

Intelligence Sector Reform Programme in the Republic of North Macedonia (2017-2020)

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This reporting was heavily influenced by the outbreak of COVID-19. This global health crisis posed a challenge to the successful implementation of activities within the Programme. However, in line with measures taken in Switzerland and North Macedonia, DCAF remained operational but had to adapt to the situation. Consequently, activities were cancelled, postponed or replaced. Instead of having face-to-face meetings, virtual platforms were chosen. Furthermore, this period void of travels was an opportunity for the team to invest more in research and legal analysis. This newsletter will point out in more detail what type of activities could be implemented because or despite the restrictions on movement in pursuit of the Programme's goal.

On 10 June, in cooperation with the Swedish Embassy in Skopje, DCAF co-hosted the Intelligence Sector Reform Programme's 9th Donor Steering Group Meeting - using E2E encrypted online platform. The donor group consists of resident ambassadors and staff representing Croatia, The EU Delegation, Germany, The Netherlands, Sweden, Switzerland, the UK and the US. Agenda points requested by the Swedish host included: COVID-19 responses; activity updates; scenarios linked to upcoming parliamentary elections and DCAF's recently submitted concept proposal for a (3+2 year) follow-on programme intervention.

Intelligence Sector Reform Programme in the Republic of North Macedonia *November 2017 - December 2020*

Since November 2017, the Programme aims to enhance the stability, rule of law, and security for the Republic of North Macedonia, through improved accountability and governance of the intelligence sector.

The Programme is structured along four clusters:

- Cluster I:** Intelligence service reform - strengthening internal safeguard and control mechanisms
- Cluster II:** Development of parliamentary and independent oversight
- Cluster III:** Development of judicial and prosecutorial standards and capacity for authorization and review of Special Investigative Methods (SIM)
- Cluster IV:** Rapid response facility - to provide ad-hoc advisory and assistance to the beneficiary related to, but not directly linked to Cluster I, II or III.

Donors: The United Kingdom (FCO - CSSF), The Netherlands (Ministry of Foreign Affairs), Sweden (SIDA) and Switzerland (SDC)

Partners:

- Prime Minister's Office;
- Ministry of Interior;
- Ministry of Defense;
- The Parliament of the Republic of North Macedonia
- Security and Intelligence Services
- Directorate for Personal Data Protection;
- Directorate for Security of Classified Information;
- Academy for Judges and Public Prosecutors;
- State Public Prosecutor Office for Organised Crime and Corruption
- Other courts and judicial institutions;
- Ombudsperson;
- CSOs.

CLUSTER I

As a continuation of the multi stake-holder process, on developing **Standard Operating Procedures for Oversight and Control of Intelligence and Security Services**, a webinar training was organized on 30 June 2020. The online webinar approach is part of DCAF's COVID-19 responsiveness, to ensure implementation continuation. Participants included representatives from intelligence and security services responsible for inter-institutional cooperation, and their counterparts from institutions with supervisory or control function responsibilities in this sector.

The webinar summarized knowledge and insights from the previous practical workshops held in Skopje (10 December 2019) and Veles (19-20 February 2020). Participants discussed the specifics of oversight and control requirements during COVID-19 and during a state of emergency and discussed the way forward for the drafting of **Standard Operating Procedures (SOPs)** for conducting oversight and control over the security and intelligence services. The webinar, where 15 institutions were represented, was facilitated by DCAF with a special contribution by prof. Nikola Dujovski, Dean of the Faculty of Security in Skopje. His intervention focused on the importance and significance of control and oversight through an EU-integration perspective and the relevant institutions' role in ensuring accountability in the work of security and intelligence services. The multi stake-holder process for developing oversight and control SOP's will continue and will include smaller and more focused drafting groups.

In May, DCAF initiated the development of an analysis paper on legislative gaps and practical implementations of new security sector reform legislation in North Macedonia. The experts, two respected professors from the Military Academy and Faculty of Security, identified "the weaknesses" or indeterminacy of the legislation and provisions, conflicting with other provisions in other laws, possibly overlapping. The paper points out that the reform of the existing legislation was done by using other countries' legal systems without adapting them to the Macedonian context and the existing capacities of the security sector institutions. The new laws offer some quality normative solutions but their practical implementation remains debatable.



CLUSTER II

Initially developed by DCAF together with external oversight experts, MP's and published in May 2018, **the Guidelines on Parliamentary Oversight of Intelligence** is a useful knowledge product for parliamentary oversight committees. However, due to a new legislative framework and the formation of new intelligence institutions since its publication, there was a need to revise the Guidelines. The revision was undertaken in close cooperation with local stakeholders through several revisional review meetings including parliamentary staff and local experts on protection of personal data and on security of classified information. The aim, through this process was to increase parliamentary actors' effectiveness when it comes to the intelligence oversight process. Furthermore, this second edition has been reviewed and revised from a gender perspective. It is estimated that the final version as well as the translations will be published in July or early August 2020.

In **early 2020**, DCAF initiated closer cooperation with the National Democratic Institute (NDI) in order to collaboratively support the Macedonian Parliament **in developing new job descriptions for parliamentary staff**, helping to strengthen staff capacity in support of security and intelligence committees. Optimization, through coordination and inclusiveness of the Programmes, for activities that have common goals is necessary to avoid unproductive overlapping. In coordination with NDI and its local CSO partner the Center for Change Management, it has been agreed that DCAF will be included into a process of drafting new job descriptions for parliamentary staff in the working unit supporting the three security and intelligence oversight committees. This work is for NDI one out of many substantial areas of reform for improvement and optimization of the Parliament's work and systematization.

The Programme's funding and steering mechanisms

For the Programme, a pooled funding mechanism was chosen. As of December 2018, four donor countries are financially contributing to the Programme; the Netherlands (CHF 546'449), Sweden (CHF 520'000), Switzerland (CHF 500'000), and the United Kingdom (CHF 283'917), which together with DCAF's own core budget contribution (CHF 315'000) represents a total of CHF 2'165'366. Furthermore, the Macedonian Parliament supplies in-kind support by providing office space to the DCAF Parliamentary Liaison Officer, conference rooms and technical equipment free of charge to the Programme.

From an external donor perspective, the Programme is steered by the Donor Steering Group composed of ambassadors and staff from financially and politically supporting partners - the latter being Croatia, the EU Delegation, Germany and the United States. The eight partners engage actively into the Programme by providing political and strategic support and guidance. Donor Steering Group meetings are convened quarterly and are hosted at donor embassies on a rotating basis.

Programme activities under Cluster II are steered by a Parliament Steering Group chaired by the Secretary General. It further includes the three relevant committee chairs and DCAF representatives. It convenes twice a year in the office of the Secretary General.

CLUSTER III

Since the successful, initial and regional launch of the **Benchbook on Implementing Measures for Interception of Communications** in late 2019 and early 2020, DCAF hired three experts to develop a **training curriculum**. The three local experts are working on the development of training tools designed to ensure the development of local training capacity on the judicial authorisation and review of communications interception. Based on the training manuals, completed in June 2020, they will prepare and facilitate **Training of Trainer courses** (ToT) in August or September 2020 for around 15 practitioners (judges and prosecutors). This will enable them to deliver training on judicial authorisation of communications interception for both continuous professional and entry level trainings at the Academy for Judges and Prosecutors. The activities are organised in collaboration with the US Embassy.

CLUSTER IV

During the COVID-19 outbreak, DCAF developed thematic expertise and produced an **analysis paper related to the respect of personal data protection and protection of some fundamental human rights in conditions of a dissolved parliament and declared state of emergency** in North Macedonia. A local senior expert on personal data protection identified implications on security and health sector measures related to the COVID-19 outbreak in North Macedonia from a personal data protection perspective. This analysis was finalized in June 2020, and soon will be available on DCAF website in Macedonian, Albanian and English

EUROTHINK, a partner and civil society organisation based in Skopje, engaged by DCAF finalised the first short article **Public Money Spent Secretly: Who Controls the Finances of the Security and Intelligence Services which will be published on their website in August 2020.** EUROTHINK project team is also working on a **Policy Brief on Intelligence Oversight** with policy recommendations aimed at improving legislation and practice. Once finalised, the EUROTHINK project team will publish it on their website during September-October 2020. Furthermore, if the situation and conditions allow, EUROTHINK will organize a press briefing on their conclusions. Alternatively, EUROTHINK and the project team will promote it through online platforms.

Since March 2020, and as an integral part of the cooperation with the Directorate for Security of Classified Information, DCAF supported the Directorate in its efforts of developing by-laws for administrative, physical, industrial, information and user's security of classified information, derived from the newly adopted Law on Classified Information. Respected professors from the Faculty of Philosophy, Institute for

Security, Defence and Peace and Faculty of Law in Skopje, were engaged as experts by DCAF to provide their valuable input. The final draft by-laws are in the process of Government review and approval.

In late June, the DCAF project team, in collaboration with DCAF's in-house gender expert, published a briefing paper on Gender in Intelligence and Parliamentary Oversight. This paper discusses the importance of the inclusion of a gender perspective in the work and functioning of intelligence sector institutions and through oversight activities. Furthermore, the team looked at status quo in the Republic of North Macedonia and provided some recommendations for improvement. The paper will serve as a teaser for the up-coming event on Gender in Intelligence, to be held in September 2020.



UP-COMING ACTIVITIES

Due to the COVID-19 pandemic, planned activities were either cancelled, postponed or implemented by online means. However, considering the improvement of the situation in central Europe and due to the easing of protective measures taken by countries, DCAF staff have gradually started returning to their offices. However, the health of DCAF staff as well as of all stakeholder enjoys the highest priority and thus, activities implemented will always be adapted to the current situation, measures will always be respected, and a risk assessment will continuously be performed.

JULY

- Development of a Standard Operating Procedures for Oversight and Control of Intelligence and Security Services
- Publishing of the Revised Guidelines on Parliamentary Oversight of Intelligence
- Development of a Transformative Training tool based on the Gender and Intelligence Toolkit

AUGUST

- Final e-meeting to finalize and approve the publishing of the Standard Operating Procedures for Oversight and Control of Intelligence and Security Services

- Preparation of training materials and other knowledge product for new MPs and staffers and dissemination
- 3-day (two nights) Training of Trainers (ToT) on the Benchbook training curriculum outside of Skopje

SEPTEMBER

- Strengthen capacity of intelligence institutions' personnel and parliament staffers on intelligence oversight legislation
- Facilitation of Shielded Room and Protected work-space construction
- Oversight Training Activities for new MPs, staffers, CCS, CSOs
- Promotion of the Guidelines on Parliamentary Oversight of Intelligence
- 2-day training outside of Skopje for legal practitioners in North Macedonia, facilitated by ToT trainers

