

ANTI-CORRUPTION PROGRAM OF THE INTELLIGENCE AGENCY

Introduction

The Intelligence Agency (The Agency) is a special body of the state administration, responsible for collecting, processing, analysing, evaluating, exchanging, storing and protecting data and information relevant to the security, the defence, the foreign policy and the economic interests of the Republic of North Macedonia.

The Agency is part of the security-intelligence community of the Republic of North Macedonia, it participates in the collective security system of the North Atlantic Alliance and it participates actively in NATO bodies responsible for civil intelligence.

The competencies of the Agency are realized by respecting the Constitution of the Republic of North Macedonia, the Law on the Intelligence Agency, the Law on Classified Information, the Law on Free Access to Information and other legal regulations. In that regard, one of the obligations of the Agency is protection of classified information, and the information which is of public character has been transparently published on the website <https://www.ia.gov.mk>.

Control and supervision of the work of the Agency, in accordance with the legal regulations is performed by the Parliamentary Committee for Supervision of the Work of the National Security Agency and the Intelligence Agency. Namely, according to the Law on the Intelligence Agency, the Director of the Agency is obliged to provide the Committee (in accordance with its competencies) with insight into the work of the Agency and provide notifications and data on the work of the Agency on issues related to:

- respect of the rights and freedoms of the citizens determined by the Constitution and the laws;
- the legality in the implementation of the authorizations of the Agency from the aspect of exceeding the authorizations, undertaking unauthorized procedures, abuses and other irregularities in the operation, contrary to the rights determined by law;
- the methods and the means used by the Agency in terms of legality and respect for the citizens' rights;
- material, personnel and technical equipment of the Agency;
- establishing international cooperation on issues related to such supervision;
- other issues related to the operation of the Agency.

The Agency continuously, through concrete measures, realizes its efforts for successful management of corruption, which according to the Law on Prevention of Corruption and Conflict of Interests of the Republic of North Macedonia is defined as "misuse of office, public authorization, official duty or position for the purpose of gaining benefit, directly or by means of an intermediary, for oneself or others." In addition to improving the rights of the employees, the Agency introduces higher standards in professional work, which are correlated with strengthening the normative, institutional and personal capacities for effective management of the

corruption and the consequences that derogate the social system and the basic social values, endanger democracy and the rule of law through the abuse of the institutional capacity for illegal purposes.

In the Agency, in accordance with the Law, internal control is performed which includes:

- assessing the legality of the operation and compliance with professional standards;
- insight into the application of the authorizations;
- assessment of the utilization and use of firearms;
- insight and evaluation of compliance with work regulations and procedures;
- acting upon reports of conflicts of interests and risks of corruption in cooperation with a competent authority;
- informing the director about identified irregularities and giving recommendations for overcoming them;
- control of the management of material-technical means and
- giving initiative for determining material and disciplinary responsibility.

The Agency, guided by the principles established by the Law on the Intelligence Agency, the Law on Prevention of Corruption and Conflict of Interests, the Law on the Protection of Whistleblowers and based on a preliminary analysis of risk areas for corruption and conflict of interests is aimed at compliance with the principles of legality, integrity, equality, protection and responsibility. Thus, one of the priorities of the Agency is decisive and non-selective dealing with corruption and strengthening the integrity and independence of the Agency towards the rule of law and good governance. Pursuant to the Law on the Protection of Whistleblowers and the Rulebook on Protected Internal (and External) Reporting in the Public Sector Institutions, the Agency has designated an authorized person to receive whistleblowers' reports, which can be submitted by e-mail. ukazuvanje@ia.gov.mk.

1. ANALYSIS OF RISK AREAS OF CORRUPTION WITHIN THE SCOPE OF THE OPERATION OF THE INTELLIGENCE AGENCY

The success in tackling corruption and conflicts of interests is one of the Agency's priorities. From 01.01. until 30.06.2021, not a single report (in person, in electronic form or hard copy) was submitted to the authorized person for receiving reports from whistle-blowers, which refers to a protected internal and/or external reporting, for which in accordance with the obligation (Article 15, paragraph 1 of the Law on the Protection of Whistleblowers) a semi-annual report was submitted to the State Commission for Prevention of Corruption.

Based on the experience so far, since the publication of the e-mail ukazuvanje@ia.gov.mk (2019, 2020 and 2021), messages were received periodically from external individuals and companies from the country and abroad with notifications, requests or offering information that are outside the scope of indication. Most of them were conscious or unconscious abuse of the indicated address, due to insufficient knowledge of the term and the reporting process. Appropriate internal reports were prepared for the received messages.

When updating the new website of the Agency, in the section "transparency", a new category "whistleblowing" is placed with additional information (laws and bylaws) related to the whistleblowing. This is performed in order to inform better and properly guide the citizens who would like to contact the Agency for that purpose.

Otherwise, in accordance with the Law on Prevention of Corruption and Conflict of Interests, the appointed persons in the Agency (director and deputy director) timely submitted a statement of assets and interests to the State Commission for Prevention of Corruption, with an obligation to report any change in property.

2. REASONS, CONDITIONS AND FACTORS THAT MAKE CORRUPTION POSSIBLE

Employment, public procurement, issuance of classified information, disrespect of the integrity of the institution and the employees and other phenomena related to the scope of operation, which are contrary to the legal regulations have been identified as risk areas for corruption in the Agency. Namely, reasons, conditions and factors that enable corruption are any procedures within the scope of operation of the Agency that include issues of:

- conflict of interests;
- lobbying;
- fraud;
- improper use of powers;
- trading or unauthorized use of information;
- non-compliance with the obligation of the employees when performing the work tasks to act in accordance with the rules, regulations and professional standards which apply in the Agency;
- non-compliance with the internal Code of Conduct and Dress Code of the employees of the Agency;
- abuse of the official position and authority for the purpose of directly or indirectly promised, offered, given, requested or expected material or intangible benefit, convenience, advantage or other interest in oneself or another etc.

3. TOOLS AND CONTROL MECHANISMS FOR OVERCOMING DETECTED RISK AREAS

The Agency's anti-corruption program aims to establish an effective system of measures which will enable prevention and successful management of corruption and conflicts of interests. In that sense, in order to overcome the challenges related to corruption, i.e. to prevent and minimize the causes of corrupt behaviour, the following tools and control mechanisms are planned to be undertaken:

- informing the employees about the rights and obligations provided by the Law on the Intelligence Agency, the Law on Classified Information, the Law on Free Access to Information, the Law on Public Procurement, the Law on

the Protection of Whistleblowers and other applicable regulations in order to deal with corruption and conflict of interests;

- compliance with the internal Code of Conduct and Dress Code of the Agency employees, in order to ensure:
- respect for the legality, professionalism and efficiency in performing the works and work tasks;
- pointing out that it is the duty of the employees in the work process to act conscientiously, professionally, responsibly, honestly, efficiently and impartially;
- educating and motivating the employees during the work process to recognize and oppose illegal, immoral or dishonest actions;
- raising the level of interpersonal trust through teamwork, as well as inter-institutional trust for joint activities with other institutions;
- review of capacities, measures and mechanisms that have been undertaken so far to prevent and deal with corruption and conflict of interests;
- raising to a higher level of the already established standards and establishing an efficient system of internal control;
- identification of areas at risk of corruption;
- depoliticization in decision-making for the functioning of the Agency and for the realization of the rights and obligations of the employees;
- sanctioning possible abuse of the authorisations;
- operating in accordance with public procurement regulations;
- transparent publication of information that is not classified (public information);
- raising the level of the role of the authorized person to receive reports from internal/external whistle-blowers for independent reporting of corrupt, unethical and discriminatory behaviour, by establishing internal procedures in accordance with the legal regulations for dealing with corruption;
- in accordance with the Law on the Intelligence Agency, increased transparency in employment by public announcement (or takeover from another institution), as well as in public procurement;
- enabling smooth functioning of the internal audit and full application of financial management and control;
- strengthening the role of the internal control, as well as the human resources sector.

4. STRENGTHENING THE CAPACITIES OF THE AGENCY WITH A SPECIAL EMPHASIS ON STRENGTHENING THE INTEGRITY OF THE EMPLOYEES

In the forthcoming period, the Agency will continuously work on strengthening the integrity of the employees and increasing the efficiency of the procedures regarding the improvement of the integrity policy.

The employees of the Agency are obliged to respect and implement the legal regulations, bylaws and internal acts, conscientiously, responsibly, professionally and impartially. This means that they have an obligation to act ethically, whether on duty or not. Namely, only professional, legal and ethical action will strengthen the integrity of the employees, and thus will contribute to eliminate the possibility of corruption. At the same time, the Agency will strive to provide support to the employees in performing professional tasks through the management, which will

promote strengthening of integrity. An important segment will be the implementation of human resource management policies, which will be aimed at improving the skills of the employees and will provide a quality working environment. Particular attention will be paid to the expected high level of integrity of the Agency in the implementation of policies and procedures for human resources that will motivate, support and enable development and upgrading.

5. TIMELY ACTION

With the membership of the Republic of North Macedonia in NATO, the Agency, which operates in an extremely complex region, gained access and faster exchange of information, but also with collective action and guidance in terms of common priorities, challenges and threats.

In this regard, the Agency operates according to the highest standards, criteria and procedures of NATO, it fully respects the operation procedures, timely and expeditiously processes the classified (and unclassified) materials to end users (the President of RNM, the Prime Minister of RNM, the President of the Assembly of the RNM, the Coordination Council of the Security-Intelligence Community, as well as other bodies of the state administration depending on the issues which are subject to reporting).

An important segment in the operation of the Agency, which seeks to strengthen the trust in society and to recognize the integrity, the responsibility, the professionalism, autonomy and objectivity of the service as a professional, trusted and responsible partner at national and international level, it maintains continuous communication with the state authorities, especially from the security-intelligence community of RNM, as well as with foreign security authorities.

6. COMPLIANCE WITH LEGAL REGULATIONS

The commitments of the Agency, in accordance with the competencies arising from the Law on the Intelligence Agency, are harmonization of the provisions and the positive practices for dealing with and suppressing corruption in the internal bylaws and procedures. In that sense, the scope of work of the Agency takes into account the positive legislation, as follows:

- Law on Public Sector Employees (Chapters III and IV);
- Law on Public Procurement;
- Law on Classified Information;
- Law on Free Access to Information;
- Law on Protection of Whistle-blowers;
- Law on Personal Data Protection;
- Law on Free Access to Information of Public Character.

In order for the employees of the Agency to manifest a high degree of integrity and to be able to recognize all forms of corruption and corrupt behaviour, the activities of the Agency are aimed at:

- continuous monitoring of the normative framework, initiatives and projects, both nationally and internationally, for prevention of corruption and conflict of interests and their implementation in the Agency;
- involvement of the Agency in anti-corruption initiatives and their alignment with the competencies of the Agency;
- regular briefing of the employees on the obligation during the performance of the work tasks to act in accordance with the rules, regulations and professional standards applied in the Agency and that no one is an exception in determining the responsibility for corrupt behaviour;
- compliance with the internal Code of Conduct and Dress Code of the employees of the Intelligence Agency.

7. STRENGTHENING CITIZENS' TRUST IN THE AGENCY AND MOTIVATION TO REPORT CORRUPTION

Pursuant to the provisions of the Law on Protection of Whistle-blowers and the provisions of the Rulebook on internal/external reporting on the website of the Agency in the section Transparency, a sub-section Whistle-blowers is created, where the e-mail address ukazuvanje@ia.gov.mk is operational, which aims to strengthen the position of the whistle-blower who with good intentions makes a protected internal or external reporting of irregularities and suspicions of fraud and corruption in the Intelligence Agency and of the authorized person to receive reports from whistle-blowers.

At the same time, the Agency has a person designated for direct communication with the State Commission for Prevention of Corruption, responsible for the integrity of the employees and the institution.

8. STRENGTHENED CONTROL AND SUPERVISION OF THE PUBLIC PROCUREMENT

The efforts of the Agency in the implementation of the public procurement and the implementation of the public procurement contracts, which are detected as most susceptible to corruption, are taking appropriate measures to detect, prevent and suppress corrupt practices. In this regard, the Intelligence Agency undertakes the following activities:

- observance of the procedures for implementation of the public procurement procedures and the realization of the contracts noted in the Law on Public Procurement;
- control over the application and observance of the procedures for implementation of the public procurement procedures, as well as the realization of the contracts;
- education of the employees involved in public procurement procedures, to respect the basic principles (equal treatment of economic operators and non-discrimination, i.e. prohibition on favouring certain entities, as well as transparency that ensures competition and integrity in the public procurement)

9. STRENGTHENING INTER-INSTITUTIONAL COOPERATION AND COOPERATION AGAINST CORRUPTION

An important segment in the work of the Agency, which seeks to strengthen trust in society and to recognize the integrity, responsibility, professionalism, autonomy and objectivity of the service as a professional, trusted and responsible partner at a national and an international level, maintains continuous communication with state authorities, especially from the security-intelligence community of RNM, as well as with foreign security authorities. Given that inter-institutional and international cooperation and timely exchange of information are key in dealing with corruption, the Agency will continue to work to enhance the established cooperation that will contribute to the timely detection and sanctioning of corruption and conflict of interests.

In that context, the Agency cooperates with other institutions from the security-intelligence community of RNM, the state administration bodies, the public institutions and other legal entities for issues of common interest, as well as international cooperation with intelligence and security services from other countries, thus directly is involved in tackling and combating corruption.

In that regard, the Agency will act to enhance cooperation with all relevant state institutions and will participate in anti-corruption initiatives.

10. ACCOUNTABILITY AND TRANSPARENCY IN THE OPERATION OF THE AGENCY

The Agency has published transparently the information from the scope of work, which are of public character, on the website where in the section TRANSPARENCY, in addition to the sub-sections "supervision and control" and "whistle-blowers" sub-sections have been created:

- Intelligence Agency Day - as part of the efforts for greater transparency, openness and direct contact, the project "The Intelligence Agency Day" was established (study visit to the Intelligence Agency of students in the field of the security studies, who are introduced to the scope of work, functioning, legal competencies and role of the Intelligence Agency, as an institution of the security-intelligence community of the country;
- Contact with the media - due to the increased level of information of the citizens about the work and the competence of the Intelligence Agency and building an open, transparent and professional attitude towards the media, the e-mail address press@ia.gov.mk is operational;
- public documents, where the final statement is published.
- At the same time, the public procurements, in accordance with the Law on Public Procurement, are published on the electronic system for public procurements - ESPP, and the Budget and rebalance of the Budget of the Agency, in the Official Gazette of the Republic of North Macedonia.