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The Norwegian Parliamentary Intelligence Oversight Committee  
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**AN UNRESOLVED GAME...  
"THE ROLE OF THE INTELLIGENCE SERVICES IN  
THE NASCENT POLISH DEMOCRACY"**

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**AN UNRESOLVED GAME...**  
**"THE ROLE OF THE INTELLIGENCE SERVICES IN THE**  
**NASCENT POLISH DEMOCRACY"<sup>1</sup>**

*Andrzej Zybertowicz*

**Abstract**

The paper provides an overview of the role of secret services in contemporary Poland. The author draws, among other things, upon his previous publications as well as on new research undertaken for the present study. He briefly sketches the legacy of the communist services and then focuses on executive and legislative oversight of intelligence agencies. Though various legally anchored instruments have already been introduced the author expresses concern that the security complex in contemporary Poland plays much too prominent role not only within the polity, but in the economy as well. There are plenty of data suggesting that various intelligence agencies and/or informal power networks connected to secret services of the old regime tamper with the legislative process, parliamentary elections, privatisation schemes and actively ruin/promote many careers. The secret services role as an instrument in the pursuit of the rule of law in the still immature democracy seems to be far from settled.

**Introduction**

In post-Soviet Europe secret services have been transformed under paradoxical circumstances. Kieran Williams noticed that:

In a revolutionary situation, the institutions of security intelligence play a far more exposed, ambiguous role than they do in consolidated democratic politics. Together with ethnic minorities, they are at the centre of post-communism's moral panics and conspiracy theories, yet at the same time they are expected to protect the people and enlighten policy-makers in a period of uncertainty and disquiet (Williams and Deletant, 2000:1).

The post 1989 history of Polish secret services abounds with scandals, accusations

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and counteraccusations, cases of counterfeiting compromising materials as well as leaking true ones, actions of dubious legality and/or usefulness. The services were accused not only with disrupting or interfering with the political activities of individuals or organisations; they were criticized for organizing or containing political parties, inspiring or suppressing various media campaigns, spreading slandering rumours, tampering with legal arrangements and pursuing dubious economic activities (e.g. manipulating within the Polish stock market). The services were blamed for unlawful infiltration both of left and right wing political groupings; bringing about the fall from power of three Prime Ministers and one deputy Prime Minister and numerous minor figures, not to mention unlawful intervening into all three presidential campaigns (examples in: Łoś and Zybortowicz 2000:chapt. 8; Zybortowicz 1999; 2002b).

In July 2001, two months before the September parliamentary elections were won by the post-communist parties, Zbigniew Siemiątkowski, a social democratic party MP, minister of the interior in 1996, and then the government's coordinator of the secret services, stated that the reform of the services designed by him should:

deeply plough the structure, which was evolving for decades, via informal methods captured whole organism of the state, and up till now operates at its wish beyond anybody's control and with impunity (Siemiątkowski 2001).

In December 2001, colonel Marek Dukaczewski (soon promoted general), experienced military intelligence officer under communism who, after five years of work in the National Security Bureau (*Biuro Bezpieczeństwa Narodowego* – BBN) of the president Aleksander Kwaśniewski Chancellery, was nominated chief of the Military Information Services (*Wojskowe Służby Informacyjne* – WSI), declared that “In Poland, during last twelve years, has not been created mechanism preventing the secret services from intervening into political games” (Dukaczewski 2001).

Yet in 2002, when the Polish Parliament has passed the new law on secret services (statute of May 24), instead of explanation of many scandals and taking legal measures towards those responsible, instead of accountability, the public opinion has been offered a quasi-reform of the services. It deserves this label, because, among other things, it did not meet objects of its own designers. According to their declarations (see *Opcja 2001... 2001*), two organizations the civilian the Office of State Protection (*Urząd Ochrony Państwa* - UOP) and the Military Information Services, both covering foreign and domestic intelligence tasks, had to be dissolved. In their place two new organizations were to be launched: the Agency for Internal

Security (*Agencja Bezpieczeństwa Wewnętrznego* - ABW) and the Foreign Intelligence Agency (*Agencja Wywiadu* - AW). Nonetheless, though the UOP was dissolved<sup>2</sup> and the two new agencies were formed, the military services went virtually unscathed. The undercover community has once again proved that it can resist reform projects initiated by “irresponsible” politicians.

In April 2003, Andrzej Celiński, for a short time minister of culture in the present government of Leszek Miller, expressed such an opinion:

When I observe the Polish economy, especially its state owned sector, I have an impression, that both these domains are saturated with the people of secret services, especially those of the Military Intelligence Services, mostly by the retired rather than by the active [functionaries – AZ]; and such situation is more palpable under the Socialdemocratic Party government than it was in the past. (...) Again and again the same individuals appear. It must mean a special kind of mutual support or a specific bonds. (...) In our state there are more and more things which I do not understand. I do not understand certain transactions, liaison operations and connections (Celiński 2003).

Also in April 2003 a similar opinion has been expressed in a public speech by minister of economy, labour and social policy, and economy professor Jerzy Hausner:

Main sectors of the Polish economy, the ones which play key role, are dominated by oligarchic interests of a few family clans. Some private businessmen have much more to say than ministers in charge of the sectors. It cannot also be kept secret, that in the peculiar relationships between the private business and politics, influences of the secret services are have effect beyond any reasonable degree (Hausner 2003:39).

Ironically, all the complainants, currently are prominent political figures. Siemiątkowski has become chief of the civilian Foreign Intelligence Agency, Dukaczewski continues to head the Military Intelligence Services, Celiński has recently been re-elected one of deputy chairmen of the ruling Socialdemocratic Party (SLD), and Hausner – a minister of economy at the moment of his speech - has recently been additionally given the position of deputy prime-minister in charge for economic matters.

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<sup>2</sup> Right after the UOP was dissolved, about 400 employees have been fired; that made 9 percent of the total of the Office personnel.

## Sources

I mostly rely on open sources, i.e. legal acts, other official documents, data available in the media and accessible via the Internet, including the official websites of the secret services and the Sejm (the lower house of the Polish Parliament). I also took advantage of data gathered at a website run by an anonymous group of former officers of the dissolved UOP, who have been fired by the present chiefs of the civilian services ([www.republika.pl/uop12lat](http://www.republika.pl/uop12lat)).

I also interviewed the former chief of the UOP (since 1997 to 2001) col. Zbigniew Nowek, and one of the most active opposition members of the present Sejm Commission for Special Services, Zbigniew Wasserman. I also informally talked to a number of former and active politicians (MPs and government ministers included), to few present and former secret services operatives as well as anarchist organizations activists targeted by the services; all of those sources would better remain anonymous.

## Terminology

In this paper by *secret services* in a narrow sense I mean three key state institutions officially authorized to collect, process and disseminate information which can be achieved via resort to covert methods. In Poland the services consist of the Military Information Services and two civilian institutions: the Agency for Internal Security and the Foreign Intelligence Agency. The organizations have also latitude – sometimes granted half legally – to secretly influence or manipulate institutions, organizations and individuals; it must be said: not only of foreign character (compare Born 2002). When, at times, I use terms like intelligence service or agency I mean a secret service in the sense indicated above.

However, the crucial notion which must be employ to capture problems met while exploring the issue of relations between democracy and the secret services in Poland is the *security complex*, or the *undercover community*. This notion encompasses all the three services mentioned plus former intelligence agencies functionaries (both of the old and the new regime), those private security and detective organizations which are staffed/controlled by former (or presently sent to work under-cover) functionaries of the services, active secret collaborators (agents) of the present services, and also

many of formally inactive (i.e. officially de-registered) secret collaborators of communist services who are currently active in business, the media, and in the polity. The complex is also composed of a number of other institutions (or their parts) authorized to collect, process and disseminate information which can be achieved via operational work. They are: the state police, General Direction of Military Reconnaissance (*Generalny Zarząd Rozpoznania Wojskowego*) of the Army, Bureau of Internal Affairs of the Border Guard (*Biuro Spraw Wewnętrznych Straży Granicznej*), Bureau for Protection of the Government (*Biuro Ochrony Rządu* – BOR; government here means top figures of the central administration and the Parliament), a special force coping with taxation crimes operating within the Ministry of Finance (*Generalny Inspektorat Informacji Finansowej*), a separate internal oversight section within the General Customs Office (*Główny Urząd Celny*).

Though these institutions use operational work and are largely staffed by former secret services personnel their work cannot be supervised by the Parliamentary Commission for Secret Services.

### **Institutional and Cultural Legacies**

I put a proposition that, by and large, the undercover community provides a beneficial environment, a fertile soil, for pursuit of the most influential informal parasitic power groups which undermine establishment of the rule of law in Poland. Essential, though formally and institutionally not clearly delineated, fractions of the security complex play pivotal role in the oligarchic networks which infuse the Polish democracy with façade-like traits (see Łoś and Zybertowicz 2000; Zybertowicz 1993, 2002a and b).

I adhere to the view that one of the upshots of the transformation in Poland (as well as in many other post-Soviet countries – see Williams and Deletant 2000) is that informal elite groups rather than democratic institutions exert real influence on the state decision-making process (see Zybertowicz 2002a and b). How could the services, or the security complex in general, play a substantial role in producing such an outcome?

In 1990 the communist services were substantially cut in numbers; the civilian ones from about 24 000 to about 6000; the military ones from about 6000 to about 1500. The communist civilian Security Service (*Służba Bezpieczeństwa* - SB) was disbanded. Parts of its staff went into the superficially reformed state police. Some

other functionaries moved through so called verification (vetting) procedure in order to get into the new secret services. Of the 24 000 former functionaries, 14 000 decided to undergo the procedure carried out by newly created qualification commissions, whose mandate was to exclude applicants who had previously violated the law or basic human rights. Ten thousand applicants qualified and about 4000 of them ended up working in the newly established - by virtue of the statute of April 6, 1990 – the Office of State Protection (UOP).

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

- A large proportion of SB personnel files disappeared and commissions had no access to them;
- In some cases commission members were outsmarted by experienced operatives who had a clear information advantage over their evaluators;
- It has been alleged that many Commission members feared secret revenge from disqualified functionaries and some were likely targets of blackmail;
- The verification requirement was not applied to functionaries working in the observation sections, archives, communication and encrypting systems, operational techniques, passports office; while foreign intelligence, and counterintelligence operatives were treated in a very indulgent manner (details in Zybertowicz 1993; Łoś and Zybertowicz 2000).

However, there was no external verification procedure in regard to the communist military secret services. They simply self-verified and self-reorganized (see Zybertowicz 1993:52-6). Formerly separated military intelligence and counterintelligence were put under one umbrella, and in August 1991, following the decision of the minister of defence, the Military Information Services (*Wojskowe Służby Informacyjne* - WSI) were established. Until December 1995 the WSI operated according to secret military orders. Only the statute of December 14, 1995 on the office of the ministry of defence clearly put the service under the minister's control. This statute, however, did not regulate in a complex manner many legal issues of the WSI activity. The statute fully devoted to military secret services has passed the Parliament only in 2003. Despite attempts of some groups of the



parliamentary opposition (see e.g. Biuletyn 2003) the statute did not include any procedures of external verification or personnel audit.

There are plenty of reasons to doubt whether the Military Intelligence Services have fully broken with the past allegiances, murky interests and perpetuating the old institutional mentality. Rather, it seems that they have reorganized themselves in order to accomplish four, at least, broadly defined objects:

- a) to prevent outsiders – including democratically established control and oversight bodies - from obtaining thorough access to the Services resources;
- b) to present the Military Information Services as a useful ally to the NATO authorities;
- c) to be perceived by any sitting Polish government as a useful tool for pursuing various aims – not necessarily consistent with any viable *raison d'être*;
- d) to obtain and stabilize Service's upper hand in economic institutional rearrangements, including key financial flows and major privatization schemes.

The internal structure of the services inherited, among other things, such feature of all communist organisations which allows them to disperse accountability and at the same time provides space for organizational flexibility necessary for undertaking risky and/or suspicious projects. As the scandal labelled as “surveillance of the right wing political factions” demonstrated (some details are reported in Zybertowicz 1999), *ad hoc* teams or structures may be evoked/ disbanded in order to pursue murky aims and leave as many internal traces of their activity as possible.

One needs to add a brief contextual note: is it widely acknowledged that in general the Polish legal system is haunted by systematically arranged loopholes and exemptions. They account for vast amounts of discretionary authority much too often delegated to executive agencies. Another general dimension worthy of note is the question the professional ethos. Here, the legacy of communism still seems to be relevant. Into consideration should be taken long term by-products of the communist police-state, such as:

- addiction to covert action (in a broad sense, i.e. as any activity, including the use of violence, designed to influence - not only foreign - governments, institutions and individuals);
- the destruction of the public ethos; for instance, meager effectiveness of too lately (in 1999) implemented statutory lustration contributed to the domination of

public life by people frequently of dubious integrity and reputation – see Łoś and Zybertowicz 2000; Łoś 1995; Zybertowicz 1993);

- low overall level of trust in social life (constant smearing, denigration, slander; strong suspicion);
- the subjective insecurity of hundreds of thousands of people who had some (albeit brief) informal contacts with Communist secret services and who still live in fear of potential disclosure of their identities if an eventual lustration is conducted carelessly and vindictively; and, consequently,
- the existence of a climate that prevents any action that would help to clear and settle the legacy of the police-state (see Zybertowicz 1998).

In sum, all this seriously impedes emergence of democratic professional ethos of the services.

### **The Present Legal Framework**

As long as until July 9, 2003, when the statute on the Military Intelligence Services (WSI) was passed, in a clearly designed and complex form the legal framework existed only in regard to civilian services.

The statute of April 6, 1990 established the civilian the Office of State Protection (UOP), defining its organisation, activities and very broadly identified objectives. Responsibilities of the UOP, which operated since 1990 to 2002, included foreign intelligence, domestic counterintelligence, political police tasks (e.g. countering extremists groups), serious economic frauds, drug trafficking. etc. To what extent the principles laid down in the statute were adhered to, both by the consecutive governments and the UOP itself, is another issue. However, it came as no surprise that the UOP was accused of an unnecessary accumulation of power.

After the parliamentary victory of September 2001, the winning post-communist Socialdemocratic Party found it necessary to abolish the UOP and set two new services; this was done via statute of May 24, 2002.

In regard to military services the need for an appropriate regulation was publicly recognized for years, though to no effect until 2003. In fact, the WSI were functioning

basing their legitimacy on various – not necessarily convergent – legal acts.<sup>3</sup> For, example, in July 1994, as late as three years after setting up the “new” military services, Włodzimierz Cimoszewicz, then the Prosecutor General (sort of Attorney General) asked the Constitutional Tribunal whether the military services are authorized to employ eavesdropping techniques. The Prosecutor has never been given an answer to his question (Kosobudzki 1998:152).

Since the beginning of the transformation one of tasks of the services was to screen state’s institutions personnel for all levels of security clearance. However, only at 1999 the relevant legal procedures were passed by the Parliament.<sup>4</sup> Until then the security agencies had a free hand to make and break political careers.

Polish civilian secret services are authorized with law enforcement powers. They can conduct criminal investigations, have powers to arrest and to search homes. In 1994, Stanisław Iwanicki, in those days deputy Prosecutor General, indicated that the statute of April 6, 1990 incorrectly defines the boundaries of responsibility of the Office of State Protection (UOP), especially in regard to economic investigations (Iwanicki 1994:12). There also appeared comments that the UOP section responsible for dealing with organized crime overlaps with, and substantially weakens, parallel structures in the state police (Janke 1996:13).

## **Executive Control**

According to the statute of May 24, 2002 the civilian agencies chiefs have ranks of secretaries of the state and are directly accountable to the prime minister. The prime minister can nominate them after consulting the president, its own cabinet’s Committee for Special Services (*Kolegium do Spraw Służb Specjalnych*) and the Sejm Commission for Special Services (*Sejmowa Komisja do Spraw Służb Specjalnych*). The prime minister is responsible for tasking of the services. According to the statute of July 9, 2003 on the Military Information Services, the chief of the

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<sup>3</sup> The relevant regulations were (in Polish): Ustawa z dnia 21 listopada 1967 r. o powszechnym obowiązku obrony Rzeczypospolitej Polskiej (Dz. U. z 1992 r., nr 4, poz. 16 ze zmianami); Ustawa o Urzędzie Ministra Obrony Narodowej z dnia 14 grudnia 1995 r. (Dz. U. z 1996 r., nr 10, poz. 56); Ustawa o ochronie informacji niejawnych z dnia 22 stycznia 1999 r. (Dz. U. nr 11, poz. 95); Rozporządzenie Rady Ministrów z dnia 9 lipca 1996 r. w sprawie szczegółowego zakresu działania ministra obrony narodowej (Dz. U. nr 94, poz. 426); Rozporządzenie Prezesa Rady Ministrów z dnia 19 września 1997 r. w sprawie szczegółowego rozdziału kompetencji oraz zasad współdziałania w zakresie ochrony gospodarki narodowej między UOP a WSI (Dz. U. nr 116, poz. 774); Uchwała Trybunału Konstytucyjnego z dnia 16 stycznia 1996 r. (Dz. U. nr 14, poz. 80).

<sup>4</sup> Statute of January 22, 1999 on protection of secret information. It is worth noting that art. 42., p. 1. of the statute states that the procedures are excluded from control of the Supreme Administrative Court.

Military Information Services (WSI) is accountable to the Minister of Defence. The Minister can nominate the chief after consulting the same bodies as is the case of chiefs of the civilian services. The Minister is also responsible for tasking of the WSI.

The chiefs of the agencies can be dismissed in the case of: resignation from the occupied post; renunciation of Polish citizenship or acquiring the citizenship of another country; being sentenced by a valid verdict of the court for a committed crime or for a revenue offence; losing capacities necessary for holding of their offices; non-carrying out of their duties due to an illness which lasts continuously over 3 months (article 16 of the statute of May 24, 2002).

The Committee for Special Services (*Kolegium ds. Spraw Służb Sześcielnych*) is a body of the Council of Ministers set up in line with the statute of May 24, 2002. The Committee is designed as a consultative and advisory body in the matters of programming, overseeing and coordinating the activity of the services. Tasks of the Committee include expressing opinions on, among other things, of appointing and dismissing chiefs of the services, setting up the instructions and action plans for the services, providing opinions on detailed draft budgets and projects of legal acts concerning the special services. The members of the Committee also assess the carrying out of the statutory tasks of the services, including the matters of organising the exchange of important information among various branches of the government and the issues of protection of classified information.

The Committee is chaired by the Prime Minister, run by the Secretary and is composed of: the minister of the interior, minister of foreign affairs, minister of defence, minister of finance, National Security Advisor to the President (head of the presidential National Security Bureau). The sessions of the Committee are also attended by chiefs of the Agency for Internal Security, the Foreign Intelligence Agency, the Military Intelligence Services, and by the present chairman of the Sejm Commission for the Secret Services (see official website of the ABW: [www.uop.gov.pl](http://www.uop.gov.pl); accessed August 21, 2003).

The government has not any independent, formally set up means of checking upon the work of the agencies, such as an Inspector-General, Controllers or Efficiency Advisors. However, to the best of my knowledge, though officially there are no individuals appointed or committees or boards established which would be mandated with control and supervision of intelligence activities, there were cases when

individuals trusted by the president or the prime minister, or a relevant minister were tasked with external, thorough scrutinising of certain ramified operations of the services. Such persons' mandate was not official and they were reporting to their superiors on an informal basis.

An unclassified report in Polish about the ABW first year activities is available on the service's website.<sup>5</sup> Among other things, the report stresses that since 1989 the Polish intelligence services have never been engaged to such a scale in countering corruption, and it is declared this to be one of the results of the above mentioned reform of the civilian intelligence services.

The issue of any sensitive types of operation which would require explicit approval by members of the executive is, to my mind, formally unregulated.

Article 7 of the statute on the Agency for Internal Security, and the Foreign Intelligence Agency of 24 May 2002 states that:

1. The Prime Minister shall define the directions of the Agencies' activities by means of instructions.
2. The Heads of the Agencies, not later than 3 months before the end of each calendar year, each within his competence, shall present the Prime Minister with plans of action for the next year.
3. The Heads of the Agencies, each within his competence, every year, before 31<sup>st</sup> January, shall present the Prime Minister with the reports of the Agencies' activity in the previous calendar year (quoted after English version of the official website of the Agency for Internal Security; accessed September 19, 2002).

Similar regulations affect to the Military Information Services but the tasking and reporting takes place within domain of the Minister of Defence (article 4 of the statute of July 9, 2003).

Formally, there are two bodies responsible for coordinating the various intelligence services. The first one is Committee for Special Services (*Kolegium ds. Spraw Służb Specjalnych*), the second the Government Intelligence Community (*Wspólnota Informacyjna Rządu – WIR*). The WIR, as an auxiliary body of the prime minister is designed to provide national intelligence assessments in regard to external security which are interdepartmentally agreed with a broad governmental perspective that

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<sup>5</sup> <http://157.25.193.180/media/komunikaty/01082003.htm>; accessed August 24, 2003.

cuts across ministerial boundaries (see the official website of the Foreign Intelligence Agency - [www.aw.gov.pl/english/szef-agencji/wir-czym-jest.html](http://www.aw.gov.pl/english/szef-agencji/wir-czym-jest.html)). The present writer lacks data necessary to assess the performance of the body.

Additionally, the Supreme Chamber of Control (*Najwyższa Izba Kontroli – NIK*; this body reports only to the Sejm) is entitled to perform an audit with scope limited to financial probity of the civilian services.

## **Executive Control Assessed**

In 1994, the first director of the UOP and then minister of the interior in 1990-91, Krzysztof Kozłowski declared that:

tasks for our services are formulated neither by the prime-minister, nor the president, nor the Parliament; therefore in the services work there is a plenty of chaos” (cited Jachowicz i Kęsicka 1994:4).

In 1995 then chief of the WSI announced that “in our state there does not exist a center which would coordinate the activity of military and civilian services” (Malejczyk 1995:13). In 1996, former director of the UOP counterintelligence department declared that “successive prime-ministers could not make their own cabinets to place – in a systematic, not incidental manner – tasks for the UOP, both short and long-term”. According to him, the services were in vain requesting for tasks to be specified (Miodowicz 1996:10).

It seems that in Poland (probably in other post-communist countries as well) the secret services have been reformed and their powers unleashed before their mission was properly identified (see Williams and Deletant 2000; Zybertowicz 1993; Łoś and Zybertowicz 2000). Was it viable to avoid ramifications harmful to democracy in predicament in which self-tasking of the services has been flourishing?

The key point is that dealing with the issue of executive control in post-communist states one cannot but to move back to the still unsettled question of the heritage of the police-state (see Łoś and Zybertowicz 1997, 1999, 2000; Zybertowicz 1998, 1999). Namely, what are the consequences of the fact that numerous individuals active in political life were functionaries and/or secret collaborators of secret services? Is there a critical mass of presence of such persons that makes a difference? Can we exclude the possibility that the branches of the government (and

the Parliament as well) are staffed with the former/present puppets of the services to such extent that the master/slave relationship had already become reversed?<sup>6</sup> One should not reject out of hand the hypothesis that the undercover community provides sort of a nucleus of (or for) the informal power networks from which (formal) leaders are recruited. A number of striking examples was discussed in the print media to make such a guess worthy of further exploration.

When confronted with the question to what extent is the work of the intelligence agencies influenced and/or directed by external policy-makers, the present writer has two observations. First, the article 9, p. 2 of the statute of May 24, 2002 states that “The ABW and AW may accumulate, at a separate bank account, special resources originating from tasks and undertakings performed in cooperation with special services of other countries”<sup>7</sup>. This passage was criticized as allowing uncontrolled impact of foreign actors on the conduct of the Polish secret services.

Second, drawing on circumstantial and dispersed evidence, I venture an argument about an ambivalent role of played by some of the NATO states intelligence services in the process of reform of secret services in the post-communist countries. On the one hand, cooperation with the West was a factor in implementation of standards of democratic accountability and avoiding some of the old unscrupulous communist habits. On the other hand, one is tempted to unfold a hypothesis that once foreign intelligence services of some NATO countries managed to obtain important operational assets within the old/new - i.e. somewhat superficially reformed – post-communist states services, at times assets in the circles of old communist experienced operators, the Western countries services *and* politicians tend to prevent any thorough reform of the services of our interest. Since any deep organizational reform reshuffles both personnel and other resources, it increases the risk of nullifying or diminishing the value of assets thus far obtained by the foreign services<sup>8</sup>. In this way, the operational and political interests of some Western intelligence agencies help to stabilize the old, often parasitic networks of power and influence, thus preventing a profound reform of one of the key institutions in the newly born democracies. Of course, an external spectator, like the present writer, is not likely to

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<sup>6</sup> For example, in the cabinet of the present prime minister Leszek Miller no less than 10 undersecretaries of the state have formally (i.e. under the present lustration law) acknowledged to be ex secret collaborators of various communist secret services. In addition, the head of the prime-minister’s chancellery is at present officially accused of so called lustration lie; this also applies to a number of current MPs.

<sup>7</sup> The English translation quoted after the official website of the ABW – [www.uop.gov.pl/ABW/Engver/enabwust.htm](http://www.uop.gov.pl/ABW/Engver/enabwust.htm).

<sup>8</sup> Initially, this idea was suggested to me by one of the senior members of the Polish Senate.

acquire thorough knowledge of the scale and consequences of this sort of 'Westernisation'.

To my mind this sort of external "guidance" of the intelligence organizations is enhanced by the fact of low level of overall legitimisation of the "native" politics, not only of particular policies, but of the very domain of politics *per se*. Taking part in a debate on the condition of the Polish army, colonel dr. Marek Tarczyński, former director of the Social-Educational Department of the Ministry of Defence openly expressed such an anxiety: "The majority of army officers would like to serve the state. (...) However, they ask themselves the question: Who is the state?" (Tarczyński 2002). It is the "soft state" (in the classical meaning of the term established by the Nobel Prize winner in economy, Gunnar Myrdal) that usually provides space for both for "native" informal, oligarchic power networks to flourish as well as the foreign powers to intervene.

After recent series of big scandals originating within the present government and its nearest political milieu (note in particular the notorious case of so called Lew Rywin corruption proposal – see Skórzyński, ed. 2003) one's impression is that, actually, the present executive control is not focused on intelligence services proper behaviour, but rather engaged in preventing the services from "unauthorized" uncovering new scandals and grand-scale frauds<sup>9</sup>.

## **Parliamentary Oversight**

Let me start with a bird's eye view first. One of the legacies of the old regime is fear, rather than deference, of the services work among wide spectrum of the society, including many politicians. In the post 1989 terms of the Polish Parliament a number of former secret collaborators of the communist services among the MPs was

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<sup>9</sup> The most recent, of August 2003, much publicized, both in print and electronic media, controversy is whether the Agency of Internal Security (ABW) used excessive measures while detaining Jacek Kalas, at present an inspector of the state Supreme Chamber of Control (NIK), formerly a high functionary of the Office of State Protection dissolved in 2002. Kalas has been accused of instigating two officers of the ABW to pass to him classified information. On the other side, Kalas himself and his supporters (including the last chief of the UOP, col. Zbigniew Nowek) claim that the ABW operation was a sort of revenge because Kalas had not only successfully sued the ABW for legally flawed dismissal of him, but has also engaged, in his new capacity as the NIK inspector, in preparing a report proving that the present post-communist Socialdemocratic government fabricated a "white book" which intended to reveal many would be abuses carried out within the state sector of the economy under the previous, post-Solidarity government (acting from 1997 to 2001). Another interesting point is that the NIK report was leaked to the press before it was officially completed. The Sejm (lower house of the Polish parliament) Commission for Secret Services after exploring the case of Kalas detention has declared that the ABW acted properly; however, three members of the opposition were outvoted by four supporters of the present government.



definitely identified; “wild” lustration has touched even more; some other cases still wait to be settled in court via statutory lustration procedure. Many other cases probably never will be made clear.

Phenomena of this kind may partially account for not enough vigour of the parliamentarians to scrutinize governments’ dubious activities, not only in the realm of intelligence agencies. Another reason, related to the previous one, is low level of social capital trust, not only in Polish society in general, but also among political leaders and the key figures of the security sector. Of course, party politics is one more important reason of parliamentarians’ complicity.

Despite common recognition of the severe heritage of the old system’s secret services it was as late as in April 1995, when, by virtue of the amended Sejm resolution<sup>10</sup> of 30 July 1992, the Sejm Commission for the Special Services was set up. The tasks of the Commission focus on assessing legal and normative acts (bills and regulations) of general character concerning the special services, along with providing opinions on the directions of their work. The Commission relies on the information presented by the chiefs of these services, examines their annual reports and offers recommendations on requests concerning appointment of particular persons as chiefs and deputy chiefs of the services. The Commission assesses draft budgets in the part concerning the services and considers the report on the carrying out of this budget. The Commission also deliberates on cooperation between the services and organs of state administration, the prosecutor’s office organs, and examines complaints concerning the activity of the services<sup>11</sup>.

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<sup>10</sup> Legal act of law rank.

<sup>11</sup> On the English version of the Foreign Intelligence Agency official website ([www.aw.gov.pl/english/kontrola/sejmowa-komisja-ds-sluzb-spec-1.html](http://www.aw.gov.pl/english/kontrola/sejmowa-komisja-ds-sluzb-spec-1.html) – accessed August 24, 2003) one reads as follows:

Sejm Committee for Special Services is a standing committee. It operates based on the Regulations of the Sejm of the Republic of Poland - Resolution of the Sejm of the Republic of Poland of 30 July 1992 (Regulamin Sejmu Rzeczypospolitej Polskiej - Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 30 lipca 1992 r.).

The Committee for Special Services is composed of no more than 9 deputies and the Sejm upon request of the Presidium of the Sejm defines their exact number within a particular term. A personal composition of the Committee is determined by the Sejm, upon request of the Presidium of the Sejm submitted after consultations with the Council of Seniors. Chairmen of parliamentary clubs or groups of at least 35 deputies submit candidatures for members of the Committee to the Sejm Marshall.

The Committee among others participates - to the extent connected with special services (i.e.: the Military Information Services and the Internal Security Agency and Foreign Intelligence Agency - as successors of the Office of State Protection) - in proceedings with draft budget acts and other financial plans of the state and in examination of reports on their performance through presenting its opinions to appropriate committees of the Sejm.

The Commission contracts four paid experts, mostly former operatives or chiefs of the services and has permanent administrative staff of three. The Commission can interview witnesses, but it lacks investigative powers. Chiefs of the agencies are often invited and appear.

The membership of the Commission is published.<sup>12</sup> It may consist of not more than 9 members. The members are chosen according to parliamentary representation of their parties. In the process of the initial selection the post-communists attempted to ban Miodowicz from the Commission, however after a series of public clashes a consensus about his membership was reached.

Initially among nine members of the present Commission five were representing the ruling coalition. When the peasant party (*Polskie Stronnictwo Ludowe*) has been expelled from the coalition the number was cut to four, however, the formally challenging the government the rural, populist party "Samobrona" (Self-defence) in all crucial votes follows the post-communist coalition. The good point is that there is the rule that the Commission's chairman may be chosen only among the opposition members. All members undergo security vetting prior to and during appointment.

The representatives of the ruling coalition have no (known, at least) or substantially smaller previous experience of security, intelligence and defence matters than the opposition MPs. Among representatives of the opposition there is a former minister of internal affairs in 1991-92 (Antoni Macierewicz), former chief of the counterintelligence directorate of the UOP (col. Konstanty Miodowicz), and a former acting National Prosecutor who at the time was in charge, among other things, of issuing warrants for employing operational techniques (Zbigniew Wasserman). Within the ruling coalition side one can indicate only major Marian Marczewski, who graduated at two communist militia academies and has been working in the traffic militia before 1990.

As far as relationship of the oversight body with the plenary legislature is concerned, there was a publicized case when the Sejm's speaker prohibited the commission from having a meeting that was to be devoted to a hot issue during the plenary session, despite the fact that other Commissions meetings during plenary sessions are a normal practice in the Polish Sejm.

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<sup>12</sup> (see <http://orka.sejm.gov.pl/SQL.nsf/skladkom4?OpenAgent&KSS>; accessed July 11, 2003)

The Commission meets fairly often. By and large, it may seem that the meetings are sufficiently frequent to adequately discharge the role of the oversight body. When the Commission was investigating the issue of illegal international arms trade which allegedly was pursued in the first half of the 90s by the Military Information Services, in the first half of 2003 the Commission had over twenty meetings during which the issue was debated. However, according to Wasserman, there are other sensitive issues (controversial, though probably not pressing), which are not explored due to lack of time.

### **Parliamentary Oversight Assessed**

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

Similar problem has surfaced in next years. Konstanty Miodowicz, formerly director of the counterintelligence directorate of the UOP, has been a member of the Commission in the two last terms of the Sejm. He was publicly accused of being so called "undercover functionary" assigned a civilian job; these accusations have never been clearly and officially rejected as false. Miodowicz himself, in turn, in 2000 publicly stated that in the mentioned above sub-commission investigating the prime minister Oleksy case included secret collaborators of the communist services. This allegation, like so many others in contemporary Poland, was never duly substantiated nor discarded as false.

Instances like these cannot but make doubtful whether the oversight is independent. Conflict of interest seems to keep on, and political willingness of parliamentarians to scrutinize the services activity remains an open issue. Not to mention the integrity of many MPs.

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

The main difficulty in practice for the Commission stems from the fact that the services obviously play a power game over the “territory”. The working relations with the intelligence agencies are not satisfactory; according to the opposition members of the committee (most notably Macierewicz, Miodowicz and Wasserman) the agencies attempt to frustrate the lines of the most sensitive investigations. According to Wasserman, whom I interviewed, chiefs of the agencies often offer their own interpretation of statutes regulating the legislative oversight in order to prevent the Commissions access to some kinds of data. “Actually, they let us know what they want us to know”. In other words, the agencies co-operativeness is recognized as largely, or at least partly, superficial.

Wasserman claims that actual powers of the Commission are very limited, because it may issue opinions and recommendations only. The only efficient instrument available for the opposition members of the Commission is of informal nature, namely it is bringing into play the media in order to incite a public opinion pressure on the services. This seems to work, at least to a certain extent.

To my mind most investigations have been responsive to events (usually raised by the print media) rather than programmed well in advance.

In general, the strengths and weaknesses of the system of control and accountability stem from overall features, not to say poor condition, of the present Polish state. It is ridden with corruption, partisan politics, incompetence, still immature civil service combined with extremely weak civil society. Speaking in systemic terms, the main lines of conflict lie along the informal, oligarchic, parasitic power and influence groups cherishing façade character of the Polish democracy, versus dispersed groups committed to the rule of law, democracy and civil society. What can be the outcome of this game is not clear yet.

Nonetheless, despite all objections, recently the public image of the Committee seems to be quite good. There are many examples when during pungent clashes of opinions over the conduct of the intelligence agencies the Commission is invoked as

a body proper for settling controversial issues. This is so partly due to the pro-active stance of the opposition members of the Commission.

Undoubtedly, there is a legislative intelligence oversight in Poland. Is it *strong* or *weak* in the sense Lawrence Lustgarten and Ian Leigh (1994:461-2)? They characterise the *strong* oversight by the following: The body concerned: 1) is independent from the executive; 2) has a proactive capacity; 3) has a membership that reflects the spectrum of party politics; 4) has full access to information about the security or intelligence agency's activities; 5) has the ability to maintain secrecy where necessary; 6) has institutional expertise; 7) has adequate support staff.

It seems that except point (4) all conditions are satisfied. All the same, I wonder, whether, at least under the present post-communist predicaments, the six conditions have enough "resolving power" to adequately portray the concrete situation, i.e. to differentiate between good formal-bureaucratic performance versus actual observance of the rule of law.

## **Judiciary**

Use of the operational control is subjected to acceptance of the Prosecutor General (in Poland this role is performed by the Minister of Justice), and the District Court of Warsaw (article 27 of the statute of May 24, 2002).

Both the old statute of April 6, 1990 on the UOP, as well as the current one of May 24, 2002 guarantee, in theory, an independent judicial review of the agencies chiefs decisions that on national security grounds certain information should be withheld from prosecutor's office investigation. A present opposition MP, and a member of the Sejm Commission for the Special Services, Zbigniew Wasserman, who in the cabinet of Jerzy Buzek hold the position of acting National Prosecutor (one step below the Prosecutor General), has revealed that he can report about a dozen cases of criminal investigations dealing with abuse of power by functionaries of the Office of State Protection (UOP), which could not be continued, because chiefs of the UOP refused to provide evidence demanded by the prosecutor's office. Such refusals were substantiated by national security reasons. There exists a reasonable procedure of verification of such refusals. Once in conflict with the prosecutor's office a service's chief should provide relevant materials to the Chairman of the Supreme Court. After examination of the materials the Chairman would take final decision whether the

materials in question should, or not, be provided to the prosecutor's office to have an investigation continued. The point is, that the Office of State Protection was in capacity to prevent this procedure ever to be applied. In one of such cases activities of the prosecutors were blocked by decision of the then prime minister, Włodzimierz Cimoszeiwcz (Wasserman 2002:16, 19).

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

### **The Ombudsman**

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

### **Freedom of Information Act**

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

## Non-Governmental Organizations and the Press

The NGOs are extremely rarely active in the domain of our interest. The Helsinki Foundation for Human Rights in Poland holds a web page entitled “In the Public Interest: Security Services in a Constitutional Democracy”. It has been prepared in cooperation with the Center for National Security Studies, Washington, D.C., and recommends a list of principles of oversight and accountability. However, it was last updated in October 6, 1999.<sup>13</sup> Many of the links the page offers are dead and/or outdated.

In general, private civil liberties groups in Poland are too weak or too well sucked (usually via money donations) into various official institutional arrangements to provide an independent channel of oversight of some import. According to accounts which appear in out of the mainstream journals published by anti-globalist, anarchist or anarchist-like groups,<sup>14</sup> accounts also repeated in private communications of the present writer with members of such groups, the police and secret services regularly pressure the activists threatening them not with violence but rather with various kinds of “troubles” (usually in the domain of finding/keeping jobs) which may happen to their families members and/or to the activists themselves. The range of such phenomena is not identified yet.

The press, in turn, instead of engaging into serious investigative journalism, in many cases has become only a passive consumer of leaks originating in the services. The media are quite often an instrument in slender campaigns using dirty by products stemming from the services “kitchen”. This especially refers to the public TV, which via informal measures has been placed under control of post-communist elites and is abused by them on a regular basis. Many journalists acknowledge that in Poland there is still an unhealthy climate for investigative journalism. Scandals are often spoken about but are rarely systematically explored; their nature and/or deeper sources usually escape really thorough examination.

However, though superficial, there are plenty of media stories about the secret services misconduct. Probably majority of critical texts has appeared in out-of-the-mainstream right wing weeklies, like *Gazeta Polska*, *Głos*, *Nasza Polska*, mostly of

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<sup>13</sup> <http://hfhr.hfhrpol.waw.pl/Secserv>; my recent visit of the page was on September 6, 2003.

<sup>14</sup> See e.g. *Czarny Krzyż: Pismo informacyjne sieci Anarchistycznego Czarnego Krzyża – Polska*, No 22, Winter/Spring 2003, p. 5

low circulation. The point is that government and the chiefs of the intelligence agencies seem to be sensitive only to pressures originating in the strongest media. When criticism does not appear in the TV and/or at the most influential press titles it tends to be neglected.

I interviewed col. Zbigniew Nowek, chief of the UOP since 1997-2001, who under communism was an active dissident. He has presented to me a vision of the services as virtually helpless when faced with unjustified, unreliable, and often, according to him, completely made-up accusations produced by the media. In his opinion (communication of June 11, 2003) the law does not allow to confirm or refute any accusations about involvement of the services operators or agents (unofficial collaborators) in economic scams and/or political games. Interestingly, a similar opinion has recently expressed the present chief of the WSI, gen. Marek Dukaczewski, for many years functionary of the military intelligence under the communist regime, who in 2001 was nominated by the post-communist government. When asked about recent scandals in which there have appeared names of various functionaries of the Military Intelligence Services, he has stated:

Unfortunately, my problem follows from the fact, that even when we examine a case and I can conclude that charges are groundless, I cannot explain this [to the public – AZ], I cannot even talk about this, because usually those things are classified as secret (Dukaczewski 2003).

On the other hand, Zbigniew Wasserman, an opposition MP and one of the most active members of the present Parliamentary Secret Services Commission, while inquired by me about this, issued an opinion that the law does not preclude explaining of controversial cases to the public opinion (communication on July 12, 2003). In fact, on the official website of the Agency for Internal Security quite often appear corrections and/or démenti of information which has appeared in the media.

As Wasserman told me, in some cases in order to initiate a public opinion pressure on one of the security agencies, opposition members of the Commission during an open press conference brought up certain information (officially classified as confidential – this is the lowest grade of secrecy in Poland) concerning the proceedings of the Commission. It looks as if leaks of information from the Commission to the press have become sort of “normality” which does not damage working relations with the agencies as this is perceived as a (*legitimate* – in a sense) “part of the game”.



Let me close this section with an observation, that in general in Poland there are not many civilian security experts and their professionalization is far from sufficient.

### **The State Captured?**

Massive institutional shifts, which have been under way since the end of communism, have provided extremely fertile grounds for the proliferation of ramified informal power networks in the East-Central Europe countries. Legally unregulated lobbying, countless cases of conflict of interest<sup>15</sup>, rampant corruption, limited efficiency of the police, and the Ministry of Justice are all both preconditions as well as results of the operation of such networks. One of the indicators of the extent of strength of these networks is the fact that myriad, ramified economic frauds on a large scale are rarely fully explained to the public, and usually the main culprits escape unpunished.

It should be striking that many of these frauds, though achievable only via logistically complex preparations, took place in companies or institutions which have been under the so-called counterintelligence protection performed either by civilian or military intelligence services. Such protection means that the services establish 'guardian angels' whose task is to cultivate networks of informants within institutions under their responsibility (the Military Technical Academy is a good example here). It is highly unlikely that ramified activities aiming at illicit transfers of public resources, operations involving many culprits, could escape the attention of networks of professionally acting intelligence services. What is more, in many cases the media have documented the presence of various figures connected both to the old and new intelligence services among the suspected in the most intricate of the frauds (see e.g. Cieśla and Jachowicz 2002; Cychol 2003).

That guides us to a guess that the undercover community is an essential part of informal power networks which constitute, among others, so called transfer class (*klasa transferowa* - Jadwiga Staniszkis notion). Roughly speaking, the class consists of groups of individuals who mostly profit from the processes of the property rights shifts. They are in capacity to structure the privatisation of the economy process in such a way as to assure that a substantial fraction of the previously public resources

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<sup>15</sup> In 2003 not less than five high officials only of the Ministry of the Interior and Administration has been fired after the press has revealed that they combined their work for the Ministry with activity in business breaking, therefore, anti-corruption laws.

finds its destination in their pockets. It is in the interest of the class to prolong the transformative processes, to have the institutional arrangements uncompleted as long as possible (see Hellman 1998). Implementation of good governance practices based on the rule of law would make such transfer class redundant.

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

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

The security complex is probably the most powerful among such constituencies. The undercover community constitutes a barely tangible nexus of interests, resentments and loyalties. This very nexus has strongly contributed to spread of clientelism in Poland<sup>16</sup> as well as to a calculated anarchisation of the state. All this, in turn, has brought about phenomenon identified by some scholars as the institutionalisation of non-accountability (Hausner and Marody 2001; compare Staniszkis 1999). The services did not prevent de-centering of the state by corrupt/criminal developments; they even seem, to some extent, to be fused with them. It was possible, because, as observed Maria Łoś, “The security complex represented knowledge and power modality that conditioned and penetrated all other social power forms” (Łoś, Forthcoming).

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<sup>16</sup> As a general label, “clientelism” describes well social organization of both communist and post-communist countries. It can be defined as “a network of social relations where personal loyalty to the patron prevails against the modern alternatives of market relations, democratic decision making, and professionalism in public bureaucracies” (Sajo, 1998:38).

I would even venture to support another, strong proposition of Łoś, namely that “Some of the post-communist countries seem to have reached a point where illegal, parasitic webs have permeated agencies important to functioning of the state to such an extent that a battle against them threatens the integrity of the state itself” (Łoś, Forthcoming). Does not this explain the quasi-reform of the services of 2002 mentioned at the beginning of this paper?

Therefore, it is not clear whether the services could become an instrument in the hands of the state in the fight against the corruption and clientelism. The security complex, first of all appears to be a part and parcel of an informal system which perpetuates influence of political, party-centered, client-patron structures over the distribution of resources (see Sajo 1998: 39). Such predicament also partly accounts for the façade-like character of Polish democracy combined with very low civic activity (Zybertowicz 2002).

## **Conclusion**

The Polish secret services have not been used for brutal wars abroad nor for meticulous repression at home. Instead, they have been abused in an unsystematic, say, politically very pluralistic, fashion. The undercover community stays a pool of resources for pursuit of party politics and unfolding of oligarchic power networks that nearly(?) managed to capture the Polish state.

One could hardly say that the move from closed and repressive apparatus towards a democratically accountable government service is completed. The three intelligence agencies (not to mention about the security complex in general) only to a degree may be perceived as a guardian of the public good, of the *raison d'être*, of the rule of law. They have become an overactive agent of murky and ramified fights over distribution of the resources via which capitalism is constructed in the post-communist countries.

We do not have an intelligence policy that is truly in the interests of society. What is more, to my mind, it seems that at present tearing down the inappropriate practices is beyond the power of any democratic institution in Poland. The main safeguards which prevent use of the agencies by members of the government against their domestic political opponents are the Sejm Commission, and those groupings within the parliamentary opposition which tend to preserve rather tough anti(post)communist stance. Another safeguard is the general sensitivity of the public

towards that kind of abuses. However, efficiency of all this largely depends on attitude of the private media. Since the end of 2002, when the notorious so called Rywin scandal has been revealed, the media (except the public TV which is under informal control of the present government) are much more pro-active in countering various abuses of power.

Yet, however, instead of a system of good governance we have a system of institutionalised non-accountability and a soft state (see Hausner and Marody 2001<sup>17</sup>). As has been noted by Williams “The pursuit of NATO membership has been substituted for serious discussion of what it means to feel safe or unsafe in a multipolar, globalized Europe. This is alarming, since effective control of security intelligence presupposes that it should not fall to the services to decide what or whom to consider a threat; these are political issues requiring open debate and public awareness” (Deletant and Williams 2000:20).

Fourteen years since the beginning of the systemic transformation the balance between advantages and costs of personnel continuity is far from settled. As I stressed, it is not clear, who has the upper hand. Are the services in the hands of (ir)responsible democratic leaders, or (ir)responsible, only formally democratic, leaders are in hands of the services addicted to manipulation? Or is such a dilemma misapprehended?

There are many doubts whether the Sejm Commission for the Services can be counted a success. On certain levels the Commission plays an essential constraining role on the services; in other respects its performance seems to be far from satisfactory. Though, this lack of success should be seen in the perspective of a general weakness (not to say a crisis) of the post-communist state, ridden by corruption, widespread inefficiency, very poor quality of legislation and underdeveloped civil society. To my mind, the intelligence services in Poland cannot not be perceived as a medicine necessary to cure the sick organism of the state; they are – especially the military ones - part and parcel of the malady itself.

I cannot conclude on a positive note. The key point is not that oversight system is obviously underdeveloped. The political scene is not mature enough yet. As are the key economic institutions of the emerging capitalism. And such negative

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<sup>17</sup> Ironically, one of the authors of the non-accountability diagnosis, Jerzy Hausner, an economy professor, holds a ministerial and deputy prime minister position in the present cabinet.

predicaments mutually reinforce each other. I am afraid that the process of maturation of the Polish democracy is to last for long before the cask strength of informal power networks inherited from the old system can be diluted.

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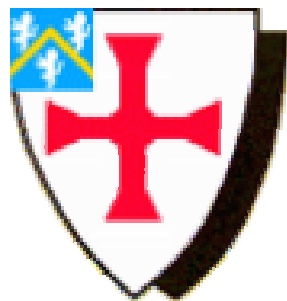
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