



ΕΛΙΑΜΕΠ

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**INTELLIGENCE SERVICES
IN THE NATIONAL SECURITY SYSTEM :
THE CASE OF EYP
OP07.03**

by Pavlos Apostolidis¹

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INTRODUCTION

In February 2006, the Greek Government divulged at a press conference that a large number of Vodafone mobile telephones belonging to members of the Government, the Security Services and others, had been illegally tapped. The ensuing parliamentary and media inquiries included the possible involvement of the Greek Intelligence Service (EYP), but also its handling of the preliminary investigation. The attention focused on EYP was understandable in this context, but it was also ephemeral, as the main issue was the Vodafone wire tapping. Any information published about the overall functioning of EYP was incidental, based on the deposition of its Director to the Parliamentary Committee on Institutions and Transparency.

This study aims to contribute to a public debate about the functioning of EYP and the Intelligence Services in general, in view of the submission to Parliament by the Government of a new draft Law on EYP.

1. The History of EYP

The Central Intelligence Service (KYP) was founded in 1953 and has its origins in the military Intelligence Services (Service for the Protection of the Armed Forces, Intelligence Service of the Commander – in – Chief), which had been created during the Civil war in Greece.

It is perhaps not coincidental that its title is a translation of its U.S. counterpart (Agency and Service are both rendered in Greek by Ypiresia), which had come into existence a few years earlier. The common title “central” refers to the coordinating role that both Agencies wished to play in the handling of intelligence. Otherwise, their missions were different from their conception. The CIA deals with the external threat to the national security of the United States, while KYP is asked to face the internal threat of Greek communism and its ramifications outside Greece (Greek communists abroad). Over two decades, it will approve individual repatriation requests from Greek communists living in communist countries, if it is convinced that they have repented. KYP deals with international communism at the level of analysis or as an espionage threat, like most European Counterintelligence Services. It cooperates with the French, British and U.S. Intelligence Services in the debriefing of fugitives from communist countries, the movements of the Soviet fleet in the Aegean and the capabilities of the Warsaw Pact Armed Forces.

Related to its anticommunist brief are two national issues, Northern Epirus (Southern Albania) and the Macedonian issue. It deals aggressively with the first by sending agents into Albania, in close contact with the CIA, for the overthrow of the Hodza regime. It acts defensively on the Macedonian issue by favoring the freezing of contacts with Yugoslavia, in order to avoid the contamination of Greek Slav speakers by the new germ of Macedonian identity. During the 60's, KYP turns its attention to Cyprus, at first monitoring the activities of the Communist Party (AKEL) and the intra-greek Cypriot tensions. Only after 1974 does KYP focus on Turkey.

As part of its internal responsibilities, KYP gets involved in the political developments in Greece in favor of the Right in cooperation with the Armed Forces and the Police and in the effort to influence election results in order to prevent the Left from acceding to power. The participation of KYP in the deliberations of the second level Committee of the General Staff in 1961, which drafted the Pericles Plan to influence the 1961 elections, was decisive; it submitted the draft and kept the Secretariat of the Committee.

KYP is staffed mainly by army officers in the key positions. They are rightwing, until the election victory of the Center Union Party in the elections of 1963. Many belong to IDEA, a secret rightwing organization. Its first and longest serving Director, Colonel and later General Alexandros Natsinas, was a key member of IDEA. Thus, KYP assumes another, unofficial, role influencing transfers and promotions in the Armed Forces. Many younger officers seek KYP's favour for their personal advancement. The coup leaders of April 1967 take advantage of this influence to recruit among them.

The replacement of rightwing officers by the Center Union and the ill-considered actions by young (army captains) liberal officers who, given a free rein, imitate their rightwing predecessors in KYP, lead to the Aspida conspiracy case. They offer to the King the excuse to write to Prime Minister Papandreou that “a conspiracy is being hatched against him in KYP”.

KYP, as a Service does not play a role in the coup itself, although the coup leaders, Colonels Papadopoulos and Makarezos had in the past held key positions in it. Its new Director, Alexandros Hadzipetros, had belonged to IDEA. Following the coup, however, it becomes the bulwark of the regime and the enemy of its opponents, at home and abroad.

The restoration of democracy in 1974, sees KYP losing its previous influence. The Service abandons its interest in local communism with the legalization of the Greek Communist Party. After the assassination of CIA Chief of Station Richard Welch, it turns to face internal terrorism. Its primary role in antiterrorism will last until the creation by the Police of the Antiterrorist Unit in 1987. The many changes of competences and officers dealing with antiterrorism in this period (the Socialists win the elections in 1981) nullify the valid efforts made to penetrate the terrorist organizations.

Law 1645/1986 is a landmark in the history of the Service. Under its first non-military Director, Kostas Tsimas, it changes its name into the National Intelligence Service (EYP) and is defined as a civilian Service. Tsimas' intention to cease staffing EYP with military and police officers is only partly accomplished. Adequate civilian staff in quantity, qualitatively and with managerial experience is missing. At the same time, transfers of officers to EYP remain part of political patronage.

The collapse of communist regimes during the 1990's diminishes the importance of counterintelligence and of Intelligence Services in general, in Europe and in the United States. The emergence of the threat of international terrorism (Al Qaeda) in the second half of the decade brings them back to the fore. In Greece, EYP is shaken in 1999 by its role in PKK leader Ocalan's entry into and exit from Greece. It fails to avert his entry and does not perform well in the effort to provide him a safe passage abroad in exchange for his consent to travel. It is however debatable if EYP was allowed to make the operational plan and if it was asked by the Government whether it had the operational capabilities and experience to carry it out.

Since 1999, EYP has tried to forge closer cooperation with the Ministry of Foreign Affairs and to enhance its international cooperation with other Services. It has recruited new qualified staff and renewed its equipment, moving to the computer age and training its personnel.

EYP's participation in the security of the Athens Olympic Games involved a substantial percentage of its staff in the three-year period 2001-2004. A new Operations Center, together with an Open Sources Center, helped cover most of the intelligence part of the security effort.

Finally, a new draft Law for the modernization of EYP was put together in 2003, but has yet to be tabled in Parliament.

2. Intelligence Services

Intelligence Services are attributed different competences by States. The main distinction is between internal and external Services. In the Europe of national states, the internal Services historically precede the external ones.

a. Internal (Security) Services

The task of the Security Services has been and is the defence of the State, the Constitution and the government against internal and external threats, which appear on the state's territory (defensive missions). This is the basic difference with the external (Espionage) Services, which are active in third countries and are not allowed by law to operate at home. It is useful to draw this distinction from the beginning, because by understanding the different nature of internal and external Services, states can decide which kind of Service they need.

The need of Security Services independent of the Police is not easily grasped, even by the well-informed citizen. The explanation for their presence is as follows:

- 1) Governments wish to have direct and independent intelligence about the dangers threatening them. Security Services act as an early warning system.
- 2) The independence of Security Services allows a freedom of secret action not tolerated in the Police and promotes the specialization of their staff, who are not subjected to the regular transfers of the Police and the Armed Forces.
- 3) Intelligence from the Police and other government Agencies must be coordinated in order to become more effective.
- 4) On the negative side, governments and politicians cede to the temptation of using the resources of the Services (particularly tapping telephone conversations) for political purposes.

The defensive missions of the Security Services are Counterespionage, counter sabotage, counter subversive action and counterpropaganda. The means they use are:

- a) networks of informers, paid or otherwise, in their fields of interest,
- b) surveillance teams on individuals and places,
- c) technical means to facilitate surveillance and monitoring,
and in some cases:
- d) VIP protection teams,
- e) Teams of antiterrorist operations (the SRI in Rumania, the FSB in Russia)

Security Services may or may not have the authority to arrest, question and detain suspects, depending on whether they are Police Services or not. In France, for example, both Security Services (DST and RG) are staffed by Police Officers (Judicial Police in the first case) and conduct operations against suspects. They are the exception. International practice balances the extended capabilities of the Security Services against their lack of arresting authority.

Historically, Security Services thrived under totalitarian regimes, or regimes that faced major threats. Fouché, The Minister of Police under Napoleon the Great, became famous for his network of informers both in the royalist and the revolutionary camps. One century later, imperial Russia founded the Ochrana to confront its internal opponents. After the Revolution, the Ochrana was succeeded by the Cheka, which adopted the same methods as, for example, that of agents – provocateurs (agents who are instructed to commit actions against the regime, justifying thus the arrest of its political opponents). The Russian Revolution, like the French, also had opponents abroad. Thus the Cheka and later the NKVD, and after World War II the KGB, developed external departments to deal with the neutralization of Russians abroad that the regime considered as threats. These departments became full-hedged foreign intelligence operations. The same system was adopted by the communist regimes of Central and Eastern Europe. The assassination of political opponents remained an acceptable means of faction ever after World War II. The deadly attack with a rain-poisoned umbrella against Bulgarian dissident Georgi Markov by Bulgarian Services in London in 1969 is well known. Attempts to create separate external Services were made by some countries (East Germany with APN in 1951) but failed, because of the power of the Security Services. In Western Europe, Security Services developed after World War II as Counterespionage Services, because of the threat posed to the national security of their countries by the activity of communist espionage. The United Kingdom had acquired external Security Services at the beginning of the 20th century, because of the needs of the British Empire and the Irish Question. The collapse of the communist regimes in the 1990's weakened the espionage threat against Western Europe, and most Security Services recentered their priorities around international terrorism. Several of them had already dealt with internal and Palestinian terrorism in the 60's, 70's and 80's. SISDE in Italy was created in 1977 to fight the Red Brigades and deal with the internal threat against the national security of the country.

In the former European communist countries, the new democratic governments, with western encouragement broke down the former Security Services into two (external-internal) or four (external-internal civilian and military Services) or five (plus a separate technical Service).

Finally, NATO's new out of area missions have created new demands of mission protection to the European Security Services, obliging them to turn their attention beyond national borders to areas like the Balkans and Afghanistan. Some, like the Dutch AIVD, acquired external jurisdiction legally.

b. External (Espionage) Services

The external Services have their roots in the Intelligence Departments of the Armed Forces, for which the French term "Deuxieme Bureau" has prevailed. Their offensive mission is to collect tactical military intelligence at the unit level in order to draw plans and conduct operations and strategic intelligence at a higher level, to estimate the political and economic capabilities of the enemy.

The mission of military Intelligence Bureaus includes psychological operations (propaganda), which aim at boosting the morale of troops and population and breaking that of enemy. Victories are quickly and accurately reported, defeats are masked as much as possible. War plans and operations also provide for sabotage in enemy territory. Sabotage operations require exact intelligence about the target.

The collection of real time military intelligence was made possible by the development of wireless communications in World War I, particularly between ships at sea. This development led to the need to encrypt military communications and those with Embassies abroad. Parallel to cryptography, a decoding effort advanced to read the enemy's encrypted messages. Failing to decode the enemy's communications, military Services monitored the emission of electronic signals (source and frequency) which warn of the enemy's military preparations.

The strategic intelligence missions of military Intelligence Services were transferred to the civilian Services created after World War II. Their goal was wider, because the intelligence sought and their covert action concerned the fight for influence and domination in international relations, particularly in the case of ideological confrontation between powers or blocks. Great Powers with stakes at the world level gave particular attention and funds to their external Intelligence Services. Because of the cost, the effort involved and the limited scope of their foreign policy, the small countries of Western Europe do not have civilian Intelligence Services, only military ones. Portugal and Greece are the exception, the first because of its colonial past and the second because of the threat from its north and later from the East. The recent experience of Central European Countries which divided their previous single Security Service into external and internal ones, tends to highlight the difficulties for small-medium states to develop effective external Services.

It is by far more difficult to create an effective external Service as compared to Security Services. Inside one's country it is easy to have access to a suspect's particulars, to approach him, to wire his house, to monitor his communications. The authority of the state helps to recruit informants, and a failed approach does not carry risks. Because all these tasks are more difficult and risky abroad, espionage requires officers who can improvise and devise, with language skills and extended general knowledge. All this, for a state salary and with the prospect of a double life, with no preferential treatment or guarantee. Recruiting is facilitated when the state is threatened, as in the case of war, or if a Service has a high reputation (Mossad and MI6).

Apart from the quality of its officers, the prestige and influence of a state abroad is a crucial factor in recruiting sources. A Service needs to spend considerable sums of money for sources and intelligence. On top of the financial side, the ability of a Service to offer other perks, as a visa, a residence permit and a job or a new identity, is a recruiting factor.

The creation of intelligence collection networks abroad also requires the cooperation, support and cover of other state actors and in the final analysis, the active interest of the state to collect intelligence.

Apart from human sources (Humint), intelligence collection depends on technical sources (SIGINT and PHOTINT). The monitoring of international or foreign communications demands technical expertise which must be developed nationally, as it is not on the market and is not offered by other more technologically advanced Services without a substantial return. It also demands considerable investment, which is never guaranteed to produce the desired results. Sigint intelligence is exact but fragmentary. It often requires immediate exploitation, but its reading, translation and interpretation take time. The most well known international Sigint cooperation is the UKUSA agreement (USA, United Kingdom, Canada, Australia, New Zealand). Airplanes and satellites are most often used for photographic intelligence (Photint).

The external Services of the bigger states develop their own reconnaissance and support capabilities abroad, (for example, for the evacuation of Embassy personnel and ones own nationals in case of internal strife). For the smaller Services it is more feasible to initiate the cooperation with the intervention units of the Armed Forces. A related mission is the supervision of the security of Embassy premises and personnel.

Secret diplomacy is another possible area of Intelligence Service involvement, if states wish that 1) contacts are kept secret, 2) the official state (Ministry of Foreign Affairs) is not committed to the contacts. Such Service involvement usually occurs with non recognized states or with terrorist organizations or for the negotiation of the release of hostages.

States prohibit external Services by Law to operate within their own borders. The explanation is that the restrictive rules for Security Services which are instituted for the protection of citizens' rights, do not apply to them. A few exceptions exist (the German BND has been recently allowed to follow terrorism suspects entering Germany).

c. Political Responsibility for the Services

The Minister to whom a Service reports by Law

- a) assumes the political responsibility for the actions and missions of the Service
- b) gives political directions to it
- c) usually enhances his influence within the government

In Europe, Security Services are under the Minister of the Interior (who also controls the Police) or Justice (signal of greater impartiality and control). External Services are under the Minister of Foreign Affairs (unity of external policy) or Defence (emphasis on cooperation with the Armed Forces). In our neighboring States, FYROM and Bulgaria (Rumania), the internal Services are under the Prime Minister and the external ones under the President. In Albania, SHISH answers to the Prime Minister but its Head is

appointed by the President. Obviously, these choices are related to the balance of power between the two offices.

The military Intelligence Services answer to their natural bosses, the Ministers of Defence and so do most Services monitoring communications (NSA, GCHQ). There is a problem with single Services with external and internal remits, because no Minister has the legal authority to cover both of them. Spain, one of the few countries with a single Service, has put the CNI under the Minister of Defense, while in Turkey, MIT answers to the Prime Minister. In the case of Greece, EYP has moved from the Prime Minister to the Minister by the Prime Minister in 1986, then to the Minister of the Interior and in 2001 to the Minister of Public Order, in the framework of coordinating the antiterrorist effort (Nov.17) and the security of the Olympic Games.

3. The Intelligence Cycle

The American bibliography on the CIA is perhaps the only academic analysis of the place and value of intelligence in the national security system of a state. The analysis systematically refers to the cycle that intelligence must cover in order to be fully exploited by a state's decision-making process. The description of the cycle is roughly the same by all authors. The meaning of the cycle is that even if one stage is not completed, the intelligence is not exploited.

The basic points of the cycle are three and are valid for both the external and the internal Services. They are the collection, analysis and distribution of intelligence. Some add at the beginning of the cycle the orientations for the kind of intelligence that the "clients" of intelligence require and, at the end, their comments on the value of the intelligence they have received.

The term "client" denotes the government Departments interested in receiving intelligence, which as a rule, are the Ministries of Foreign Affairs and Defence for external intelligence, the Ministry of the Interior (Public Order for Albania, Greece, Cyprus) for internal intelligence. The Prime Minister's office is usually a client for very important intelligence. The clients are responsible for the National Security of the country, and Services are mandated by them to collect intelligence on national security issues. The term national security is not defined in legal texts, it is however, a wider concept than public (State) security which relates to the internal legal order. National security is defined by each country according to its goals and the threats against it, as it perceives them.

A. Orientations

The clients of the Services let the Services know what kind of intelligence they need. This requirement is greater for the external Services, because of the vast amount of third country activity relating to one's national security. It is less for the internal Services, which automatically deal with the threats against the internal legal order i.e., espionage, terrorism, organized crime etc. In their case, government orientations may have a negative effect, if they limit the range of issues they can investigate. By giving orientations government agencies are morally obliged to assist the Services budget-wise or in other ways. Orientations may be given orally or in written form, following or not proposals by the Services. They are usually issued at the beginning of the year or with the approval of the budget. They must be long-term if they cover new areas of intelligence collection, because reorienting one's intelligence collection effort and particularly recruiting human sources needs depth in time. An Intelligence Service is able to interpret the government's external policy positions by itself and to surmise its priorities. However, the absence of orientations may lead to a lack of coordination and the waste of human resources.

Orientations or guidelines are issued by the competent Minister. Coordination of intelligence, particularly if there are more than one Services in a country, is a related issue, because even if the coordination concerns the briefing of the Government about the incoming intelligence, a response to the kind of intelligence received is also a guideline. Coordination can be achieved by an individual or a Committee. In the U.K. a committee formed by the Heads of the Intelligence Services produces joint intelligence. The Head of a Service may also act as coordinator (the Director of the CIA was, until the creation of the office of the National Security Coordinator, the coordinator of all US Intelligence).

Apart from the overall coordination of Intelligence Services, a number of countries has introduced sector coordination, particularly in antiterrorism after Sept. 11, 2001. In France, for example, UCLAT (Unité Coordination Lutte Antiterrorisme) is under the Minister of the Interior and brings together all Services and Departments engaged in antiterrorism, including the Intelligence Services.

B. Collection

Intelligence collection has already been mentioned in chapter 2. It is self-evident that an Intelligence Service without valuable intelligence for a country's national security cannot justify its existence. Although 90% of the intelligence of the external Services comes from open sources, that is the media, the internet, public statements etc, it is the 10% of secret intelligence collected that creates the added value of the Services. Without secret intelligence, external Intelligence Services would not differ from Institutes of foreign policy analysis. The equivalent for a diplomatic Service would be to rely solely on the media for its country reporting. External Services seek intelligence about the national security of the target country. It is precisely the intelligence that the target country wants to protect. Intelligence is collected by covert action, through either Humint or Photint sources.

The collection of Humint is the mission of agents², sent abroad under diplomatic cover. These agents collect intelligence by secret action directly, or through local sources. Sources might create networks of subsources. The diplomatic identity protects the agent from arrest and prosecution, if he is uncovered. Sources on the other hand are not protected.

Services which cooperate often exchange Liaison Officers who act as a channel of contact and intelligence exchange between them. The practice of the Services differs as to whether Liaison Officers are allowed to engage in secret action.

² For the purposes of this study, the word "agents" denotes career officers, while those recruited by them are called sources of informants.

Finally, some Services use unofficial agents (illegal residents) who settle in the target country under a false identity and are harder to detect. The NKVD, later the KGB, made extensive use of illegal residents in the past. The drawback of these agents is that if arrested, they face espionage charges.

Contrary to human sources, technical ones do not run a detection risk because they usually operate from a distance. They may, however, be uncovered if the recipient state decides that the political gains from the publication of a particular intelligence outstrip the negative consequences of informing the target that his communications are being monitored.

Another Intelligence Service capability, the wiring of places is risky at the installation stage but not during its running, because even if the "bugs" are found, their identity cannot be proved. Finally, photographic and electronic intelligence can be very risky if carried out by airplanes or ships close to enemy territory or territorial waters. Such were the cases of USS Liberty, fired upon by Israeli aircraft during the Yom Kippur war, the USS Pueblo, seized off the coast by North Korean warships in 1968 and the NSA Orion airplane, forced to land in China by Chinese fighters in 2001.

Security Services also use open sources in targeting illegal activity which threatens their country's national security. But they rely mainly on human and technical sources. While they do not run the risks of external Services, the infiltration of terrorist or criminal groups often carries the danger of execution for the agent or informant, if he is discovered (Palestinians working for Shin Bet, Irish agents for MI5).

Legislation differs among countries as to whether an agent is allowed to infiltrate a criminal group and participate in crimes. In Greece, Law 2928/2001 (amending the Penal Code and the Penal Procedure Codes) allows participation under certain conditions.

C. Analysis

Raw intelligence collected by Intelligence Services, needs to be processed before distribution to clients. The stages of processing intelligence are: a) the assessment of the source and the particular intelligence and b) analyses and estimates. The rating of a source is based on the relationship between it and the Service (paid, controlled), the reliability of the intelligence it has provided in the past and its access to intelligence. The assessment of intelligence is done against other similar intelligence and the archives of the Service. Analysis is the compilation of a mass of intelligence on a specific issue from which conclusions are drawn and estimates are made. In many Services, analysts are scientists who do not engage in covert action but only in intelligence analysis.

The correct assessment of sources and intelligence and the accurate analysis of intelligence determine the seriousness and the professionalism of a Service. Processing intelligence has an additional purpose, the protection of sources. If raw intelligence is distributed, a leak reveals its source, with whatever social or legal consequences for it.

The revelation of a source also embarrasses and damages the reputation of a Service vis-à-vis its other human sources. But even if the danger of a leak does not exist, the distribution of raw intelligence is meaningless, especially for Security Services, if it does not contain specific information (i.e. the case of a terrorist attack, the place and time of the attack and/or the identity of the terrorists). Security Services have the obligation to find these details before distributing the intelligence. In some countries (the USA after Sept. 11), the view has prevailed that all intelligence on terrorism must be immediately transmitted to the intelligence community, in case other existing intelligence can verify it.

D. Distribution and Exploration

The distribution of processed intelligence to the government agencies that take decisions on national security closes the intelligence cycle. Intelligence Services do not make decisions, nor do they negotiate. Their role is terminated with the distribution of processed intelligence. However, there are Security Services with an executive authority which may proceed to arrest suspects.

For distributed intelligence to be fully exploited, the following must be taken into account:

- 1) The recipient should be a decision - maker. If intelligence is distributed at the level of officials, they must participate in the decision – making mechanism on national security matters.
- 2) Intelligence must correctly mark the degree of confidentiality and priority. Many Services tend to give high confidentiality and priority to all their reports, in order to protect their sources, because the assessment takes time or because of an expiry date. The result is that clients get accustomed to such overrating and cannot discern when important intelligence reaches them.
- 3) Recipients must have strict security rules for the transmission and storage of documents and messages, as leaks from them shake the trust of the Intelligence Services and force them to restrict the volume of intelligence they distribute.
- 4) Recipients must trust the Intelligence Service assessments. If they do not and reprocess intelligence, they annul the work which preceded distribution. As recipients do not have equally good mechanisms or the experience to process intelligence, they are more likely to make a bad assessment. The development of mutual trust between Services and their clients is helped by personal contacts between respective officers.

E. Comments on distributed intelligence.

It is useful but not indispensable for Services to receive comments from their clients on the intelligence distributed to them. Comments can be made in writing, in the form of answers to a questionnaire attached to intelligence reports or periodically sent or informally, through personal contacts and by seeking clarifications. This procedure helps Services to orient their collection mechanism and to assess the product of their sources.

4. Oversight of the Services

While the coordination of the Intelligence Services aims to increase their effectiveness, their oversight assures the legality of their actions. The oversight which prevails today in democratic states is mainly parliamentary and it is exercised through a Select Committee of the Parliament or the Senate (Belgium). The Heads of the Services usually appear before the Committee at the beginning of the year to give an account of the previous year's activities and to present the new year's programme. They may or not be accompanied by the competent Minister. The Committee may invite the Heads of Services to appear before it at any time and to answer questions about actions or omissions of their Services which come to its notice. The approval of the programme of the Services contributes to their bipartisan support, which if achieved, has a positive effect on public opinion and deters them from politically coloured actions. The identification of problems may lead the Parliamentary Committee to propose legislative or other amendments to their statutes.

Apart from political oversight, most democratic states have established judicial oversight for the Security Services. This is usually limited to the granting of requests to monitor communications of persons (lifting the secrecy of communications) and covers the totality of State Agencies with a similar authority.

The European directive for the protection of personal data, allows the exemption of Security Services from it, accepting that the invocation of National Security is of primordial importance. Several member states have adopted the exemption when transposing the Directive into national legislation. Where the protection of personal data includes the Security Services, it constitutes an additional control mechanism.

The duration of the mandate of the Heads of Services can be classified as another oversight method. Many states limit by legislation their mandate to one term of 5 to 6 years. In doing so they accept that too much power may be amassed by long-serving Directors. The 5-6 period commonly found intends to overlap the parliamentary mandate. The approval of the appointment of a Head of Service by a Parliamentary Committee is another possible oversight procedure. It brings to the surface their qualifications – or the lack of them – and their overall suitability. The role of the Heads of Intelligence Services is fundamental for the legality of their actions, both in approving proposals and in resisting illegal requests by governments.

5. The Situation of Intelligence Services in Greece. Proposals

1. External, internal or Single Service

EYP is the only autonomous, in the hierarchical sense, Intelligence Service in Greece. The joint Directorate for Military Intelligence of the General Staff as well as the Second Bureaus of the three Armed Services deal with external Intelligence. The Ministry of Foreign Affairs collects external intelligence by overt action, but does not have a specialized Direction of Intelligence, like the State Dept (Department of Intelligence and Research).

On the internal side, the Direction of State Security collects general police intelligence, the Antiterrorist Branch of the Police collects terrorist-related intelligence and the Second Bureau of the Coast Guard collects intelligence related to its competences.

EYP was founded as a Security Service to stave off the threat of local and external communism. It changed its focus after 1974, but it remained an all-purpose Service dealing with internal and external threats. The political debate about the kind of Intelligence Service Greece needs, with consequent decisions about means and personnel for EYP, never took place, not even during the drafting of Law 1645/1986 of EYP. The Service remains responsible for external (political and military) and internal intelligence collection (counterespionage, counterterrorism), the security of internal communications and external Sigint. This competence is so wide, that it is impossible for EYP to cover all sectors efficiently. This multicompetence creates confusion among EYP's priorities and about the kind of personnel and means it needs. It is necessary for the political parties to be aware of the current situation, so that they can decide if they wish to maintain a single Intelligence Service.

2. Political Responsibility of EYP

A single Service, if it is not under the Prime Minister, raises the question of Ministerial competence. EYP was brought under the Minister of Public Order in 2001 to help his coordinating role against internal terrorism and for the Security of the Olympic Games. This linkage leaves EYP's external competence without a corresponding political responsibility. At the same time, the new arrangement has contributed to the increase of the presence and influence of the Police element and therefore to the decrease of EYP's independence from the Police.

The post 2001 arrangement has brought to the fore the parallel competences in the field of terrorism between EYP and the Antiterrorist Branch of the Police, without achieving a closer coordination between the two. It has also not favoured EYP's budget, because the Police, as the "big brother", naturally attracts the Minister's attention and combativeness vis-à-vis the Minister of Finance. An Intelligence Service devoting more than 90% of the budget to fixed expenses is limited in its actions, as it lacks flexibility.

3. The Intelligence Cycle

a. Orientations

It is generally accepted that, in Greece, public sector planning is deficient. It might therefore, be too ambitious for EYP to seek annual five-year or ten-year orientations from her "clients" for intelligence collection. Less ambitious targets can be achieved, by the participation of EYP in planning meetings on major issues at the Ministries of Foreign Affairs, Defense and Public Order, where orientations and goals are debated and decided.

b. Collection

The collection of intelligence abroad by covert action requires a) capable, trained and multilingual agents willing to make a career in covert action, b) proper technical means. The existing system of recruitment and transfers abroad in EYP does not take properly into account the correct selection criteria, and as a result EYP has few such agents. On the other hand, the collection of external intelligence with technical means requires a technology which is not found commercially and needs considerable funds if it is to be developed at the national level. In the past, EYP could rely on the NSA to provide Sigint capabilities. The collapse of communist regimes in the Balkans resulted in the vertical decrease of NSA's interest in the collection of Balkan intelligence from Greek soil. Therefore, the transfer of Sigint technology to EYP in the future might be in jeopardy.

c. Processing intelligence

The efficient processing of raw intelligence requires

- a) tight procedures to control human sources and their handlers. Giving lie detector tests like the CIA might not be practical for EYP, but existing procedures can be improved,
- b) complete and easily accessible electronic files. EYP managed to convert in electronic form its files on persons before the Olympic Games. However, the past practice in EYP where many considered the files as their own property and either carried them off or destroyed them when they left the Service must not be allowed to resurface.
- c) able and qualified analysts. It has never been discussed and decided whether an analyst's job is different from that of an operational officer, and if yes, whether EYP must create two distinct branches. In the past there was a tendency, which has not disappeared, for EYP to engage civilian personnel for office work, that is as analysts, and to use as operational agents Police and Armed Forces officers detached to the Service. These officers, however capable (there is an alarming trend among Ministers to choose politically correct officers and not the most suited for their mission), stay for a limited period and are transferred back by the time they have acquired the operational experience.

d. Distribution

EYP distributes intelligence to its "clients" at the official level and only exceptionally at the political one. This tactic protects its intelligence better, but it also hides the identity of the intelligence, as the official level often absorbs it and presents it as its own. A clear

distinction between specific intelligence needed at the official level and analyses or estimates which must be addressed to Ministers is perhaps in order. In general, a better understanding is needed of the needs and the functioning of EYP's clients.

4. Oversight – Coordination

EYP's new draft law, which has been ready for four years now, includes a provision for the Parliamentary oversight of the Service. Thus this issue will be solved when and if the draft Law is tabled and approved by Parliament. At the same time, EYP has started an ongoing dialogue with the Authority for the protection of personal data and the Authority for the protection of the secrecy of communications for the application of the provisions of their corresponding Laws, without undermining EYP's efficiency. Finally, the question of the length of the mandate of the Director of EYP and the concentration of power of his office, have not arisen in practice after the restoration of democracy in Greece in 1974. Most EYP Directors have left before the termination of their mandates.

On the coordination of intelligence, the situation is as follows:

EYP has by Law a coordinating role for the intelligence on the security of the state (art.6 of the Law 1645/1986 and Presidential Decree 360/1992, art.6). A Council on Intelligence is provided for. It is convened by the Director of EYP and includes the Head of the General Staff's Joint Military Intelligence Directorate, a representative of the Ministry of Foreign Affairs appointed by his Minister, and two representatives of the Ministry of Public Order. Others can be invited depending on the agenda. A joint Coordinating Committee under the Assistant Director prepares the Council deliberations. The two bodies pool intelligence and make recommendations on national security issues. In practice, these recommendations have no follow-up if political decisions are needed, because Ministers do not feel bound by the recommendations of the Council. What is missing is the link with a higher political entity, which can make decisions on the recommendations of the Council on Intelligence. The link with KYSEA (Government Council for External Affairs and Defense) which inherited in 1996 the authority of the Council of National Security, is theoretical. KYSEA does not deal with Intelligence meets at irregular intervals

Even when EYP was all powerful and the recommendations of the Council carried more weight, a joint Ministerial Decision of the Ministers of National Defense and the Interior in 1956 had created a higher Coordination Council in Athens under the Undersecretary of the Interior and local Coordination Councils under the Prefects.

In the field of antiterrorism, EYP and the Police Antiterrorist Branch also lack an institutionalized and regular coordination. Issue to issue coordination is up to the Minister of Public Order or to the Director of EYP and the Chief of the Antiterrorist Branch or the Chief of Police. Operational coordination between EYP on one hand, the Direction of State Security, the Aliens Dept, the Joint Military Intelligence Directorate of the Armed Forces and the Second Bureau of Coast Guard, functioned only before and during the Olympic Games. It is evident that institutionalized coordination on National Security intelligence does not exist in Greece, either at the political or at the official level.

EPILOGUE

It is difficult for small states, like Greece, to have efficient Intelligence Services. The combination of qualified personnel, sufficient means, government interest, intelligence and political oversight is hard to achieve. Between internal and external Services, the second are more demanding. Their separate existence is justified only if small states face external threats. This is the reason why the majority of small states in Europe have Security Services and leave external intelligence to their Military Intelligence Services.

Greece has adopted (like Spain) the concept of a single Service, more in order to avoid the creation of several Services with the corresponding expenditure and less because a single Service was chosen as the model that best suited the country's needs. A single Service is not without advantages, as that of better coordination of its external and internal branches (i.e. in facing international terrorism). If the model of a single Service is preferred by the Government, it is possible – if the political will exists – to introduce measures which will improve its efficiency. A confidential discussion on the present and the desirable functioning of EYP is a prerequisite for these measures. The discussion must also include the basic principles of Greek foreign policy, to identify foreign policy priorities and threats. Is Greece interested, for example, in recruiting or training Arab speaking intelligence officers to serve in the Arab countries?

The examination of the internal competence of EYP should cover the priorities of the government's anti-crime policy and the division of tasks between EYP and other Services or Departments with similar competences.

The government's coordination on matters of national security is more important and is attainable, at least conceptually, through the creation of a flexible political coordinating body. At the official level, the daily coordination between EYP and the Ministry of Foreign Affairs would be facilitated by the creation of Direction of Intelligence in the latter, which would liaise with EYP (perhaps by extending the remit of the Direction of Planning and Analysis). On counterterrorism, operational between and the Antiterrorist Branch must be institutionalized. Meetings on external terrorism should include the Ministry of Foreign Affairs (many Departments dealing with terrorism geographically or functionally) and Military Intelligence.

Whatever measures are adopted, EYP will not deliver timely and accurate intelligence unless it is protected from political pressures. Unfortunately, we have moved from the militarization of KYP before 1974 to its politicization (together with the Armed Forces and the Police) after the restoration of Democracy.

It is understandable that Governments wish to dispose of an Intelligence Service that they can trust, but their intervention must limit itself to the appointments of the Director and the Assistant Operational Director. This is the case with the US and European Intelligence Services. Beyond these nominations, intervention becomes patronage. The worst upheaval was caused in 1989 -90, when the PASOK government appointed 400 officers and employees in EYP, only have them transferred out of the Service by the

ensuing New Democracy Government. Many among them returned to EYP when PASOK came back to power after the elections of 1993!

Patronage is also routinely exercised in the detachment of Police and Armed Forces officers to EYP. It is sought by officers because of the comforts of posting in the capital, office hours and extra pay. It is awaited by political parties because it offers the opportunity to reward officers faithful to the party or to individual Ministers. The result is that EYP rarely chooses and does not often receive officers with the qualities it needs. What is more, their loyalties remain with their Branch of the Armed Forces or with the Police, on whom they continue to depend for promotions and transfers. Another disadvantage is the short duration of their detachment to EYP, three to five years on average. As they are often appointed to top posts, particularly in relation to antiterrorism and counterespionage, they rob civilian personnel and EYP of the necessary experience and memory.

There are two solutions to this problem; either that the practice of these detachments is discontinued and EYP recruits the necessary civilian personnel to replace military and police officers, or that the German BND example is followed, of permanently detaching officers to EYP, after a trial period. In the latter case a complicated legal amendment would be necessary.

The personnel upheaval after elections if a new political party comes to power, has in the past also caused the destruction or the disappearance of sensitive EYP files. The explanation of this phenomenon is, on one hand, that officers involved in politically motivated operations remove the relevant files, and on the other hand, that incoming administrations assault these files with a vengeance, seeking to prove, on the flimsiest excuse, the wrongdoings of the former occupants. But, the files are the memory of an Intelligence Service. Without a memory, a Service loses the ability to compare and assess intelligence.

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