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**TRANSFORMATION OF THE POLISH SECRET
SERVICES: FROM AUTHORITARIAN TO INFORMAL
POWER NETWORKS**

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Transformation of the Polish Secret Services: From authoritarian to informal power networks

Andrzej Zybertowicz

Introduction

Post 1989 history of Polish secret services abounds with scandals, counterfeiting compromising materials as well as leaking true ones, manipulations, actions of dubious legality and/or usefulness. The services (mostly the civilian ones) were not only accused with disrupting or interfering with the political activities of individuals or organisations. They were accused of organizing and/or suppressing political parties, initiating various media campaigns, spreading slandering rumours, inspiring and/or hindering legal arrangements and initiating dubious economic activities (like manipulating within the Polish stock market). The services were blamed for unlawful infiltration both of left and right wing political groupings; bringing about the fall from power of three Prime Ministers and one deputy Prime Minister and numerous minor figures, not to mention unlawful intervening into all three presidential campaigns (details in: Zybertowicz 1999; Zybertowicz, Forthcoming).

In July 2001, two months before the parliamentary elections won by the post-communist parties, Zbigniew Siemiątkowski, a social democratic party MP, minister of the interior in 1996, later on government coordinator of the services,¹ stated that the reform of the services designed by him should “deeply plough the structure, which was evolving for decades, via informal methods captured whole organism of the state, and up till now operates at its wish beyond anybody’s control and with impunity” (Siemiątkowski 2001). In December 2001, colonel Marek Dukaczewski, newly nominated director of Military Information Services, who spent five years in the National Security Bureau of the president Aleksander Kwaśniewski Chancellery, declared that “In Poland, during last twelve years, has not been created mechanism preventing the secret services from intervening into political games” (Dukaczewski 2001). Such observations are not exceptional (see Zybertowicz, Forthcoming).

Yet in May 2002, when parliament passed the new law on secret services,² instead of explanation of the scandals and taking legal measures towards those responsible, instead of accountability, the Polish public opinion has been offered a quasi-reform of the services. It deserves this label, because it did not meet objects of its own designers. According to their declarations, two most important secret service organizations: the civilian State Protection Agency (*Urząd Ochrony Państwa* - UOP) and the Military Information Services (*Wojskowe Służby Informacyjne* – WSI), both covering foreign and domestic intelligence tasks, were to be dissolved. In their place two new organizations were to be launched: the Agency for Internal Security (*Agencja Bezpieczeństwa Wewnętrznego*) and the Foreign Intelligence Agency (*Agencja Wywiadu*). Nonetheless, the two new agencies were formed, but the military services went virtually unscathed. The undercover community has once again proved that it can resist reform projects initiated by “irresponsible” politicians.

¹ At present he directs the civilian Foreign Intelligence Agency (*Agencja Wywiadu*) set up this year.

² Statute of 24 May 2002.

Terminology

By **secret services** I mean all state institutions officially authorized to collect, process and disseminate information which might be achieved via resort to covert methods, excluding the state police. The services have also latitude – sometimes granted half legally – to secretly influence or manipulate institutions, organizations and individuals; it must be said: not only of foreign character (compare Born 2002).

At present in Poland beyond the military (WSI) and civilian services (ABW and AW) there is a number of institutions formally empowered to use covert, operational methods of data collection and action. They are: General Direction of Military Reconnaissance (*Generalny Zarząd Rozpoznania Wojskowego*), Bureau of Internal Affairs of the Border Guard (*Biuro Spraw Wewnętrznych Straży Granicznej*), Bureau for Protection of the Government (*Biuro Ochrony Rządu* – BOR; government here means top figures of the central administration), a special police coping with taxation crimes which operates within the Ministry of Finance, a separate section within the General Customs Office (*Główny Urząd Celny*). These institutions to some extent rely on personnel trained by the secret services, both communist and post-communist.

However, the crucial notion that we need to interpret problems met while dealing with relations between democracy and the services in Poland is the **security complex**, or **undercover community**. The notion encompasses all the services mentioned, plus former functionaries (both of the old and the new regime) presently out of the service, those private security and detective organizations which are staffed/controlled by former (or presently working under-cover) functionaries of the services, active secret collaborators (agents) of present services, and also many of formally inactive (i.e. de-registered) secret collaborators of communist services who are currently active in business, the media, and in the polity. I maintain is that the undercover community provides a beneficial environment, a fertile soil, for pursuit of the most influential informal power groups in Poland (see Łoś and Zybertowicz 2000; Zybertowicz, Forthcoming).

Employing these notions I structured my paper generally following categorization proposed by some of the DCAF papers, especially by the one of Hans Born (2002). In my account I almost exclusively rely on open sources, i.e. on official documents and data available in the media.

Pre 1989 Situation: Post-Totalitarian Police-State

I skip here an interesting question whether the political regimes of the Central-East Europe were of totalitarian or rather of quasi-totalitarian nature (Christopher Andrew, for example, supports the latter option).

In a book I co-authored with Maria Łoś, we argue that Poland of the 1980s was a post-totalitarian police state. The totalitarian state becomes a totalitarian police-state when the police agencies are no longer adjustable tools, but 'become the leading apparatus of the state' and the role of the party is undermined (see Chapman, 1970:114). Our thesis is that by the 1980s, of the three pillars on which the

communist party based its power - ideology/the media monopoly, the state economy and the security/military apparatus - only the third remained robust. The situation necessitated a re-conceptualization of both the party's self-image (equating it more directly with the *nomenklatura* members and their interests rather than the ideological project) and its relations with the secret services, whose relative power increased considerably. Within this scenario, the character of secret services would also undergo important changes. No longer expected to act in the name of an ideology, these services would have been used more flexibly and pragmatically to enforce the state's policies and facilitate self-serving strategies of its elites. This stage we labeled a **post-totalitarian party/police-state**.

The services were formidable, well staffed, closed institution which permeated all layers and other institutions of the system. Due to various historical processes the services became not only the most crucial pillar of the communist power, sort of shield of the party, but also an instrument important for everyday governing practices, including the command economy (see Łoś and Zybortowicz 2000:43-5; Zybortowicz 1993, 1997).

In the book we also claim that the services were not a sheer passive subject of the sea changes which we name as the systemic transformation. We identify the services as one of the most important actors, and to a certain extent a sort of co-designer, of the transformation *per se*. For example, the services staff was active in many forms of illicit privatisation of the state, economy, control apparatus and various public spaces that used to be the communist state's domain but have been converted into private spaces or property. In sum, contrary to standard perception of the communist secret services as a "sword and shield" of the communist party, in many Central-East Europe the services actually facilitated dismantling of the old system.³

Secret Services in Democracy – A Dog Unleashed?

I adhere to the view that one of the upshots of the transformation in Poland (as well as in many other post-Soviet countries) is that informal elite groups rather than democratic institutions exert real influence on the state decision-making process (see Zybortowicz 2002). Could the services, or the security complex in general, play a substantial role in reaching such an outcome?

In 1990 the communist services were substantially cut in numbers; the civilian ones from about 24 000 to about 6000; the military ones from about 6000 to about 1500.

The communist civilian Security Service (*Służba Bezpieczeństwa* - SB) was disbanded. Parts of its staff went into the superficially reformed state police. Some functionaries moved through so called verification (vetting) procedure. Of the 24 000 former functionaries, 14 000 decided to undergo the procedure carried out by newly created qualification commissions, whose mandate was to exclude applicants who had previously violated the law or basic human rights. Ten thousand applicants qualified and about 4000 of them ended up working in the newly established State Protection Agency (*Urząd Ochrony Państwa* – UOP).⁴

³ I do not elaborate here on this issue since Maria Łoś and me devoted a number of studies to it (see publications in the References; see also Darski 1992; Deletant and Williams 2000; Staniszkis 1999; Zybortowicz 1993).

⁴ According to statute of April 6, 1990.

Qualification commissions consisted of members of parliament (including many former Communists), lawyers, representatives from police headquarters, as well as members of the Solidarity Union and other deserving citizens. Yet, the verification procedure had a number of flaws:

- * A large proportion of SB personnel files disappeared and commissions had no access to them;

- * In some cases commission members were outsmarted by experienced operatives who had a clear information advantage over their evaluators;

- * It has been alleged that many Commission members feared secret revenge from disqualified functionaries and some were likely targets of blackmail;

- * The verification requirement was not applied to functionaries working in the observation sections, archives, communication and encrypting systems, operational techniques, passports office; while foreign intelligence, and counterintelligence operatives were treated in a very indulgent manner (details in Zybertowicz 1993; Łoś and Zybertowicz 2000).

It must be noted that the military services skipped any external reform; they have reformed and “purified” themselves via series of organizational shifts. Formerly separated military intelligence and counterintelligence were put under one umbrella, and in August 1991, following the decision of the minister of defence, Military Information Services (*Wojskowe Służby Informacyjne* - WSI) was established. Until December 1995 Previously the service operated according to secret military orders. Only the statute of 14 December 1995 on the office of the ministry of defence clearly put the service under the minister’s control. The statute however did not regulate in a complex manner many legal issues of military secret services activity. This still waits to be done.

Legal Framework

In a clearly designed, separate and complex form the legal framework exists only in regard to civilian services. The statute of April 6, 1990 established the State Protection Agency (UOP) defining its organisation, activities and broadly identified objectives. To what extent the principles laid down in the statute were adhered to, both by the government and the services themselves, is another issue. Nonetheless, after parliamentary victory in September 2001, the winners found it necessary to abolish the UOP and set two new services; this was done via statute of May 24, 2002.

In regard to military services the need for an appropriate regulation is publicly recognized for years, though to no effect, yet. In fact they function basing their legitimacy on various – not necessarily convergent – legal acts.⁵

⁵ The regulations are (in Polish): Ustawa z dnia 21 listopada 1967 r. o powszechnym obowiązku obrony Rzeczypospolitej Polskiej (Dz. U. z 1992 r., nr 4, poz. 16 ze zmianami); Ustawa o Urzędzie Ministra Obrony Narodowej z dnia 14 grudnia 1995 r. (Dz. U. z 1996 r., nr 10, poz. 56); Ustawa o ochronie informacji niejawnych z dnia 22 stycznia 1999 r. (Dz. U. nr 11, poz. 95); Rozporządzenie Rady Ministrów z dnia 9 lipca 1996 r. w sprawie szczegółowego zakresu działania ministra obrony narodowej (Dz. U. nr 94, poz. 426); Rozporządzenie Prezesa Rady Ministrów z dnia 19 września 1997 r. w sprawie szczegółowego rozdziału kompetencji oraz zasad współdziałania w zakresie ochrony gospodarki narodowej między UOP a WSI (Dz. U. nr 116, poz. 774); Uchwała Trybunału Konstytucyjnego z dnia 16 stycznia 1996 r. (Dz. U. nr 14, poz. 80).

In July 1994, as late as three years after setting up the “new” services, Włodzimierz Cimoszewicz, then the Prosecutor General (sort of Attorney General) asked the Constitutional Tribunal whether the military services are authorized to employ eavesdropping techniques. The Prosecutor has never been given an answer to his question (Kosobudzki 1998:152).

Since the beginning of the transformation one of tasks of the services was to screen persons for all levels of security clearance. However, not till 1999 the relevant legal procedures were passed the parliament.⁶ Until then the new agencies had a free hand to make and break political careers.

Another issue is, that the internal structure of the services inherited such feature of all communist organisations which allows them to disperse accountability and at the same time provides space for organizational flexibility necessary for undertaking risky and/or suspicious projects. As the scandal called “surveillance of the right wing political factions” demonstrated, *ad hoc* teams or structures may be evoked in order to pursue murky aims and leave as many internal traces of their activity as possible.

One needs to add a brief contextual note: is it widely acknowledged that in general the Polish legal system is haunted by systematically arranged loopholes and exemptions. They account for vast amounts of discretionary authority much too often delegated to executive agencies.

Separation of Law Enforcement and Secret Services

Polish civilian secret services are authorized with law enforcement powers. They can conduct criminal investigations, have powers to arrest and to search homes.

In 1994, Stanisław Iwanicki, in those days deputy Prosecutor General, indicated that the statute of April 1990 incorrectly defines the boundaries of responsibility of the State Protection Agency (UOP), especially in regard to economic investigations (Iwanicki 1994:12). There also appeared comments that the UOP section responsible for dealing with organized crime overlaps with and substantially weakens parallel structures in the state police (Janke 1996:13).

Division of Labour Between the Services

Responsibilities of the State Protection Agency, which operated since 1990 to 2002, included foreign intelligence, domestic counterintelligence, political police tasks (e.g. countering extremists groups), serious economic frauds, drug trafficking. etc. It is not astonishing that the Agency was charged with an unnecessary accumulation of power.

Professional Ethos

Here, the legacy of communism is relevant. Into consideration should be taken long term by-products of the police-state, such as

⁶ Statue of 22 January 1999 on protection of secret information. It is worth noting that art. 42., p. 1. of the statue states that the procedures are excluded from control of Supreme Administrative Court.

* addiction to covert action (understood as any activity, including the use of violence, designed to influence - not only foreign - governments, institutions and individuals)

* the destruction of the public ethos (for instance, meager effectiveness of too lately implemented statutory lustration contributed to the domination of public life by people frequently of dubious integrity and reputation – see Łoś 1995; Zybertowicz 1993);

* low level of trust in social life (constant smearing, denigration, slander);

* the subjective insecurity of hundreds of thousands of people who had some (albeit brief) informal contacts with Communist secret services and who still live in fear of potential disclosure of their identities if an eventual lustration is conducted carelessly and vindictively; and, consequently,

* the existence of a climate that prevents any action that would help to clear and settle the legacy of the police-state.

All this seriously impedes emergence of democratic professional ethos of the services.

OVERSIGHT INSTITUTIONS

Government tasking

In post-Soviet Europe the services have been transformed under paradoxical circumstances. As noticed Kieran Williams “In a revolutionary situation, the institutions of security intelligence play a far more exposed, ambiguous role than they do in consolidated democratic politics. Together with ethnic minorities, they are at the centre of post-communism’s moral panics and conspiracy theories, yet at the same time they are expected to protect the people and enlighten policy-makers in a period of uncertainty and disquiet” (Deletant and William 2002:1).

In 1994, the first director of the UOP and minister of the interior in 1990-91, Krzysztof Kozłowski declared that „tasks for our services are formulated neither by the prime-minister, nor the president, nor the parliament; therefore in the services work there is a plenty of chaos” (quoted after: Jachowicz i Kęsicka 1994:4). In 1995 the then director of military services announces that “in our state does not exist a center which would coordinate the activity of military and civilian services” (Malejczyk 1995:13). In 1996, former director of the UOP counterintelligence department states that “successive prime-ministers could not make their own cabinets to place – in a systematic, not incidental manner – tasks for the UOP, both short and long-term”. According to him, the services were in vain requesting for tasks to be specified (Miodowicz 1996:10).

It seems in Poland (probably in other post-communist countries as well) the secret services have been reformed before their mission was properly identified (see Deletant and Williams 2000). Could there be avoided ramifications harmful to democracy in predicament in which self-tasking of the services has been developed?

Government oversight

The Committee for Special Services (*Kolegium ds. Spraw Służb Sępcjalnych*) is a body of the Council of Ministers set up in line with the statue of May 24, 2002, chapter 2. The Committee is designed as a consultative and advisory body in the

matters of programming, overseeing and coordinating the activity of the services. At present the tasks of the Committee include expressing opinions on, among other things, of appointing and dismissing the directors the services, setting up the instructions and action plans for the special services, providing opinions on detailed draft budgets and projects of legal acts concerning the special services. The members of the Committee also assess the execution of the statutory tasks of the special services, among other things, in the matters of organising the exchange of important information among the government administration organs and in the field of classified information protection.

The Committee is headed by the Prime Minister, run by the Secretary and composed of: the minister of the interior, minister of foreign affairs, minister of defence, minister responsible for public finance, National Security Advisor to the President (head of the National Security Bureau). The sessions of the Committee are also attended by: the Head of the ABW, Head of the AW, Chief of the Military Intelligence Service, and Chairman of the Sejm Commission for the Special Services (see <http://www.uop.gov.pl/>).

During the term of Jerzy Buzek cabinet (1997-2001) the Committee was not summoned at all. The opposition interpreted this as a step back from the idea of transparency of the services (see e.g. SLD - Rada..., 2001:27).

Writing about the issue of the government oversight in post-communist states one cannot avoid the question of the heritage of the police-state. Namely, what are the consequences of the fact that quite a few figures active in political life were functionaries and/or secret collaborators of secret services? Is there a critical mass of presence of such persons that makes a difference? Can we exclude that the institutions of government (and the parliament as well) are staffed with the former/present puppets of the services to such extent that the master/slave relation becomes reversible?⁷ One should not reject out of hand the hypothesis that the undercover community provides sort of a nucleus of (or for) the informal power networks from which (formal) leaders are recruited. A number of striking examples can be found to make such a guess worthy of further exploration.

Parliamentary oversight

One of the legacies of the old regime is the fear of the services; politicians are not excluded here. In the post 1989 terms of parliament a number of former secret collaborators of the communist services was definitely identified; "wild" lustration has touched even more; some other cases wait to be settled in court via statutory lustration. Many others probably never will be made clear.

This may partially account for not enough vigour of the parliamentarians to scrutinize the government. Another reason, related to the previous one, is low level of trust, not only in Polish society in general, but also between political leaders and the leaders of security sector. Of course, party politics is another reason of parliamentarians' complicity.

⁷ For example, in the present Leszek Miller cabinet no less than 6 undersecretaries of the state have formally acknowledged to be secret collaborators of the communist secret services; the head of the prime-minister's chancellery is at present officially charged with so called lustration lie.

As late as in April 1995, by virtue of the amended Sejm resolution of 30 July 1992, the Sejm (the lower house of the Polish parliament) Commission for the Special Services was set up. The tasks of the Commission focus on assessing legal and normative acts (bills and regulations) of general character concerning the special services, along with providing opinions on the directions of their work. The Commission relies on the information presented by the directors of these services, examines their annual reports and offers recommendations on requests concerning appointment of particular persons as directors and deputy directors of the services. The Commission assesses draft budgets in the part concerning the services and considers the report on the execution of this budget. The Commission also deliberates on cooperation between the services and organs of state administration, the prosecutor's office organs, and examines complaints concerning the activity of the services.

The Commission contracts a number of experts, mostly former operatives or directors of the services.

The Commission's first challenge came in December 1995, when the UOP, still under President Wałęsa's jurisdiction, made an allegation that then Prime Minister Józef Oleksy, a former communist official, had been spying, first, for the KGB and, later, for Russian Intelligence (from at least 1983 and until 1995). Investigative powers of the Commission were very limited and the conclusions reached did not satisfy neither side of the conflict. Another problem is that members of the Commission tend to have personal relationships with objects of their oversight. Lucyna Pietrzyk, who was in the sub-commission investigating the Oleksy case, was employed by the Ministry of the Interior within which the UOP operated at the time.

Similar problem has appeared in next years. Konstanty Miodowicz, formerly director of the counterintelligence department of the UOP, has been member of the Commission in the two last terms of the Sejm. He was publicly accused of being so called "undercover functionary" assigned a civilian job; these accusations never were officially rejected as false. Miodowicz himself, in turn, in 2000 publicly stated that in the sub-commission investigating the Oleksy case included secret collaborators of the communist services. This allegation, like so many others in contemporary Poland, was never duly substantiated nor discarded as false. Cases like these cannot but make doubtful whether the oversight is independent. Conflict of interest seems to stay in place; and political willingness of parliamentarians to scrutinize the services activity remains an open issue. Not to mention their integrity.

In the present parliament the opposition claims that the Commission is dominated by party politics, and provides many examples when the opposition oversight initiatives are simply voted out.

Judiciary

Use of the eavesdropping methods is subject to acceptance of the Prosecutor General (in Poland this role is performed by the Minister of Justice) and the District Court of Warsaw.

Under the statute of April 6, 1990 on the State Protection Office (UOP) there was, in theory, independent judicial review of the UOP's director decisions that on national security grounds certain information should be withhold from prosecutor's office

investigation. A present opposition MP, and a member of the Sejm Commission for the Special Services, Zbigniew Wasserman, who in the cabinet of Jerzy Buzek hold the position of acting National Prosecutor (one step below the Prosecutor General), has revealed that he can report more than a dozen cases of criminal investigations dealing with abuse of power by functionaries of the State Protection Agency (UOP), which could not be continued, because directors of the UOP refused to provide evidence demanded by the prosecutor's office. The refusal was justified by national security reasons. In the statute of April 6, 1990 on the UOP there existed a reasonable procedure of verification of such refusals on behalf of the UOP. Once in conflict with the prosecutor's office the service's director should provide relevant materials to the President of the Supreme Court. After examination of the materials the President would take final decision whether the materials in question should, or not, be provided to the prosecutor's office to have an investigation continued. The point is, that the UOP was in capacity to prevent this procedure ever to be applied. In one of such cases activities of the prosecutors were blocked by decision of the then prime minister, Włodzimierz Cimoszeiwcz (Wasserman 2002:16, 19).

Another point is that under communism groups of prosecutors and judges was quite heavily infiltrated by the services. When communism was over only the former group was subjected to process of a verification. Today, it is commonly acknowledged that the hopes (uttered during the first years of the transformation by new democratic leaders) about the self-purgatory potential of the judges were erroneous.

The Ombudsman

The Polish Ombudsman is not authorized to carry out any regular oversight of the services. However, among his interventions in 2000 were ones related to procedures of hiring and firing by the services, and other concerning the services' employees labour rights. The Ombudsman indicated the need for a legislative initiative which would provide the services employees with the right to judicial control of some of disciplinary measures exercised within the civilian services (UOP). In 2001 he raised the issue of regulations on retirement funds of government administration officials, including those employed by the UOP (The Ombudsman bureau information for 2000 and 2001).

Freedom of Information Act

A statue comparable to the U.S. Freedom of Information Act (FOIA) has passed the Parliament and is valid since the beginning of 2002. However, it is almost commonly acknowledged that it is going to take a lot of time before the act can make a difference. The press abounds in reports about resistance of various levels of government and self-government administration to journalists' requests for data which should be publicly available. No examples of use of this act in respect of the services' activities is known to the present writer.

Non-governmental Organizations and the Press

The NGOs are extremely rarely active in this domain. The Helsinki Foundation for Human Rights in Poland has a web page entitled "In the Public Interest: Security Services in a Constitutional Democracy". It is prepared in cooperation with the Center for National Security Studies, Washington, D.C., and offers a list of principles of

oversight and accountability. However, it was last updated in October 6, 1999.⁸ Many of the links the page offers are dead and/or outdated.

In general private civil liberties groups are too weak or too well sucked into the system to provide an important, independent channel of oversight.

The press, in turn, instead of engaging into serious investigative journalism, rather seems to be a consumer of leaks originating in the services, or an instrument in slender campaigns using dirty by products from the services "kitchen". Many journalists acknowledge that in Poland there is bad climate for investigative journalism.

There are not many civilian security experts and their professionalization is far from sufficient.

The State Captured?

Massive institutional shifts, which have been under way since the end of communism, have provided extremely fertile grounds for the proliferation of ramified informal power networks in the East-Central Europe countries. Legally unregulated lobbying, myriad cases of conflict of interest, rampant corruption, limited efficiency of the police, and the Ministry of Justice are all both preconditions as well as results of the operation of such networks. One of the indicators of the extent of strength of these networks is the fact that myriad, ramified economic frauds on a large scale are rarely fully explained to the public, and usually the main culprits escape unpunished. Many of these frauds, demanded complex logistical preparation and have taken place in companies or institutions which are under counterintelligence protection (either by civilian or by military services). Various figures connected both to old and new services appear among the suspects in the largest of the frauds.

That guides us to a guess that the undercover community is a part and parcel of informal power networks which constitute so called transfer class (*klasa transferowa* - Jadwiga Staniszkis notion). The class consists of groups of persons who mostly profit from the processes of the property rights shifts. They are in capacity to structure the privatisation of the economy process in such a way as to assure that a substantial fraction of the previously public resources finds its destination in their pockets. It is in the interest of the class to prolong the transformative processes, to have institutional arrangements uncompleted as long as possible (see Hellman 1998). Implementation of good governance practices based on the rule of law would make the transfer class redundant.

According to my research the most powerful of the networks in question are still based on resources generated by the institutions of the communist police state before 1989. The actors involved in those institutions inherited, eventually successfully re-defined, and now manage a much higher amount of social capital than the average level in Polish society. In similar contexts some scholars write about "capture of the state" phenomenon. However, unlike some of them (see, for example, Hellman, Jones and Kaufman 2000), the present writer claims that the capture is mostly pursued not by firms, but rather by the business-security complex

⁸ <http://hfhr.hfhrpol.waw.pl/Secserv/index.html>; I visited the page on September 19, 2002.

According to Stephen Holmes “Today, anti-rule-of-law constituencies play a pivotal role in every country that has exited from Soviet domination. By anti-rule-of-law constituencies, I mean groups that have a palpable interest in the vagueness of law or who profit from the routine failure to implement court decisions and administrative rulings” (Holmes, 1997:69).

The security complex is probably the most powerful among such constituencies. The undercover community constitutes a barely tangible nexus of interests, resentments and loyalties. This very nexus has strongly contributed to spread of clientelism in Poland⁹ as well as to a calculated anarchisation of the state. All this, in turn, has brought about phenomenon described as the institutionalisation of non-accountability (Hausner and Marody 2001; compare Staniszkis 1999). The services did not prevent de-centering of the state by corrupt/criminal developments; they even seem, to some extent, to be fused with them. It was possible, because, as observed Maria Łoś, “The security complex represented knowledge and power modality that conditioned and penetrated all other social power forms” (Łoś, Forthcoming).

I would even venture to support another, strong proposition of Łoś, namely that “Some of the post-communist countries seem to have reached a point where illegal, parasitic webs have permeated agencies important to functioning of the state to such an extent that a battle against them threatens the integrity of the state itself” (Łoś, Forthcoming). Does not this explain the quasi-reform of the services mentioned at the beginning of this paper?

Such predicament also partly accounts for the façade-like character of Polish democracy combined with very low civic activity (Zybertowicz 2002).

Therefore, it is not clear whether the services could become an instrument in the hands of the state in the fight against the corruption and clientelism. The services, are first of all appear to be a part and parcel of an informal system which perpetuates influence of political, party-centered, client-patron structures over the distribution of resources (see Sajo 1998: 39).

CONCLUSION

The Polish secret services have not been used for brutal wars abroad nor for meticulous repression at home. They are rather a lever for pursuit of party politics and informal power networks that managed to capture the Polish state.

One could hardly say that the move from closed and repressive apparatus towards a democratically accountable government service is completed. The services (not to mention about the security complex in general) are not a guardian of the public good, of the public resources, of the rule of law. They have become an overactive agent of murky and ramified fights over distribution of the resources.

We do not have an intelligence policy that is truly in the interests of society. To my mind it seems that at present tearing down inappropriate practices is beyond the

⁹ As a general label, “clientelism” describes well social organization of both communist and post-communist countries. It can be defined as “a network of social relations where personal loyalty to the patron prevails against the modern alternatives of market relations, democratic decision making, and professionalism in public bureaucracies” (Sajo, 1998:38).

power of any institution in Poland.

Instead of a system of good governance we have a system of institutionalised non-accountability and a soft state (see Hausner and Marody 2001¹⁰). As has been noted by Williams “The pursuit of NATO membership has been substituted for serious discussion of what it means to feel safe or unsafe in a multipolar, globalized Europe. This is alarming, since effective control of security intelligence presupposes that it should not fall to the services to decide what or whom to consider a threat; these are political issues requiring open debate and public awareness” (Deletant and Williams 2000:20).

Thirteen years since the beginning of the transformation the balance between advantages and costs of personnel continuity is far from settled. It is not clear, who has the upper hand. Are the services in the hands of (ir)responsible democratic leaders, or (ir)responsible, formally democratic leaders are in hands of the services addicted to manipulation? Voicing such question asks for indicators of either option, but I have to skip the issue here (see Zybortowicz, Forthcoming).

I cannot conclude on a positive note. The key point is not that oversight system is obviously underdeveloped. The political scene is not a mature one yet. The point is that both these situations mutually reinforce each other. The process of maturation of the Polish democracy is to last for long before the cask strength of informal power networks inherited from the old system can be diluted.

¹⁰ It sounds somewhat ironically, that one of the authors of the non-accountability diagnosis, a professor of economy, holds a ministerial position in the present cabinet.

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