the introduction of structural reforms to make intelligence relevant and fit it to the fight against terrorism and radicalization (Gheorghe, April 16, 2010). After the fall of the Soviet Union, Romanian security sector experienced mind-teasing and strenuous crisis when the country started professionalizing its law enforcement

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agencies amidst ethnic and sectarian catastrophe and crunch in Eastern Europe (Gheorghe, April 16, 2010). At variance with, Afghanistan also experienced a critical period of foreign intervention and civil war during the cold war period, but no specific intelligence reforms were introduced (Gheorghe, April 16, 2010). In the 1980s, Afghan intelligence was at war, and 1990s, the whole intelligence infrastructure of the country disintegrated, and with the fall of Taliban regime, and intervention of the United States in 2001, Afghanistan recapitulated its journey, and established a new intelligence agency, National Directorate of Security (NDS).

The progressive and enlightened democratic objective of intelligence and Security Sector Reform (SSR) is to enable an efficient and well-organized delivery of security within a democratic structure (Royal United Service Institute (RUSI), 2009). Security Sector Reform is important for a war torn states like Afghanistan where the international community is struggling to reinvent state institutions by introducing smart Security Sector Reform packages (Friesendorf, February 2011). Intelligence and Security Reforms were particularly critical in Afghanistan, where warlords, war criminals, and insurgents groups are a major source of instability (United Nation Report, October 20, 2000). In a civil war, or in a traditional war between states, while state institutions are destroyed, the need for reinvention and reorganization is exceptionally important. After the fall of the Soviet Union in the 1990s, both Afghanistan and Romania resumed their democratic journey by restructuring the state and introducing Security Sector Reforms. However, Afghanistan once again embroiled in civil war after the Soviet withdrawal that caused the collapse of state institutions, while Romania continued its democratic journey after the Soviet withdrawal, and introduced intelligence reforms to build their state and strengthen the intelligence structure.

### **Afghanistan**

Researcher and security expert, Mark Sedra has outlined the feature of Security Sector Reforms (SSR) in Afghanistan in her paper, and argued that donors have given inadequate attention to security sector in the war torn state: "The process to create a viable and effective security sector conforming to international standard is at the forefront of Afghanistan's state-building project. Known as Security Sector Reform, the process is viewed as the foundation on which progress in all other facets of the reconstruction efforts is dependent. However, in the Afghan context, it has been those traditional security mechanisms in the form of customary law, and militia systems, that

have remained intact, while modern formal structures nurtured through external assistance have shrugged to take form and acquire legitimacy" (Sedra, 2007).

Reforming intelligence in a newer democracy is extremely challenging process. Well established democracies, like USA or Great Britain, have developed institutions to deal with this dilemma, but balancing security with transparency is always a work-in-progress (Matei, 2011, p. 603). Achieving a balance between effectiveness and democratic control is an on-going challenge in any democracy. If older democracies can fail one way or another to balance democratic control with effectiveness, how can new democracies be expected to be successful? Currently, Afghanistan is lacking effectiveness and democracy as corruption and nepotism are causing trouble.

Moreover, the fundamental challenge of intelligence information gathering is the lack of coordination, reforms, and corruption in armed forces, police and intelligence agencies. The NDS, police commanders and army commander have been involved in several corruption cases during the last two decades. After 17 years of sustained operations, NATO and the US also failed to modernize and train Afghan intelligence, or force Afghan government to introduce Security Sector Reforms. Without understanding the cultural and social nature of information gathering in Afghanistan, Security Sector Reforms cannot be made effectively and successfully. Former US General Mr. Flynn in 2010 in his report had raised the same issue (Flynn, Pottinger, Batchelor, 2010). Security Sector Reform can be successful if the leadership believes that there is a need of reform. Obviously, political and economic institutions of a state must be stable in order for Security Sector Reform to be successful and endure over the long term. Absent this stability, Afghanistan with the assistance of NATO, will need to have programs in place to mitigate political and economic instability. Furthermore, Security Sector Reform must not become a quick fix solution, but rather it needs to be more carefully applied, in line with its original core tenets.

After the US invasion in Afghanistan, civil society and security experts expressed their reservations on the US and NATO inattention towards intelligence reforms and security equipment's. Almost certainly, the United States and NATO allies helped the NDS in making it fit to the fight against Taliban insurgents and other terrorist groups, but involvement of neighbouring states, put the security agency on ordeal. The agency needed more help in adorning its forces with modern technology, training and support, but civil society and experts often expressed reservation on this wool-gathering of international community. Illegal appointments and ethnicization factors are also agitating SSR.

Furthermore, in Afghanistan, different international, internal political and religious stakeholders, and private partners using intelligence service (NDS) for their political purposes. They want NDS to work for them and share intelligence with their circles (Jalalzai, 2017). Unlike the situation in Romania, NDS lacks legal and political oversight. NDS continues to suffer from key intelligence capabilities, especially in gathering intelligence information from remote areas to prevent neighbours' interference in Afghanistan affairs. While Romania seems to be moving in the right direction towards democratization and accountability, the same cannot be said of the security sector in Afghanistan, where intelligence operates in a controversial environment (Romania: OECD Public Governance Reviews, 2016).

Furthermore, NDS lacks reforms, legal, parliamentary and political oversight, while in Romania, political, legal and democratic oversight is in place. In Afghanistan, intelligence operates in a controversial mood without leaders and professional approach to intelligence mechanism, while in Romania the current transformation and transition of intelligence are crucial for state security, with respect to democratization and effectiveness. On the other hand, Romania is struggling to democratize and professionalize its intelligence to counter jihadism, radicalization and international terrorism, while stakeholders within Afghan intelligence infrastructure resist reforms and organizational changes.

In addition, NDS is unable to adopt a professional approach to national security, while in terms of reorganization and reinvention process, in Romania control has been tightened around intelligence infrastructure through the creation of professional mechanism. This transformational and reorganizational process resulted in the creation of main intelligence agency (CNI) and provided an opportunity to the government to demilitarize secret agencies and empower the concept of the civilian infrastructure of intelligence.

### **Romania**

With the fall of Soviet Union, Romania began reforming intelligence and security sector to consolidate democracy, and bring intelligence under democratic control to serve the community, but former communist intelligence infrastructure, internal and external stakeholder and bureaucratic culture occurred as an hindrance. These kinds of reforms painted a controversial image of the intelligence community in society (Davies and Gustafson, 2013), and it was notable considering the short amount of time for

the transition and foundations of the organisation – the Securitate (Matei, 2007, p. 629). The present picture is looking smart, but in reality, more work is needed to make intelligence relevant. Ethnic and bureaucratic stakeholders want their interests to be served, but notwithstanding these hindrances; Romanian media consecutively highlighted the importance of reforms and forced government to continue this process. At present, intelligence is facing severe criticism due to its inability to provide accurate information to the state and government institutions. Due to the lack of data, there are so many intelligence agencies in operation while the list of its membership is also unavailable. The law on national security, domestic and foreign intelligence, and law regarding the operational mechanism of intelligence address numerous challenges.

Furthermore, a new thinking of national security developed with the emergence of radicalization and extremism, ethnic and sectarian conflict that threatened the authority of weak states. Poland, Romania, Bosnia, and Bulgaria designed new counter terrorism strategies and introduced some immediate Security Sector Reforms to replace the communist intelligence infrastructure with a new competent security package. The war in Bosnia and Kosovo, fighting in Chechnya and its effects on Europe, sectarian and ethnic war between Armenia and Azerbaijan, and home grown extremism also forced the EU member state to introduce reforms and restructure their security infrastructure (Jayasundara-Smits and Schirch, 2016).

The significant challenge faced by Romania after the collapse of communism was how to deal with the legacy of its infamous Securitate-state intelligence agency. However, much of the challenge has been addressed during the Security Sector Reforms, while politicians, journalists, security experts, academics and Romanian officials stress the need to confront many obstacles to introduce reforms, and make intelligence professional and make it fit the fight against domestic extremism and international terrorism (Jayasundara-Smits and Schirch, 2016). A principle challenge for Romania was constraining its new intelligence apparatus to work within the boundaries of democracy while still being effective. Mechanisms of control and oversight were therefore created to balance the tension between security and liberty, and ensure that the intelligence agencies implement and observe the legal framework imposed upon them (Matei, 2007).

In the 1990s, the majority of Eastern European states began reforming their intelligence infrastructure to effectively respond to the exponentially growing threat of radicalization and international terrorism. Most intelligence studies in eastern democracies agreed on the importance of intelligence and

its role in the protection of state institutions. However, some recent research studies elucidate intelligence as a warning about looming threats, and also as an umbrella, a range of multifaceted activities including secret operations and planning (Shulsky and Schmitt, 2002). Romania and Afghanistan are different cases; in Romania, Security Sector Reforms have changed the culture of intelligence mechanism and collection, but the exponentially growing cases of corruption in state institution raised many questions including the transparency and fairness. While in Afghanistan, government and international community have concentrated on war strategies and operations, the intelligence and Security Sector Reforms process remained slow.

New forces emerged, and new intelligence units were established to tackle these new challenges. A movement towards more coherent intelligent state became the first priority of the EU member states while responding to a new kind of terrorism with a modern and democratic approach to national security. Having new security services, which people could trust rather than fear, and not fear of their own shadow, was what Romania wanted. While formal oversight mechanisms existed, informal control, mainly through the media, has been the primary oversight mechanism (Bruneau and Boraz, 2007; Matei, 2011, p. 219). Together, these developments led to a professional approach to national security and laid the foundation of structural reforms. The process of state building and reinvention of state institution faced some challenges, but with a relatively short space of time, this was tackled. These developments were perceived as successful scenarios of integration of different levels of policy and different epistemic communities.

The recent move against the culture of corruption and anti-government political developments in Romania raised irksome questions about the fairness of Security Sector Reforms process and democratic transformation. The issue of Security Sector Reforms and political transition in the country has been of great importance during the last two decades. Romania's problem with corruption became transparent while European Commission accepted its membership, but created natural selection, and oversight of Security Sector Reforms. On 18 January 2017, Intellinews reported the resignation of the deputy head of Romanian intelligence, Florian Coldea. Mr. Florian was forced to resign on 17 January 2017, while head of anti-corruption came under pressure to explain his position about the revelations of businessman Sebastian Ghita who claimed that security service was involved in shaping the DNA in partnership with the State Intelligence Agency (SRI) (Ernst, 2017).

Security picture in Romania presents entirely different shape. Romania is a peaceful state where reforms process is underway in a smooth way, but currently, its secret agencies came under media scrutiny, and have been criticized for a number of reasons, though much remains unclear due to a lack of accurate information. References to alleged misuse of the agencies by rival politicians are also all too common. According to Catalin Harnagea's argument; "Romania had (between 1996 and 2000) 12,000 active officers in the SRI alone, without mentioning anything about the other agencies" (Dragomir, 2011). Romanian officials often argue that clandestine personnel numbers are classified information valuable to national security. Drawing on testimony such as that of Harnagea, some critics have argued that the size of the intelligence service is disproportionate to Romania's actual security needs (Dragomir, 2011).

### Analysis

If a state or a government wants to introduce Security Sector Reforms or wants to reinvent its law enforcement infrastructure, they need to change the mindset and bring about changes in persistent security structure. The case of Afghanistan and Romania is before us, which leads us to the bottom of a required argument. As we know, things are going in the right direction in Romania, but in Afghanistan, things are going in opposite direction (Dimitrakis, 2013). Afghanistan did not try hard enough to reinvent or reorganize its intelligence or introduce professional reforms to make NDS relevant. The country needs to build trust on intelligence agencies and their operations, but a recent political demonstration of the agency prompted deep criticism as the agency did not demonstrate in a right direction. The agency maintains its ethnic profile, spy on specific communities, and is answerable to different political, religious and foreign stakeholders (Amnesty International, March 1991) One of the most criticised issues regarding intelligence services is the presence of former Intelligence officers in key positions within the government and intelligence agencies and the slow process of removing them from those services. It claimed these ex-officers represents a roadblock to intelligence reform. How difficult is Afghanistan's reforms journey, and how ethnic and sectarian stakeholders create hindrances and trying to block intelligence and security reforms, these questions have been highlighted in Samim Arif's analysis: "Afghanistan's failure to bring reform to its security apparatus has been central to the continuation of unabated and enduring violence in the country. In 2016 alone, Afghan security forces lost more than 15,000 personnel in battle, and more than 16,000 Afghan civilians were killed.

At the leadership positions from the beginning of the new government, commanders have often integrated their ethnic militias into the Afghan National Army (ANA), Afghan National Police (ANP), and NDS. Even though there is a policy in place to represent all ethnicities proportionately, the criteria are fulfilled by the rank and file. Men lacking even high school degrees rose to the highest military ranks overnight" (Arif, 2017).

The main question Afghan civil society asks is that why NDS is weak, divided, and why NDS remains incompetent to respond to the exponentially growing terrorist attacks on civilian population. All components of Afghanistan's security sectors including, army, police and justice system, lack competency and professional mechanism. The police and army lack institutional leadership capacity, administrative and accountability system. The NDS failure in several districts occurs when an attack happens without warning (Jalalzai, 2014).

This agency (NDS), neither developed skills nor designed countering terrorism strategies during the last two decades. The NDS members are trained to collect intelligence information from remote areas, but the United States and its NATO allies still need to introduce intelligence reforms to make the NDS fit to the fight against radicalization and terrorism. The present infrastructure does not meet the requirements of counterinsurgency mechanism, as it is an irrefutable fact that secret agencies in Afghanistan have badly failed to obtain and gather information of significant worth which could otherwise prove to be in the best interest of its national security. NDS collect information from low-quality sources due to its undertrained intelligence personnel with limited access to advanced technology, such information gathered from the main cities and government departments can lead policymakers and military commanders to wrong conclusions.

Not with standing negative aspects of Romanian intelligence reform package and democratization process, there are positive things where new system of intelligence struggling to show a positive aspect of operational mechanism. The country's new intelligence infrastructure and its stakeholders are facing back-breaking and laborious resistance from old stakeholders who want to push the reform convoy of democratic forces to the brink. Reforms received mixed messages from civil society and intelligence experts. They say if intelligence agencies still maintain their command and control system within democratic system, or making influence government decision making process, at that point, the reform package cannot retrieve the support of citizens. On the ground, intelligence reform in the country has not been an easy task. Critics maintain that the culture of intelligence mechanism of the

communist era remains in place that make horses divert to a wrong way. The persisting complications in Romanian intelligence are corruption, stakeholderism, and the operational mood of former Securitate agents. But, anyhow, the only way to make intelligence accountable and bring it under legal and democratic oversight is reforms.

These kinds of awkwardness also persisted in Afghanistan, but intelligence does not interfere in politics. Albeit, NDS has many negative points, but its constructive and efficacious aspects mechanism during the last 17 year war on terrorism cannot be disdained as the agency tried to counter insurgent forces by establishing countrywide intelligence networks. NDS lacks resources and intelligence information collection technology, but its fight against terrorism without a strong surveillance system and resources is of great importance. In 2017, NDS improved its operational mechanism, and gave the enemy tough time. Additionally, it identified the networks of Taliban and sectarian groups inside Pakistan.

On the jihadist threat, Romania has made substantial progress, and it seems that the key to success in Romania has been a move towards substantial democratization and demilitarization of the secret intelligence sector, and there may be much that Afghanistan could learn from this experience. On the other hand, Romanian intelligence agencies are under deep criticism for being under the political control of one man or one group. Bureaucratic control of intelligence operations, government and private stakeholders, and ethnic and sectarian factors are the most important aspects of Romanian intelligence infrastructure (Gheorghe, 2010). Afghanistan presents the same picture where foreign and domestic stakeholders control intelligence operations and create impediments against intelligence reforms.

In the case of Romania, notwithstanding the recruitment of civilians for intelligence agencies, the state intelligence still seems to be relatively closed to outsiders. The relationship between the President and army chief remains strained. Former communist elements within the intelligence agencies are creating trouble for policy makers and want to hijack intelligence and the reform package (Gheorghe, 2010). Correlated to Romanian intelligence, Afghan intelligence agencies are facing a similar crisis, where former communist and KGB trained officers controls intelligence and continue to spy on their opponents within the government and private sectors (Jalalzai, 2017).

The Romanian government has been endeavouring to consolidate a democratic culture of oversight, and strengthen reforms mechanism since 2000. In yesteryears, the old intelligence system was in operation with impunity and without democratic oversight, but in spite of all these

complicated operational mechanisms, intelligence was one of the most trusted state institutions, because awareness about the intelligence operation, oversight and its cooperation with law enforcement agencies were widely highlighted in print and electronic media. Having spotlighted factors featured to oversight and reforms, in 2008, Research Institute for European and American studies carried out a comprehensive study of the reform package of Romanian Security Sector Reforms: "The two factors can be credited with the transition of intelligence services; an aggressive media, which helped force the governments to democratic reforms. While formal oversight mechanism 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 audience; thus, forcing the hand of the decision-makers to institute reforms" (Matei, 2008).

Similarly, media in Afghanistan is strong but unaware of the Security Sector Reforms or intelligence operations. Media always criticises or spotlights the weaknesses, political and sectarian affiliation of the members of Afghan intelligence agencies. However, intelligence reforms need to be addressed at the organizational level and the current mechanism used, needs to be restructured, while NATO and the United States have not taken this issue seriously. The relationship between intelligence agencies and electronic media is very peculiar; media wants to ensure agencies are accountable to civil society, while intelligence agencies want to operate in secret. These are two traditional ways of thinking, which contradict each other. Intelligence needs to operate secretly, to watch suspect, and arrest than to ensure the safety and security of citizens, while media want a front-page story.

Legal frame work to reshape the actions and operations of intelligence in Romania could not help authorities in bringing agencies under Democratic control in order to make effective intelligence, national defence supreme council exercised executive control over intelligence agencies. Intelligence information gathering in Romania is provided to every law enforcement agency. Constitutional principles protect personal data, and criminal procedural legislation allows intelligence gathering and surveillance (Born and Caparini, 2013). In 1990, Romanian President managed to establish Council of coordination and monitoring to ensure all activities of government relating to defence and state security; intelligence operations and national defence supreme council are performed in an organized form. The council is now watching and streamlining security operations and applies coordinative

strategies to make intelligence relevant (Law No. 39/1990). At variance with, after two decades of civil war, Afghanistan is still looking for a well-organized intelligence agency to defeat the Taliban insurgency, and other terrorist groups in order to ensure safety and security of its citizens. In May 2016, former President Karzai said: "The NDS job is to gather information and share it with other state institution, support policy makers, and parliament in legal issues." (Karzai, May 2016) When intelligence became an oppressive tool, then it needs to be reinvented through reforms. Due to its weak and controversial operational mechanism, NDS faces criticism from civil society and parliamentarians.

In Romania, Intelligence Service in its official report (2012) has defended its successful operations in various fields, and argues that political turmoil in the Middle East, Afghanistan, and Africa threatened internal security of the country: "In the Context of instability in Northern Africa and the Middle East, one of the most relevant developments in terms of security was represented by an increase in terrorist risks, meaning that the threat to Romania turned into a direct one, though in the absence an imminent terrorist attack (The Romanian Intelligence Service Report on the Activity, 2012).

When we read the reinvention and reorganization process of Romanian intelligence, reform package and oversight, we realize that the reforms and oversight aspect of the Romanian government is the best example of the professionalization of intelligence infrastructure for all European states. Numerous monologue, research reports, and books are available in EU, but the issue of intelligence reforms has received little attention of member states. This inattention resulted in the exponentially growing incident of terrorism and radicalization. Anyhow, Romanian intelligence is making things streamline to change the culture of communist era way of intelligence cooperation mechanism and introduce new strategies relating to counter terrorism approaches.

### **Conclusion**

As there is limited information available to scholars and experts about the intelligence reform in Afghanistan, researchers are facing difficulties to spotlight negative and positive aspects of the NDS operational mechanism. The old communist infrastructure and way of intelligence information collections is still in place, hence, new and old system are in dissension. In yesteryears, Afghan governments informed civil society through various announcement and press releases that the process of intelligence reform was under way, but these announcements still remain on paper.

Over the past two decades, Romania tried to transform itself from an authoritarian state to a modern democratic state by introducing Security Sector Reforms which has not been easy. The Romanian government has made progress in resuscitating state institutions, and changing the communist culture of an intelligence operation, and information collection. Compared to other European states, Romania succeeded in implementing Security Sector Reforms, such as instituting effective democratic oversight over its law enforcement agencies. At variance, Afghanistan presents a different picture of lawlessness, civil war, corruption and warlordism that pushed the country to the brink.

These are harsh realities, and all these development on opposite direction in the country happened due to the lack of Security Sector Reforms, coordination, and professional security mechanism. If Afghanistan wants to overcome further decrepitude and disrepair and wants to make intelligence and law enforcement agencies competent, its leader can follow the lead of Romanian Security Sector Reforms or learn from the positive reform aspects of this country. The issue of Security Sector Reforms remained only on papers, while intelligence and law enforcement agencies are lacking professional mechanism and competent leadership.

NDS neither developed skills nor designed countering terrorism strategies during the last two decades. The United States and its NATO allies can support Afghanistan to introduce intelligence reforms to make the NDS fit the fight against radicalization and terrorism. In the case of executive and parliamentary control, how Afghanistan can apply some important principles of Romanian Security Sector Reforms, these reforms represent local culture, which cannot benefit NDS, or as every reform package and every state institution has its own political, cultural and economic background, therefore, Romanian reforms may not support the NDS operational mechanism, but in, generally speaking, these reforms can pave the way for Security Sector Reform in Afghanistan, as Afghan Intelligence agencies continue to suffer from key intelligence capabilities, especially in gathering intelligence information from remote areas. Afghanistan needs a legal framework to reshape its intelligence agencies and bring them under democratic control, but domestic and international stakeholders have set their priorities and strategies.

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