

AUTHOR'S COMMENT #3

Series: Transparent and accountable security and intelligence services

PARLIAMENTARY OVERSIGHT OF THE WORK OF THE SECURITY AND INTELLIGENCE SERVICES IN NORTH MACEDONIA

AUTHOR: Aleksandar Stojanovski, MSc



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What does the parliamentary oversight of the work of the security intelligence apparatus in North Macedonia consist of?

Within the system of oversight of the work of the intelligence services in North Macedonia, several segments of oversight and control exist. Parliamentary oversight is one segment of the democratic supervision over the security and intelligence services in North Macedonia. Democratic supervision is fundamental to promoting the rule of law, ensuring checks and balances, and enabling citizens' control over one of the most intrusive sectors of government, through their elected representatives.¹ In this authorial commentary, we will account for the competencies of the bodies that perform parliamentary oversight of the work of the intelligence services. We will also look at the number of relevant committees' sessions during the work of the Assembly in the period 2016-2020. According to the positive legal regulations, the Assembly of the Republic of Northern Macedonia has its oversight competencies assigned to several parliamentary committees: the Committee on Defense and Security, the Committee for Supervising the Work of the National Security Agency and the Intelligence Agency, and the Committee on Oversight of the Implementation of Measures for Interception of Communications.

1. Committee on Defense and Security

The Parliamentary Committee on Defense and Security aims to focus on several assigned issues: safeguarding order as set forth in the Constitution; exercising oversight in the field of defense and security; defending the Republic and civil protection; cooperation with collective security and defense systems to which the Republic has acceded; integration of the Republic in the Euro-Atlantic organizations and the relations of the Republic with those organizations; and other issues related to the defense and security of the state and its citizens.

This Committee, among other things, "manages draft legislation in the field of security and defense, handles proposed decisions for dispatching personnel to peacekeeping missions and other documents."² The intensive work of this Committee in the period 2016-2020 comes as a result of the accession of the Republic of North Macedonia into the NATO Alliance, but was also aimed to intensify reforms necessary to establish the National Security Agency.

In the period of 2016-2020, the Committee on Defense and Security held 57 sessions.

2. Committee for Supervising the Work of the National Security Agency and the Intelligence Agency

The Committee for Supervising the Work of the National Security Agency and the Intelligence Agency (Committee for oversight of ANB and AR) assumes a distinctive, but also a more essential role in terms of parliamentary oversight of the work of the intelligence services. The main competencies of this Committee are as follows: considerations about upholding the rights and freedoms of the citizens and other legal entities, by ANB and AR; checks conformity with legislation when ANB and AR exercise power, and minds potential overstepping, unauthorized activities, abuse and other transgressions in its work

¹ Lembovska, M., Stefanovski, I., Stojanovski, A., "Re-Thinking Democratic Oversight of Security and Intelligence Services in North Macedonia", EUROTHINK, Skopje, 2021. Available at: <http://eurothink.mk/wp-content/uploads/2021/03/Re-thinking-Democratic-Oversight-of-Security-and-Intelligence-Services-P....pdf>

² Lembovska, M., More than (de)politization: the role of security-intelligence services in state (de)capture, EUROTHINK, Skopje, 2021, pp. 30-1 <http://www.eurothink.mk/gridfs/data/id/ae0364b4acc4ce34b5d9277c>

contrary to the rights established by law. This Committee also has the authority to closely monitor the methods and means used by ANB and AR in terms of compliance with the law and respect for the civil rights and rights of other entities. Furthermore, within the oversight competencies, this Committee also does monitoring of the material, personnel and technical equipment of the National Security Agency and the Intelligence Agency. Finally, this Committee discusses the establishment of international cooperation on issues related to intelligence oversight and supervision, as well as other issues related to the two agencies.

The task of this Committee is to review the annual reports of the two agencies, to analyze the work of these two agencies through an oversight lens, and the technical obligations arising from the Law on the National Security Agency and the Law on the Intelligence Agency.

The Committee for oversight of ANB and AR, in the period of 2016-2020 held 10 sessions.

3. Committee on Oversight of the Implementation of Measures for Interception of Communications.

The Committee on Oversight of the Implementation of Measures for Interception of Communications is mainly focused on control of the work of the newly established Operational-Technical Agency (OTA) and the bodies in charge of intercepting communications. The work of this Committee is mainly related, but not limited to the following issues: oversight of the implementation of measures for interception of communication, and in particular, within this Committee, the focus is on evaluating the legitimacy of the enforcement of the measures for interception of communications implemented by OTA. Furthermore, this Committee is responsible for reviewing the effectiveness of the implementation of the special investigative measures, as well as to prepare annual oversight reports. The last competence of this Committee is allocated to establish international cooperation on issues related to supervision and other issues and activities related to the implementation of measures for interception of communication.

This Committee submits an annual report to the Assembly of the Republic of North Macedonia for the previous calendar year, no later than the end of February of the current year. The Committee shall conduct a minimum of one field visit every three months, in accordance with the legal provision specified in the Law on Interception of Communications.³

The Committee on Oversight of the Implementation of the Measures for Interception of Communications in the period of 2016-2020 held 15 sessions.

The fragmentation of parliamentary oversight into three committees carries certain challenges. The Committee on Defense and Security can only provide general, i.e. milder oversight of the security and intelligence apparatus. The fact that this Committee is in charge of a number of security issues, which largely relate to areas not directly related to intelligence activities, gives us the right to conclude that a specialized parliamentary committee is needed, to deal with more substantive oversight of the security and intelligence apparatus.

³ [Article 44, Law on Interception of Communications, Official Gazette of the Republic of North Macedonia no. 71/2018](#)

Comparative analyzes show that a specialized Intelligence Oversight Committee is the only way to achieve a coherent and clearly defined parliamentary oversight system.⁴ Following the analysis made by EUROTINK - Center for European Strategies, the existence of two specialized committees in North Macedonia is not optimal, thus leaving gaps and overlapping of responsibilities.⁵ In order to overcome the problems caused by the fragmentation of supervision work among committees, but to also enable a comprehensive and clearly defined execution of the oversight function, it is necessary to make changes to the model. More information about the specific proposed format and the competencies of a specialized parliamentary committee for oversight of the intelligence and security system, is available [here](#).

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⁴ Wills, A., Vermeulen, M., Rodin, H., Scheinin, M. and Wiebusch M. "Parliamentary Oversight of the Security and Intelligence Agencies in the European Union", European Parliament, Brussels, 2011. Available at: [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453207/IPOL-LIBE_ET\(2011\)453207_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453207/IPOL-LIBE_ET(2011)453207_EN.pdf)

⁵ Lembovska, M., Stefanovski, I., Stojanovski, A., "Re-Thinking Democratic Oversight of Security and Intelligence Services in North Macedonia", EUROTINK, Skopje, 2021. Available at: <http://eurothink.mk/wp-content/uploads/2021/03/Re-thinking-Democratic-Oversight-of-Security-and-Intelligence-Services-P....pdf>