



Centar za
sigurnosne studije - BiH

Centre for
Security Studies - BH

***ROUND-TABLE ON ELEMENTS OF THE SECURITY
POLICY***

- INTELLIGENCE SERVICES –

Sarajevo, 27 November 2001

CONTENTS

OPENING

Dr. Bisera Turkovic	1
Ambassador Matthias Sonn	3

FIRST SESSION

Dr. Nikola Spiric	7
Ambassador Kalman Kocsis	8
Mr. Joy M. Wijnen Riems	18
Summary of discussion after the first session	28

SECOND SESSION

Mr. Bogic Bogicevic	30
Dr. Mirsad Abazovic	31
Dr. Izet Zigic	36
Summary of discussion after the second session	38

APPENDIX A

Agenda of the Round-Table	42
---------------------------	----

APPENDIX B

List of Participants	44
----------------------	----

OPENING

Dr. Bisera Turkovic (Centre for Security Studies)

**Ambassador Matthias Sonn (Office of the High
Representative)**

Dr. Bisera Turkovic, *Executive Director*
Centre for Security Studies BiH

I would like to greet you on behalf of the Centre for Security Studies, which today has organised this round-table. For your information, especially for those of who today are with us, the Centre for Security Studies has organised a project on the adoption of a state-level security policy for Bosnia and Herzegovina. We commenced with a seminar on this theme in July, and after this, we organised a round-table on two elements of the security policy – foreign policy and economic policy. Today's round-table is dedicated to the intelligence-security services, especially the intelligence-security service.

I think that all shall agree that reform of the security system is essential for the political, social and economic policy of every country, as well as BiH. At the same time this is also an exceptionally sensitive political theme.

Naturally, we do not think that this round-table will succeed to find a solution for the existing problems in this field, but we hope that we shall have an open discussion, a discussion with different positions and viewpoints; a discussion in which we shall be able to see the experiences of different countries and in which manner their intelligence service systems exist and cooperate, and on which conditions they are established.

When speaking about Bosnia and Herzegovina, generally it is known that there exists opposing political views on this theme. I would not like to be judge of who is right, nor to advocate a specific viewpoint, because that is not the role of this Centre; however, allow me to direct your attention towards a number of essential issues, for which I hope this round-table nevertheless will be able to offer a response.

The question is whether in Bosnia and Herzegovina we can, alongside the full appreciation of our constitutional framework, speak concerning the problems of the organization and activities of our system of intelligence services? We are speaking concerning the division of the different intelligence systems. Does there exist a system or systems that represent a guarantee for the citizens, peoples and country, or does this represent an element that jeopardizes peace and security? Does BiH generally need to establish a single security-intelligence system, and would this mean the establishment of that type of system without full political will? Would this mean that we shall have merely a formal unit at the top, and essentially ethnic components that would act as separate systems? Or would the establishment of a single intelligence security system be better even in this form than a completely separated system? Are today's intelligence services seen as serious partners, for the exchange of information with other intelligence services, and what would generally be required in order for the security services to be accepted as a serious partner in the exchange of information? Do the existing structures in this country accept the current situation and organizations for negotiations for the exchange of information? What would be the orientation and tasks of a new single security system? Without the restructuring of the intelligence-security system, is it possible that BiH could be a bearer of further democratic processes? This question takes into consideration the

globalization of threats, for which we can merely mention the terrorist act of 11 September, which sent a warning to all the democratic and peace-loving elements of the world that they must harmonize their efforts in safeguarding peace and security; and that is the priority that concerns the intelligence services of the democratic world. Are we and can we be a partner in further democratic development and democratic institutions with this type of system of intelligence services? These are only some of the issues, and I believe that you shall pose many others concerning the issues that we shall discuss here today.

With prejudging what would be the correct response, I would ask all participants to make possible a very open discussion, in which to remove all positions that would be contradictory. Let us see what is the smallest possible denominator on which we can base a future solution.

I would now ask the highly respected Ambassador Matthias Sonn, Deputy High Representative, to open this round-table.

Ambassador Matthias Sonn
Deputy High Representative
Office of the High Representative

Thank you very much. This is really a pleasure for me to be with you and the Centre for Security Studies. That is an institution that is really still young but without consideration on that fact has built a profile. This is the reason that you Mrs. Turkovic actually began all of this, and every time when I am engaged it really is a pleasure to participate in the work of these seminars.

Our theme is elements of the security policy, especially the intelligence services and obviously this is on a very high place. Public respect in the old security system in former Yugoslavia was wrong, even also before the beginning of the war. That cannot be compared with that what people feel in view of the security system in BiH today. Today's organization of these services in essence symbolizes the deep mistrust and large insecurity that people feel towards one another. The intelligence services and their reform should be considered as a priority in BiH. These services need to be depoliticized and especially to comprehend that they serve the common interests of the peoples in BiH. In the place of a specific political regime, the democratic control of the intelligence services is particularly relevant in a climate in which war lasted ten years and in which the simultaneously the entire inheritance of negative factors have affected progress and prosperity.

The basis of restructuring is very important in order to proceed with the fight against organized crime. It is well known that certain officials of the police and intelligence system are deeply involved in criminal activities, and that undermines the political stability of the state and entities. In this view, ensuring democratic control over the intelligence services reflects on the citizens. Democratic control over the intelligence services can ensure state instruments that are essential for the gathering of information in the tracking of criminals, and at the same time can support the creation of a climate that shall correspond to foreign and domestic investors. This shall positively affect economic development and also the return of refugees.

In the framework of the security policy, the intelligence services are an exceptionally important factor for the creation of trust in BiH. In the context of that integration it is very significant also that the population identifies a political system that takes the responsibility for political structures. The strengthening and change of society is very important and needs to be understood as a key factor for the creation of a stable climate. Every existing vacuum between political structures and the public needs to serve as an indicator of the incompatibility of different programmes, which also further threatens state and regional stability.

The terrorist attacks from 11 September point to the existence of transnational criminals, extremist elements not only in the region but also further. Insofar as there exists a mechanism that responds to threats against the state, the information that is gathered by

the intelligence services makes possible counterintelligence service activities. In this context, it is important to point out that transnational criminals represent a threat to the region over the next five to ten years. The combined effects of the war and the fall of the communist regime built a climate where organized criminals have surfaced even in the highest political structures. Organized criminals present one of the largest obstacles in organized, transparent economic reform. The transparency of political institutions and the rule of law also present challenges for stability through extremist nationalistic groups.

All of this means that at the top of the programme of every government needs to exist co-operation, above all, with borders of the state, but on an international level. Co-operation between states needs to be created through capacity and technical expertise, as well as through redevelopment agencies for the regulation of laws on the other side. It is exceptionally important that the intelligence services in BiH need to achieve European standards in this view, through the protection of data and effective oversight from the side of the government and parliament, as well as ensuring the respect of human rights.

The intelligence services need to be used as a mechanism for the protection of the citizens in BiH, and not for the persecution of citizens. Every law that is the basis for the organization of the intelligence services needs to be in harmonization with the principles of the constitution. The protection of this principle is far more important than every investigation or tracking of documents.

The respect of the dignity of citizens requires that the intelligence services execute their own authority in a limited manner, and with that the trust of the citizens would arrive.

On the end, allow me to express my gratitude to Mrs. Turkovic for beginning the debate concerning the intelligence system in BiH, which is of fundamental importance for the states and its citizens. You shall on the end use the security of this country, do not try to come to terms with the old system, search from politicians that they protect the security of all citizens.

I wish you much luck and I give you my full support. Thank you for your attention.

Dr. Bisera Turkovic, *Executive Director*
Centre for Security Studies

Thank you very much Ambassador Sonn. This was an introduction that shed light on the range of problems that exist in Bosnia and Herzegovina. I would like to express thanks to Ambassador Sonn and his colleagues who have endeavoured to give their contribution to the further democratic development of BiH.

Allow me to mention a few technical details. Today's round-table was planned that in the first session we would have our guests from the Netherlands and the Ambassador of Hungary to Bosnia and Herzegovina. Then, if times allows, to have a short discussion. A pause is envisaged between 12.30 to 1.30pm. In that time, the Belgian Ambassador shall take care that we will all be served.

In the second session, a short introductory presentation shall deal with the theoretical approach to the intelligence services and democratic control, when afterwards a second discussion period shall be led.

I consider that the afternoon session should be essentially important that it highlights our views and positions, in order for us to debate to try to find a specific *modus vivendi*.

SESSION I

Dr. Nikola Spiric (Parliamentary Assembly BiH)

**Ambassador Kalman Kocsis (Embassy of the Republic of
Hungary)**

**Mr. Joy M. Wijnen Riems (Security Service of the Kingdom of
Holland)**

Dr. Nikola Spiric, *Chairman of the House of Peoples
Parliamentary Assembly of Bosnia and Herzegovina*

We shall commence with this morning's session; and I wish naturally to thank Ambassador Sonn and Mrs. Turkovic for their introductory presentations and for the dilemmas that they mentioned in their introductions.

Today we shall endeavour through democratic dialogue not to resolve all issues, but rather to highlight all elements connected to this working-table.

Now I would like to ask for your attention for the presentation of His Excellency, the Ambassador of the Republic of Hungary, Kalman Kocsis, connected to the intelligence services policy of our friends Hungary.

Ambassador Kalman Kocsis

Ambassador of Hungary to Bosnia and Herzegovina

Embassy of the Republic of Hungary

Thank you very much Mr. Chairman, Madam Turkovic, Ladies and Gentlemen. First of all I think that I owe you a little explanation; I would like to answer to question as to why I am a speaker in this distinguished company. Before coming here to Sarajevo as an Ambassador, I spent almost twenty-five years in the Hungarian security service, or more precisely, the foreign intelligence service. In 1990 after the first democratic elections in Hungary, I was appointed as Director-General of the service. So I have some first-hand experience of the transition of a service from the communist period to a democratic phase; and unlike Ambassador Sonn, I cannot and would not like to speak about the intelligence services here in Bosnia and Herzegovina. However, instead of that, I would like to share the experiences of the transition process of the Hungarian secret services. I can do that because that process is a completed one already in Hungary. Our services are over the most difficult troublesome period of their history; and since that process brought many conclusions and experiences, maybe it would be interesting for you to listen to them.

I would like to start with the state of the situation: what we had in Hungary just when the first democratic government arrived to power in summer 1990. First of all the Hungarian services had many burdens from the past. In the 1950s we had a state security service that was regarded as an enemy of the society by many of the people; they committed a lot of crimes, we had concentration camps, people killed, hundreds put on trial and imprisoned. After the revolution of 1956 that service was disbanded, but it was reorganized and the old cadres, with very rare exceptions, took over the new state service. The only change that happened was that before 1956 we had an independent state security apparatus, now that apparatus was included in the framework of the Ministry of the Interior. The main task of that service was, besides the classic efforts like counter-espionage and the classic gathering of foreign intelligence, to oppress those who thought differently, the so-called dissidents. So that did not make that service very popular among the Hungarian population.

In 1989, just before the political changes, an enormous scandal shook the Hungarian services. After the new constitution they still continued to keep under control the already legal opposition parties, there was surveillance on them and so on; all of these things went public and the last socialist government did what was unavoidable, took out the services from the framework of the Ministry of the Interior, disbanded the political intelligence unit, disbanded the other units, and instead of one united service that was hidden in the framework of the police, we had five separate secret or national security services as we called them in Hungary. That situation, I mean the structure of the Hungarian services, has not been changed since that time; so the original idea proved to be a long lasting idea, at that time we thought that it would be temporary.

There was total mistrust towards the services, first of all from the politicians, because many of them were targets of the state secret services. Also there was mistrust from the public, for the reasons that I just mentioned to you; and also mistrust from the foreign services of democratic countries, because we worked against them, we were not friends. Nevertheless, at the same time some of the politicians recognized the necessity of having the national security services. The reason for that was very simple, we were leaving the Warsaw Pact and NATO was quite far away from us; consequently, there was a security vacuum in Hungary. The fall of the Soviet Union and the war of the territory of former Yugoslavia constituted an instant security risk.

A little bit later, for the same reason, the western foreign services also paid attention to the Hungarian services and found them quite useful in their co-operation; but for the trust of the public, we had to wait for approximately ten years. Also we inherited a certain uncertainty inside the services. In 1989-1990, many of the officers had the feeling of fear concerning their existence and living. They supposed that all of them would be dismissed, as happened in some other countries by the way, and maybe they would not even be able to find new jobs. Also, some of our staff had a problem with their conscience, some were participants of some deeds that were not regarded as very positive after the democratic changes; some of them refused to accept the fact of the political changes, they thought that the communist and socialist regimes were good and they disagreed with their abolishment of those systems. Also there was a lack of tasks because immediately we lost our traditional information. We knew quite a lot about the situation in NATO countries but the new government was not interested in this at all, they asked for information from the region, about the security risks that were evidently not western types of risk.

The consequences of this internal uncertainty were that our officers left the services en masse, only in my office in two years four hundred officers left voluntarily. Now they are in different guarding and close-protection companies, private investigation ventures or companies for safety devices and so on, so they remained in the profession somehow. We also faced a shortage of funds, first of all because the country was in a very difficult economic condition; but also because of the subjective environment on the service was negative, and the majority of politicians did not think that it was worth to give money for those services. So for that reason we had ourselves to cut our staff and cut our tasks.

We inherited an outdated internal structure, as I mentioned to you we knew a lot of things about NATO countries, but we did not know anything about our neighborhood. It was prohibited for us, during the socialist years, to collect information from any of the socialist countries. Maybe we were the only ones who respected that rule by the way. Naturally, any intelligence service is capable of finding new tasks when their survival is in question; so we were also looking for new tasks, but we were unprepared for them – we did not know how to fight terrorists, how to combat organized crime, proliferation of nuclear weapons, drugs, and trafficking and so on.

Nevertheless, quite a large number of good professions remained in the services, because they were committed to their job, and also they had the feeling that they were not really

replaceable – there is not a new intelligence elite in any of the countries, there was only one exception, Germany.

So we started the transition period, and I would like to mention now to you the essential points of that transition. The most important thing, I regard, is that we placed our activities on a legal basis. During the socialist time we did not have any legal regulations concerning the activities of the secret services, there were some internal decrees inside the Ministry, but there were no legal regulations adopted by the parliament or government. We worked on the decrees of the political committee of the Hungarian Socialist Workers Party, and on individual decisions of the politicians. When we had that scandal in 1989, the government issued a decree that was to be regarded as temporary, in which established new services and also regulated the use of the so-called secret means of collecting information.

In December 1995, Parliament adopted the National Security Act, and by that Act our activities were put on a legal basis. The second most important element of this transition was to define our goals. During the socialist time, the goal of the secret services was to protect the state, but also unofficially to protect the communist regime. Now the philosophy of our secret services is to protect democracy, and the protection of the state is part of the protection of democracy; however, in a philosophical sense the protection of democracy is more important than the protection of the state. Naturally, we continued to carry out our traditional goals like political intelligence or counter-intelligence, but new goals were placed for us to fulfill – the protection of the constitution, which is almost the same as protecting all democracy, but not totally. Also, one of our new goals was fighting organized crime; and we have an international aim as well: joining the club of the democratic intelligence services, following their use and contributing to them.

The third element is the implementation of civil control. In the socialist times, control was carried out by the Central Committee of the Communist Party, no parliamentary committee or even the government had a real influence over the services. Now we succeeded to define the competencies of the parliament, of the government, and the Minister in charge. One of the results of those activities was that political responsibility appeared in Hungary; now we had persons who were responsible for the activities of the secret services at the rank of Minister.

Another element of this transition was transparency, which is a little bit in contradiction with the philosophy of secrecy; but nevertheless if a secret service would like to survive, to receive support from the public, to receive support from the politicians, and to receive funds on which to exist, it cannot avoid to reach a certain degree of transparency.

As I mentioned, we separated the secret services from the police; it was a mutual desire by the way, the police did not like that we were with them, they thought that the secret services compromised police activity, and the officers of the secret services did not like to be police officers – we had the rank of police officer before the transition.

As I mentioned, we had five services. Five services can be more easily controlled – oversight – than one, especially if the tasks are very clearly defined. We have very detailed legal regulations, the National Security Act regulates practically everything around the services, and it is a public act and everyone can read when the services are authorized to carry out any activity against a citizen – what kind of activity, with whose authority, how the services are controlled and what are the tasks of the services, and so on and so on. That National Act is around one hundred pages, and as far as I am aware, it is the most detailed National Act in Europe. Also the budget of the secret services became public, not all the chapters, but the main chapters. Consequently, the public now knows how much is spent by the state on its services.

The next element was the democratization inside the services. We had to face such elements like the appearance of trade unions inside the services, which confer some rights - officers cannot be members, but non-officers can. We implemented such methods as open competition for different posts inside the services. There is only one limitation as far as democratization is concerned, which is that there is a strict ban on any party political activity inside the services – professional officers cannot be political party members. There was a great dispute about that, the issue even went to the Constitutional Court, but it was decided that this was in accordance with the constitution. So that means that the services were depoliticised.

There was also a sensitive issue as well: the political cleansing of the services. The basic question for a new regime is always what to do with the inherited services. There are several models in Central and Eastern Europe. There is the German model, which is the easiest because they had another service; if you remember the Stasie was disbanded totally, but they had the BND and some other services that could replace them immediately. There is the Czech model that also disbanded the secret services and recruited new people to carry out that job – it is a rather long process to go all through that. There is the Russian model that disbanded the service, the famous KGB, and established new ones, but with the same people. In Hungary, as I mentioned to you, we disbanded one branch of the service – the internal political secret service – disbanded the unified services, established the five services, carried out political cleansing, and then preserved the majority of the cadre. This model was more or less followed by the Polish, Bulgarian, and other services.

Political cleansing is very painful but an avoidable process; it is a sort of blood-sacrifice. To gain the confidence of the society, of the political life, things cannot remain as they were earlier. The question was who we should sack and how many. So in Hungary we dismissed approximately one hundred officers, from a number of three thousand five hundred. So you see that it was not a very deep cleansing. We dismissed those who had a background in the disbanded state security service, those who fought against the revolution in 1956, and those who had a Bolshevik mentality; we did not think that they had any place in a democratic society.

The last element of transition was the change in mentality; this was the longest and the most complicated process. We had to teach our officers to respect and follow the law and

regulations – there were regulations before, but as I mentioned to you they were internal regulations, and competencies were placed at a very low level. The Head of a Section could order the telephone tapping of anyone in Hungary. To demonstrate the change, now the Minister of Justice has to approve telephone tapping. Also we had some problem in making our officers accept the new priorities because for objective reasons traditional, classical, intelligence and counter-intelligence are driven into the background, and anti-terrorist measures and the fight against organized crime gain new ground. For those intelligence officers who regarded that only political intelligence is the real thing, it was emotional rather difficult to accept that new fact.

Now I would like to speak about the relationship between the services and politics, which is I think the key issue of any transition. First of all I would like to stress in managing the transition process, politics and services should work together. No one side can carry this out alone, it is a synergic process, politics and the services mutually influence each other. There is no question and no doubt that the dominating role belongs to the politicians; their duty is to carry out legal regulations, to define tasks, to make decisions relating to personnel and structures. The role of the services is to highlight the options and possibilities for the politicians, and also to provide the professional background for political decisions. You cannot imagine how many politicians in Hungary came up with different ideas about the security services. I even remember one, which fortunately did not come to the public at that time, somebody went to the Prime Minister and told him that all of the old-guard should be disbanded and we should recruit all the former agents of the CIA, MOSAD, MI5, and create a completely new service from those people. There were many other ideas, so it quite unexpectedly turned out that we have a lot of experts about the secret services, who never worked inside, and did not know anything about it. Consequently, this is why I underline the role of the services. It is a duty to tell politicians if they are about to make a wrong decision.

From the political side there is a very evident affection towards the services, and that affection is rather dangerous. Usually, politicians overestimate the possibilities of the services, and they think that the services are almighty and can do almost everything – sometimes this is the judgment of the public as well. So for that reason they regard it as a very valuable prize to seize control of them. There is another element of that affection, which is curiosity – to have access to information, to know things, and information can mean power. The third element of this affection is that politicians like to be on the safe side, they think that if I have them they will not work against me – it is a very simple approach, and sometimes there is something to hide behind that approach. So the results of this affection is the leakage of secrets, officers are bringing secrets to the politicians; internal mistrust among the staff of the secret services; positioning, especially before new elections, is still evident in Hungary; and the general consequence is the increase of the risk of the services' secret activities.

The only feasible way, when we speak about the services and politics is the non-engagement of staff in politics, non-party attitude, and loyalty to the government – this is a sort of cradle.

Services are not national institutions independent of the executive branch; they are part of the executive power; that is why I would like to underline the loyalty to the government. They should serve the government regardless of which party is in power, or if you do not like that party then you should leave the service. However, they should not serve parties and even less party leaders. Though, not only the politicians should be protected from the services, but also the services should be protected from the politicians. The ways for this are: legal regulation, parliamentary control, and to aid the politicians to identify their real interests.

Another topic is the relationship between the services and parliament. In Hungary, we regard the parliament as the main embodiment of civil control. The whole parliament cannot carry out such control. For that reason in Hungary we established the National Security Committee of the parliament. Originally this was a so-called special committee, now it is permanent. That committee is the main guarantor of the lawful functioning of the services. It carries out oversight, the services and even the Minister report to them – it happened to me quite often – but that committee is not authorized to issue any order or command, because it does not have any executive power. The National Security Committee is engaged in any national security matter, in a very broad sense. Just recently after the events of September, they had several sessions in which were discussed the terrorists threat to Hungary, the safety of Hungarian nuclear power, and the migration problems as a result of that attack. They can discuss anything they wish. The Chairman of that committee is always from the opposition, it is an additional guarantee that those who are in power cannot use the services for their own political purposes; it cannot make them work on the political opponents. The members of this committee are entitled to read secret and confidential information; practically there is only one limitation, sources and methods, but for that they have to undergo security vetting, or security clearance – the services are conducting this by the way. They are also constantly under national security protection, not control but protection.

Our practices show that this committee, besides controlling, often turns into a safeguard of the interests of the services. The members are affected by their job, they like it very much. They respect that job because they really are aware of what the services are doing. Quite often they protect the interests of the services in budgetary matters; also against unfounded attacks from other politicians or from the media.

What is also very important is the fact that the committee is a special training school for would-be Ministers. We always have two Ministers in charge of the secret services – one for the military and one for the civilian services; these Ministers have always been members of that committee at an earlier stage. Consequently, these people always arrive in office with a level of knowledge. I am absolutely convinced that the most dangerous threat for the services is the ignorance of the relevant politicians in charge.

Now I would like to speak about the services and the government. As I told you, the services are governmental bodies, which means that the government guides and controls them directly. The duty of the government is to define goals and tasks, and also calling them into account for their implementation the legal regulations under the competence of

the parliament. Speaking honestly, there is not too much space for that because, as I told you, we have a National Security Act that is very detailed; so the government can regulate only some minor concrete issues – but nothing that concerns the individual human rights of the citizens, these must be placed into the Act.

The government also approves the internal structures because the external structure is approved by the parliament; and also appoints the main managers of the services. Our practice is that the Director Generals are appointed by the Prime Minister, the Deputy Director Generals and the Directors are appointed by the Minister in charge. The main players of this guidance are the Prime Minister, who can directly instruct the services, and the National Security Cabinet of the Parliament, which deals with many national security issues, as well as issues relating to the army, national catastrophes, and many other issues. However, the main players are the Ministers, who carry the political responsibility; the reasoning behind this is that there are special ministers for the secret services in order not to burden the Prime Minister. This is due to the reason that, as we know quite well, even if a secret service works very efficiently, very cautiously, there could be a failure, and for a failure somebody must take the political responsibility.

According to the Hungarian solution, we have two ministers: one minister is the Minister of Defence, who guides the military secret services – in Hungary, the military secret services are not in the framework of the army, they are independent state agencies; so the Director Generals of the two military services (one is intelligence, the other is security) report directly to the Minister of Defence. The other minister is a Minister without Portfolio, and that is an absolutely unique solution, a Hungarian solution; so that Minister without Portfolio is the chief of the three civilian services (one service is foreign intelligence, the next is internal security, and the third is a special technical service).

The ministers, besides guiding, handle public opinion – the task is to create the necessary infrastructure, technical development, budget issues and others. They have a very special task – to cope with the Minister of Finance – without funding the secret service cannot function. The Director General cannot be a partner with that Minister, only another minister can.

The next issue that I would like to elaborate is the relationship between the services and public opinion. Public opinion is almost as important, as far as the services are concerned, as the politicians. To gain the confidence of the public is much more difficult than to gain the confidence of politicians. The main task in that sense belongs to the politicians; the task of the services is not to provide extra ammunition for attacks from the media.

The problems of the services in connection with the press and media are that their failure is always spectacular, whereas their successes are always invisible. It is a mistake to create an air of mystery, but an even larger mistake is to give away real secrets. There is no more an attractive topic for the press than a scandal involving the intelligence services; and the battle is unequal, press and media may tell practically anything, whereas the services are groomed to keep silent. How to overcome that situation? First of all, we need very clever statements and interviews from the competent politicians. If they repeat

regularly, and with internal conviction, that the services are fulfilling their role, working normally, not doing anything illegal, that you can trust them; sooner or later that message will reach the public – in Hungary we have already achieved that.

Sometimes the chiefs of the services can give interviews, which is very dangerous, personally as well – I was Director General of my service for six years and I gave two interviews, which for the second their was a scandal.

Sometimes, unfortunate and tragic events upgrade the significance of the services – like the Gulf, conflicts in the Balkans, and international terrorists. Now the media treat the services very seriously. That which is told about the services in their announcements is accepted, and there is no question about the capability of the services to cope with the situation.

I would like to say several words about the management and staff of the services. The basic question is should the chiefs of the services be appointed on a political or a professional basis? A political appointee can learn his job, naturally, but it is a rather time-consuming activity; his political background can be an advantage for a service, but a too active political engagement may also strike back. A professional appointee is a much better solution, but he must obtain political trust, which is a necessity; without political trust no head of service can work. Now this is the Hungarian practice: all of the heads of services were appointed from inside.

Naturally, all of the staff must be strictly professional, and if they receive confidence – a very crucial element - from the politicians then they feel secure for their existence. This can make miracles; without this, it can make only headaches for the politicians. You must know, to get a real professional is a very long process; so a good professional is of real value, who deserves respect.

Regarding international cooperation of the services, I think that in the transition process the liaison activity of the services is of high priority. It strengthens the confidence between states and is really important in relations between neighbors. That cooperation and fill gaps, and as I mentioned at the beginning, we have to turn towards new directions, but the switching of directions takes time. The government demand for information at the same time is constant; you must continue to work within the reform process. That information can also be obtained from international cooperation; so it brings extra information to the services, especially in such fields where the services cannot work. I can provide a very simple example: naturally, services like ours (of that size) cannot work in many other countries of the world, and sometimes a politician for example is traveling to a country like Africa and asking for some information about that country. If you are in a situation where you have nothing, you cannot send that as an answer, then our friends can help us, and the politician is satisfied.

That international cooperation is capable of improving a country's image and to push forward the integration process. This is important really where NATO is concerned; it is not a secret that during the succession process, NATO is also looking at the state of the

security of the would-be members. First of all it investigates the condition and capability of the secret services, also the protection of confidential data and information; and the NATO security department issues a type of security clearance for the country, telling politicians that the membership of a certain country will not create a security risk for the Alliance.

The services can sometimes replace diplomacy – a type of advance diplomacy – through which channels even very delicate issues can be discussed, which cannot be discussed through normal diplomatic channels.

Cooperation depends upon countries and topics of course, but there are commonly accepted issues for cooperation – terrorism, organized crime, illegal migration, arms trafficking, etc. I am deeply convinced that the fight against these phenomena can be effective only by using secret means and through the cooperation of the intelligence services.

As I promised you, I would like to speak a little more about the National Security Act. That act was adopted by the Hungarian parliament in December 1995 by a two-thirds majority, and can only be changed by a two-thirds majority. We needed five years to adopt that act, we had to accumulate experiences and we also had to have a political settling down.

Of course, a secret service can work without a legal act, until the middle of the 1990s, Great Britain did not have such an act; however, this is not possible in our region, and I mentioned these reasons earlier – trust, transparency, and many others. Consequently, without the National Security Act adopted by the parliament, there is no transparency but only mystification. Such a regulation is vital for the services – it protects the services – because what it contains allows for the services to act.

There is some philosophical dispute because in the theory of law the typical approach is that whatever is not prohibited to do is allowed. I think that when the secret services are in question the only normal approach is that they can do only what is allowed, not what is not prohibited.

The National Security Act is a very detailed law – as I mentioned – so it regulates the structure, goals and competency of the services. The services can only launch such an activity that can be led back to that National Security Act; it contains the system of oversight of the services, so the activities of the National Security Committee of the parliament are also regulated by that law. In very detailed form it regulates the rules of using secret means of gathering information, and this is the only rule that regulates that use of secret means; so when police use those means they must also rely on that law and some other agencies that are entitled to do it. The level of the approval of using secret means – checking correspondence, telephone tapping – are very high, for the secret services it is the Minister of Justice; for the police we have special judges. Those people have the right to know everything before giving that approval.

In the last ten years in Hungary, we did not have such scandal about the secret activities of the services – using illegally such means; and not to have such scandal we have a special secret service (I mentioned earlier), which carries out all of these activities, for everybody, for the police, border police, customs officials, procuracy, and the secret services. Consequently, an agency asks for approval, the approval is granted by the Minister, and another agency is carrying this task out – this is a strong guarantee built into our system.

Also, the National Security Acts regulates the so-called national security clearance. In Hungary anybody who fulfils a sensitive task must undergone security vetting – all our diplomats for example, our intelligence officers, highly positioned civil servants, and other people as well. That checking can also be rather painful. There are several levels of that vetting depending upon the access to information; but for the strongest level – we call it Level C – a person should answer questions about his or her sexual habits, for example, plus their financial conditions. Naturally, whatever is noted down can be checked by the services; after this, they would receive security clearance and can fulfill a confidence job – even State Secretaries are subject to this.

At the very end, I would like to summarize what is the actual state of the national security services in Hungary. We needed around ten years to be fully accepted and recognized. The transition process itself lasted approximately five years to six years. Now nobody questions the sense, goals, activities, and budget of the national security services. They are a natural part of the state apparatus. There is much less mysticism and there is growing trust around them; false or real scandals, of course, could occur – human beings are working in the services, but their number is less and less. There are still some disputes, especially around the structure of the Hungarian intelligence community, the question is should such a country as Hungary have five services or maybe that is too many. However, now this is a professional and not a political debate any more.

Our intelligence services in the process of the transition of the Hungarian society underwent essential changes, the political atmosphere around them settled down, and now they are able to fulfill their tasks in a professional way.

Thank you very much for your attention.

Mr. Joy M. Wijnen Riems, Liaison Officer
Security Service of the Kingdom of Holland

My name is Joy Wijnen Riems and I am a member of the national security service of Holland; I am a long time member – at this moment I am a Liaison Officer – and the region that I am responsible for is the Central European region – that is the Baltic States. In that framework, I am responsible for our bilateral cooperation and at the same time on multilateral cooperation. It is obvious that in the Central European region there are many transformations going on; so that means that we are putting a lot of effort in assisting the countries in the transformation problems that they are having – which the democratization of the services, but the means and methods if you want to work in an European Union or NATO context. We think, as the Netherlands, that it is our responsibility to give this assistance because those countries one day will be a member either of the European Union or of NATO – that means that we are then partners and share information on an equal basis. Consequently, if we are not giving assistance to those countries it is in our own disadvantage.

What I am going to show you now is a presentation of our service. You have listened to the words of Mr. Kocsis and you will see a lot of what he has said in my presentation. On the other hand, you will see in the presentation a very modern service, which is at this moment not only modern but the only service in Europe for which the law and legislation is meeting the requirements of the European Union. This is a topic for which we could discuss for days and I can only lift a little part of the veil of the problems you will be facing at the moment. The European Commission is going to be involved in your law and legislation; nevertheless, I am trying to show you in my presentation a little bit of the consequences of what this would be. I am very much aware that I am going to give you a lot of information; so, just take the information that you want.

I will immediately give you a short outline of how the general intelligence structure is in our country. We do not have, as you heard from Mr. Kocsis, a lot of services; we only have three main actors in our intelligence structure. The first actor is the National Security Service of the country, which is at this time called the BVD – of which the Minister of the Interior and Kingdom Relations is responsible. Then we have one security service in the military sector and that is under the responsibility of the Minister of Defence. Then we have the Coordinator, who coordinates the tasking of those services, and the Coordinator is answerable to the Ministry of Internal Affairs; mostly it is the Secretary General of the Minister of General Affairs. These are the main actors in the intelligence and security structure.

What I am trying to say at this time is that the relevant ministers together form the Ministerial Committee for the Intelligence Services and they are responsible for the policy regarding the services. On the other hand, the Coordinator is the chairman of the National Joint Intelligence Committee, and he coordinates the tasking of the services with the heads of services that are there.

An annual report that has to be made and sent to the State General – the State General is our second parliament and our senate together – and the annual report has to be handed in before 1 May, and will then be discussed in the State General and accepted or not. These are the main actors.

The National Security Service is a part of the Minister of the Interior, and was actually in that Ministry nothing more than a Director General; so, it is equal to the Director General for Public Administration, Public Order and Strategy, then you will see here the National Security Service – there is our place, directly responsible to the Minister of Interior.

Before I give you some more details on our service, I would like to highlight a couple of points that are very much characteristic of our service. Our service at this moment is the size – and by giving this information I show you the openness of our service, the transparency of our service – of approximately 750 employees on the Dutch population of 16 million inhabitants. This is a very dense population and in that 16 million we have 1.5 million comprised of minorities with all the cultural problems that can have their effect on the democratic, legal order of the state.

The service itself is a flat organization; we are completely computerized – we have what you can call a clean desk system, we almost are not using paperwork anymore – and we are very flexible because we work in a team concept – we do not have a department that is focusing on, for instance, the task of the Russian intelligence and security services, and then will see what comes out of it; there will be a project that describes what the tasks of the team are, and then in a certain way of timing, it should be fulfilled with a final product. Everything that we are doing is in a project way of working.

The flat organization is one of the elements in that everyone in the service has direct access to his director and even to his director general – we do not have a big hierarchy, if I have a problem that I would like to discuss with the Director General I could give him a call, talk to his secretary, and see when he has time to listen to me.

As we are a member of the European Union, we have to take into account that there are some elements within the European Union that we especially value a lot, and in some cases you can see even that the Netherlands is always one of the first countries that is adopting and implementing wishes from the European Union. You will see that in our service everyone is entitled to be a member of a trade union, and everyone has the right to be a member of a political party – because this is a constitutional right of everyone and there are no exceptions in our country. Naturally, you can be a member of a political party, but if you are an active member of a party then we will have a talk with you because we do not want to have a conflict of interest – but it is very open whether you are a member of a party or a trade union.

To show you how modern we are, we even have a Council of Employees that is selected every two years – a council of approximately eight persons who discuss all policy matters with the Director General. This means that if our Director General wants to change the

service, he cannot do so without discussing this with the Council of Employees, and to have their consent. If the council does not agree with what the Director General wants, then he has a problem – he has to go to his Minister and to actually say that he cannot convince his people to do something; and you can understand that a Director General will not be in a position to go to a Minister and say this.

All members of the service have a high level of individual responsibility, and it is expected that in whatever you are doing you have a great line of self-decision making.

Another matter is that our service of 750 should be actually added with a part of the police and of the border police, because in our law it states that the Director General can ask for assistance from the police and the border police – those are together approximately 110 persons that when they are acting on behalf of the service they do not have their police powers, they are only having the powers that the service has. We are giving them an education in this way, and they are very much aware that at the moment they work for us and do not have executive powers, etc – it is only the gathering of information.

The service is very transparent, like I said, with a secret core; and we have with politicians and parliament, a high standard of confidence relations. We have regular contact with politicians and the Parliamentary Oversight Committee, and on a regular basis even with have Members of Parliament who are coming over to orientate themselves with what the services are doing, from any political party present in the parliament. And I agree with what Mr. Kocsis said, because that helps our support within the parliament concerning the safeguarding of the service.

In the framework of the tasking of the services, we have access to all of the material in principle that is stored within administrative databases; this is because of the fact that everyone who works for the government is a civil servant, and we have a Civil Servant Act that regulates all their rights and duties, and one of the things is that when the BVD wants to have some assistance, the civil servants in principle should give their help.

The Director General of the BVD heads our service, and he has three main tasks. His first task is that he is the Head of the National Security Service, he guides the service and has the responsibility for this; at the same time, he is the acting National Security Authority for the Netherlands – I am trying to say that in every country, especially when you are member of NATO, there is a high official who is responsible for the protective security in your country, and he is the point-of-contact for NATO to discuss all kinds of matters of classified material, clearances, need-to-know principles, etc. Officially in our country, it is the Minister of the Interior who is the National Security Authority, in a civil way, and it is the Minister of Defence in a military way, because in the Netherlands we have made a distinction between civil intelligence and security and military intelligence and security. I think that it is still a leftover from the Second World War where we do not want civil matters to be handled by the military. So, we have this distinction, which means in this case that the Minister of Interior, more or less, gives this mandate to the Director General to handle this matter as part of his responsibilities. On top of this, he is responsible for the

National Communications Security Agency in our country – before, this was part of the Ministry of Foreign Affairs and that same Ministerial Committee has decided that because it has some strong protective security elements, that this crypto-responsibility should be transferred to the BVD, which has been done on the first of January 2001.

We have one Director General, then we have a Directorate of Strategy and Legal Affairs, which is headed by the Deputy Director General, we have a Management and Resource Directorate, we have two operational directorates – one actually for the situation in the Netherlands (that is called the Democratic Legal Order) and one for state security and cross-border problems; but seeing the developments in the world that we have now, there is a lot of inter-relations between these two operational departments. Then of course we have the Directorate of Protective Security, because that is one of the main tasks of the service – national and international as well. And we have one Directorate of Intelligence Support, in which all kinds of operation support is given – like surveillance, technical assistance, etc.

At this moment, we are in the process of not being only a security service, but hopefully at the beginning of next year we will be an intelligence service as well. It has been decided by the Ministry to do this, and so we have at this moment a very big project group that is in service that is describing the job of foreign intelligence, the *modus operandi*, and everything they need in order to be very active the moment that the law has passed parliament, and then they will be officially one of the directorates in our service.

We have a couple of democratic controls of our service, for which I shall now go into greater detail.

As I mentioned previously, the first controlling mechanism that we have is the Ministerial Committee for the Intelligence and Security Service, which is headed by the Prime Minister, who is the Chairman; and part of this ministerial committee is the Minister of the Interior, the Minister of Defence, the Minister of Foreign Affairs, the Minister of Justice, the Minister of the Economy, Minister of Finance, Minister of Transport, Minister of Public Works, and Minister of Water Management. Incidentally, the Minister of Public Works and Minister of Water Management are two of the most important because Holland is a very flat country, with a large part below sea level. The main task of this committee is policy making for the BVD and military intelligence service.

I mentioned to you that we have the Coordinator, and the Coordinator heads the Netherlands Joint Intelligence Committee, and that coordinates the activities of both services and prepares matters that have to be discussed within the ministerial committee. They are meeting every month and one item that is always on the agenda is what is the evaluation of the threats to national security at the moment. In general it is the Secretary General of the Ministry of General Affairs who is the Coordinator and the Chairman. In this meeting, of course, the Director of the National Security Service, the Director of the Military Service, and representatives of other ministries that have some interest are also present.

Naturally, we have parliamentary oversight, and in our case, it has been decided that there should be a Parliamentary Oversight Committee, because generally we could discuss all our activities with parliament, but where it concerns our operational and classified activities it is not, of course, advisable to talk with the complete parliament as a whole. So, we have a committee on the intelligence and security services that are actually the four main political leaders in parliament; and the chairman of that committee is the leader of the largest political party in parliament. They convene on a regular basis, and they will discuss matters with the Minister, where the Director General would be present. We have no restrictions with this committee, which means in principle that when they ask us questions, we give them answers – whether it is secret, whether it is confidential, whether it is top-secret – in principle we give them the answers because they are the representatives of our society in the mechanism of control.

I can understand that always one question pops up when somebody asks that is it not one of the major tasks of the intelligence services to protect its sources, then the answer is yes, but assume that one of the members of the Parliamentary Oversight Committee wants to know the source, then of course we are not giving the name of that source – we would first have a talk with them as to why they want to know the source and whether they realize the consequences the moment they have that information. We are very lucky because up until now we have had very wise men in our parliament, and we have never had questions of this kind where they want to know our sources; and on the other hand, we are very lucky in our long-term of democracy that we have in the Netherlands, that we have never had one incident where information that has been given to the Parliamentary Oversight Committee was leaked to a third party.

I want you to know that we actually have a kind of an agreement with this committee on intelligence and security services, because in principle, officially, if they have questions they have to pass these to the Minister of the Interior and he gives the answer, but to make it more flexible and workable, the bridge between them and us has been made more efficient; and we have told them at the same time that we will give them in principle all information, but the moment that we think they have leaked information then we, the National Security Service, will not give them any information whatsoever; then they have to guide their questions to the Minister of the Interior and he decides what kind of answers he will give. So that is the situation as it is now, and we have to make a public annual report, which we are doing, where all our findings are inside.

Naturally for the services itself the Minister of the Interior, as the political master, is responsible for the work of the BVD, together with the Director General he discusses the priorities of the work and he has his structural meeting with the directorate. We on the other hand have a two-monthly report that we are making for the Minister, apart from all of the bilateral meetings there are, and the Minister of the Interior participates and is accountable to parliament for the work of the service.

I have not touched all of the democratic controlling mechanisms, so I will come back to them now. When we at this moment want to have a telephone tap, we have to go through a lot of problems, trouble actually, because we need at this moment for one telephone tap,

four signatures from four ministers. We need the signature of the Prime Minister, of the Minister of the Interior, of the Minister of Justice, and the signature of the Minister of Telecommunications; and without those signatures there is no telephone tapping. Naturally, in a very emergency case we can do it, but then the Director General would have discussed that by telephone with the Ministers and promised them that within a couple of hours the document will arrive for their signatures.

As I mentioned, we are blessed by a very modern and advanced service, because the persons who are actually making the connection for telephone tapping within the telephone central are persons from our service – they came originally from the telecommunications industry and in the meantime they work for us and they are the people with the documents in their hands who are making the connections for telephone tapping.

Then we have the Public Accounts Committee who checks the budget of the service, and the head of the Public Accounts Committee is the only person who is allowed to see how we spend the operational sector of our budget.

Naturally, there is the National Ombudsman who is there on behalf of the people in the Netherlands, and we have made a similar deal like the one we have with the Parliamentary Oversight Committee with the National Ombudsman, where we are ready to give him all the information he wants, whether it is classified or not, because we have said that at the same time it is in our own benefit that when the ombudsman is making a decision that the decision is made on a sound base with all the information available taken into account. The information available can be classified information as well; so, we have made a deal with him that in principle we will do it unless we find that he is misusing that information – the moment that would happen he would not get that information anymore. We have a very good relationship with our National Ombudsman, and we have no sign whatsoever that he has abused our trust.

Lastly, in some cases a judge can be a part in our oversight, but then only the Director General of the service can talk with the judge; nobody else in our service is allowed to talk with the judge.

In our budget for 2000, a large amount is allocated for personnel and only small percentage for secrets – 4.1 million Guilders.

The legal task of course is collecting information and that is where it concerns counter-espionage, illegal migration and terrorism. The second legal task is the conducting of security investigations – that is for the National Security Authority. The third legal task is in the promotion of protective security in our country, which is a very wide subject because we are conducting projects even within the police and the Ministry just to create a situation that the integrity of the system is guaranteed as much as possible.

As I mentioned, we at this moment are in the situation that we going to have a reorganization of the service; this is everything to do with the fact that the ministerial

committee has decided that apart from being a security service, we should be an intelligence service as well, a foreign intelligence service too – this means to collect information from foreign countries.

At the same time, there were some movements in our country that led to a change of the law; so it came at the right moment that we have been able to combine a couple of things, because our government always wants to implement the new legislation that is present in the European Union.

So what happened was that in the framework of transparency, in the new Intelligence and Security Service Act, there should be more regulation on the governing of the powers; it should be more clearer when you are allowed to use telephone tapping, when you are allowed to put a device in someone's computer, when you are allowed to put a device in someone's car – all these things should be well clearly regulated, and it should be not only regulated in the law, but that the population should know exactly what are your tasks, what are the possibilities and what are your means in this case. So it must be very open and it contributes to the transparency of the service in this case. So if you look at our new Intelligence Act, then you will see that all of the special means that we are allowed to use are listed, and at the same time it is explained when and how we are allowed to use them – there is a checking at a later stage to ensure that we have done it like the law states.

A secondary thing is that within the context of the European Union there is an obligation of notification, which is something very new, and means that using special means signifies an intrusion in someone's personal life – it means a deep intrusion; so, the European Commission have said that if you have telephone tapped someone, etc, then after the operation is over and after a lapse of five years, you in fact should actually tell that person that his telephone has been tapped, etc – all those special means should be notified to that person. However, naturally there exists an exception because if you are still in an operational setting then you do not have to do it, and there is a list of possibilities for when you can postpone it, or when you are not yet in a position to do it; but the starting point is that using a special means to intrude into somebody's person life means notification in the long-term.

Then we have a foreign intelligence task that gives us the title to be an intelligence service in that respect. I will speak later on the new Supervisory Committee because that is an additional democratic control, which actually is the most difficult democratic control we are actually going to face; because this body is actually much more important than the Parliamentary Oversight Committee.

Then we have to show in our new Act how we are governing the inspection and personal data, because all this information, again, should be documented in such a way that it is always accessible to a certain extent.

Finally, the BVD, which is the national security service, will change its name to the AIPD, which means General Intelligence and Security Service.

Now, when we were in the process of thinking what we have to do, we were confronted with the fact that within the European Commission there is a Directive that states that when you are making a law that regulates standards and technical provisions you have to send the draft of that law to the European Commission, and the European Commission looks at it to see how compatible it is within a European context. This Directive has been extended to the rules pertaining services of an information society; so you can imagine that I mentioned telephone tapping, and in our law we should very clearly define in what way we are related to all the telephone companies that we might use and think that are necessary in the engagement of telephone tapping. Due to the fact that this comprises a service of the information society, our draft law has been sent to the European Commission. The European Commission has studied for two - three months on our draft law, and came back with many recommendations; some recommendations we have employed, and we have explained to them that some have already been employed in other capacities so were not needed to be included. Consequently, our draft law meets all of the requirements set by the European Commission. At this moment this is being discussed in parliament and hopefully at the end of the year (in January 2002) it will pass the Senate.

One of the things that we had to keep in mind in the Act is that there is a provision in the European Convention on Human Rights that the work of the service and whatever you do should be recognizable and foreseeable. One of the first items that we were confronted with when we were drafting the law was the fact that we were faced with a question as to whether once you have drafted the law can everyone can understand what you put on paper, or do you need a university education to understand what is in your law; and the wording in the law has to be as such that the general average person can understand exactly what is stated. Naturally, in this respect we are trying to underline the transparency of the service, which we are doing in many areas.

So, the main amendments in the law that we have are the specification of the statutory powers, which are very clear. Now, it is implemented in the law that we have to make an annual report – we did this for a very long time but this was not regulated – that has to be submitted on the 1 May to parliament. Then we should make a schedule of notification – how we are going to do it, how we are going to administrate it, what are the possibilities – all of which is a very difficult project to be confronted with; and at the same time, this report must contain all the rules governing the inspection of data, especially the data relating to persons.

Again, I would like to say something concerning the Supervisory Committee. The Supervisory Committee is a committee that is there due to the fact that there was once a question asked by parliament to the Minister of the Interior, that considering the fact that he is responsible for the BVD, how does he know exactly what they are doing, how he controls things, whether he is inspecting something or not? At that time there was no such inspection, and so the Ministry decided to have such an inspection agency; and in the framework of the European Commission it became the Supervisory Committee.

The specifications of surveillance and deployment of agents should be written in law; although in some countries they have a different opinion, though in the Netherlands all

these special means are not allowed to be used when you are conducting the security screening of a person for clearance in NATO-wise, etc. We are now allowed to open letters, and in order to do this we need the permission of the court in the Hague; and of course the moment that you are discussing whatever you want to do, either the opening of letters or the use of special means, you always have a debate of proportionality and subsidiarity as to whether you can use that or not.

As I mentioned, the notification sign, in which after five years there should be an action where you have to decide when and how you are going to give the information to a specific person; in some cases, even if the person has died there is an obligation to give his nearest relative that kind of information. There are a couple of exceptions, and I wanted to mention that one of the exceptions is when the giving of this information could damage relations with other countries and other intelligence services, then you have an argument as to whether to do that.

These are the fields of interest of our service that are common to any security and intelligence service. The way that our operation departments are organized is that we have a flat organization; we have a Director and a Support Unit – you can say his cabinet – then we have a Department of Policy and Expertise, where the policy of the directorate for every five years is made, which should be embedded in the entire policy of the services. Everything that we do in the service is divided into teams; consequently, we have a team on illegal migration and on combating terrorism, and we give them all code names and the people who are working in these teams is such that we can acquire them from other teams because we are looking towards the functionality of the persons, which gives us the flexibility of doing the tasks they are supposed to do.

Whatever we do in principle is based upon a risk analysis, so you cannot find an activity of the team where there is no risk analysis involved. The working process of the risk analysis is actually simple; there is a relationship in the interest, which of course has been established together with the responsible Minister. There is a certain threat and there is the resistance of the organization that presents the threat, and the combination of it gives you either a risk or none at all. By conducting this risk analysis you have a couple of advantages, because if you find out that there is no risk then at least you have reduced the uncertainty in your country about the questions, either from the government or parliament, as to whether that group is a danger to society. If you find out that there is a risk then you have to make an assignment and to find out what you are going to do; you of course are going to make a couple of investigations, and based upon these you can start to make some countermeasures in order to reduce the risk, and if it is necessary then you have to take operational control to eliminate the threat itself.

The team concept in our service is that we have a team-leader, and then we have the central person who is a case worker, for the input of information we have an agent handler, we have an investigator, we have a transcriber, operational support and then we have some information input – the BVD database and we have a documentalist who assists in the information process. In the output, the analyst is also giving some assistance. The phrase 'transcriber' refers to when we are telephone tapping in our service,

as I said ours is a very computerized organization, that the case worker behind his desk can link his computer directly in the interception of the telephone communication operation – he has some special passwords for this of course and authorization to do this. It is very much understandable, especially now when you are looking in the framework of terrorism, that your targets do not always speak the Dutch language. Now we have people who are, the moment that we make a telephone tap, connected on that line and listening in constantly, and then can in that respect listen to two or three interceptions at the same time – they are translating at the same time, whatever they hear, and they place this on paper for the case worker. If whatever they hear is very important then they can alert the members of the team, who has authorization, so that everyone can have a direct link in the operational information so that you can work much more efficiently.

This was the final matter of the democratic control that I wanted to mention to you. I think that for a short while this is the first information that I would like to give you on our service.

Summary of the discussion after the first session

In the discussion after Session I, the Ambassador of Hungary, Mr. Kocsis introduced the participants with the transformation of the Hungarian intelligence services, emphasizing that during the time of communism an official had to be a member of the Socialist Party, and that this could not be avoided. However, with the new policy, a requirement was political neutrality. The fundamental task is the protection of the national interests of Hungary and professionalism. Mr. Kocsis also stated that it was much harder to establish which laws and regulations should follow.

Referring to co-operation with other intelligence services, Ambassador Kocsis pointed out that co-operation can be built upon different levels of trust, and that the worst case scenario would be no contact at all, "The easiest way to establish co-operation is talking of so-called neutral themes such as terrorism and organized crime. There is also a level when those relations are highly confidential, and in that sense we work on some common cases. The process of the establishment of full trust among secret services is long. I would mention a couple of informal and formal conversations among secret services. Concerning formal talks, this would be a special NATO committee where the chiefs of secret services of countries meet every six months."

Mr. Riems, representative of the Dutch intelligence service, speaking concerning his own service pointed out that they have a policy document of external activities, which sets out operational directives and work aims abroad, "It precisely points out categories of existing co-operation, first contact, so-called strategic contact, so we know where and to whom we are addressing. Furthermore, it contains tactics of operations, which means agreement on exchange and cooperation. The next level and final cooperation would be of an informative nature. If operational co-operation is established then that is on a temporary basis. When we wish to establish co-operation with some other country, we know in advance what category that country falls into and consequently what type of contact ought to be established."

SESSION II

Mr. Bogic Bogicevic (Parliamentary Assembly BiH)

**Dr. Mirsad Abazovic (Faculty of Crminalistic Science,
Sarajevo)**

**Dr. Izet Zigic (Parliamentary Assembly of the Federation of
BiH)**

Mr. Bogic Bogicevic

Parliamentary Assembly, Bosnia and Herzegovina

Allow me to greet you all. We are continuing with Session Two of the Round-Table on “Elements of the Security Policy – Intelligence Services”. I wish to thank the organizers for their designated trust in me to chair this session, and we will adhere to today’s schedule and will start with the introduction, and afterwards open the discussion.

I will not take any more time; allow me to introduce Professor Mirsad Abazovic, Faculty of Criminalistic Science, University of Sarajevo.

Dr. Mirsad Abazovic

Faculty of Criminalistic Science

University of Sarajevo

Security Services in BiH - integrating or disintegrating factor

I will start my speech in medias res; it is inevitable, in certain sense to speak in the so-called imperative language. However, I will not speak about the technical aspects of the organization and the way intelligence services work, rather I will speak about the general framework in which we find ourselves, which vitally concerns also the issues of such work.

In order to be able to approach the phenomenon of the intelligence work, it is necessary, in our case, to speak in the sense of identification and according to the principle of posing questions and offering possible answers.

The first question is the issue of the conception or understanding of Bosnia and Herzegovina. However, we are not raising the question as to whether Bosnia and Herzegovina is a state or not; rather in the background of that conception, the first place on an internal plane, and in a particular sense also on a regional and wider level. Bosnia and Herzegovina is defined differently in the country (with influences also from outside); the central problem of its functioning is that, she, Bosnia and Herzegovina, does not function in a quality manner, which generates very different and complex problems, including also the phenomenon of security, and within this also issues relating to intelligence and counterintelligence activities.

In fact, the definition of Bosnia and Herzegovina, on an internal plane, is not based on how to organize our state as an optimal and quality service to its citizens, as well as the subject of the international community, rather it attempts to define itself by establishing in the framework of several political wills, from those which are in a sufficient corresponding connection, but those are the majority of habitual narrow-mindedness and in essence is the tendency of satisfying a particular interest on account of the general, and under general we are implying citizens in their entirety.

In that sense, we come across a specific variety of issues – whether Bosnia and Herzegovina is for example a federation, confederation, union, etc. The protagonists of these issues simply ignore the facts contained in the Dayton Peace Agreement, the Constitution of BiH and International Public Law, in which Bosnia and Herzegovina is identified as a decentralized state. Such a variety of definitions of Bosnia and Herzegovina are based on two tendencies. One question would be is the essence and substance of internal sovereignty a BiH citizen, as a primary constituent, or whether this rests on the peoples (or nations), which raises them to a level of collective subjects. When a citizen loses their constituent sovereignty as a nationally constructed subject, they become an object of manipulation in the use of the proponents of political will, which the

nations use as an imposed means of governing over the citizen. In that sense a citizen becomes merely a transmitter of the particular and narrow-minded will of political and other oligarchies, individuals or group authorities within those oligarchies, which adapt the state to their own objectives; and all in the direction of the preservation of authority that most frequently does not correspond with the interests and rights of citizens, nor with the state as a subject of the regulation of relations on an internal and international plane – in accordance with the current and predestined achievements of civilization.

The second tendency relates to the idea of etatism and etatisation. Namely, etatism, as a means of governing based on democratic principles, is not retrograde, especially if more democratic institutional control from the side of the citizens of a state is possible. However, under the conditions of Bosnia and Herzegovina there is a strong tendency towards the development of local-etatism, which we can identify on two levels. The first is entirely of a concrete nature that is reflected in attempts from the entities and cantons not only to imitate but also to practice the state in a classical sense, which needs to regulate all areas of life of a micro-societal community. Such a partition, in a normative as well as practical sense, destroys Bosnia and Herzegovina in its roots. The other level is reflected again in terms of various political wills, the focus of which is the privatization of nations in a multinational state community where in a ridiculous manner general cultural issues such as religion, tradition, historical experience, national creativity of various identities, etc, would be related to nations. All this depersonalizes a citizen down to the slave level with no rights, in fact a consumer of somebody's will, whose right to participate in the creation of such will, or even to formally act as a correctional factor, was terminated.

Naturally, in the political configuration of Bosnia and Herzegovina there exists also integrating political factors. However, in the current phase of relations their activity is the subject of the strong obstructions of those engaged in the previously mentioned political practices; and most frequently it reproaches the so-called unitarisation of Bosnia and Herzegovina. The illusion concerning unitarisation confirms our thesis that there are, in Bosnia and Herzegovina, unfortunately, prevailing processes of disintegration with the objective of preserving one's own position acquired through the pre-war political equilibrium, as well as the war-time and post-war imitation of the state in order to achieve certain objectives. Naturally, everything extends from the point to not contest the importance of nations and the national belonging of all structures, physical and emotional elements of that phenomenon; but it emphasizes that national, confessional or other personal collective identification should not literally identify with the state as an arranged or contracted category of the realization of individual or general rights of citizens on an internal and international plane.

The other identification connected to the theme of our debate, and which extends from the previous, is the question as to whether Bosnia and Herzegovina has a security system, especially whether it has an adequate system of security. The answer to this question would be negative. Due to existence of the political wills, respective of what would be the essence of their development, we can assert that Bosnia and Herzegovina, as a state in the task of the just and democratic protection of all its citizens in a full capacity, does not

have a legitimate, productive, defined and complete modern security system. In truth, there are institutions that deal with issues of security, as well as intelligence and counter-intelligence work as a segment of that security; but they are not an expression of the needs of citizens, rather they are instruments of the holder and transmitter of objectively opposing political wills.

A unified military defence system does not exist, whether some like it or not, BiH has three armies including everything that those armies have, including also a security function. In BiH there exists three absolutely separate intelligence services, which are in not in function on the whole territory of BiH, rather with particular factors that are both constitutional and unconstitutional, but with many limiting factors, mainly uni-nationally limited. There are twelve different police forces from the field of public security, which function not in the sense of the decentralized state of Bosnia and Herzegovina, but in the sense again of the operational functioning of political will.

In order for this not to remain as a criticism of the existing situation, certain important problems arise referring to this subject, which in the end touch upon the substance of the problem. Does a citizen of Bosnia and Herzegovina have a state as a democratically controlled service or is he a hostage of its elements whose will is outside or above the civilized needs of that citizen? Who do these installed and paid services work for? Is it in the interest of preserving human rights and the freedom of citizens in a certain state or for the governors and financiers of its activities and on a limited field? Are those services in function of Bosnia and Herzegovina as a unified, sovereign and internationally recognized state (however, not unitary) or are they in function of partialities within Bosnia and Herzegovina; or it is possible, some subjects outside its borders due to the fact that it is known for several military and civilian security services from neighbouring states to help materially and politically. Can one service, by any security issue, step outside its bounds of the limited territory within BiH? Do all those security services have the same interest and manner of information collection from that subject of interest or are they approximately equal with aspects of their authority, but also with the tasks that are generally dealt with by security services in democratic countries? Is their work in accordance with the interests of Bosnia and Herzegovina as a state, or are those activities, including financing and work techniques, directed towards the justification of the requests of those who issue orders? Do those services exchange information either within the country or outside the country, and who decides the level, significance and essence of such information? Are they an integrating or disintegrating factor; certainly, they are disintegrating because they promote the political will or pragmatic interests of the ruling authorities, and not a real essence of the need for their existence and organization in the function of the state. In the end is it possible to obtain democratic control over those services, but in the interests of all citizens of Bosnia and Herzegovina and in accordance with the interests of Bosnia and Herzegovina on an internal and international plane.

Other questions arise as follows. The modern democratic world is functioning on the co-operation, integration and globalization of certain vital issues regarding the civilized world. Bosnia and Herzegovina should function in that sense also. However, the internal atomization of Bosnia and Herzegovina in the performance of imitating a state is an

opposite process from that which occurs in the contemporary world at regional, continental and intercontinental levels. The world recognized that atomization and self-isolation cannot be a foundation and manner of resistance to retrograde and security issues, which have a supranational, suprastate and supracontinental character. The world has, for example, recognized that terrorism, proliferation, illegal migration, trafficking of arms, trafficking of human beings, illegal access to monetary systems, organized crime, crimes against human beings or war crimes, drugs trade, extremist religious fundamentalism, radicalism or fascism, racial, religious and national hatred on the grounds of segregation, and efforts towards forceful secession and separatism, etc, do not respect and recognize state borders nor national limits, rather they promote according to the principles of the better financial and political impact for their inspirators, financiers and operators, who do not recognize democratic achievements in whichever democratic country of the world, and particularly achievements in the protection of human rights and freedoms of citizens. The world recognized the fact that self-isolation on the basis of whichever self-sufficiency can only go to the contribution of further retrograde development, with the final objective of the destruction of all those positive aspects that the world has created, with the final consequence of the dehumanization of mankind.

Consequently, what is the current position of Bosnia and Herzegovina? Aspects of security and the security policy have been very badly resolved, even also in a negative manner. For example, what have the tragic events in the USA on 11 September shown in reference to Bosnia and Herzegovina? If we look at a daily political level, Bosnia and Herzegovina rightly participates in the general campaign in the fight against international terrorism and has shown itself as a subject that is ready for positive interaction with the democratic world. However, the body that has been formed in Bosnia and Herzegovina that is dealing with these issues was not developed from the essence and structure of this state in a functional sense, and as such has limited possibilities and is of a short-term character. The establishment of such body was necessary due to the fact that in the sense of capacity and substance, in Bosnia and Herzegovina there is no institutional security structure or infrastructure, nor even intelligence and counterintelligence institutions that would provide the competent state organs and institutions with relevant, trusted and impartial information – so that they would be able to perform in interstate exchange and to cooperate effectively and constructively.

To conclude, Bosnia and Herzegovina does not have a security system, security policy or relevant security institutions (we will not discuss whether the existing institutions are legal, lawful or sufficiently controlled as this would lead us to another debate, which, naturally, shall need to be led at another opportunity). These so-called services that are financially and technically maintained, result in the obstruction of the integration of Bosnia and Herzegovina as a united state of essential quality (I would like to remind you that in some circles a short while ago was a debate concerning the formation of three intelligence services of the three nations, as well as in the Federation of Bosnia and Herzegovina the formation of independent security services on a cantonal level, but I am not sure that those ideas are completely abandoned). This statement is not a challenge to the right of a high level of decentralization and local self-governance, but it concerns issues that do not have a general state character. The institutions of the international

community and the contemporary state vis-à-vis Bosnia and Herzegovina can efficaciously progress only if the relevant issues approach Bosnia and Herzegovina as a state, and certainly this also includes issues of security, including intelligence and counterintelligence activities.

When we speak of the organization of the security services, in this sense in the framework of intelligence and counterintelligence activities, the general principle is familiar that work can be organized in a centralized and decentralized manner. However, such decentralization must not be primitively comprehended in the sense of the formation of a service towards someone's separate interests. Decentralization, besides others, implies the organization of individual segments of intelligence and counterintelligence activities in different ministries – however, this refers to the state and not some consistent parts of a limited local or national level. The only framework is the state in its entirety. Consequently, due to those reasons it is necessary to support the tendencies and initiatives, no matter where they come from, for the security system and inside it the functional, institutional, intelligence and counter intelligence activities, to be configured and installed on a level and in the framework of the state of Bosnia and Herzegovina. This would serve as a valid service to the citizens of BiH in the field of individual and collective rights, and certainly in those main issues, without doubt and reservation falls in the security system and its intelligence and counterintelligence activities.

It is only possible to secure the functionality of intelligence and counterintelligence activities as a whole system of security or the intelligence community, and to secure general democratic control of the work of the service of that system or community. In that manner, every citizen of BiH shall be equally secure, without consideration of his or her nationality, religious denomination or democratic political orientation, and BiH shall win a battle against the negativity directed to its internal and external stability. Naturally, in that sense, against this negativity should be directed the legally fortified and democratically controlled work of the security services, and above all also the intelligence and counterintelligence services.

Dr. Izet Zigic

*Parliamentary Assembly of the Federation of Bosnia and Herzegovina
House of Peoples*

Ladies and Gentleman, I greet you all; and I would like to express special gratitude to Mrs. Turkovic and the Centre for Security Studies, who have prepared the theme for which we had today three outstanding presentations.

For a while this theme was taboo in the entire space of BiH, and in my opinion this adds even greater significance to today's seminar, because this is an endeavour to enlighten the view of the information for something that is under the embargo of the average citizen.

I hope that this seminar shall result in constructive discussions on this subject. I am a member of the Commission for Defence, Security and Control of the Legislature for the Service for the Protection of the Constitutional Order in the House of Peoples of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina. When you look at the title you can see that the scope of work of this commission is ambitious; but when we speak about this segment, opposite to military issues and defence, where we as a commission achieved far more and are far more informed about and involved with the resolution of military issues, this field still remains something outside of parliament.

I would agree with Professor Abazovic who posed many questions for which it would be necessary to give a response. I hope that we shall have the strength to solve these issues one by one. I will connect with some of the issues that Professor Abazovic raised. The first question is the issue of democratic control. I would reorganize this and say as to whether policy rules the security services or vice versa. I am neither sure for one or the other. This is a result of the undefined position of the two services that formally exist in the Federation of Bosnia and Herzegovina. Their position is legally ordered but not absolutely defined. For the past few months these services have been without wages, which speaks enough about the relations and expectations of the government for those services, and it seems that the status issue is entirely undefined.

The second question is whether the services are in function of the protection of the state or the ruling structure, or even in the service of influential individuals within that structure. I am afraid that the case is the latter and I am afraid that services organized in that manner would not be in the service of the protection of the state; or to how my commission is called, towards the protection of the constitutional order.

The next question is as to whether the intelligence services are still at war or not? According to my opinion they are out of war; at least this would be according to my opinion due to the fact that I follow their activities and I know, but I am not certain how much they are still governed by objectives from the wartime period. I am talking of the services at the moment and not pointing to any service, although they act differently.

Another question is whether the three formally established services in BiH – the two in the Federation of Bosnia and Herzegovina and the one in the Republika Srpska – have their offices in BiH? Officially the answer is yes, but in principle the answer is no. The key question then is whether they are in the function of BiH or something else?

Another issue is the relationship of BiH towards the fight against terrorism. I do admire the members of the BiH Presidency and Council of Ministers who have accepted to be partners with the international community in the fight against terrorism, with the authority and possibilities that they have. Not one instrument except personal influence through formal functions do they hold in their hands.

On a state level in Bosnia and Herzegovina there does not exist any kind of instrument that would be able to be an equal partner in the fight against terrorism – on an entity level yes, but not on a state level. It seems to me that the coordination body is created more to lead a media campaign rather than objectively be able to act and be an essential partner of other states in the fight against terrorism. Consequently, how much is a BiH citizen, without consideration of their nationality, secure and how much can they be protected? The issue of relations, which Professor Abazovic opened, canton – federation, the cooperation of the Ministry of Internal Affairs, which is not good, and actually does not provide the possibility of the flow of information to a local level; which would ensure that actions are taken on time. These are all problems with which I, and surely many others, am confronted with when we consider the intelligence services.

I accept that I have posed some questions that might be a result of unfamiliarity with the system, but as a parliamentarian I am using this opportunity to gain information, although some questions might be inappropriate.

Summary of the discussion after the second session

The discussion was opened by **Mr. Bogicevic** who stated that even six years after signing the Dayton Peace Accord in Bosnia and Herzegovina, the nation remains as a primary political category, not political parties; the ideas of decentralization and disintegration are mixed, and unitarianism and one state, although those ideas do not have any sign of equality. Decentralization and disintegration are completely different ideas. Unitarianism no, but one state yes. In Bosnia and Herzegovina all political processes are limited with the nation. Ideas exist on keeping the formula of one nation, one leader, one army, and one intelligence service. Nowadays, mainly we have three of all. It is understood when talking of state sovereignty that in Bosnia and Herzegovina, different than various ethnical states with members of a majority nation of one ethnic group, in Bosnia and Herzegovina there is no equality among the sovereignty of ethnic groups and nation sovereignty. The point of all would be that Bosnia and Herzegovina has no security system and adequate security policy.

Dr. Zigic in his speech stated that this field, referring to the intelligence services, still remained as an issue outside of parliament. That is a result of the undefined position of the two services that formally exist in the Federation of Bosnia and Herzegovina. Their position is legally ordered but completely undefined. He asked whether the services are in the function of protecting the state or ruling structure, or in the service of influential individuals of that structure? Whether the intelligence services are still at war or not and whether the war period aims still prevail? Whether the three formally arranged services in BiH, two in the Federation of BiH and one in the Republika Srpska, have their offices in BiH? His answer to these questions was formally yes, in principle no, so he concluded his discussion asking whether they are in function of BiH or something else?

Dr. Nikola Spiric started his discussion confirming that a universal model we could uncritically accept in BiH does not exist. He also asked several questions: how many services are there? Whether these three services and their functioning is defined by the law? He emphasized that the intelligence service of the Republika Srpska is defined by the law adopted by the National Assembly that established parliamentary control. He asked, "Why there is not one service in the Federation of BiH? Is it possible to achieve integration at least on a lower level? Would it be possible for such to present a model for development of some future structure on a higher level? In fact would it be possible for the hostile organized services to generally be able to bear integration and to offer something good to entities and BiH?"

Dr. Spiric at the same time concluded that we have to give answers to those questions, "The model that entities are nationally exclusive is a thesis that punishes the BiH citizen. Neither the RS is nationally exclusive of the Serbian people nor the Federation of BiH is nationally exclusive of Bosniacs and Croats. What I think would be the starting integration level is if these two services unite on the level of the Federation of BiH, then it would be possible to further discuss and create the political atmosphere of different service models on a state level."

Mr. Mehmed Zilic stated in his discussion, "Imagine the possibility of combating organized crime and terrorism in a state that has no common security, intelligence system, has no common police along with common regulations. Let us look at the general citizen who pays tax to Bosnia and Herzegovina. What is this state's loss so far, economy wise, due to the non-existence of a security system? What is the loss of not paying taxes and excise? If all this was arranged properly I believe that we would not need international financial assistance. We need a common intelligence service that would fulfill the requirements of the state, because we all need this and not some politician in BiH. The issue of a common police system is linked to the previously mentioned issue. This raises another real question as to how the Executive can ensure the security of every citizen of BiH; starting from basic matters like what is actually the population of BiH?"

Dr. Spiric stated his views on Mr. Zilic's discussion, "The Constitution is a sacred thing. On one side that is what was expected after the war in BiH, by either one or another side. We need to be realistic and pragmatic people who search for solutions in the interests of the citizens that live in this country."

Mr. Bogicevic, the Chairman of Session II, mentioned that entities have already passed over a part of their competencies to the state of BiH, for example the organization of the State Border Service, Law on Foreign Trade Chamber, Law on CIPS (Central Identification Personnel Data Base), "Without the imposition of these laws from the High Representative in the regulatory procedure the entities can transfer part of their authority to the state level."

Mr. Ivo Zivkovic also took part in discussion stating that the situation is absolutely unbearable. He pointed out that not one intelligence service submitted a report to Parliament or to the Government, and this is more absurd considering that the same two services are financed in very reasonable amounts from the Federal budget. Mr. Zivkovic considers that these services were established on the level of nations, on the level of political party, so he calls them political party police (talking of the AID and SNS). "When these two services unify it will be possible to speak about the creation of preconditions for the establishment of a common service in BiH."

Representative of the Standing Committee on Military Matters, **Brigadier Enes Becirbasic**, stated that the adoption of the BiH Security Policy is one of the conditions for accession in European integration. The Council of Ministers promised that they shall have that document by the end of March 2002. In connection with the intelligence services he pointed out that, "I would like to say what is expected from intelligence work. It is expected that through their activities they serve the most responsible institutions of the state. We have to communicate with our neighbours on a regional and sub-regional field, and it cannot be expected insofar as we do not have order in this segment, and in the shortest time possible we must secure and arrange legal obligations and rights so that we are able to respond to the challenges of our era."

In a brief address to the group **Mr. Zahiragic** stated, "We have multi-interests and when we find common interests then we will find a solution to the problem we are talking

about today. Here in the centre of interest was a man not a problem, anyhow now we should look at the problem.” At the end he asked Mr. Riems to draw a parallel with similar experiences in Europe.

Answering the previous question **Mr. Riems** said, “Where there exists competition among the intelligence services, it is closely connected with the structure of the country and also with the past, with the inheritance and experience of post-communist countries. Hungary is a country with five intelligence services. My personal opinion is that if you wish to avoid problems then you have to reduce the number of services as much as possible. Where there are a number of services, if you cannot achieve coordination it would certainly be followed by the destabilization of the country. In my opinion it would be good to establish one security service under democratic control.”

Mr. Tihic is of an opinion that we should start from the Constitution in the process of forming such or similar services. In his discussion he mentioned Article 2 of the Constitution, which states that European Conventions within the domain of security-intelligence issues are above the Constitution and any other laws of Bosnia and Herzegovina. According to Mr. Tihic it is necessary to fortify the basic and minimal function of such a service on a state level. To establish parliamentary control of such a service, respecting the Constitution and functions of the House of Peoples in Parliament, in which no one, not even a citizen or member of a nation, would feel degraded. In that sense people of such expertise, even legal expertise, should be tasked to elaborate these issues and deliver their findings to Parliament in order to initiate the organization of a platform that would contain these elements. Mr. Miroslav Nikolic added that the most important factor would be to establish democratic control over those services so that they work within a legally regulated framework.

Leading in Session II, **Dr. Abazovic** also participated in the discussion emphasizing that Bosnia and Herzegovina could have several security services, but for different fields, for different security issues on a state level, “We have two kinds of inheritance when speaking of security and security services. The first is the communistic inheritance we had up until nine years ago, and that lasted for forty years. At that time we had one party, one ideology, one state with the status of Republic. Security Services, military intelligence and counter-intelligence functioned in the interest of one party, one leader and state, which served to uphold the authority of that party. A state level security service of any meaning cannot be enclosed in any kind of framework except in the interests of the state. It has to implement the interests of the citizen, who has a right to be nationally aware and nationally differentiated. We have to work really hard in the sense of integration on a regional, continental, and naturally on an intercontinental level, with those countries that have a civilized manner of life and correspondence. First of all it is necessary to integrate the services in order to contribute to the integration of Bosnia and Herzegovina. Once that service is established, the final consequence is that it is a bureaucratic organ. It shall always endeavour to prove that only such a service is necessary for the state. Therefore, the state ought to deal with the services, in contrary the services would deal with the state. In the case that the state consults the services it would

lead to a degradation of the entire political stratification in Bosnia and Herzegovina, and the services would take over the state and practically we would become a police state.”

Before the conclusion of the discussion and round-table, **Mr. Riems** wanted to say the following, “If we talk of security and intelligence services we ought first of all to define what would be the security service and what would be the intelligence service. There are many countries where the work of these services is the same. In other countries there is a border between these services. When speaking of the intelligence services we need to endeavour to come to a definition as to whether to speak about preventative or offensive services. Generally, when we speak about the preferences of new services, looking at the situation in Holland, for example in reality we speak about security services that act abroad and has 112 connections in the whole world as a security service. Germany makes a difference between intelligence and security services.”

Chairman of Session II, **Mr. Bogicevic**, expressing thanks to the guests and all those that contributed to the successful work of the round-table concluded the discussion stating, “In estimation that today we do not have an actual security policy, and in consideration of all that we have heard in the discussion, the organs of BiH are obliged to place these problems on its agenda. It is encouraging that in accordance with European standards we shall deal more with organized crime and less with the matters that we used to earlier on: making enemies, monitoring telephone conversations, surveillance, etc.”

APPENDIX A

AGENDA

ROUND-TABLE ON ELEMENTS OF SECURITY POLICY: INTELLIGENCE SERVICES

SARAJEVO, 27 NOVEMBER 2001
HOTEL "HOLIDAY INN"

Tuesday, 27 November

09:30 – 10:00

REGISTRATION

10:00 – 10:30

OPENING

Dr. Bisera Turkovic
Director, Ambassador
Centre for Security Studies, BiH

Ambassador Matthias Sonn
Deputy High Representative
Office of the High Representative

10:30 – 12:30

SESSION 1

Chair: Dr. Nikola Spiric
Chairman
House of Peoples, Parliamentary Assembly BiH

Ambassador Kalman Kocsis
Embassy of the Republic of Hungary

Mr. Joy M. Wijnen Riems
Representative of Holland

DISCUSSION

12:30 – 13:30

BREAK

13:30 – 15:30

SESSION 2

Chair: Mr. Bogic Bogicevic

Parliamentary Assembly BiH

Dr. Mirsad Abazovic

Faculty of Criminalistic Science

University of Sarajevo

Dr. Izet Zigic

Chairman of Defence and Security Committee

Parliamentary Assembly FBiH

DISCUSSION

APPENDIX B

LIST OF PARTICIPANTS

Abazović, Mirsad, Mr
Professor
Faculty of Criminalistic Science, University of Sarajevo

Ahić, Jasmin, Mr
Assistant
Faculty of Criminalistic Science, University of Sarajevo

Badnjak, Radoje, Mr
Ministry of Civil Affairs and Communication

Bečirbašić, Enes, Brigadier
Military Advisor to the Presidency

Bečirević, Edina, Ms
Assistant
Faculty of Criminalistic Science, University of Sarajevo

Bogičević, Bogić, Mr
Delegate
Parliamentary Assembly, BiH

Borić, Adem, Mr
Delegate
Parliamentary Assembly, BiH

Bosscher, Robert, Ambassador
Embassy of the Kingdom of Holland, Sarajevo

Brka, Osman, Mr
Delegate
Parliamentary Assembly, BiH

Brigić, Ivan, Mr
Delegate
Parliamentary Assembly, FBiH

Buturović, Sead, Mr
Delegate
Parliamentary Assembly, BiH

Cope, David, Mr
Political Advisor
Embassy of the United States of America, Sarajevo

Čosić, Kanita, Ms
Researcher
Centre for Security Studies, BiH

Duvnjak, Zoran, Mr
Head of Department
Ministry of Interior Affairs, RS

Eriksson, Per Ove Harry, Mr
Embassy of the Kingdom of Sweden, Sarajevo

Ferzanović, Branislava, Ms
Delegate
Parliamentary Assembly BiH

Filipović, Omer, Mr
Delegate
Parliamentary Assembly BiH

Fitzgerald, Jeff, Mr
Political Analyst and Researcher
Centre for Security Studies, BiH

Ganić, Muamera, Ms
INTERPOL

Gedin, Serkan, Mr
Third Secretary
Embassy of the Republic of Turkey, Sarajevo

Hadžović, Denis, Mr
Secretary General
Centre for Security Studies, BiH

Jaganjac, Jasmin, General
Security Expert

Kadić, Amel, Mr
Technical Assistant
Centre for Security Studies, BiH

Klein, Uwe Gunter, Ms
Embassy of the Federal Republic of Germany, Sarajevo

Kocsis, Kalman, Ambassador
Embassy of the Republic of Hungary, Sarajevo

Kovačević, Ivica, Mr
Ministry for Human Rights and Refugees, BiH

Kržalić, Armin, Mr
Technical Assistant
Centre for Security Studies, BiH

Letić, Lejla, Ms
Student
La Trobe University, Melbourne, Australia

Lozančić, Ivo, Mr
Delegate
Parliamentary Assembly, BiH

Ljubičić, Sanja, Ms
Assistant
Faculty of Criminalistic Science, University of Sarajevo

Marković, Zoran, Mr
Delegate
Parliamentary Assembly, FBiH

Mešić, Pašaga, Mr
Advisor to Director
Agency for Investigation and Documentation

Nikolić, Miroslav, General (R'td)

Osmanović, Bahrija, Mr
Delegate
Parliamentary Assembly, BiH

Pajević, Mirsad, Colonel
Standing Committee on Military Matters Secretariat

Pelko, Esad, Mr
Joint Military Command, FBiH

Perry, Valery, Ms
Researcher
Institute for Conflict Analysis and Resolution

Preskar, Gregor, Mr
Embassy of the Republic of Slovenia, Sarajevo

Radeljaš, Elvir, Mr
Technical Assistant
Centre for Security Studies, BiH

Rapatz, Thomas, Brigadier
Military Attache
Embassy of the Republic of Austria, Sarajevo

Sandberg, Patrik, Mr
Political Analyst
Stabilisation Force - SFOR

Sanz, Tomas, Mr
Embassy of the Kingdom of Spain, Sarajevo

Schmidt-Gutgat, Oliver, Mr
OSCE, BiH

Selmanović, Suvad, Mr
Director
Agava

Softić, Sakib, Mr
Professor
Faculty of Criminalistic Science, University of Sarajevo

Sonn, Matthias, Ambassador
Deputy High Representative
Office of the High Representative

Spahić, Nijaz, Mr
Deputy Director
State Border Service of BiH

Stanišić, Maksim, Mr
Advisor
Ministry for Human Rights and Refugees, BiH

Starčević, Ivan Velimir, Mr
Charges d'affaires
Embassy of the Republic of Croatia, Sarajevo

Strong, John, Colonel
Military Attache
Embassy of the United States of America, Sarajevo

Subašić, Mr
Joint Military Command, FBiH

Šahurić, Arnel, Mr
Technical Assistant
Centre for Security Studies, BiH

Šabanović, Fazlija, Captain
(R'td)

Šeta, Šuaib, Mr
Army of the Federation of Bosnia and Herzegovina

Širić, Ivan Anton, Mr
Verification Centre, FBiH

Špirić, Nikola, Dr
Delegate
Parliamentary Assembly, BiH

Tihić, Alija, Mr

Turković, Bisera, Dr
Executive Director
Centre for Security Studies, BiH

Vermeir, Jean Paul, Mr
Embassy of the Kingdom of Belgium, Sarajevo

Viereck, Johannes, Mr
Political Advisor
Office of the High Representative – OHR

Wijnen Riems, Joy, Mr
Liaison Officer, Security Service
Ministry of the Interior and Kingdom Relations, Holland

Zahiragić, Munir, Mr
Ministry of Defence of the Federation of Bosnia and Herzegovina

Zrinušić, Drago, Mr
National Security Service

Žigić, Izet, Dr
Parliamentary Assembly, FBiH

Žilić, Mehmed, Mr
Party of Democratic Action

Živković, Ivo, Mr
Party of New Croatian Initiative