



PKSOI Perspective

Assessing Intelligence Capacity Building in Albania 01 July 2009

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Introduction

Intelligence reform has been a major component of Security Sector Reform (SSR) in Albania since the departure of the communist regime and its replacement in 1992 with a democratically elected, non-communist government. Motivated in part by the need to transform communist-era instruments of repression, Albanian governments since 1992 have pursued a succession of intelligence reforms with varying degrees of success. As recently as April of 2009, the Albanian Institute for International Studies organized a conference on SSR in Albania that included a discussion of intelligence reform as well as remarks by members of the Albanian Parliament involved in the oversight of intelligence affairs.

Background

The intelligence community under the communist regimes of the Cold War was an instrument of internal repression and political control, focused on sustaining and protecting the autocratic rule of the communist state. Abuses of human rights by state security services were commonplace. Those abuses were largely directed and overseen by the intelligence organs of the state, which occupied the pinnacle of the state security architecture. With the overthrow of the communist regime in 1991, political parties that had suffered from abuse at the hands of the communist-era “Organs of State Security” had an immediate and vested interest in reforming the intelligence organizations which orchestrated much of that abuse.

In the first wave of intelligence reforms, the newly elected democratic government of Albania asserted its control and oversight of state intelligence agencies. While these reforms were generally successful in replacing communist-era control and oversight mechanisms, they were less successful in altering the makeup, manning and institutional cultures of the organizations themselves. The failure to fundamentally restructure the intelligence community, combined with less than adequate vetting of the post-communist intelligence organizations, probably contributed to the persistence of communist-era institutional practices in the Albanian intelligence community in general and the National Intelligence Service (referred to by its Albanian initials, SHISH) in particular.

As political partisanship escalated in the new Albanian government, members of the ruling party turned to the intelligence community to solidify their grip on power and to limit the ability of political opponents to challenge their control of state institutions. Former

servants of the communist regime discharged from the intelligence services during early SSR efforts were replaced by partisan political appointees recruited from the ranks of the ruling coalition. Albanian intelligence organizations were only too willing to shift their allegiance to these new political masters, returning to roles that they were thoroughly familiar with from the days of the communist regime. Widespread unrest in 1997 following the collapse of Albanian pyramid schemes prompted increasing abuses by state security bodies, including state intelligence organizations. These abuses contributed to renewed calls for reform within the Albanian intelligence community.

The election of a new parliament in 1998 led to a wave of intelligence reform, driven by both the excesses of the past and by continuing Albanian interest in EU and NATO membership. New oversight bodies were established to manage and oversee SHISH and other intelligence activities. New legislation established the mission of SHISH and clearly defined its responsibilities, emphasizing de-politicization of the intelligence service and requiring the vetting and professionalization of the SHISH workforce. The new intelligence charter for SHISH encompassed traditional foreign intelligence and counter-intelligence roles, but also extended to internal threats identified as having national security implications, including terrorism, drug manufacturing, illegal trafficking, and organized crime.

These reforms are ongoing, with varying degrees of success. As an example, allegations of interference by SHISH in the electoral process led to the dismissal of the head of the service following the 2002 Presidential elections. A post-election investigation by parliament into the activities of SHISH was followed by a series of legislated measures designed to further professionalize the service and to preclude its involvement in partisan political activity. These subsequent reforms also confirmed the subordination of intelligence activities to appropriate legal frameworks and strengthened oversight and accountability mechanisms in both the legislative and executive branches of government.

While SHISH has been the focus of most intelligence reform efforts in Albania, similar efforts have been undertaken to reform the other primary intelligence body, the Military Intelligence Service, known by its Albanian initials as SHIU. Recent (2003) legislation has defined the mission and roles of SHIU and clarified its relationship to SHISH. SHIU is subordinated to the Ministry of Defense, which provides oversight and management of military intelligence activities in partnership with the appropriate committees in Parliament.

The Albanian Intelligence Community: Current Status

Despite significant progress in reforming the Albanian intelligence community, questions remain about how effective SSR efforts have been in this area. Parliamentary oversight mechanisms remain rudimentary, a function of the relatively recent transition to genuinely functional democratic rule in the country. Collaboration across Parliamentary committee and agency lines remains problematic, as does the operation of the Albanian

interagency process. While the Constitution and statutory provisions establish judicial oversight of intelligence activities, high levels of corruption in the Albanian judicial system have limited its effectiveness in performing this function. Intelligence oversight by Albanian civil society groups is limited by the nascent status of those groups, by lack of funding for their activities, and by the absence of any non-government organizations focusing specifically on intelligence matters. In general, effective oversight and management of intelligence activities is sharply limited by a long tradition of secrecy regarding the functioning of Albania's intelligence services.

The degree to which institutional culture within Albanian intelligence activities has transcended the repressive and abusive practices of the communist era also remains an issue. Professionalization measures are underway and are comprehensive, but organizational change on the scale necessary is both time-consuming and expensive. The active NATO and EU interest in SSR, especially in the intelligence realm, is undoubtedly helpful, as is the assistance of groups like the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Little information is available on the role of intelligence in policing and law enforcement in Albania. Studies of Albanian intelligence reform have not, for the most part, addressed the relationship between intelligence in a national security context and intelligence in a civil law enforcement context. The very broad charter of SHISH would permit significant involvement of that organization in law enforcement activities by the Albanian State Police and Border Police, the principle bodies involved in civil law enforcement. At least one source has asserted that the Minister of the Interior, who is charged with overseeing the operations of the State and Border Police, plays a central role in advising the Prime Minister on intelligence matters. This would suggest that the line between intelligence and law enforcement in Albania is not well defined.

A Brief Albanian Intelligence Community “Order of Battle”

The primary intelligence agencies currently operating in Albania are the National Intelligence Service (SHISH) and the Military Intelligence Service (SHIU). Both operate as intelligence bodies, SHISH as an independent executive branch agency subordinate directly to the Prime Minister and SHIU as a subordinate agency to the Minister of Defense, who is in turn accountable to the Prime Minister. SHISH is further subject to the authority of the Prosecutor General of Albania in the conduct of its activities, although the nature and intent of this relationship is not entirely clear. Parliamentary oversight of both agencies is provided by the permanent Commission for National Security.

SHISH responsibilities include acquiring foreign intelligence and counterintelligence on issues relevant to national security. The agency is responsible for the comprehensive collection, processing and analysis of intelligence, and for the dissemination and utilization of intelligence products. Its responsibilities also extend to issues related to constitutional

order and specifically encompass a role in fighting organized crime, illegal trafficking, and terrorism.

SHIU has a charter to gather intelligence on threats to national security, overlapping that of SHISH. SHIU focuses on intelligence support to the Albanian Armed Forces. It is directly responsible for supporting Albanian military operations, and for informing the strategic command and policy processes that direct those forces.

Intelligence Capacity Building Partners

The major partners in Albanian SSR include the U.S. government (via the U.S. Embassy and Country Team), NATO and EU. The EU, in particular, is playing a central role in intelligence reform as a component of the ongoing Albanian campaign for EU membership. The EU Parliamentary Assembly has provided specific recommendations for the intelligence component of SSR, which are informing and shaping Albanian efforts. Those recommendations include basing the functioning of intelligence services on clear and appropriate legislation supervised by the courts; appropriately functioning specialized legislative committees supervising intelligence service budgets; conditions for the use of exceptional measures to be laid down by law with precise limits; non-politicized intelligence services that report to policy makers in an objective, impartial and professional manner; maintaining a delicate balance between confidentiality and accountability through the principle of deferred transparency; and keeping legislative bodies informed about changes which could affect general intelligence policy.

The accession of Albania to full NATO membership (Albania was admitted to the organization in April of 2009) is likely to have a significant impact on SSR in general, and on intelligence reform in particular, in Albania. As a full partner in the NATO community, Albanian intelligence organizations, both civilian and military, will be expected to function effectively in a collaborative role with fellow NATO members. It appears likely that both SHISH and SHIU will require significant capacity building and at least some reform in order to meet NATO requirements.

The OECD represents a potentially significant partner for intelligence reform in Albania. Several OECD members have significant SSR programs underway in Albania, and the *OECD DAC Handbook on Security System Reform* (2007) includes specific guidelines and an assessment instrument for intelligence-focused SSR activities. The OECD is also building a standing force of SSR technical experts to assist in the design and implementation of SSR programs.

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