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## Directions of Changes Taking Place in the Polish Secret Service After 1989

### KEY WORDS:

*Secret service, security of the state, intelligence, counter-intelligence, reform, transformation, democratic control, Office for State Protection, Military Information Services, Internal Security Agency, Foreign Intelligence Agency, Collegium for Secret Services*

### Introduction

Secret services are an important element of national security. They are a significant part of the system of bodies of internal and external security as well as the protection of the constitutional order in the state. The activity of secret services is related to the institutions of the executive. This is a relation of continuous nature characterized by permanent relations of secret services with the decision-making circles which, as the only ones, are the administrators of the services. They are the nerve of the system of government. The aim of the services is to obtain or protect the information that is used by the decision-makers to take decisions in the sphere of protecting the national interests, especially those that are aimed at ensuring the state's sovereignty, inviolability and integrity of its territory, creating the proper conditions for active defense and protecting the order described in the Constitution. The importance of secret services in the state always acquires greater importance in case of international conflicts, struggle for power in the state and in other crisis situations<sup>1</sup>.

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<sup>1</sup> S. Zalewski, *Służby specjalne w państwie demokratycznym*, Warszawa 2005, pp. 20–22.

Obtaining information on dangers, analyzing it and then handing it on to the decision centers belong to the main tasks of secret services. The essence of this process is its secret character and poor transparency, even for the agencies designed to control it. The confidential character of obtaining information on dangers is the basis of the methods applied by secret services, which distinguishes them from other public services. Methods and forms of their work, their organizational structure, the staffs employed, directions of their work and a detailed scope of their operational interests are all secret. Secret services make use of the methods of work that are inaccessible to others since they go deeply into the range of civil freedoms and human rights, which requires special control of the state's bodies and the public opinion. In this respect, they are exceptional compared to other state services and they show a permanent tendency to alienate themselves and avoid control of political agencies. This is a universal phenomenon concerning all services. The services in young democracies, which carry the burden of the past, are especially prone to this disease.

## **The concept of “secret service”**

Although the history of secret services is as old as the institution of the state is and their existence testifies to the state's sovereignty, it is considerably hard to precisely define them on the ground of legal sciences and studies of the state. A number of researchers draw attention to this problem, emphasizing that “legislations of a great majority of states avoid not only strict definitions but even using the concept of secret service. Despite this concept being deeply grounded in colloquial language and used in professional terminology, it does not exist in legal language, that is in the formulation of normative acts”<sup>2</sup>.

The first legal act in the Polish conditions where this concept was used were the Rules and Regulations of the Sejm of the Republic of Poland, which was a minor legal act where by virtue of the resolution of the Sejm from 27 April 1995 the scope and competences of the newly appointed body of the Sejm, which is the Special Services Committee, were determined<sup>3</sup>.

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<sup>2</sup> Z. Galicki, *Status prawny służb specjalnych w wybranych państwach zachodnich*, Warszawa 1996, p. 3.

<sup>3</sup> It is composed of nine members chosen according to a special procedure. As the only ones in the Sejm, they have access to the materials holding security classification.

Defining the concept of “secret services” in a precise manner and giving them a universal character are made difficult by the fact that their competences and powers have been shifted onto the police services, which has already become a permanent tendency. What characterizes secret services of the state and what distinguished them from the police services in the past was and still is the fact that they have operational and reconnaissance competences, which give them the right to use such operational techniques as secret surveillance, secret eavesdropping and secret monitoring aimed at finding the perpetrators of crimes against the state’s security. In the past, those were exclusive rights of secret services. Nowadays, the competences of this kind in Polish conditions are granted to eleven public services, both the police and parapolice ones. Hence, besides the following state protection services: Internal Security Agency, Foreign Intelligence Agency, Military Counterintelligence Service, Military Intelligence Service and Central Anti-Corruption Bureau, the operational and reconnaissance competences are already possessed by numerous police and protection services, including Police, Border Guard, Government Protection Bureau, Military Gendarmerie, Fiscal and Customs Police. State protection services use their competences to obtain evidence of crimes aimed at the state’s security and information which is significant from the point of view of the state’s security, which fact principally distinguishes them from other protection services entitled only to use operational techniques to pursue perpetrators of crimes against people’s security and public order.

In the broadest meaning, secret services are all intelligence services, both civil and military ones, as well as other security services whose work is different from the traditional police practice. These are, for example, intelligence agencies and counterintelligence services, both civil and military, special anti-terrorist units and those that fight against drugs, security services concerned with protecting representatives of states, important buildings, economic interests, and special units within the frameworks of the police which combat organized crime<sup>4</sup>.

For the sake of the present paper, we will use a narrower concept of security services, which means those public entities that perform the tasks including only intelligence and counterintelligence. Due to the elite nature of those services and the need to distinguish them from police services, they are usually called secret services.

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<sup>4</sup> *Encyklopedia szpiegostwa*, Warszawa 1995, p. 224.

Intelligence is usually called an organization separated from other bodies of state administration which is specialized in secret collecting of information on other states, analyzing it with the aim of using it in the political, economic or military spheres of their own country. The specific nature of intelligence is directing their activities outside their own country. Thus, intelligence, together with the armed forces and diplomacy, from which it derives, serves to ensure the external security of the state<sup>5</sup>.

Contrary to intelligence, the work of counterintelligence is aimed at protecting their own country from penetration by foreign intelligence. It is an important element of the system of internal security and its task is to combat illegal activity threatening the state's security, mainly by other countries and their secret services. In the "cold war" period the domain of the work of counterintelligence services included classical tasks of combating cases of espionage. At present, though that task is not given up, counterintelligence services are used to fight against the hardest category of international organized crime, especially money laundering, people and weapon smuggling, and the proliferation of weapons of mass destruction, which remains in relation with professionalization of the world of crime which increasingly often makes use of the methods so far applied by secret services.

## **Secret services in communist Poland**

Their task in the conditions of a non-democratic, communist system was to defend the system based on the government of a mono-party. They did not protect the state but the rule of the party. They performed the role of a political police and focused on protecting the political system from internal opponents, which was the society, and they were – besides the communist party, the bureaucratic nomenclature of the state and the army – a political factor of holding the power and a guarantor of the functioning of the autocratic system based on the domination of one political party. They kept the society under surveillance, fought the opposition, took part in suppressing social protests and they bore responsibility for political murders.

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<sup>5</sup> S. Hoc, *Zagadnienia odpowiedzialności karnej za szpiegostwo*, Warszawa 1985; Z. Siemiątkowski, *Wywiad a władza. Wywiad cywilny w systemie sprawowania władzy PRL*, Warszawa 2009.

## Challenges of 1989

In the Polish conditions, both the structure of secret services, determined by ideological and political tasks performed within the autocratic system, and their location in the structures of the power as well as the resulting relations with those in power could not be adapted to the new political conditions that appeared in Poland after 1989. The first non-communist government of Tadeusz Mazowiecki faced the problem or whether to reform the services or liquidate them. His government also had to build from the very beginning the non-existent system of civil control over security services, fit secret services into the governmental decision-making system and, what is more, make them an instrument serving the national and not the party goals. In the field of reforming the services and nationalizing them there were no experiences to refer to. There were only general settlements concerning the formal and legal regulations and the practice situating secret services in democratic countries. The decision was to take advantage of them<sup>6</sup>.

While building new structures of the services basing on old staffs and reinforcing them only in a small degree with new people of the opposition origin, a lot of dilemmas had to be solved which the practice of democratic countries had already coped with. Placing secret services in the state's structures had to involve a compromise between two opposing tendencies, namely on the one hand, securing the continuity and independence of the work in relation to the political factors and on the other, striving to guarantee the political control over those services. Subordinating the services to the executive power, the President, the Prime Minister, the competent ministers and securing the proper influence of those bodies on the work of the services had at the same time to guarantee full freedom for them making it possible to show initiative and responsibility. Distinguishing between military and civil secret services as well as distinguishing between intelligence and counterintelligence as separate services subordinated directly to the head of government meant creating the bodies that would coordinate their activity. That enforced the necessity to create all kinds of inter-departmental structures whose task is management and coordination of the work of secret services on the central level. Finally, parliamentary control over secret services

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<sup>6</sup> Cf. „Przegląd Bezpieczeństwa Wewnętrznego”, Wydanie Specjalne. 20-lecie UOP/ABW, 6 April 2009.

had to be established<sup>7</sup>. All those changes had to be effected as fast as possible, at the same time avoiding too radical moves which could cause “rebellion” in law enforcement agencies. The way of consistent actions changing the face of secret services and the mildest possible form of implementing them were chosen, which corresponded very well with the philosophy of reforms presented by Tadeusz Mazowiecki’s government.

### **A dispute about the model of secret services in a democratic state**

In the first period of a discussion that took place in the Sejm in spring 1990 on projects concerning the changes in secret services, the so-called “zero option” postulate in the services was rejected which was supported by the most radical groups in “Solidarity”. It consisted in complete liquidation of the services of PRL (Polish People’s Republic), dismissing all functionaries employed there and introducing a statutory ban for people of the old regime on working in the new institutions of the state’s protection and public order. Those postulates were connected with the program of general vetting and decommunization. The “Solidarity” radicals remained faithful to this program throughout the 1990’s and after the elections won by Law and Justice in 2005, attempts were made to implement some of its elements in the Military Information Services and in constructing the tasks of the new Central Anti-Corruption Bureau.

Mazowiecki’s government decided to introduce an intermediate option. According to that option, Secret Services were liquidated, the functionaries employed there were dismissed, after having been secured pension entitlements, and new services of the state’s protection were created basing on a part of the old staffs verified by the new authorities and on their organizational and operational resources. It was assumed that a new democratic state needed institutions to protect it and to ensure defense against foreign intelligence penetration and that professional intelligence was necessary to pursue effective foreign policy, which was only possible using the old staffs<sup>8</sup>. It deserves to be mentioned that this

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<sup>7</sup> Z. Galicki, *Status prawny...*, pp. 42–43.

<sup>8</sup> From among about 24,000 functionaries of Secret Services, 14,000 submitted themselves to verification which was successfully passed by 10,439 people. 3,595 former functionaries were rejected. 4,500 out of those that were successfully verified were employed in the new services. P. Piotrowski, *Przemiany w MSW w latach 1989–1990*, Biuletyn IPN 2006, No. 3, p. 53.

way was chosen by the majority of the countries of the old Eastern block, with the only exception of Czechoslovakia.

The authors of the reforms of secret services faced the problem of choosing an organizational model as well as the tasks and competences of the new services<sup>9</sup>. It was decided that the Office for State Protection (UOP) called by a law from April 1990 could not be – to use the words of Jerzy Zimowski, the floor manager in matters of the so-called police laws – “redyed” Secret Service, the political police, the police of thought meant to fight against the opposition. It was supposed to be an office to recognize, detect and prevent external dangers and threats to the state’s security and independence. Its competences were to refer to the crimes enumerated in the penal code as crimes against the state. It was expected to perform the tasks from the sphere of threats to the state and democracy<sup>10</sup>. Therefore, it was to be an operational and information service.

It was also decided that UOP would be an investigation service with procedural powers. The arguments cited by deputy Jerzy Zimowski for leaving procedural powers to the new secret service did not lose any of their topicality as the problem of procedural powers of secret services returns in all discussions on reforming them. According to the advocates of granting procedural powers to UOP, the new services should not only recognize dangers and inform the competent authorities about them, but their tasks should also include pursuing the perpetrators. It was argued that otherwise confusions of responsibilities would ensue. “A certain confusion”, said deputy Jerzy Zimowski, “will ensue and responsibility will get blurred. He who discovered a crime and revealed it should be responsible for the effect of their work; it shouldn’t be so that he who held an inquiry in a wrong manner will say that it wasn’t their fault but the fault of the office that wrongly started the case. On the other hand, the office that started that case can say: we did it right but it is them who were not able to close the case. In this way, the border of responsibility for the essential result of activities would get blurred, too. Hence, we assumed that the Office for State Protection should also be equipped with the possibility of conducting proceedings”<sup>11</sup>. After a discussion it

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<sup>9</sup> The reform was prepared in the government by a team headed by the „Solidarity” vice-minister of the interior Krzysztof Kozłowski, whereas in the Sejm it was a sub-committee for the so-called package of police laws with the leading roles played by two deputies: Jerzy Zimowski (OKP) and Stanisław Gabrielski (PKLD).

<sup>10</sup> A speech by deputy Jerzy Zimowski, „Przegląd Bezpieczeństwa Wewnętrznego”. Wydanie Specjalne. 20-lecie UOP/ABW, 6 April 2009, p. 29.

<sup>11</sup> *Ibid.*, p. 29.

was settled that the new service would jointly perform both intelligence and counter-intelligence actions although there were some advocates of the idea of separating intelligence into an independent agency<sup>12</sup>.

Another issue that was settled pertained to the subordination of UOP. There were ideas to subordinate it to the Minister of National Defense. It was postulated to resign from intelligence and counterintelligence. Their functions were to be taken over by military intelligence and counterintelligence. The discussion also exposed the advocates of subordinating intelligence to the Minister of Foreign Affairs. There were a lot of advocates of the view that it should be subordinated to the Prime Minister and, after Lech Wałęsa won the elections in December 1990, to the President of the Republic of Poland.

Opponents of those ideas argued that this type of offices in the majority of democratic state was placed in the structure of the ministry of the interior. The idea of subordinating UOP to the Prime Minister seemed risky to the authors of the reform. "The possible subordination of the Office for State Protection to the Prime Minister", deputy Zimowski argued, "gives rise to certain political dangers. These are the services of risk and they are exposed to provocation. Each disaster in this kind of bodies would cause a deep political crisis. Hence, in other countries they avoid subordinating institutions similar to the Office for State Protection directly to the Prime Minister's control"<sup>13</sup>. That view prevailed and until 1 October 1996 UOP functioned within the structures of Ministry of the Interior. Then, it was subordinated directly to the Prime Minister, who supervised them through the agency of minister without portfolio called minister-coordinator<sup>14</sup>. Since then, the Minister of the Interior is the central organ of the state competent in matters concerning the protection of public order in the state supervising the Police, Border Guard, State Fire Service and Government Protection Bureau (BOR). Matters related to the state's security became the sole responsibility of the Prime Minister and the Head of UOP.

UOP, created by virtue of a law from 6 April 1990, joined the traditional functions of secret service, including the tasks from the field of intelligence and counterintelligence, and additionally was intended

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<sup>12</sup> J. Widacki, *Prehistoria UOP*, „Przegląd Bezpieczeństwa Wewnętrznego”, Wydanie Specjalne. 20-lecie UOP/ABW, 6 April 2009, p. 21.

<sup>13</sup> *Ibid.*, p. 28.

<sup>14</sup> The minister-coordinator was appointed by the governments of coalition SLD–PSL 1996–1997, AWS–UW 1997–2001, PiS 2005–2007. The government of SLD 2001–2005 and the government of PO–PSL formed in 2007 did not include this position.



to detect and pursue crimes against the state's security and, after the amendment from 1995, its economic basis as well. Moreover, the new service was imposed an obligation to safeguard the state secret, provide cryptographic protection of information which is state secret and which is transmitted by technological means by the state administration. Matters pertaining to UOP responsibility for the protection of state secrets were specified after in January 1999 the Sejm passed the Classified Information Protection Act, which made this service a national security authority in the understanding of the regulations binding to NATO members.

The decision on subordinating the Head of UOP directly to the Prime Minister was a part of a broader reform of the administrative centre of the state which included liquidation of the Office of the Council of Ministers, creation of the Chancellery of the Prime Minister, subordination of voivodes to the Minister of the Interior and formation of the Ministry of the Interior and Administration. Within that reform, Collegium for Secret Services was established in the structures of the Chancellery of the Prime Minister as a competent advisory and consultative body of the Council of Ministers competent in programming, supervising and coordinating the work of secret services, including UOP<sup>15</sup>. The chairman of the Collegium was the Prime Minister and the secretary – the minister-coordinator. That was supposed to be, besides the Sejm Commission for Secret Services, an important element of the democratic system of control over secret services. The tasks of the Collegium include marking the directions of work for the services, providing opinion on their budget and legal acts regulating their work, and examining their annual work schedules. Its composition is of pluralistic character as it includes some members of the government, representatives of the President of RP and the Sejm.

## **The reform of 2002**

The system of democratic control and coordination built since the middle of the 1990's encounters numerous barriers that have a negative effect on its efficiency. One of them is the resistance of the services themselves as they are unwilling to submit themselves to external control and they have a tendency to autonomization and alienation. Other barriers that experts of the problem mention include the requirement of tightness of the services which means protecting the information and

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<sup>15</sup> Cf. *Śłużby specjalne – programowanie, nadzór, koordynacja*, Warszawa 2003.

staff resources at their possession confronted against the requirement of cooperating with other partners existing outside the services. Another problem concerns the statutory responsibility of the bodies supervising the services in the situation of overlapping competences and coinciding tasks performed by various services. This is accompanied by the problem of the workers of coordination and supervision centers who usually descend from secret services or are directly delegated by them and hence they cannot always identify with the tasks of those centers<sup>16</sup>. The situation is aggravated by the reluctant attitude of the highest political decision-makers themselves who are distrustful of secret services, the inability to make use of the result of their work, avoidance of dealing with them and attempts to shift the responsibility for supervising the services.

The events connected with the terrorist attack on 11 September 2001 set new tasks before secret services. In particular, this concerned intelligence organizations which provided the decision-making centers with the information preceding the threats. In the Polish conditions, intelligence functioning in an organizational symbiosis with counterintelligence could not fully perform those tasks. It was too distant from the major governmental holders of its information. Besides, their entanglements in political games during the presidential campaigns of 1995 and 2000 overshadowed the perception of secret services by political decision-makers and the public opinion. All this hastened the process of reforming them. The 2002 reform of secret services was the second complex restructuring in their short history. Its main task was to free the services from political entanglements, make them truly state services, truly secret, without any leakage, with the corporation culture free from the communist heritage and transparent to the public opinion. Their structure and tasks were to be compatible in relation to the allied foreign services. A special problem was the fact that UOP possesses the intelligence component, which eliminated the office from the European Union system of exchange of information on organized crime, including cross-border crime and fiscal offences.

The reform from 2002 was based on the assumption which was not unfamiliar to the founders of UOP and according to which it was necessary to return to the concept of separating the services, break with the Soviet model of secret services and establish an independent intelligence agency.

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<sup>16</sup> S. Zalewski, *Funkcja informacyjna służb specjalnych w systemie bezpieczeństwa RP*, Warszawa 2005, p. 86.

On this occasion, an attempt was made, for the first time in the history of the 3<sup>rd</sup> RP, to upset the military segment of the services, namely the military Information Services, which – after slight cosmetic changes – were the remnants of the military intelligence and counterintelligence of PRL. The new intelligence agency was to join the goals of civil intelligence with the tasks of military intelligence realized by means of operational methods exclusively outside the country. A general assumption, familiar to all secret services, was made that counterintelligence worked within the country, and intelligence outside its borders. Nevertheless, the activity of intelligence in the area of Poland had to be closely connected with its work outside its borders. The use of operational techniques by intelligence within the country could only proceed by means of counterintelligence agencies. This principle, which was not fully observed in UOP, was the reason for numerous pathologies based in the political entanglements of the Directorate for Intelligence of UOP.

The Foreign Intelligence Agency (AW), established by virtue of a law from 29 June 2002, is the legal successor of the Directorate for Intelligence of UOP realizing the tasks of strategic intelligence. The intention of the authors of the reform, AW was to realize, on the model of the German BND, the tasks of both civil and military intelligence. To this aim, a military component from the Military Information Services (WSI) was to be included in its structures. To carry this operation out, the necessary projects of legal acts were prepared and all the necessary activities concerning the staffs and the organization were made. The idea was not carried into effect. The obstacle was conservatism of the military circles, resistance on the part of WSI supported by the Minister of National Defense, who got the backing of the President of RP. Thus, AW remains an exclusively civil intelligence agency.

The armed forces had two intelligence services at their disposal and they competed with each other fiercely. One, placed within the structures of the General Staff of the Polish Armed Forces in the form of the Directorate P-2, realizes the tasks of tactic-operational intelligence, the other, remaining at the disposal of the Minister of National Defense, was situated within the WSI structures. The reform carried out in 2006 by PiS led to a break-up of WSI. Next, after their staffs were verified, two independent services subordinated to the Minister of National Defense were established: the Military Counterintelligence Service and the Military Intelligence Service. The reform did not solve the problem of overlapping competences and tasks realized by the two section of military intelligence.

The specific tasks of AW include those that till the reform had been within the competences of UOP, like cryptographic protection of the connection with diplomatic and consular posts, handling courier post, recognizing and analyzing the dangers in the regions, international conflicts and crises affecting Poland's security, and undertaking activities aimed at eliminating these threats. In other words, AW can undertake and conduct special operations. AW also has the competences to conduct electronic intelligence and contract agreements with other intelligence services of the international intelligence community. It has a separate operational budget deposited on a separate secret NBP (National Bank of Poland) account.

The majority of competences and operational assets of UOP were taken over by the Internal Security Agency. Like its predecessor, it performs operational-reconnaissance, information-analytical and protective-controlling tasks. After a discussion, it kept procedural powers. Its task is still to recognize and counteract the threats endangering the state's security, defensibility, sovereignty and international position, but also to pursue the perpetrators of those crimes. The functionaries of the investigation section have police competences and on the order of the prosecutor's office they conduct preparatory proceedings.

The Internal Security Agency, despite attempts made after 2005 to limit its competences, remains the leading service in the system of national security. Central records of operational interests of secret services as well as coordination of anti-terrorist activities remain within its exclusive competences. Despite the creation of the Central Anti-Corruption Bureau, it still has the right to pursue the crimes of influence peddling. An important entitlement which raises its status is holding the competences of the national security power, within which verifying proceedings are conducted towards people and institutions applying for access to classified information. It issues certificates of security and certifies the devices producing, transmitting and recording classified information. It has supervision over the whole national system of protecting state secrets.

An important element of the reform of 2002 was an attempt to adapt in the Polish ground the British solutions connected with a broad circle of subjects preparing a periodical, agreed upon intelligence analysis on the state's security and prognoses concerning the threats to the external security and the international position of RP. Brought into being for this purpose, the Government Intelligence Community, a consultative-advisory body of the Council of Ministers and headed by the Head

of the Intelligence Agency was meant to prepare for the President of RP and the Prime Minister an intelligence summary agreed upon with the Ministry of Foreign Affairs (MSZ), Ministry of National Defense (MON), WSI and ABW and confronted with the conclusions prepared by other units of state administration outside intelligence. After in April 2004 the Constitutional Tribunal questioned a part of the regulations of the law on ABW and AW, including those referring to the activity of the Community, its work was limited, and after the 2005 elections the successive governments gave up using its analyses and prognoses.

With the aim of strengthening the civil control over the services, the heads of ABW and AW were granted the status of heads of central offices of governmental administration with the rank of secretaries of state. It was decided that they had to be persons from outside the world of secret services who would not be constrained in their decisions by corporation bonds and who would be directly subordinated to the Prime Minister thus bearing political responsibility for their actions. This rule was abandoned after 2005. Functionaries of secret services were made heads of the agency.

## **Changes of 2005**

The process of transformations in the Polish secret services is far from being finished. The changes got hastened after 2005. Dissolution of WSI, creation of CBA and “earthquakes” in the staffs introduced and element of “trembling” within the services, which – according to the government of PiS – seemed too independent and thus uncertain.

## **Between administering and managing secret services**

After 2007 the new PO-PSL coalition began with an attempt to hush the atmosphere surrounding the services. In part, they succeeded in stabilizing the internal situation in the services and soothe the public opinion. Despite the undertaken attempts, the situation in CBA and in military secret services is far from stabilization and normalization. The problem does not refer to the services but the political world and politicians of various options who wish to influence them and who believe that using them they will suppress their opponents. A leakage detected by the media or a contrived accusation are the politicians’ favourite

ammunition, unfortunately provided by the services. The problem does not concern wrong organizational conditions in which secret services work; they are not very different from those in which the services of older democracies work, but the mentality and the political culture of the transition period when the services have to work in Poland.

Since the very beginning, the Prime Minister of the PO-PSL government did not conceal his distrust of the world of secret service; he did not understand them and could not make use of their knowledge. He gave up a possibility of appointing a minister coordinator of secret services. He decided to control them himself. With time, overburdened with the duties of Prime Minister, he transferred this task to the secretary of the Collegium for Secret Services, who, however, he did not appoint as a member of the government, giving him only the rank of secretary of state in the Chancellery of the Prime Minister. Lowering his rank, he weakened his official authority in the eyes of the heads of secret services. At the same time, he announced changing the subordination of the services in such a way that ABW was to be subordinated, like before the reform of 1996, to MSW (Ministry of the Interior). Without waiting for legal regulations, the Prime Minister – by way of an ordinance – charged the Minister of the Interior with current supervision over the Heads of ABW and AW. A variant was also supposed to be considered where AW would be subordinated to the Minister of Foreign Affairs or it would be incorporated, with the rights of a department, directly into MSZ.

After the next elections in 2011, a discussion on reforming the services was resumed. The presidential National Security Bureau joined in. The proposed solutions are not new. They were frequently discussed in the course of previous reforms. They can be reduced to the following questions: Who should secret services be subordinated to? What rights should they possess? Should they be operational or information services? Should they be granted procedural powers, or should they be deprived of them? Who should conduct preparatory proceedings based on the materials in possession of the services?

The discussion on the planned changes shows that a decision was made to return to the solutions that had been earlier rejected, both by the founders of the new services in 1990 and the authors of the reform from 2002. The greatest changes are expected in ABW, which is so far the leading service in the system of the institution of the state's security. Both the government representatives and the President announced deep changes in ABW which are expected to change their character and the area of operational interests. According to those concepts, ABW will lose

some of its competences and it will be directly subordinated to MSW. A part of these tasks will be taken over by the services subordinated to MSW: Central Bureau of Investigation and CBA. ABW is to lose its procedural powers and will not be concerned with organized and economic crime or corruption. It will evolve towards the information-analytic service monitoring terrorist threats and political, ideological and religious extremisms. It is to deal with counterintelligence activity and the protection of state secrets. It is supposed to inform other services in advance on dangers and leave them the task of combating those threats.

Changes are also expected in the Foreign intelligence Agency. A variant based on the British model of subordinating intelligence to the Minister of Foreign Affairs is discussed again. The idea, which was not realized in 2002, of including AW within the military component of the dismantled Military Intelligence Service now returns. A debate is also going on about joining the Military Counterintelligence Service (SKW) with the Military Gendamerie. There are also some advocates of uniting ABW counterintelligence with SKW.

Finally, the lack of any common, agreed upon intelligence analysis became visible. The President's representatives complain about a flow of information from the services in which policy makers have to break though being left with the necessity of free interpretation and confrontation with other sources. The system lacks a professional center unifying scattered information. It is planned to change the procedure of supervising the services. Plans are also made to appoint, besides the Collegium, a unit composed, like in Great Britain, of professional judges who will safeguard the observance of standards of the state of law by the services and who will control their use of operational procedures. The nearest future will show which of these solutions will be implemented.

## ABSTRACT

Secret services inherited from the former system were not in any way adjusted to the conditions of a free, open society or to the created standards of a democratic state of law. The new authorities of the democratic country faced the problem of building their own secret services subordinated to the rules of a sovereign state. It was necessary to choose the way to create them as well as establish their organizational shape, competences and tasks. The idea of a revolution in the services was given up and the intermediate variant was chosen. It was radical in its content but gentle in

form. The model shaped in 1990 was based on dividing secret services into civil and military ones. The former were subordinated to the Minister of the Interior, then to the Prime Minister, whereas the latter – to the Minister of National Defense. The Office for State Protection (UOP) was the service performing the tasks of civil intelligence and counterintelligence. With time, it was granted the competences from the field of combating organized crime aimed at the economic basis of the state. UOP was the leading service in the system of institutions of the state's security. The Military Information Services (WSI) were the old internal services of the armed forces modified only in a slight degree. In the second stage of the reform of 2002, UOP was divided into two separate agencies. Internal Security Agency took over the majority of competences and tasks of UOP. The Foreign Intelligence Agency is responsible for foreign intelligence. Liquidation of WSI realized in 2006 in a rapid manner introduced chaos and disorganization in military services, which till today feel the consequences of the operation performed then. According to the declarations of the government, new reforms await secret services in 2013.

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