

Oversight of security and intelligence services in republic of Bulgaria

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Abstract

This paper provides critical assessment on the oversight of security and intelligence services in Republic of Bulgaria. It examines the functioning of the state as a mechanism of control and balances and the specifics of oversight that should be exercised over security and intelligence services. The author outlines the founding principles that shall apply to the oversight activities. Suggestions are given for improving the system of parliamentary oversight of security and intelligence services. The study proposes an improvement of the model of the oversight of security and intelligence services in Republic of Bulgaria. The study clarifies the shortcomings in the existing system of oversight of the security and intelligence services and proposes institutional and legislative measures to address them. The research is limited to the control over the security and intelligence services in the Republic of Bulgaria.

Key words: intelligence, oversight, national security.

Introduction

2022 Russian invasion in Ukraine revealed the lack of correct assessment by the Bulgarian government of the probability of such an event. This issue is directly related to the intelligence community's ability to gather and/or analyze the intelligence data to ensure the right decisions of political leadership.

Issues related to the examination of possible intelligence failures usually get lost in the labyrinths of the intelligence cycle. Thus, it is difficult for the government and society to find out how to counteract the risk of such failures.

The intelligence cycle involves at least collecting, analyzing and presenting the information gathered. The possibility of oversight by the society, parliament and the government of this process is quite limited. At the same time, it is of utmost importance for the state leadership to assess correctly whether an eventual failure is a result of cognitive (lack of collected information) or organizational deficiencies. The answer to this question could help the state in promoting proper measures in overcoming the deficiencies and improving the activities of the intelligence and security services.

Even more important, oversight of intelligence and security services shall prevent a number of other adverse effects arising from the specific competencies these bodies possess – related to violations of human rights, shadow influence on the political system, repression over the political opponents, encapsulation of special services, as well as the risk of “hostile” takeover of special services by a political, business or criminal structures.

The proper assessment of these risks requires research on the existing and perspective forms of oversight of intelligence and security services.

The object of this study is the oversight of security and intelligence services in the Republic of Bulgaria. In this paper, the notions “security and intelligence services” and “special services” are used interchangeably and refer to the following Bulgarian institutions – State Agency National Security, State Intelligence Agency, Military Intelligence Service and National Service for Protection.

The author's research thesis is that an effective oversight over the activities of special services is a precondition for overcoming the information deficit in intelligence activities. Only the implementation of real, permanent preventive, current and follow-up control shall enable the intelligence services to carry out their information and analytic functions in compliance with the law and in a way that benefits society and institutions.

Results and Discussion

Need for control over government

Public governance is an activity of authoritative influence on the citizens. It should meet two fundamental criteria – to be performed in strict compliance with the law and to be useful (efficient and effective). The exercise of control over the public governance aims to ensure its lawful and correct conduct. Needless to say, the lack of effective control almost inevitably leads to abuse of power and mismanagement.

For this reason, one of the fundamental functions of the rule of law is the establishment of robust mechanisms counteracting these risks. Modern state represents itself a complex mechanism of checks and balances between different institutions. The activities of state institutions are subject to specialized, hierarchical, internal, parliamentary, judicial and civil control aiming to create effective tools for prevention, discontinuing and sanctioning of any illegal and/or improper conduct.

The most important illustration of this paramount principle on which state authority is constructed today is the separation of the sovereign state power into three independent functions – legislative, executive and judicial.

In addition to that initial separation molding the modern state, significant portion of government activities is the performance of the oversight function. Within the administration itself the control is carried out both at a hierarchical level (from the superiors to their subordinates) and through internal control (by internal specialized administrative structures). Additionally, the Council of Ministers exercises a general oversight of administration. The financial control is exercised by the Agency for State Financial Inspection, control over the spending of funds by the National Audit Office, control by the prosecutor's office for criminal prosecution of criminal acts, etc. Last but not least, the court exercises control over the legality of the actions of the administration and the administrative acts it issues.

Control over government activities is not a new concept. Aristotle in "Politics" (Aristotle, 1998, p. 152) points out that the best form of government is "mixed constitution", where different classes participate in government by reason of exercising mutual control. Later Polybius emphasizes the need of oversight in Book 6 of "Universal History". Polybius believes that any political system established by one generation, gradually degenerates and goes through the following cycle: monarchy, kingdom, tyranny, aristocracy, oligarchy, ochlocracy, democracy, heroism (power of violence). Polybius is a proponent of gathering all the qualities of the different governments so that neither takes precedence over the other and they control each other.

Until the Late Middle Ages, the separation of powers was mainly understood as balancing the exercise of power between the different classes through their elected or appointed representatives. For this reason, in antiquity and in the early Middle Ages, collective representative bodies (National Assembly, Senate, Council of Boyars, etc.) were representing the interests of a particular class, not as today – the interests of all citizens.

The idea of ensuring legal governance through balance and control between the various state functions was originally formulated by John Locke (Locke, 1980, pp. 75-76) as division between legislative, executive and federal power (which includes the power to declare war and form alliances). However, Locke did not develop in details the philosophy of this separation. Additionally, in Locke's mechanism the judiciary was not mentioned in it at all.

The modern triad, the separation of powers into "executive-legislative-judicial", was defined by Baron Montesquieu in "For the Spirit of Laws" (Montesquieu, 1989, p. 156).

Montesquieu's idea is fundamental to the modern state. The ideas for deterring state power, through control over it, led not only to the separation of powers into legislative, executive and judiciary, but also to the existence of various other forms of control over state governance.

Types of oversight on administration in Bulgaria

The functioning of a democratic state today is subject to various forms of control, with varying intensity and different legal effect. It is important to review the different methods of control as these solutions are in disposal of the modern state in regard to the intelligence and security services oversight.

In brief, the oversight is performed through civil (public) control, control by the representative bodies, administrative control (carried out hierarchically or internally), through the prosecutor's office or through the judiciary. None of the forms of control alone is sufficient, which is why the control should be exercised through all forms as they complement each other.

Public or civil control is both control over the state activity itself and control over those bodies that should exercise control. It is implemented through the activity and exercise of rights (access to information, complaints and signals, requests, opinions and proposals, expression) by citizens, media and NGOs. The civil control is of utmost important in a democratic society insofar as it creates the necessary transparency in the operation of public administration bodies. Transparency is the most serious enemy of abuses of law (Leigh, 2004, p. 92).

The control of the representative bodies is carried out by the directly elected by the citizens bodies of state government – National Assembly, president, Municipal Council, mayor.

National Assembly exercises legislative power and exercises parliamentary control – Art. 62, para 1 of the Constitution. Parliamentary scrutiny is comprehensive insofar as it concerns both the legality and appropriateness of the administration's actions in all matters of government. This kind of control is exercised both by the plenary panel and by the committees established at the National Assembly. Parliamentary committees may oblige all officials and citizens to appear before them and provide certain information. Each Member of Parliament has the right to address questions and inquiries to individual ministers or to the Council of Ministers, to which the latter are obliged to answer. Parliament elects and dismisses the Council of Ministers and ministers.

Administrative control is carried out as a part of overall activity of the state administration. In the first place, this is the control exercised by the Council of Ministers, which has the authority to exercise the general management of the state administration, according to Art. 105, para. 2 of the Constitution, controls the individual ministers, both in view of legality and in view of the correctness of the decisions taken by them.

Apart from that, Bulgarian law provides also specialized administrative control performed by specialized bodies or their units, which perform control functions.

The internal administrative control is carried out within an administration, in which there are separate units that oversight different aspects of the administration activities.

Public prosecutor's control is exercised through the actions of the prosecution for annulment of illegal acts, according to art. 127, para 1, item 5 of the Constitution, where it is stated that the prosecution *undertakes actions for annulment of illegal acts. This means referring to the higher administrative body or the court, insofar as the annulment of illegal acts can be done both by the higher administration, by the order of hierarchical control, and by the order of judicial supervision, by the courts.*

Judicial supervision resolves with res judicata effect the administrative disputes (between citizens and administration or between different branches of administration).

Specific risks requiring oversight of intelligence and security services

The competences of the intelligence and security services (State Agency for National Security, State Agency for Intelligence, Military Intelligence Service, National Security Service) are in the field of the protection of the national security of the Republic of Bulgaria. Their functions and responsibilities overspread on all levels of security – individual, group, national, regional and global.

The exercise of their functions requires the implementation of various activities and assignment of specific competencies, the exercise of which may affect to a significant impact on the citizens rights. Oversight of those activities aims to ensure that the special services will carry out their activities to ensure the national security of the societies that have established them in an effective way, without violating the laws of the state.

In detail, the oversight of special services should take into account the following specific risks:

a/ Risk of human rights abuse. Special services have the power to exercise coercion and to intrude into the legal sphere (privacy and restriction of liberty) of the citizens. They services have the right to surveillance, eavesdrop, track, record, search, seize, access to persons' correspondence, etc. In exercising these rights, special services have relative operational autonomy in deciding when to take such action. This allows for serious violations of human rights. There have been many cases in which special services have monitored and harassed citizens exercising their right to freedom of expression. In its most extreme form, this manifested itself in the communist countries, during the Cold War, the persecution of political opponents was one of the inherent functions of the special services. But human rights abuses are not unique to the activities of the communist secret services. For example, in 2021 in Bulgaria it was found that in 2020 State Agency National Security, eavesdropped on hundreds of protesters against the government of Boyko Borisov, on the groundless pretext that the protesters were preparing a coup.

b/ Risk for the political system. Abuse of the powers conferred on the special services could in the long run lead to the domination of the security services (Georgiev, 2011, p. 69) over other state bodies, and hence to the violation of the law or elaboration of their own priorities without the consent of the politicians;

c/ Risk of takeover. Despite the fact that there are legal guarantees for the independence of the services, they are insufficient to prevent the possibility of influence by the political leadership, party or criminal structures on them. These distortions manifest themselves in two directions, and their existence virtually deprives the state of the protection that the security services must provide:

- subordination of the intelligence and security services to a particular political, party or criminal circle;

- subordination of the intelligence and security services to the government to the extent that they serve to the government's wishful thinking, providing government with the reports the latter would like to receive;

d/ Risk of encapsulation and creation of internal parallel normative system to which the personnel are subject instead of the normative acts adopted by the legitimate political institutions. In encapsulated organizations horizontal and vertical dependencies between employees, rather than the law establishes itself as the main regulator of interactions within these institutions. Encapsulation also prevents the government and the parliament from obtaining the true picture of the problems and deficits in the intelligence community thus preventing the adoption of appropriate counteractive measures to overcome these problems and deficit;

e/ Risk of violation of the requirement for secrecy in the activity of the services. The need for secrecy of certain operations and activities in order to achieve the objectives of protecting national security;

All these considerations make it difficult to decide what kind of oversight should be exercised over special services. There is no universal model to be applied, as the solutions differ due to the extremely wide variation of political cultures and practices (Gill, 2020, p. 1). The first four considerations support the understanding that there is a need for tighter control on special services. However, the fifth consideration is extremely important insofar as if the secrecy of the activities of the special services is violated, they will be incapable of carrying out their activities in connection with the collection and analysis of information and counteracting national security risks.

Finding the proper balance between the need for secrecy and the need for oversight is in the heart of the national security debate in Bulgaria. Usually opposition parties are the main proponents of oversight and transparency. But political practice in Bulgaria reveals that when opposition parties

become ruling ones, security services reforms fall out of their priorities as the fear that transparency and accountability can lead to major breakthroughs in the national security system take prevalence. The security services themselves are also not very enthusiastic about greater transparency and accountability on the same reason.

On the opinion of the author the discussion regarding the functions of special services in a democracy should be based on the following principles:

1. Legality. All the activities performed by security services shall be performed in accordance with the prescriptions of the laws and the laws shall explicitly provide the competences of the security services. The principle includes the existence of effective legal remedies against violations on disposal of the citizens concerned.

2. Transparency. The special services shall work in the public interest and the public shall be aware of their activities. This includes at least transparency regarding the performance of the services. For example, the strategic analyses of the intelligence agencies shall represent and information to which the whole society should have access and would benefit greatly from it. Another piece of this information should be classified. Providing access to more information, in addition to raising public awareness, will also mean greater public scrutiny of the quality of intelligence product.

3. Civil authorities, i.e. the bodies of political representation shall decide what the services should do and the services shall decide how to do it. Independence of services in choosing how to carry out their functions (e.g. military – how to carry out the information assigned to them, eg intelligence – how to collect, analyze and present information) is a paramount principle in relations between security services and politics.

4. Public, parliamentary, judicial and hierarchical control over the services, including maximum representation of political parties and institutions concerned.

5. Cooperation between services

6. Term of office of the heads of the services.

7. Control over the services should lead to the establishment of *“effective democratic and civilian control, through the introduction of a system for the formation, management, monitoring and control of security policy that meets the requirements of transparency, efficiency and accountability”* (Georgiev, 2011, p. 69)

Oversight of security services in the Republic of Bulgaria – de lege lata and de lege ferenda

The legal framework on the control of the security services is set in the Constitution, although the security agencies are not explicitly mentioned there. The Constitution provides the control activity as a fundamental authoritative function embedded in the very nature of the institutions, their competencies and their procedures. The examples of it are the parliamentary control of the National Assembly (Art. 62), the general management of the state administration of the Council of Ministers (Art. 105, para. 2), the functions of the court (Art. 118) and the Prosecutor's Office (Art. 127, para. 5), the rights of citizens to exercise control by seeking, receiving and disseminating information (art. 41 para 5), as well as the competence of the ombudsman to protect human rights (art. 91 a).

The framework law on the national security system management – The Management and Functioning of the System for Protection of National Security Act, states in Art. 21 the following – *“Parliamentary, administrative, judicial and civil control is exercised over the activity of the bodies and structures of the system for protection of national security”*.

The control over the security services is also regulated in the structural laws for the individual services – the Law on the State Agency for National Security, the Law on the State Intelligence Agency, the Law on Military Intelligence and the Law on the National Security Service.

These laws provide for similar control mechanisms in general – control by the legislature (best developed in the Act on State Agency of National Security (Bulgarian abbreviation – DANS) and Act on State Intelligence Agency (Bulgarian abbreviation – DAR), to a lesser extent – in the Act on Military Intelligence (Bulgarian abbreviation – SVR) and almost absent in the Act of the National Service for Protection (Bulgarian abbreviation – NSO), control by the Council of Ministers (for all

services except NSO), control by the president (competent to appoint the heads of all four security services, after a proposal (for NSO – coordination) from the Council of Ministers), internal control (hierarchical and specialized, in the form of inspectorate or inspector, to SANS, DAR and SVR), judicial supervision by the courts.

The control over the services is carried out in the following directions:

- a/ providing a clear mandate and powers to the services;
- b/ control over the appointment of the head of the institution;
- c/ control for legality of the actions of the services;
- d/ control for expediency of the actions of the services;

The control over the services is carried out by the following bodies

1. Oversight by the National Assembly

All democracies and rule of law provide for parliamentary scrutiny of the security services. Parliamentary control exercised both by the plenary panel and by the committees. Also, some jurisdictions provide additional oversight performed by an independent body, appointed by the parliament.

Direct parliamentary oversight

a/ National Assembly in the Republic of Bulgaria exercises its authority through the laws and through the budget it adopts

Laws on intelligence and security services, including those on the budget, should clearly define the objectives, functions and powers of special services. Laws must specify the threats to national security that special services should counter and the powers that special services have in order to carry out these functions.

The creation of a clear mandate for the competence of the special services is a guarantee that they will not act outside their competences and be entrusted with uncharacteristic and unconstitutional tasks that serve interests other than national security.

Although legislative activity in the strict sense cannot be defined as an oversight activity, the author finds it as enough important to be described. The legislative decisions on the structure, functioning and competences of special services should be the result of understanding the functions and problems of special services, information on which should be obtained through the control that the legislature exercises over the services. Unfortunately, this is not the case in practice – reforms are not carried out on the basis of such perceived needs, but usually are a result of the desire of political factors to control the special services as an instrument of power. Precisely due to the lack of effective preliminary current and subsequent control of the National Assembly over the special services, it is difficult to find any conceptual line in the amendments to the laws regulating special services.

b/ National Assembly controls the direct activity of the services through the Commission for control over the special services

The powers for control are specified in Art. 22 of The Management and Functioning of the System for Protection of National Security Act, according to para. 1 of which the National Assembly exercises control over the activities of the State Agency for National Security, the State Agency for Intelligence, the Military Intelligence Service and the National Security Service through its Permanent Commission.

The heads of the State Agency for National Security, the State Agency for Intelligence, the Military Intelligence Service and the National Security Service are obliged to appear at the invitation of the National Assembly or its committees, in accordance with their subject of activity, and to provide them with the requested information in compliance with the requirements of the Classified Information Protection Act.

Art. 23 of the Management and Functioning of the System for Protection of National Security Act provides that the National Assembly, through a permanent commission, monitors and controls the activity of managing and spending the funds.

Most democracies and rule of law provide for a special commission to exercise this control. The reason for this is the fact that members of the committee should have access to classified

information, which not all members of parliament have. There is usually a broad representation of the opposition in this committee, in view of the maximum representation of this control.

The mechanisms for exercising parliamentary control may be insufficient (Born, 2004, p. 282-283). For this reason, some of the democratic states have established an additional oversight, performed by a special appointed body, accountable to the parliament

Additional oversight

MPs do not always possess the special knowledge for the effective exercise of the oversight. Additionally, the oversight of intelligence and security services is definitely not the only activity carried out by parliamentarians – they are often members of other committees alongside to other their responsibilities in their activities as MPs. Last but not least the work of the commission itself is carried out in meetings held over a period of time.

For this reason, in some states the effective performance of the parliamentary oversight is reinforced by an additional permanent body of administrators who perform comprehensive oversight of intelligence and security services.

In Belgium, this oversight is exercised through the so-called Committee on the Control of Security Services (Committee I), composed of three experts (including members of the judiciary and persons with significant administrative experience) appointed by Parliament, supported by permanent administration. Committee I is competent to investigate the activities of the Belgium security services.

The scope of this oversight includes every aspect of intelligence and counterintelligence activities. In particular, the control is exercised over the legality (control over the observance of the applicable normative acts), the efficiency (control over the efficiency of the special services) and the coordination (mutual coordination of the work of the special services). The activities of this body are public and include the relevant administration, which conducts investigations on behalf of Committee I. Control over Committee I is exercised by two parliamentary committees – the lower and upper houses of parliament, which may commission Committee inspections I.

In Germany, control is carried out by several commissions. First one is the Parliamentary Oversight Panel, which is responsible for overseeing the activities of federal intelligence services, which may require the submission of detailed information by the federal government on the general activities of federal intelligence services and operations of particular importance.

This commission appoints the so-called Commission G 10, which shall decide on the necessity and admissibility of restrictions on the inviolability of correspondence, mail and telecommunications and eavesdropping, where these must be carried out by special services or by investigative services (See Miller, 2016, from p. 264).

Other countries in the European Union have also adopted a model where parliamentary scrutiny is complemented by scrutiny by a specific committee like in Greece, the United Kingdom, the Netherlands, Portugal and Sweden (Directorate General, pp 91-95). In most events, these bodies consist of officials non-members of parliament, but there are also committees consisting of both parliamentarians and non-members of parliament.

Of certain interest is the scope of oversight exercised over the services. Undoubtedly, permanent oversight is much more appropriate insofar as it allows for ex ante, ongoing and ex-post oversight, as opposed to parliamentary commission oversight, which can hardly be other than ex-post oversight.

The laws of different countries do not go into detail about the nature of this control, so as not to put limitations on it. It is a control of both the legality and the effectiveness and efficiency of the actions of the special services.

Specific provisions have been adopted where the authorities have the power to approve the use of certain measures restricting citizens' rights, as well as to approve specific operations to be carried out by the special service.

The activities of these special bodies are carried out under the oversight of the parliament.

The question of what information can be presented to parliaments is also an important feature of the oversight function.

Information can only be provided to persons with access to classified information. In order to have access, the principle of “need to know” must be met, i.e. access to information is conditioned by the fact that the person’s functions require him to receive this information. There is also information that cannot be disclosed, given the restrictions that the director of the service may impose, as is the case in Bulgaria.

In this regard, it is risky to provide top-secret information to a wide range of parliamentarians, regardless of their right on access to classified information. However, in different countries, this access may be granted to all Members of Parliament, but may be limited, as in the case of Belgium, where parliamentarians do not have access to much of the classified information. However, in Belgium, such access is available to Committee I persons. That demonstrates another advantage of the solution of control over special services through a specialized body nominated by parliament.

2. Control by the executive power

The Council of Ministers carries out the general management of the state administration, defines the directions of work of the special services. This is also done through the Council of Security, specialized collective advisory body of the Council of Ministers. The Council of Ministers, in its capacity as the “general manager” of the state, is the main assignor of the activities of the special services and as such should exercise control over the activities of these services.

Apart from that, the Council of Ministers proposes to the president the appointment of the heads of SANS, DAR and SVR. At the same time, he has the right to a conciliatory opinion on the appointment of the head of the NSO. The Council of Ministers also appoints the deputy heads of DANS and DAR.

The Council of Ministers exercises control over the activities of the services and coordinates their activities through the Council of Security.

3. Control by the president

The president as head of state is always one of the consumers of intelligence information in both presidential and parliamentary republic, (Rascoff, 2016, p. 236 et seq.). Republic of Bulgaria is a parliamentary republic (Article 1, paragraph 1).

Bulgarian constitutional model, however provides to the president certain competences that prevent government’s monopoly on executive functions. For this reason, the president has substantial competences in the field of governance of the national security system, though in the strict sense they do not constitute an oversight.

In the first place, the president, together with the government, appoints the heads of intelligence, military intelligence and the State Agency for National Security, and the head of the National service for Protection.

Secondly, the security services provide the same volume and content of information to the president of the Republic of Bulgaria, the Speaker of the National Assembly and the Prime Minister.

Although not formally an overseeing body, the president obtains a detailed view of security services activities, which allows him/her to influence the work of the services in cases where the president exercises the power to appoint their executives.

Ombudsman’s control

The Ombudsman is a senior official, a public defender who promotes and defends human rights and fundamental freedoms. It receives and investigates complaints and signals of violations of rights and freedoms from state and municipal bodies and their administrations, from persons entrusted with the provision of public services, as well as from private entities and checks the received complaints and signals.

The capacity of this institution may be used predominately in connection with complaints of illegal wiretapping or other human rights abuses by intelligence and security services. Given the fact that the ombudsman submits an annual report to parliament, reporting important human rights issues, this institution can influence the public and legislative debates for correcting shortcomings in the legislative and functional ground of intelligence and security services.

5. Control by the judiciary

It includes control over those powers of the security services, related to the restriction of the rights of the citizens, control over the labor and official legal relations, as well as criminal or administrative prosecution for committed crimes. The court also awards compensation for damages to those who have suffered such as a result of illegal actions by the intelligence and security services.

Judicial control of intelligence and security services concerns the legality of their actions. It is to some extent limited by the fact that some of the competencies of the special services are exercised under the conditions of operational autonomy – meaning that the services possess a wide discretion whether to perform them or not. Notwithstanding this limitation, control over the legality of the actions of the services is not limited.

6. Public prosecutor's control

Public prosecutor's control is exercised both in the field of criminal and administrative law.

In the field of the criminal law public prosecutors direct the investigation, bring and maintain charges against the perpetrators of the criminal offence, according to art. 127, para 1, item 1-3 of the Constitution.

In the field of the administrative law the prosecution may perform before the court actions for annulment of illegal acts, according to art. 127, para 1, item 5 of the Constitution.

7. Internal administrative control

It is carried out both by the head of the service and through an internal unit (inspector, inspectorate), which exercises control over the activity, over the specific procedures and requirements for its implementation. The implementation of this control is a basic precondition for the existence of the control by the National Assembly and the Council of Ministers, of the judicial control and of the public control. There are such units for internal control in all security services.

Internal administrative control is an important element of the supervision of the activities of the services. It has the advantage of being carried out by persons well acquainted with the actions of the service. At the same time, its disadvantage is the fact that when a group of individuals works in the same structure, specific horizontal and vertical relationships and dependencies are created between them, which do not always allow for effective control. A significant shortcoming of the Bulgarian internal administrative system of control in this regard is that the chief oversight officials (the head inspectors of the institutions) are directly subordinated to the heads of the intelligence and security services.

8. Public control

An informed civil society is essential for the democratic oversight of the intelligence services (Born, 2004, p. 287). It is carried out by the citizens, the media and the non-governmental organizations, which have as their subject the activity of the research of the issues related to the national security and the activity of the bodies for protection of the national security. This control can be carried out by persons who are not specialists in the field – citizens and journalists, which requires the relevant special services to clarify in a language accessible to all citizens the goals, means, functions and activities of special services, which increases transparency in their actions (Caparini, 2004, p. 180).

As for the control carried out by the non-governmental sector, its participants are specialists in the field of national security, which in turn contributes to the high quality of control over this activity, which control, although informal, also contributes to legitimate and quality activities. of special services.

According to Art. 24 of The Management and Functioning of the System for Protection of National Security Act, the citizens and their organizations exercise control over the system for protection of national security within the framework of their statutory rights.

Paragraph 2 provides for the Council of Ministers to establish an advisory mechanism for the participation of representatives of non-profit legal entities whose statutory objectives are related to the protection of national security, in discussions or drafting of regulations, reports and other documents on issues of competence of the Security Council in compliance with the Law on Access to Public Information and the Law on Protection of Classified Information.

Conclusions

Oversight exists both in states with authoritarian and democratic political regimes. Otherwise any security and intelligence agency could be described as a 'state within a state' (Gill, 2020, p. 1).

Legislative approaches for the oversight of security services are specific in each state as they reflect the evolution of the relation between politics and security services. Though, every democratic state has established such oversight mechanisms.

The main disadvantage of the Bulgarian model of oversight is weak and ineffective parliamentary oversight. The oversight of intelligence and security services cannot be exercised through a parliamentary committee, that meets in a few weeks, consisting of MPs with no experience who combine this oversight with a number of other obligations.

The lack of such oversight is a significant problem in the protection of national security, as it prevents the analysis on the intelligence and security services real capabilities and shortcomings.

Although special services should not engage in political activity, they influence the political process, through the advice they provide to politicians, regarding the decisions they have to make. This interaction, on the one hand, gives the advantage of informed decision-making by politicians, but on the other hand, creates an opportunity to influence on political decisions favorable to the structures from which the advice is sought.

It is necessary for politicians to be well acquainted with the work of special services in order to be able to identify attempts at such influence. Such influence can be registered in the reluctance of the representatives of the services to be subject to tighter control. The arguments against such control are legitimate – so as not to violate the principle of secrecy in the work of special services, but at the same time reduced oversight could lead to concealment of violations or omissions in their work.

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