The Ability of Russia’s Federal Security Service to Influence the Executive Through its Apparatus of Seconded Employees

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Abstract

The French statesman Count Mirabeau once said about then-state Prussia that it “is not a state that has an army, it is an army that has conquered the nation.”¹ With some irony, we can apply this statement to the situation in modern Russia by modifying it in this way: Russia is not a state that has a security service; it is a security service that has been ruling the nation. Russian Federation as the successor of the Union of Soviet Socialist Republics (USSR), takes much from the latter in terms of the instruments and the means used by its security agency – the Federal Security Service or the FSB (Federalnaya Sluzhba Bezopasnosti). Despite formally proclaiming a democracy, Russia has saved many of the USSR’s “best practices” in state governance, which cannot be considered genuinely democratic. In this article, we look at the FSB’s historical prerequisites and present-day legal bases for using its officers seconded to other government entities and conclude its role concerning Russia’s executive branch.

Introduction

There is the presumption that the Federal Security Service (Federalnaya Sluzhba Bezopasnosti) (FSB) of the Russian Federation has significant power to influence Russia’s executive branch through its seconded employees. Given the excessive secrecy of Russia’s security and intelligence agencies, it is not easy to examine their activities. To prove or refute such presumption, this article will review the State Security Committee (Komitet Gosudarstvennoy Bezopasnosti) (KGB) documents regulating the use of ciphered officers who operate within the USSR’s executive branch. It also will examine open-source information about similar activities in Russia’s Federal Security Service, and the current legislative mandate of the latter to work in the manner of the KGB. Based on an analysis and comparison of this information, this research will conclude the FSB’s ability to influence the executive through the Apparatus of Seconded Employees.

The KGB’s Historical Legacy of Acting Reserve Officers (AROs)

The first examined KGB document is the Instruction of December 24, 1958 on working with so-called AROs seconded to ministries and governmental agencies.¹ This instruction leads to several conclusions: KGB officers were present within the USSR’s executive branch to protect state secrets and maintain the regime. KGB’s practice of sending its officers to governmental agencies was already active at least near the time of the document’s issue. The abovementioned instruction established and defined AROs’ legal status, giving them guarantees during their service while ciphered.

Another considered KGB document is the Regulations of October 12, 1982 on AROs.² The Regulations expanded the AROs’ scope of responsibility beyond the 1958 Instruction. While the 1958 Instruction assigned AROs to deal only with secret information within targeted entities, the 1982 Regulations authorized AROs to operate in a broader range of counterintelligence domains. Both documents pointed out that AROs had to remain ciphered while delegated to other entities. The leaders of targeted organizations knew AROs’ membership in the KGB because they had to consent to the seconding.

The 1982 Regulations tasked AROs with:

- Maintaining the safety of state secrets
- Countering ideological subversions
Carrying out agential penetration in the adversary’s secret services and anti-Soviet centers abroad

Revealing and suppressing the adversary’s intelligence-subversive activities and detecting spies and so-called agents

Detecting, as well as thwarting and suppressing, those holding hostile intentions or conducting anti-Soviet activities

Procuring information that is important for the state or of interest to the KGB

Helping the leadership of the organization where they are clandestinely present and conducting so-called preventive work there.

Since adopting the 1982 Regulations, AROs became integral forces among the operatives in counterintelligence units of the KGB’s central and regional bodies. The KGB institutionalized AROs by defining AROs’ status and broadening their mandate in the regulations. AROs had two legal sources of power in targeted organizations: That authorized by the KGB and that from the organizations themselves. It is significant to remember here that one of the tasks assigned by the KGB to the AROs was to help leaders of targeted organizations.

As illustrated, AROs gave the KGB much power within the targeted organizations. It could use or even misuse the power to affect many, if not all, aspects of organizational activities. During the Soviet era, AROs became a well-practiced and influential instrument not only to deal with counterintelligence but also to spread the KGB’s influence beyond the traditional boundaries of tradecraft into targeted organizations. Evidently, the KGB considered such an instrument valuable: The practice of seconding AROs to other organizations continued for thirty-three years until the collapse of the USSR. After the dissolution of the USSR in 1991, the 1982 Regulations continued to hold validity for some time in newly independent states formed within its former borders. For example, the regulations remained classified in Ukraine until 2013 and are still inaccessible to the public in Russia. Interestingly, in 1993, then-president of Russia Boris Yeltsin issued a public order to remove some high-ranking AROs, generals, from Soviet ministries and other organizations that were transformed into Russian ones. Those entities were the Administration of the President of Russia, Apparatus of the Council of Ministers - the Government of the Russian Federation, the USSR’s State Commission on the Use of Airspace, the USSR’s State Commission on Radio Frequencies, and the USSR’s State Committee on the Agro-Industrial Complex.

There is another indication that the practice of seconding existed after the collapse of the USSR within its former territory. That is the Ukrainian President’s Decree of 2004 on Additional Measures for the Further Democratization of Society and Strengthening of Civilian Control over the Activities of Law Enforcement and Intelligence Agencies of Ukraine.
the Decree, the then-president of Ukraine, Leonid Kuchma, ordered the Security Service of Ukraine (SBU), Ukraine’s Foreign Intelligence Service, and other law enforcement and intelligence agencies to recall its officers from civilian entities. He commented on his order to the press and claimed that recalled officers were AROs, most of whom had worked for the interests of their outside organizations rather than for the SBU.7 The order recalled the AROs from Verkhovna Rada’s (the Parliament) apparatus, the President’s Administration, the Cabinet of Ministers’ Secretariat, the General Prosecutor’s Office, the National Security and Defense Council’s apparatus, and other central executive authorities.

The sufficient attribute of the KGB legacy is its personnel. People who worked for the KGB are bearers of its tools, tactics, principles, and methods. It would not be surprising if former KGB officers continued using them in the FSB. The interim FSB Director, Alexandr Bortnikov, started his career in the KGB in 1975; all his deputies are also former KGB officers.8 The previous FSB Director, Nikolay Patrushev, who served in that position from 1999 to 2008, began in the KGB in 1974.9

The FSB’s Legislative Fundamentals to Use Seconded Personnel

Russia’s Parliament, the Federal Assembly, adopted the Law on the Federal Security Service in 1995.10 The law defines the FSB as the unified centralized system of bodies ensuring the security of Russia. It directly gives the FSB the authority to second its officers to state and nonstate organizations regardless of the types of their ownership while retaining such officers in military service.11 The consent of the leaders of targeted organizations conditions the dispatch of AROs, which, in turn, predefines a special confidential relationship between seconded officers and the leaders of outside organizations. The legal provisions mentioned earlier remain in the same sense as in the 1958 Instruction and the 1982 Regulations, both of which refer to AROs. The current regulations of the FSB adopted by the Russian president in 2003, namely, provision 43, mention the FSB’s unchanged authority to dispatch its officers to outside entities.12

Articles 6 and 13 of the Federal Law on Operative-Investigative Activities grant the FSB the right to conduct covert or clandestine operative-investigative measures. They are: Asking (opros); making inquiries (navedenie spravok); studying objects and documents; observing; identifying personalities; inspecting premises, buildings, structures, terrain, and vehicles; controlling postal items, telegraphic and other messages; eavesdropping; wiretapping; infiltrating; controlling delivery; obtaining computer information and other measures. If necessary, the appropriate body can authorize the FSB’s seconded officers to engage in any of these activities. It provides enormous opportunities for seconded officers within the targeted organizations and in relation to their staff.
In their book, Historian Yuri Felshtinsky and former KGB officer Vladimir Popov argue that the institution of AROs, as created, was the main KGB instrument for seizing state power in the USSR. They suggest that over time, it was renamed the Apparatus of Seconded Employees (ASE) in Russia, but the goal remained the same – to seize power. While the phrase ‘seize power’ may be too extreme, the authors do convey the overall objective of the KGB and, later, the FSB, which is to increase its influence within state power structures through similar instruments.

Open-Source Information Reveals the Continuation of Seconding in Modern Russia

Sometimes, a tiny blunder may reveal significant secrets and help a researcher learn more about the subject matter. In 2012, an employee of the Office of the Plenipotentiary Representative of the President of the Russian Federation in the Volga Federal District made an apparent mistake. They posted on a web page of the Representative the biography of a then-new officer of their office. Although they deleted it quickly, many Russian media outlets spread the information broadly. In the biography records of Alexandr Drozhzhin, there were notable mentions of his previous work and relevant positions. Two of the records contain the FSB entity name – the Apparatus of Seconded Employees Seconded to State Authorities, for which Alexandr Drozhzhin worked from 2007 to 2009 and from 2009 to 2012. The same records also contain the names of targeted organizations: The Apparatus of Plenipotentiary Representative of the President of the Russian Federation in the Central Federal District and the Administration of the President of the Russian Federation. A third record indicates that Alexandr Drozhzhin in 1991-2012 served as an FSB officer simultaneously with his tenure in both state bodies mentioned above. Thus, the records provide crucial evidence that the FSB, like the KGB, still clandestinely places its officers into civilian state bodies. It is valid for two levels of state power: Federal and regional. Some implicit information in other normative-regulatory acts in Russia corresponds to the FSB’s seconding authority. For instance, the FSB’s interim order on access to state secrets explicitly includes “servicemen, belonging to the apparatus of the FSB’ employees, seconded to the objects.”

One can encounter information about FSB officers working for state and nonstate entities in Russian media or from the public resources of independent researchers or civil activists with the assumptions that such officers belong to the Apparatus of Seconded Employees. For example, a Russian civil activist Oleg Artyushenko posted, as he argues, texts of several letters from a former FSB employee addressed to his fellow officer – Vladimir Putin, the president of Russia. In one of the alleged letters, Putin’s colleague mentioned the inefficiency of ASEs. It seems unusual that the researcher does not provide copies of the letters, only their texts.
The Dossier Center, a project of the Russian oppositionist Mikhail Khodorkovsky, published an article about the FSB’s seconded employees.\textsuperscript{18} If one studies every piece of supporting material in the Dossier Center’s writing, they do not find solid evidence-based information for the purpose of this work. Thus, the Dossier Center refers to the letter to Putin posted by Oleg Artyushenko, which can not be considered sufficiently reliable. Much other so-called evidence relates to people who worked for business entities and had overtly recognized FSB backgrounds. This could have meant that they kept working for the FSB while dispatched to an outside organization. There was also an even chance that those people were just ordinary FSB reservists or had neither of those two statuses. It is necessary to make an important remark here. The 1982 Regulations prescribed that AROs had to work clandestinely and should not reveal their membership in the KGB to anyone except leaders of the targeted organizations; this use of the need-to-know basis is understandable as a necessary element of mission success. To cover KGB seconded officers, the abovementioned document provided for creating so-called legends for them – fictional life paths, biographies, and even fake identities – all supported by specially forged documents. Provision 4.13 in the Regulations stipulated the course of action for AROs who compromised themselves, requiring their recall to the appropriate KGB unit for investigation.\textsuperscript{19} It is unlikely that the FSB has abandoned these clandestine approaches to seconding its employees, and it has almost certainly retained the right to recall individuals who have unjustifiably compromised themselves.

In December 1999, then-prime minister of Russia Vladimir Putin, who had served as FSB Director just before his premiership, made a speech in the FSB headquarters on the Day celebrating the Russian Federation’s security bodies’ employees. He uttered significant words for the research at stake in this article: “The group of FSB employees seconded to undercover work in the Government of the Russian Federation is successfully coping with its task in the first stage.”\textsuperscript{20} Despite being humorous, his use of security service parlance reflects his understanding of the FSB’s secondment nature and respective process.

Russia’s Security Council, the FSB, and the Federal Government in the Ensuring Security Field (ESF)

The federal government, other federal executive bodies, and the executive bodies of the subjects of the Federation are integral parts of the united system of the executive of Russia.\textsuperscript{21} The Russian president has much power to influence the executive.\textsuperscript{22} Obviously, the president cannot exercise power alone. In dealing with many issues, the president has special bodies that assist him or her.

There is the Security Council of the Russian Federation (SCRF), which must be created and function in accordance with the highest law – the
Russian Constitution. Having come from the KGB, the interim Russian
president pays much attention to security issues and, consequently, the
SCRF. The Russian president chairs the SCRF, which consists of
permanent and ordinary members; only permanent members have voting
rights. The current SCRF includes thirteen permanent members, including
the interim FSB’s director. Two former FSB directors, Vladimir Putin, and
Nikolay Patrushev, are the chair and the secretary of the SCRF,
respectively; both are also permanent members. However, another two
permanent members also have a KGB background. The SCRF is
responsible, among other issues, for defining the vital interests of
individuals, society, and the state and identifying internal and external
threats to them; they also develop the main directions of the strategies to
ensure the security of Russia and organize the preparation of federal
programs to support it. Additionally, the SCRF develops proposals to
coordinate executive authorities’ activities when implementing adopted
decisions in the security field and evaluating their effectiveness. As is
evident, the SCRF’s responsibility is rather broad, which gives it the space
to concentrate more power for itself if the president consents.

The scope of authority of the SCRF matches the federal government’s
submissive role in the ESF. For example, the SCRF organizes the
preparation of federal programs in the ESF, while the government forms
them and ensures their implementation under the SCRF’s control. The
federal government also must organize the provisioning of the executive
authorities of all levels and local self-governance with the means and
resources necessary to perform tasks in the ESF.

Russia’s National Security Strategy also widely defines security issues. It
applies to most areas of state functioning, for example, when it comes to
developing human potential, improving quality of citizens’ life and their
welfare, sustainable development, strengthening traditional Russian
spiritual-moral values, and other national interests. At the same time,
the executive is obliged to implement the SCRF’s decisions from the top
down. In this situation, the FSB is a universal tool due to its mandate,
which is also broad. If one looks at the special law regulating the FSB’s
activities, they would probably be surprised by the vagueness of the
legislative definition of its mission – “carrying out, within the limits of its
authority, the tasks of ensuring the security of the Russian Federation.”
In this case, one can say that the broader the understanding of national
security that is developed, the more influential the FSB becomes.

The FSB has bodies at the federal and regional levels and even lower; the
FSB’s body embraces all. The top level in the FSB hierarchy is the Federal
Executive Body in the Security Ensuring Field, which includes a range of
directorates and other units. Being complex and complicated, the FSB
system allows many of its bodies to place employees in local governments,
including the executive branches of constituent members of the federation,
and these different FSB offices may act independently if their decisions are sanctioned by the central leadership. It is significant to recall that the 1982 Regulations provided for the designated officer in the appropriate KGB unit to maintain clandestine connections with the seconded officer. Once more, there is convincing evidence of the necessity of units supporting seconded employees. Therefore, there may be different variants of clandestine placement of FSB employees in the executive authorities; the legislation does not limit the ability of the FSB to use secondment by their status or specialization. Decision rights are in the leadership’s hands, which requires internal regulative orders.

The above-discussed reasons give the premise not to consider the Apparatus of Seconded Employees as a separate FSB unit but as the general name for all seconded employees. There is an additional explanation of the previous judgment. The former Soviet and then Russian security and intelligence agencies have tended to avoid meaningful titles for most of their units to obscure their area of interest or responsibility. If so, there is a reason to establish additional cover to protect the names of the units to which the seconded officers belong.

Figure 1. Possible Multilevel FSB Representation in the Executive

Notes. The representation of seconded FSB employees, presented in Figure 1, may help imagine this agency’s ability to influence and oversee the executive. The dotted lines depict the clandestine secondment as well as the open membership of the FSB Director. The president of Russia carries out general leadership of the FSB and chairs the SCRF, which is also shown in the picture. In addition, it is pertinent to remind readers of earlier
identified influential positions in the President’s Administration and the federal government apparatus. Source: Author

The Internal Political Environment in Russia

In 2011, the Democracy Index downgraded Russia from a hybrid regime to an authoritarian regime, following Mr. Putin’s announcement that he would seek a third term as president in 2012 “in blatant disregard for constitutional norms.” Since then, Russia has not returned to its previous status.

One of the prominent Russian opposition leaders, Alexey Navalny, has been the target of FSB surveillance for many years, including wiretapping and covert video surveillance. The US government assesses that Russia’s FSB officers used the nerve agent Novichok to poison Navalny, causing him to fall gravely ill on August 20, 2020, while he was traveling back to Moscow after campaigning in Tomsk and Novosibirsk. The apparent goal of the poisoning was to prevent the oppositionist from participating in the election. This shows that the FSB plays an important role in the political struggle in Russia. The number of views of the video about the poisoning by Navalny and his team on YouTube has reached more than ten million. Undoubtedly, the video evoked a sense of fear related to the FSB in Russian society.

Conclusion

A broad understanding of the security ensuring field, the SCRF’s mandate, with a permanent position for the FSB Director, and the potentially inflatable mandate of the FSB itself create a powerful combination of preconditions that influence the executive. One can theoretically divide the influence into internal and external. The FSB has a unique instrument for projecting inside influence over the executive branch – the Apparatus of Seconded Employees.

Based on Russian normative-regulative acts, one can argue that the FSB has the legislative right to second its employees to all federal government levels and the executive branches of federation subjects. The law allows the FSB itself to empower any of its bodies to place officers in targeted organizations. We conclude that from the very beginning of their missions, such officers have a unique, intimate relationship with the leaders of targeted organizations because of the nature of their assignment and acceptance as organization employees. In addition, seconded employees have the right to conduct, covertly or clandestinely, operative-investigative measures. Both factors make seconded employees very influential insiders. Furthermore, seconded officers also have power granted to them as employees of the targeted organizations.
It is almost certain that the FSB follows the KGB’s tactics, methods, and principles when they clandestinely place its officers, at least some of them, into civilian bodies of the executive branch of the state and federal subjects. Our judgment is based on three arguments. First, FSB leaders are bearers of the KGB’s professional mindset and experience. The KGB used seconding of officers for a long time and honed the use of this influential instrument, so it makes no sense to give it up, especially when leaders know how to use the tool effectively. Second, the facts indicate the clandestine use of the ASEs as an instrument in modern Russia, as mentioned in the article. The secret nature of seconding gives many advantages to the FSB officers, their units, and the FSB in general. Third, the KGB Regulations of 1982 for active reserve officers are still officially unacceptable to the public in Russia, which may explain the reiteration of their provisions in current internal FSB documents.

The public image of the FSB as cruel and fearsome, grounded in widespread knowledge about the poisoning of Russian opposition members, and the absence of civilian democratic control over the security and intelligence agencies both contribute to the influence of the FSB.

Understanding the FSB’s role in the Russian state power machine can help the foreign policy-makers and intelligence agencies of countries that deal with the Russian Federation. This article may be of interest to international organizations working in Russia to be aware of how the FSB may influence the executive’s decisions related to them. It will especially benefit nongovernment organizations that monitor democratic or nondemocratic processes in Russia and the situation with human rights there.

Endnotes

2 “The Chairman of the USSR’s State Security Committee Order No.0620 dated October 12, 1982: On Approval of the Regulations on the KGB’s Active Reserve Officers Working in the Counterintelligence Units’ Line Under Cover of Ministries, State Committees, and Departments of the USSR,” Departmental State Archive of the SBU, Fund 9, fol.68-SP, p.167-173.
3 The term agent in KGB parlance means someone who is not a security or intelligence agency employee but clandestinely working for it; “The Chairman of the USSR’s State Security Committee Order No.0620 dated October 12, 1982.”
4 “The Chairman of the USSR's State Security Committee Order No.0620 dated October 12, 1982.”
5 “Decree of the President of the Russian Federation No.393 dated February 28, 1994: On Dismissal, Exclusion from the Number of Seconded to Civilian Ministries and Departments, and Dismissal from Military Service of Higher Officers of the Armed


The absence of private ownership in the USSR and its existence in modern Russia preconditions particular remarks related to all types of ownership in the Law.


Yuri Felshhtinsky and Vladimir Popov, From Red Terror to Mafia State: Russia’s Intelligence Services and Their Fight for World Domination [Ot Krasnogo Terrora k Mafioznому Gosudarstvu. Spetssluzhby Rossii v Bor’be za Mirovoye Gospodstvo] (Kyiv: Nash Format, 2021), 251.

Felshtinsky and Popov, From Red Terror to Mafia State, 424-25.


“The Chairman of the USSR’s State Security Committee Order No.0620 dated October 12, 1982.”


“Federal Law No.4-FZ.”


“Federal Law No.390-FZ.”


