# Dismantling intelligence agencies

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**Abstract.** Intelligence agencies form a remarkable institutional constant in most societies. They are frequently 'reformed' but almost never dismantled, since their capabilities, personnel, and knowledge are simultaneously too vital and too threatening to successor regimes. Several case studies are reviewed which demonstrate the tenacity of personnel, bureaucratic structures, and institutional culture. The problem of dismantling intelligence agencies will confront both successor regimes to failed states and the West, and it left unaddressed will almost certainly undermine efforts at democratization. The problems are especially acute when considering totalitarian regimes such as Iraq. Carefully planning, debate over ethical and legal questions, and changes in institutional and public culture are all necessary.

## Introduction

Intelligence agencies are simultaneously a resource and liability to nation-states. They provide essential services for the protection of the society and its citizens, but invariably become large, entrenched and secretive state bureaucracies. Intelligence agencies are unlike other governmental or corporate institutions. The nature of intelligence gathering, including capabilities for obtaining secret and public information through technical and human sources, analysis, and covert action, require atypical knowledge and skills. The mission of intelligence agencies also apparently demands, or at least often instills, an institutional culture of secrecy and ethical flexibility frequently at odds with prevailing morality. An outstanding problem in all societies is how to control, and if necessary dismantle, these institutions. While control of intelligence agencies has been discussed extensively, the theoretical and practical aspects of dismantling have not, if only because it has almost never been tried, much less accomplished.

This discussion presents selected case studies from the twentieth century of intelligence agencies in transitional contexts. The goal is to illustrate the variety of approaches which successors and victors have taken to the resource of intelligence agencies, and how intelligence agencies have in turn adapted to changing circumstances, and masters. In most cases a disturbing degree of continuity is noted, in terms of institutional structures, personnel, culture, and practice, suggesting that dismantling intelligence agencies is a seriously

underrated problem. The exercise outlines the problems and choices which democracies face at home, and more pressingly, those which the international community and opposition groups must face when planning for democratic transitions in totalitarian states such as Iraq and North Korea. It is argued that without careful planning intelligence agencies will persist and undermine newly democratic states, both practically and in terms of on-going legitimacy.

*Problems*

Depending on the nature of the society, the diverse capabilities of intelligence agencies are as likely to be directed inward against the citizenry as outward against foreign threats. Most modern states have sharply delineated organs for foreign intelligence and domestic security.[1] In democracies the nature and perception of threats both external and internal have occasionally led various state institutions to overstep legal and ethical boundaries, to investigate and harass law-abiding citizens. This is in addition to undertaking covert activities overseas, such as assassinations and inciting coups, which may be at odds with a host of laws, both local and international. In totalitarian states the scale of the problem is greatly magnified, as various security and intelligence services are frequently charged with repressing dissent and protecting the regime, often with physical means up to and including deadly force, as well as with executing predatory policies outside state borders. For democracies the challenge of intelligence agencies how to design and implement controls. These include on-going oversight by executive and legislative authorities, and if necessary, to "downsize" or "right-size" institutions, that is, to dismantle various components.

The correct level of oversight, like the right size and configuration for the institution and its capabilities, is ever-shifting and rarely in synch with either operational or legal requirements. In the aftermath of the Cold War American intelligence agencies have shown remarkable tenacity and inventiveness, defining new roles and threats. Soviet and Russian intelligence agencies have been at the forefront of transforming sclerotic Communism to the new klepto-cratic oligarchy[2] In democracies there appear to be cycles of build-up and reduction, in response to both external threats and internal abuses. But there are at least some formal linkages between the institutions, the larger state, with its other constituent organs, and the public, which act as checks and balances, and as higher sources of direction. At the very least, rule of law is theoretically the final line of defense.

When dealing with totalitarian states, however, the challenges are very different. For internal opponents of regimes the problem more often than not is *surviving* intelligence agencies, but in the context of post-collapse or post-war states, the problem for internal successors and the international

community is how to dismantle dangerous resources. In nearly every totalitarian state intelligence agencies have tended to become either subservient to the regime, whether it be a party or individual, and/or virtually independent socio-political institutions, serving opportunistically. All too often, such as at the end of World War II, victorious powers have been faced with the question of what to do with the intelligence agencies of defeated powers. As will be noted below, invariably agencies have been treated as a resource rather than a liability, regardless of their crimes. Conversely, in most cases of peaceful transition, intelligence agencies have generally been treated as an inescapable liability and have acted as impediments to the development of democracy, either formally within the government, or informally from outside. In few cases have systematic efforts been made to dismantle intelligence agencies in whole or part.[3]

The historical experience of the twentieth century has shown that dismantling intelligence agencies is far from an academic question. With the innumerable transitions of government, successor regimes, and conquering powers, intelligence agencies have formed a notable constant, and not simply because conditions of the moment tend to demand similar capabilities. Intelligence agencies are not simply benign bureaucracies which are reconstituted again and again, like post offices or public health services. They are persistent, almost preternatural, institutions, comprised of individuals with dangerous skills who are keepers of knowledge which may undermine friend and foe alike, immersed in cultures that are unaccountable and hostile to accountability, and with well-established bureaucratic patterns which disguise activities, budgets and infrastructure from view. In democracies there is at least nominal oversight and control through political appointments, in addition to institutional commitment, again however nominal, to democratic values. Intelligence agencies belonging to totalitarian states tend to persist for entirely different reasons and almost invariably pose mortal threats to the development of democracies and international stability.

A number of specific problems should be identified which make the question of dismantling intelligence agencies a vital one. First is the role of intelligence agencies in committing human rights abuses, internally and externally. Surveillance, harassment, extra-legal detention, imprisonment, and torture, the fabrication of evidence, "disappearance" and extra-legal executions are all well-documented world-wide. How can a successor state effect justice for abuses committed by its predecessor? In doing so how can it simultaneously maintain its safety, legitimacy, and national security? This question is doubly complicated for powers victorious in war over a totalitarian enemy.

A second question is how to safely dismantle an intelligence agency. The talents which intelligence personnel possess are threats to successor states

and society at large, as are the information and infrastructures controlled by intelligence institutions. How can successors, and the international community, prevent the emergence of a number, or even an entire class, of "rogue agents," capable of selling their skills and knowledge as mercenaries, or even blackmailing or holding hostage the successor regime?

A third question is how to plan for dismantling. Who will do the planning and who will execute the plan? A problem unique to specialized institutions is that comprehending and controlling them requires specialized skills which can usually be obtained only from within. Just to investigate and catalog their operations requires specialized skills. But insiders from a vanquished organization are unlikely to cooperate, and fellow professionals from the outside are unlikely to commit themselves to the destruction of a theoretically familiar but potentially useful, if nefarious, institution.

As the international community contemplates the demise of various totalitarian regimes around the world, most notably Iraq and North Korea, but also the Serb Republic, the People's Republic of China, and others, the problem of what to do with intelligence agencies should be at the forefront of discussion. Without planning for their demise, institutions will either be absorbed by non-democratic successors or regenerate themselves. Historical evidence also demonstrates that the commitment of victorious powers to dismantling these institutions quickly wanes, even in the context of otherwise thorough social reconstruction.

*Case studies*

Any number of transitional contexts can be outlined, in which the role of intelligence agencies may be examined. These include peaceful internal reform, and successor states emerging after war, revolution, or collapse. In reality, many historical examples blur these distinctions, such as between revolution and collapse, and institutions in states victorious in war are subject to reforms. Nonetheless, there are more than enough examples to demonstrate the wide range of problems and possibilities which societies face in terms of their state intelligence agencies. Only a few are discussed here.

*From symbiosis to assimilation – Russia, the Soviet Union and its successors*
The examples of Tsarist and Bolshevik Russia clearly belie any neat distinction between domestic security and foreign intelligence organizations. The transformation of Russia from Imperial to Soviet rule has been extensively discussed, along with the roles of various intelligence and security organizations.[4] A few points should be highlighted in this review. In the aftermath of Nicholas II's abdication in 1917 many high ranking officials were imprisoned by the Provisional Government. Many were lynched by crowds,

but a surprising number escaped altogether, either going into exile immediately or even after the Bolsheviks assumed power. Internal security was given over to militias throughout Russia, and eventually the army. The Provisional Government established an Extraordinary Investigating Commission to probe the *Okhrana*, in particular its use of *agents provocateurs*. At the same time, however, political police functions were still being exercised by elements of the military.

With the October Revolution the ineffectual Provisional Government was overthrown and the Bolsheviks seized power. In December 1917 the next phase of Russian history begins with the formation of the All-Russian Extraordinary Commission for Combating Counter-Revolution and Sabotage, better known as the *Cheka*. What is notable is the speed with which the institution was created by the Soviet Government, and the apparently large numbers of lower level *Okhrana* personnel who were incorporated into the new organization, giving it an immediate institutional capacity. From 1918 until 1922 when it was replaced by the GPU, and then in 1924 by the OGPU, the *Cheka* was the primary instrument of the Red Terror, all under Felix Dzerzhinsky. After his death in 1926 the organization was led by Vyacheslav Menzhinsky. His successors in the NKVD, as it was renamed in 1934, include the notorious Henry Yagoda, Nicholas Yezhov (both of whom were eventually purged in the late 1930, along with other middle and high ranking officials), and finally Lavrenty Beria, who remained until shortly after Stalin's death in 1953, whereupon he too was killed. The NKVD had been reorganized into the MVD/MGB in 1946, and was renamed yet again in 1954 as the KGB. That organization remained in existence through *glastnost* and the collapse of Communism.

The KGB was to have been dismantled by decree of Boris Yeltsin in 1991. Instead it was reorganized into six units, with only those heads who had participated in the coup attempt against Yeltsin being replaced. The division was reversed even before the end of 1991, with the formation of the Ministry of Security and Interior Affairs or MBVD under Viktor Barannikov, which was then undone in early 1992 with the separation of security and militia forces. The Ministry of Security or MB remained the overall organization until mid-1993, when Yeltsin dissolved it and created the Federal Counterintelligence Service or FSK under Sergei Stephashin. In 1995, however, in the wake of the Chechen, war the FSK was reorganized as the Federal Security Service or FSB, with the consolidation of security, intelligence, and security units.

The role of the KGB and its successors in systematically stripping assets, capital flight, money laundering, economic espionage, as well as murder and extortion, all at the behest of the post-communist leadership and then the criminal oligarchy, is well documented.[5] The alliances made by the secur-

ity establishment with the oligarchs, in the wake of the crumbling of the Communist party and the military, and the eventual emergence of a national leadership figure, Vladimir Putin, from within the security establishment itself, reflects an initial symbiosis of the state and crime, which has since coevolved into virtual amalgamation.

The Russian and Soviet experience with intelligence agencies stands out for many reasons. As noted above, the inseparability of domestic security concerns and foreign intelligence was manifest already in Tsarist times, and reached an altogether new level of far-reaching paranoia under Stalin. The need of the regime to pursue its internal opponents across international borders is an underlying motivation for virtually all foreign intelligence operations, and arguably, for a considerable portion of foreign policy as well.

Russian and Soviet intelligence organizations have shown remarkably longevity, yet their fates have been closely tied to specific leaders of the organization or the state. For the tsars, there were long cycles of maintaining, dismantling, and then rebuilding intelligence organizations out of precisely the same pieces, as part of strategies of securing individual power through institutional reshuffle and the appearance of reform. Similarly, in the Soviet era and afterwards, reform was a means of either reducing the power of competitive institutions, or strengthening leadership power through the patronage of specific organizations. For the organization's leadership, the ability to serve faithfully, if not effectively, and thus maintain job security was the paramount concern. Almost invariably, however, the nature of the organization and its activities caused it to be viewed, sometimes correctly, as a threat to the political leadership, resulting in the not infrequent liquidation of its leaders.

The organizations were extremely large, and the sheer numbers of personnel created an incentive, perhaps a compulsion, for maintaining and rebuilding organizations, lest talent go astray. The size of their budgets and infrastructure made them obvious economic resources not only for the political leadership but also for lower level managers. The vast "privitization" of Soviet resources by the managerial class in the wake of collapse included not only individual factories, whole industries and sectors of the economy, but government as well. This merely followed up on the institutional experience of enriching the state through the extortion and expropriation of private property, going back to the time of the Tsars, as well as personal enrichment. What is different in the post-Soviet era is the sheer scale of theft, which has elevated thieves to the status of oligarchs, and secret policemen to the status of statesmen. In essence, intelligence agencies have become the state.

*Conquest and control: Post-World War II Germany*

Even before World War II contact had been made between Allied and German intelligence officials, most notably Admiral Wilhelm Canaris of German Military Intelligence (*Abwehr*). Canaris provided information to the British, participated in rightist plots against Hitler, and subverted his rival Himmler's investigations of the *Abwehr* until being unmasked in the aftermath of the von Stauffenberg bombing in July 1944.[6]

Far more significant, and controversial, for the long-term development of post-war intelligence agencies was the negotiated surrender of General Reinhard Gehlen and his Foreign Armies East section of the *Abwehr*. After many months of planning Gehlen and his staff surrendered, with their records pertaining to the Soviet Union, to the American Counter Intelligence Corps in May 1945. By 1946 Gehlen had begun working for the Americans, reconstituting his espionage network against the Soviet Union, and began training operatives for subversive activities in areas such as the Ukraine. In 1949 control of his group, the "Gehlen Organization," was assumed by the newly formed CIA. In 1956 this organization was transferred to the Federal Republic of Germany as the core of the *Bundesnackrichtendienst* (BND). Gehlen remained in command until his retirement in 1968.

The record of the Gehlen Organization illustrates many of the problems faced in dealing with defeated intelligence agencies in post-war contexts. Although a part of the *Abwehr*, Gehlen's plans for surrender apparently went undetected. He shrewdly played to the American's growing fear of the Soviet Union and secured a place not only for himself and his top aides, but also thousands of others. From a core of some 350 staff and agents, the organization grew to over 4000 within Germany, mostly former German Army and SS officers who were released from internment camps and protected from war crimes prosecutions and denazification efforts. The Gehlen Organization did have several successes, including the "Berlin Tunnel" which tapped telephone lines in the Russia sector of the city, and securing a copy of Khruschev's speech denouncing Stalin. But there were a number of significant failures, including the failure to predict construction of the Berlin Wall. It also became clear even by the 1950's that many of the assets of the Gehlen Organization in Russia, Poland, and elsewhere were in fact controlled by Soviet intelligence. The unmasking of a key aide of Gehlen's in 1963 contributed to the downfall of the Adenaur government. Finally, the Gehlen Organization was instrumental in inventing the "missile gap" of the late 1950's, which played an influential role in the 1960 American presidential election and in American foreign and military policy.[7]

From a legal, moral, and practical point of view the incorporation and protection of the Gehlen Organization by American intelligence was flawed.

But the emerging conditions of the Cold War quickly prompted and expedient approach to Gehlen, as it did to German and Japanese military scientists as well. Ironically, Gehlen bears some amount of responsibility for generating the conditions, or at least the attitudes, which contributed to the Cold War.

*A dialectical approach: Post-Apartheid South Africa*

One of the most recent examples of a peaceful transition is South Africa. The establishment of the Government of National Unity(GNU) in April 1994 of Nelson Mandela was the product not only of decades of popular resistance to apartheid, but also of negotiations between the African National Congress (ANC) and the National Party, which began in 1986. With the election of President F.W. de Klerk in 1989 official steps were taken to begin dismantling the apartheid state and to negotiate a transition to majority rule. The ban on the ANC was lifted in early 1990, key apartheid legislation was abolished in 1991, and a new constitution negotiated and ratified in December 1993. The first non-racial elections were conducted in March 1994 and Nelson Mandela was assumed the presidency in May of that year. The Government of National Unity remained in power until the elections of 1999, although the National Party withdrew from the government in 1996 and became part of the opposition.

Intelligence reform began even before the 1994 elections.[8] In 1993 the National Intelligence Service (NIS) was placed under the Office of the President. With the election of Mandela this arrangement continued, with now Second Deputy President de Klerk maintaining access as chair of the cabinet intelligence committee. Additional steps had been taken in 1992 by de Klerk to investigate and subsequently fire members of military intelligence who had been involved in clandestine activities. Also in 1993 the NIS and the ANC's Department of Intelligence and Security held a number of informal meetings, which complemented the official discussions of the Transitional Executive Council's Sub-Council on Intelligence.

The GNU issued a *White Paper on Intelligence* which outlined its plan for the new community in late 1994. Two major pieces of legislation were proposed to completely reorganize the intelligence community and these were adopted and put into effect in early 1995. The NIS was disbanded and the National Intelligence Agency (NIA) was created to handle domestic security, under the leadership of the ANC's former deputy director of intelligence and security. Numerous personnel who had been part of both state and opposition intelligence services were incorporated into the new NIA. The new South African Secret Service (SASS) was charged with foreign intelligence and placed under the command of the NIS's last director. The South African National Defense Force was prohibited from conducting domestic intelligence

activities or covert activities. The National Intelligence Coordinating Committee (NICOC) was established to coordinate and disseminate intelligence, and an Inspector General for Intelligence was created for oversight.

Mandela expanded his direct control over the intelligence community almost immediately by creating a Deputy Minister for Intelligence Services within the President's Office. This position was given to a former ANC member. The Intelligence Coordinator was also the Deputy Minister for Intelligence. Personnel within the new agencies were subjected to a vetting process similar to that which was conducted in the defense establishment. The defense intelligence establishment was legally constrained from undertaking internal security operations but was not significantly restructured, for fear that personnel could redirect their skills and threaten the new government. The Minister of Intelligence in the Government of National Unity was also the Minister of Justice, Omar Dullah. His deputy and Intelligence Coordinator, Joe Nhlanhla, took over as Minister of Intelligence after the 1999 elections.

The overall shape of South Africa's new intelligence community was the result of intense political activity between primarily the ANC and the National Party. Whereas the apartheid regime had centralized intelligence activities by making them subservient to the all-powerful State Security Council, the Mandela government was obliged to keep representatives of the National Party, namely de Klerk, at least nominally involved in intelligence oversight. The key role which the NIS had played in bringing about a negotiated settlement was a critical factor in the organization not being completely dismantled. In addition, the information which the NIS possessed about white and black extremists, and about the ANC itself, were strong incentives to minimize change.

The integration of ANC-dominated newcomers and the existing intelligence establishment has not been easy. From the outset the transition was troubled by the existence of the covert "Third Force" and other counterinsurgency units, especially within the police, which operated without oversight, as well as concerns that various intelligence units had gone underground and were working with radical whites and even the National Party. The notorious South African Police (SAP) commander Eugene De Kock and others involved in hit squads also had to be dealt with. Some were tried, others applied for amnesty, and still others testified before the Truth and Reconciliation Commission in exchange for amnesty. Crises emerged almost immediately in 1995 when the NIA was accused of spying on the National Party and others. Some of these accusations were apparently Third Force fabrications, as were reported threats against Mandela's life.

The overall cultural clash between those who had worked under the apartheid government and the newcomers, most of whom had been trained by

the Soviet Union, East Germany, or Libya, was also probably inevitable. In the years since assuming power the ANC has slowly inserted loyalists into positions throughout the government, including in early 2000 with the appointment of *Stasi* trained Hilton Dennis as head of the SASS. But more recently the ANC-dominated intelligence services have been implicated in serious scandals reminiscent of those plaguing former Eastern Bloc countries. In 1998 surveillance equipment was discovered outside of the German Embassy, while in 1999 and early 2000 former NIA agents indicted for money laundering have implicated their superiors, the NIA and police have been linked to gun-running and bombings, and various officials have been accused of theft, as well as having committed abuses, including murder, while members of the ANC.[9]

Making the transition from a revolutionary movement to part of an elected government has not been easy or smooth in South Africa, and has in many spheres, including intelligence and security, unfortunately degenerated to a large degree into more familiar models of using official assets to settle scores and support various groups or factions. The constitutional basis and elaborate planning which went into the transition is an important reason why it was accomplished peacefully, but the nature of the on-going internal threats, the political balancing acs, and the training and culture of the ANC, all contributed to the eventual corruption of the intelligence establishment.

*After the revolution: Iran, Romania*
The revolutionary example of Russia was discussed above and significant continuities in intelligence and security services were noted. Even in a radical and ideological charged revolutionary situation like Iran, significant continuity in intelligence agencies is evident. After the 1979 Islamic revolution the SAVAK, which had been created in 1957 with the assistance of the United States and Israel, was incorporated into Iranian National Information and Security Organization, and then the Ministry of Intelligence and Security. Personnel once closely associated with the Shah's regime were involved in the new organization, which took over many of SAVAK's responsibilities, files, and operations. A working relationship was established first with the Palestine Liberation Organization, and then with Russian counterparts. Aggressive suppression of dissidents was continued, now including assassination, as well as support of foreign terrorist groups.[10]

In Romania the much feared *Securitate* was apparently abolished after the violent downfall of Ceausescu in December 1989. In reality, however, the *Securitate* was first transferred by President Ion Iliescu to the control of the Ministry of National Defense on 26 December 1989, which integrated and legitimized the organization, and permitted many of its members to free

imprisoned comrades. Only on 30 December 1989 was another decree issued dismantling the organization and placing some of its directorate heads under arrest. Numerous *Securitate* personnel are involved in successor organizations, including the Romanian Intelligence Service (SRI), which was founded in March 1990. While some accounting has taken place, in the form of prosecutions of *Securitate* directorate heads, there is little indication that the majority of personnel, or the hundreds of thousands of collaborators, will be held legally liable. The present intelligence and security organizations operate in much the same fashion as their predecessor.[11]

*Summary*

Numerous other examples could be discussed here, including post-Communist Germany's experience with the *Stasi*, post-Communist Poland, post-1975 Vietnam, post-Franco Spain, post-Pinochet Chile, post-Amin Uganda, as well as post-decolonialization experiences of India, Pakistan, Israel, and so on. Sadly, with the exception of Germany and other examples which have particular significance to Cold War studies, most intelligence transitions have not been discussed, or have been mentioned only in passing by area specialists. Far more explicit study is need by political scientists and policy planners, if only to avoid the rediscovery of basic problems and *ad hoc* solutions each time a society is faced with the issue of dismantling intelligence agencies. The examples discussed above are merely the tip of a huge iceberg which has profound influence on the development of all states and societies.

## Critical issues

The case studies discussed here point to a number of critical issues in the dismantling of intelligence agencies, which must be taken into account in any planning for transition. Ba'athist Iraq is an especially useful, and pressing, example of the problems in planning for democratic transition and intelligence dismantling.

*Infrastructure*

First and foremost is control over facilities, records, and resources. As any coup planner knows, power centers must be seized as quickly and completely as possible. Headquarters buildings, archives, administrative and financial records, transportation resources and outlying facilities must be immediate targets. Furthermore all known agencies, foreign intelligence, military and domestic security must be addressed. The sheer size and complexity of the

infrastructure of most intelligence agencies makes this a vast and bewilder-
ing undertaking to contemplate. In the case of a state like Iraq, where the
regime has assimilated virtually all organs of the government and military and
has constituted numerous overlapping security organizations, the problem
is daunting. Numerous fronts and covers must also be expected, as well as
hidden caches of materials, both internally and internationally. The multiple
intelligence and security organs are a huge and paranoid organizational effort
at, among other things, coup-proofing.[12]

Furthermore, in an age when computer technologies make it possible for
mass quantities of data to be stored in tiny packages, limitlessly reproduced
and transmitted, and when computer and telecommunications systems make
remote locations potential control centers, the geography of simply controlling
intelligence agencies is vastly increased. As several years of UNSCOM in-
spections showed, information and infrastructure related to weapons of mass
destruction could be hidden throughout the country, in office filing cabinets,
chicken coops, at the bottom of the Tigris River, and private homes. The
essential redundancy of the various organs also makes the elimination of
one a small if not meaningless accomplishment. Finding keys to the Iraqi
intelligence and security services will be at least as difficult. Early planning is
an absolute necessity, and must include extensive inventories of facilities and
personnel. The Iraqi National Congress and other opposition groups appear to
have begun this process, but have in turn been subject to extensive penetration
by Iraqi intelligence.[13]

Another function of the problem is that financial resources are easily trans-
ferable, convertible, and hidden. The stripping and flight of assets from Soviet-
era industrial and governmental organizations by the *nomenklatura* is perhaps
the largest possible example. In contending with states like Russia and Iraq
that have been systematically restructured as criminal enterprises by and for
the enrichment of a party, class or family, the tracing of financial resources is
critical for the restoration of the economy, the quashing of criminal activities,
and the reconstruction of law and legitimacy. It is even more problematic
when many of the individuals involved in theft and expropriation are also, as
in the case of Russia and Iraq, the heads of various intelligence and security
services. But such an law enforcement effort requires specialized investigat-
ive and accounting skills (not to mention linguistic), and the cooperation of
bankers and law enforcement officials worldwide. Such skills and cooper-
ation must be secured at the planning stage, otherwise as a sad litany of
examples, from the Philippines to Mexico to Russia and beyond have shown,
the amounts recovered will be minimal, the prosecutions few, and the faith
in the rule of law restored, negligible. The on-going legal battles over the
restoration of properties to victims of the Holocaust and subsequent Com-

munist regimes have shown that once thieves are permitted time to entrench themselves and their claims, and when paper trails and personal memories grow faint, the chances for restoration decrease dramatically.

Realistic expectations must also prevail. It will not be possible even under the best of circumstances to locate and control all intelligence resources in a country like Iraq, nor will it be possible to identify or prosecute all those involved in criminal activities. With careful planning, however, it should be possible to prioritize which facilities are most important to the current regime, and to the needs of a democratic successor. Installations with financial documents are one priority. Another are the large paper archives which carefully document the activities, and crimes, of the present regime. Control of these are critical for the administration of justice and historical accountability. The examples of German archives in the Nazi and Communist eras show how the bureaucratic obsessions of totalitarian societies can, eventually, be turned against them.

The Russian examples are quite different. In the post-Soviet era the archives of the KGB were retained by its successors, and have been in part successfully marketed to Western scholars and others. The archives of the Soviet military, however, have remained almost completely closed. While the degree of openness which has developed in Russia is obviously welcome, it is less a function of changing institutional culture or new democratic controls, but rather part of the privitization/expropriation strategy of the security services. Among the results of this strategy is a complete lack of legal accountability for the crimes of the Soviet security services, and precious little dissemination of information within Russian society about them. Such a course has severely hampered the adoption of democratic culture in Russia and would be utterly catastrophic for any transition to democracy in Iraq or elsewhere. It could be argued that openness and accountability might be as or even more important than extensive prosecutions, which may be impractical in any event.

Control of key facilities is vital. Critical archives must be seized, and the information within made public and available. Access to archives is both an operation and historical imperative, requiring an interdisciplinary effort. The need for openness will undoubtedly run counter to the inclinations of most successors to "get on with" the business of reconstructing Iraq, and for successors and the West to hide unpleasant revelations. A small beginning in this respect has been made with the initial publication of documents from the several tons captured in Kurdistan and turned over to the Iraq Research and Documentation Project.[14]

Without historical, if not legal, accountability any successors to Saddam Husayn will be flawed, perhaps fatally. As the case of German reunification has shown, the legitimacy of the reconstruction process involves not only

legal means of addressing past wrongdoing, but public dissemination of information on the activities of the state. The public accounting for the activities of the Stasi is both personal and social, with individual access to dossiers and historical analysis by the Education and Research Department of the Federal Commissioner for the Records of the State Security Service of the Former GDR (BstU).[15] In Germany the revelations regarding the activities of the Stasi have also encouraged another, perhaps final, round of public debate over the Nazi past. Whether this is complete or adequate is unknowable, but it is the most effective example of a society which has attempted to legally, personally, and historically come to grips with its totalitarian pasts. That it has taken over a half century, and was instigated by total wartime defeat, does not bode well for a country like Iraq, which is unlikely to share such experiences. Nevertheless, it must be recognized that in totalitarian states understanding intelligence agencies play a key role in the reconstruction of historical memory.

In short, planning must begin now and be as extensive as possible, incorporating not simply lawyers and law enforcement, but historians, archivists, and accountants. Planning must be motivated by a desire to see justice done in the present and in posterity. The irony of course is that the ability to collect such information, then make and execute a plan, will require precisely some of the skills that the undertaking seeks to excise from the society. This is a problem discussed further below.

*Personnel*

A second and related problem is control over personnel and their skills. In a situation such as Iraq the numbers of persons involved in intelligence and security services probably run into the thousands if not the tens of thousands. The number with blood on their hands, or some significant level of legal liability for abuses, certainly runs into the thousands. This is in addition to many thousands more in the military, military industries, and over a million members of the Ba'athist party.[16]

The topic of how to deal with persons responsible for state crimes, while at the same time understanding that it will not be possible to find much less convict all criminals, has been discussed elsewhere.[17] The model of truth and reconciliation commissions, while hardly perfect, seems the best that can be hoped for. Balancing justice and catharsis is an impossible task, but one that must be attempted, however imperfectly. How to deal with intelligence personnel is a necessary extension of this problem.

Intelligence personnel in totalitarian states are invariably involved in some of the most wretched abuses of the regime. They also possess exceptionally dangerous skills, such as surveillance, subversion, and blackmail, and have

been trained in wide varieties of violence. What is to be done with these persons, presuming some or any can be identified? Prosecution of an entire class of persons is unlikely to be practical or socially acceptable in a place like Iraq, or anywhere else. Presuming that some personnel are prosecuted for ordering or committing particularly egregious crimes, and do not escape physically or through blackmail, what is to be done with the rest? The preventative detention of an entire class of persons is unacceptable in a democracy, and would in any case be impractical and severely undermine the legitimacy of a successor state.

It is not possible to watch every individual formerly connected with an intelligence agency. But there is evidence to indicate that legal methods can act as prior restraints on some activities. For example, Western intelligence agencies require individuals to enter into contractual agreements limiting the free speech rights through restrictions on publication of information after the termination of employment. While perhaps not acceptable to a high Western standard of civil liberties, such legal restraints could potentially be extended to participation in a variety of activities and vocations where individuals and their skills could pose a mortal threat. Private security and investigations, banking and finance, arms dealing, and possibly public office, would all be off-limits. But what vocations would then be open to them? It is ironic that intelligence personnel, like military scientists often the most privileged members of totalitarian societies, would in a democracy be among the first to qualify for job training. As odious as this seems, however, it is better than leaving them where they are, or allowing them to practice their black arts freely.

The parallel phenomena of weapons of mass destruction industries and personnel in the former Soviet Union, however, does not provide a comforting precedent for the successful conversion of the intelligence industries of totalitarian nations. In most cases the local successors have been unable to find adequate employment for specialized personnel, and Western support for conversion has been uneven[18] Leakage of specialists and materials to countries seeking to develop weapons of mass destruction (WMD) capabilities have documented with increasing frequency. A similar situation may be expected with intelligence and security personnel, as has been noted with other military specialists.[19] It is a predictable irony that the existence of unemployed intelligence and security personnel creates the need for additional personnel for oversight. There is no easy way to put the genies back in the bottle.

*Institutional culture*

Finally, there is the question of institutional culture. Studies of Western intel-
ligence agencies have shown that institutional culture is comprised of a num-
ber of features; the executive leadership, legislative and internal oversight,
institutional leaders, lower level personnel, the maze of highly partitioned
subcultures, which stress research and analysis, covert action, and espionage,
an internal environment of competition for control, influence, and resources,
all set in a context of generational and paradigmatic change.[20] But it should
be stressed that institutional culture reflects, or is a facet of, larger political
culture.

Western experiences suggest that for change to be successful, among other
things, reformers need to be drawn from within the intelligence organization.
Confronted by the challenge of dismantling an intelligence agency, the ulti-
mate in paradigm changes in a state such as Iraq, it is difficult to conceive
of who might be put in charge. In states like Iraq where the intelligence and
security apparatus has been the bedrock of the regime for so long, indeed,
the source of the current leader himself, any putative reformer from within
would be hard pressed to resist the temptation to put those values to use for
personal advantage. Even in a situation such as South Africa where the polit-
ical leadership under Mandela went to great lengths to negotiate a settlement,
with the help of its own and opposing intelligence services, once in power it
closely controlled key assets, placing them under loyalists who have a lesser
commitment to democracy and transparency.

And yet outside reformers are unlikely to have the knowledge, skill or
trust of the institution in question, even to take it apart. Furthermore, will
the successor regime have the will to truly undo something so central to the
political culture? The Russian experience is again instructive; the reforms
undertaken by Bakatin were a threat, and an affront, to the KGB and were
quickly undone by both Yeltsin and his appointees. In Russia it has proved
impossible for democracy to take hold, and despite initial efforts to dismantle
the KGB, Yeltsin found it necessary to strengthen the organization as a means
of maintaining his own power. Since the KGB and its successors were simul-
taneously part of the problem, the looters of resources and allies of organized
crime, and the putative solution, an inescapable cycle was formed. Even so
dramatic a transformation as the Russian Revolution could neither remake
those aspects of political culture which relied on intelligence and security
organs, nor fully dislodge the preexisting organizations. In Iraq, for decades a
society controlled by an interpenetrated political party, tribal mafia, and gov-
ernment – all independently funded by a nationalized petrochemical industry
– political culture has been nothing but totalitarian.[21] Democratic reforms,

including of the intelligence and security organs, will have shallow roots, even if they eventually find someone who can transplant them into Iraq.

Given these factors it is difficult to see how in the absence of total control by a victorious power any substantive political, and cultural, change can be brought about in a state such as Iraq, much less the dismantling of dangerous institutions.

The international context of political cultures and regimes, however, may provide at least some opportunities for reform. Whatever the legitimacy and regard which the West may hold for powers such as Russia and China, their size alone places them in a peculiar category. The West must deal with the regimes in power, and while it may be critical it has little if any influence on succession or social change in those states. Smaller powers such as Iraq, however, do not necessarily enjoy the status of an accepted fact (although a much larger state such as Iran might). Rather than additional covert action designed to incite a coup, if a truth and reconciliation commission were established to plan indictments and gather evidence, it could catalyze the opposition into overcoming their fractious tendencies. Dismantling Iraq's intelligence and security agencies would be at the top of the list of tasks.

*Conclusions*

Intelligence agencies never go away on their own. They are too tenacious, too skilled, and too dangerous, and even in the West they are too adept at manipulating opinion to be cut out of appropriations. In deadly regimes such as Iraq these institutions are likely to hang on, go underground, and continually subvert any efforts at reclaiming society. The case studies cited above show that even with the best of intentions successors in war and peace succumb to the temptations, threats, and expediencies of maintaining intelligence agencies, even when the results are predictably detrimental.

The only substantive suggestions that can be made are that institutional culture is a function of political culture, which is in turn a manifestation of overall social values. A society's culture as a whole dictates the possibilities and constraints for the state and its institutions. Anyone planning for a transition to democracy in Iraq or elsewhere had better build in this reality from the outset and discern ways of changing, however slowly, the overall direction of culture. Efforts at controlling and dismantling intelligence and other institutions have to be accompanied, legitimized, and rooted in educational changes directed at society at large. Even for democratic reformers this may be a greater task than dismantling intelligence agencies.

## Notes

1. This discussion uses the term "intelligence agencies" in the broad sense, to include domestic security, foreign and military intelligence services.

2. See the introduction to the second edition of Jefferys-Jones 1998. See also Waller 1997, Albini and Anderson 1998, and Pringle 1998.

3. The United States is of course no exception. The post-World War II abolition of the Office of Strategic Services was followed within months by the creation of the Central Intelligence Group in early 1946, and then the National Security Act of 1947 which created the Central Intelligence Agency. See generally Jeffreys-Jones 1997. For an overview of British intelligence agencies see the introduction to Davies 1996.

4. The most comprehensive English language survey of early political police in Russia remains Hingley 1971, from which this review below is largely derived. For the *Okhrana* and *Cheka* see Zuckerman 1996 and Leggett 1981. A brief background of pre–20th century Russian intelligence and security services is as follows.

   The first institutionalized police force was the *Oprichnina*, organized in 1565 by Ivan the Terrible, the first Grand Duke of Moscow to be crowned Tsar. Fearful of treason, the Tsar established a force of 6000 black-clad men who arrested, killed, and generally terrorized the population and rival centers of power, such as the church, seizing estates for themselves in the process. The *Oprichnina* was apparently disbanded about 1572 and its leaders killed on suspicion of treason. Though short-lived the *Oprichnina* set the tone of mass terror for many generations of political police.

   The next institutional example of political police was established in 1697 by Peter the Great, after over a century of violent coups, counter-coups, and pretenders. The Preobrazhensky Office was originally established to administer two army regiments but was charged with maintaining domestic security during Peter the Great's long tour of western Europe. Its first head, Prince Theodore Romodanovsky, remained in charge until being succeeded by his son Prince Ivan in 1717. Though the staff was small, it greatly extended its reach by using the two army regiments as guards and couriers, and by commissioning other government ministries to assist investigations. Among the office's many cases was the suppression of the *Strelsty*, soldier-traders garrisoned in Moscow, who had been incited to revolt at least in part by the Tsar's sister Sophia. Another institution, the Secret Chancellery, was established solely to thwart the treason of Peter's son and heir Alexis, who was traced to Naples and tricked into returning, whereupon he was tortured and killed.

   Peter the Great died in 1725, the Secret Chancellery was closed in 1726, as was the Preobrazhensky Office in 1729. Peter's daughter and short-lived successor Empress Anne reconstituted a Chancellery for Secret Investigations in 1731 under General Andrew Ushakov, who had been a member of the previous Secret Chancellery. While successful at suppressing impostures, it was less effective dealing with revolts supported by guardsmen. Ushakov and his organization survived several usurpations and the Chancellery itself survived until 1762. It was abolished by Peter III, but only some two weeks after a successor, the Secret Bureau, had been established, under the direction of the last head of the Chancellery, Sheshkovsky. Peter III was quickly removed by a coup led by Catherine the Great, who placed the Secret Bureau under control of the Senate's Procurator-General, whom she designated.

   Catherine the Great was ruthless in suppressing threats and insults. During her reign control over information, particularly in the wake of the French Revolution. Writers were increasingly among those investigated, tortured, and punished. After Catherine's death,

her unstable son Paul assumed the throne, maintaining the Secret Bureau, and remained in power until being murdered in 1801. The assent of the "liberal" Alexander I brought an end to over a century of almost continuous institutional development with the abolition of the Secret Bureau. Substantial continuity of personnel was also maintained, across a number of otherwise opposing regimes. The organizations were formally superior to all others, employed torture on a wide scale, made use of the military, and, in the case of the Preobrazhensky Office, also controlled the tobacco trade.

A variety of secret organizations were created during the reign of Alexander I, and the secret police of the Military Govenor-General of St. Petersburg soon assumed the role of the Secret Bureau. A Ministry of Police was established in 1810 as well. Through the Napoleonic Wars and until the Decemberist revolt of 1825 a variety of military and police organizations competed and spied on each other. Indeed, members of the security services were aware of and even sympathized with Decemberist aims, and some Decemberist conspirators came from within the ranks of various security services. But with the death of Alexander I, and the confused succession of Nicholas I, the Decemberists hesitated and were crushed. In the wake Nicholas I established by decree in 1826 the Third Section of the Imperial Chancery, along with a subordinate military wing, the Separate Corps of Gendarmes. While superficially similar to police reforms undertaken in Western Europe, these organs existed solely to preserve the poliitical status quo and effect intellectual suppression (Hingley, 1971; Zuckerman, 1996).

Nicholas I died in 1855 but the Third Section existed under his son Alexander II, directed by increasingly powerful Head Controllers, until 1880. It was engaged in political sur- veillance of Russians and foreigners internally and the monitoring of Russian travelers and dissidents overseas. The Third Section was also deeply involved with the censorship of writers, most notably in its early years Alexander Pushkin, and later Gogol, Turgenev, Dostoyevsky, and Tolstoy. The Separate Corps of Gendarmes became a far-flung organ- ization, involved in a wide variety of activities beyond the suppression of subversion and dissent. It was empowered to supersede all local authorities including regional governors, maintained its own surveillance networks, and eventually policed the construction and operation of the railroads.

The last half of the 19th century saw among other things the origins of socialism and radical movements in Russia. A new phase was entered with the assassination of Alexan- der II in 1880. The Third Section was abolished, the huge gendarmerie was reorganized under the Ministry of Interior, and in 1881 new institutions were established for political investigations, police directorates and the Security Divisions (*okhrannyye otdeleniya*) or *Okhrana*. The methods of the *Okhrana* both elaborated those of its predecessors and foreshadowed its successors. The use of provocation was widespread, as was the in- filtration of the opposition, both within Russia and throughout Europe (Fischer, 1997). Mass surveillance, mass searches and arrests, *in camera* trials, exile, and the official and unofficial sanctioning of pogroms and mass violence, were all well-developed. In 1893 the category of political prisoner was abolished, collapsing the distinction with criminal activities. Numerous revolutionary plots and assassination attempts were unmasked, some having been created by *agent provocateurs*. The Ministry of Interior financed the secret police, which became known collectively as *Okhrana*, from a secret fund. The *Okhrana* survived until 1917.

Despite increasingly high organizational and technical skills, the *Okhrana* could not stem the tide which crested briefly in 1905 and which would wash Imperial Russia away en- tirely in 1917. In its later years the *Okhrana*'s effectiveness declined considerably along with other imperial institutions, in part due to manpower crises caused by World War I,

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mass protests, and Tsarist self-delusion. In late February 1917 the Petrograd headquarters of the *Okhrana* was overrun and burned, a scene which was repeated in Moscow a few days later. With the abdication of Nicholas II on 2 March 1917 and the emergence of the liberal Provisional Government, the former Ministry of Interior, police, and *Okhrana* ceased to exist.

5. See Albats 1994, Waller 1997, Albini and Anderson 1998, Pringle 1998.

6. Waller 1996.

7. For the Gehlen Organization see Cookridge 1971, Gehlen 1972, Simpson 1988, Reese 1990. For a recent discussion of the CIA's participation in Nazi war crime investigations, which completely omits any reference to the Gehlen Organization, see Ruffner 1997. See also the discussion in Johnson and Freyberg 1997.

8. Henderson 1995a, b, O'Brien 1996, McCarthy 1996. See also Cawthra 1997.

9. "Minister admits German embassy bugging was a result of 'overzealousness'," BBC Summary of World Broadcasts, February 8, 2000, "Rogue spies threaten to implicate NIA, top cops in money laundering," African News Service, January 20, 2000, "NIA, police links to attacks," Africa News Service, December 10, 1999, "Suspended NIA official was Quatro torturer," Africa News Service, December 3, 1999.

10. See Wege 1997.

11. See Deletant 1995, Baleanu 1995. See also the convenient summary at http//www.fas.org/irp/world/romania/index.html

12. Quinlivan 1999. For the structure of Iraqi intelligence and security organs see http//www.fas.org/irp/world/iraq/index.html

13. Gunter 1999.

14. See their web site at www.fas.harvard.edu/~irdp

15. For a list of BstU publications see their web site at http//home.snafu.de/bstu/

16. For the Iraqi Ba'ath party see Baram 1991.

17. Joffe, (forthcoming).

18. E.G., Bozheyeva et al. (eds.) 1999. See also the resources at the Bonn International Center for Conversion at http//www.bicc.de/

19. Adams 1999.

20. See generally Hastedt 1996. For a useful study of inspectors general see Weller 1997.

21. See generally Baram 1991, Haj 1997.

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