

REVIEW INTELLIGENCE SERVICES

Mr. Danny PIETERS, Speaker of the Belgian Senate

Distinguished Speakers,

Dear Colleagues,

The key to strengthening accountability for intelligence co-operation definitely lies in international co-operation between national oversight bodies.

Precisely half a year ago, the '6th Conference of the Parliamentary Committees for the Oversight of Intelligence and Security Services of the European Union Member States' was held in the Belgian Senate. The delegates attending the conference signed the so-called 'Declaration of Brussels', whereby they endorsed the plan to create a European Network of National Intelligence Reviewers, embodied by a joint website. The primary goal of this initiative is to improve democratic oversight of the intelligence and security services, notably through sharing best practices and by making interesting information available to the public as well as to each review committee. Just to be perfectly clear: this initiative does not have the ambition to serve as an instrument for defending collective interests, nor entail joint investigations or the exchange of operational or classified information. In the proposed network, each country retains its full autonomy, and rightfully so.

Ladies en Gentlemen,

I am quite proud to be able to inform you that in the past few months we have not remained idle. Convinced of the importance of a better exchange of information among democratic oversight bodies, Belgium has taken further steps to actually implement the 'Declaration of Brussels'. The most visible aspect of those operations is a completely worked out website proposal which is virtually ready to be used. I hope to be able to convince you in a few minutes. Of course, we do not wish to confront you with *a fait accompli*. Each country will get the

opportunity to express its remarks and concerns. Each suggestion that contributes to a better website and to wider support for the network, will be completely embraced.

Before giving you a preview of the website, know that staff members of parliamentary review bodies from Sweden, the Netherlands, Norway and Belgium met three weeks ago. During that meeting, they were given a sneak preview of the website. I can inform you that all those present were very pleased with what they saw. They were totally convinced of the added value of the network in their day-to-day operations. But it goes without saying that they depend on us, the political responsables, for launching this website. Ultimately, we have to give the staff of our oversight bodies the green light to supply texts and to ensure the exchange of information and best practices.

Now let's get to the point. The homepage of the network-website looks as follows. The title of the network was slightly changed. Rather than using the term "European Intelligence Review Agencies Knowledge Network" from the Declaration of Brussels, it was deemed more appropriate to adopt the following denomination: the "European Network of National Intelligence Reviewers" or "ENNIR". This name makes it crystal-clear that it concerns a co-operation of "national" reviewers from Europe. However, this does not mean that a European democratic oversight body could not join the Network. The term 'knowledge' was dropped as the Network goes beyond the exchange 'knowledge'.

The home page is of course the starting point for using this website. In case there will be more than one official language, here you can select yours. As you can see, the website is divided in a component accessible for the public and a password protected (*members only*) website.

Let me start by showing the part accessible for the public. Here you can click on the 'ABOUT ENNIR' tab. It includes five sub-tabs, which are 'Origins', 'Aims', 'Structures', 'Members' and finally 'Statutes'. The 'Origins' and 'Aims' are

already very clear. ENNIR should focus on the exchange of information and expertise among the various members, and – and this is particularly important – it should be on a completely voluntary basis. By doing so the Network

- (a) can contribute to the further development of the specialist field (for example through the provision of documentary information via annual reports, research reports, legislation, case law, best practices, etc.);
- (b) can develop and promote expertise in the field and hence stimulate the professionalisation of bodies exercising review;
- (c) can facilitate comparative (legal) studies; and,
- (d) can even serve as a sounding-board and discussion forum.

Unlike ‘Origins’ and ‘Aims’, the sub-tabs ‘Structures’, ‘Members’ and, finally, ‘Statutes’, will need to be discussed in more detail. There are in fact some unresolved questions:

- (a) Who will decide whether a non-EU country or a particular oversight body can join the Network?
- (b) What will be the official languages?
- (c) Who will bear the costs, if any?

It seems to me that these are key topics which can be discussed and decided at the ‘7th Conference of the Parliamentary Committees for the Oversight of Intelligence and Security Services’ that will be organised in October 2011 in Germany. Indeed, a broad consensus over this constitutes an essential step towards an effective and efficient Network.

I believe that a lot of inspiration can be found in a similar and successful initiative, created in 1977 in Vienna by the Conference of the Speakers of European Parliamentary Assemblies, the so-called “European Centre for Parliamentary Research and Documentation”. In addition to an annual meeting, there is an Executive Committee (in order to ensure the continuity of work

between annual meetings), chaired by an alternating Director and national correspondents as privileged points of contact for their countries.

But let us return to ENNIR's tool, the 'PARLIAMENTARY INTELLIGENCE REVIEW THROUGHOUT EUROPE'. This brings us to a map of Europe, and to the actual objective: provide each member with accurate, complete and up-to-date information about the national systems of review of the intelligence services. From here, you can scroll to the country of your choice. Currently, only information about Belgium is available.

The idea is that for all participating countries parliamentary review of intelligence services can be set out and explained using a uniform, recurring structure. In doing this, the following items could be covered:

- (a) The Intelligence and Security Landscape. This allows you to receive in-a-nutshell information about - in this case - the Belgian intelligence and security landscape: How many intelligence services does Belgium have and what are their tasks, powers and responsibilities? Is there a threat analysis centre? Who is responsible for developing the policy on intelligence? And so on.
- (b) Intelligence Review. Here we find out that in Belgium, two bodies are in charge of parliamentary intelligence review: a Committee of the Senate responsible for monitoring the Standing Committee I and the Standing Intelligence Agencies Review Committee itself. You will also read about the powers and responsibilities of both these committees, whether they oversee legality as well as effectiveness, whether there are other (non-parliamentary) institutions that are charged with oversight of intelligence work and so on.

(c) And finally ‘Who’s who?’ This gives you an overview of the people responsible for the review of intelligence services in each country. Furthermore you get an overview of the most recent official and scientific publications, such as the activity reports of review bodies or academic contributions.

Let’s turn to the ‘REVIEW REGULATION DATABASE’. After all, it seems that we have too little knowledge about each other’s legal basis and prevailing legislation and regulation. Here too, there is a map of Europe, on which you can scroll to the EU Member State of your choice, and find more legal information about the review of the intelligence services in this country. You receive a brief introduction to the current legislation and regulations. We could also consider a section on relevant case law. There are plenty of possibilities.

As I mentioned in the beginning, the Network contains an area ‘accessible to the public’ in which, for example, information is also provided to interested third parties such as academics, members of the public, etc. This was the section that we have just been discussing.

However, we took an important option to have a password-protected (*members-only*) section too. You have to register in order to gain access, which entitles you to a login name and password. This part is meant to contain information that is only intended for the respective members, like the organisation of a colloquium or seminar which is not open to outsiders, or the announcement of internal publications, studies or reports.

The ‘Discussion Forum’ section is even more interesting. Foreign examples and solutions can definitely serve as an inspiration when carrying out our own tasks. This Forum enables you to discuss with all participants (a kind of chat room) or

to ask specific questions to one or several oversight bodies designated by you. Let us suppose that you, as an oversight body, are entrusted with the task of performing an audit of intelligence services. This forum will give you the opportunity to ask other oversight institutions, without commitment, about their experiences in the matter.

Specific questions about national legislation can be addressed as well. For example, ‘On which legal basis former intelligence agents can be summoned for hearing?’ or ‘Who oversees the budgets of the intelligence services in your country?’ For these kind of questions, you may use the Discussion Forum Selected Users. Obviously, by using this channel, you will receive accurate information available very quickly and effectively.

Distinguished Speakers,

‘There is no such thing as a free lunch’. And that brings us to the price-tag. Belgium has paid so far € 25.000 for the realisation of the website, and we are willing to bear the costs of any changes this meeting deems necessary as well as the hosting costs. This means that one can really get started in the near future. However, we would like to ask the participating countries to pay a symbolic cost of entry of € 700. Obviously, each country will be responsible for supplying their contributions for the website’s official languages. The country concerned is responsible for the content and the quality of the texts. The national correspondent will be responsible for uploading the texts in his or her section of the website. The website was built using a Content Management System, which means that users can add and edit content themselves. For each country, an account will be created that will provide access to the website to create and edit pages. Changes to the content can then be made by the national correspondents.

Let me emphasise that this is by no means a fulltime position, but rather a task that can be performed by a staff member of the Parliament or the oversight body.

The further development does not need to cost much more. However, I do believe that it would be a good idea to assess the operation after two years or so. But, in my view, the purpose should not be to set up cumbersome and expensive systems.

Ladies and gentlemen,

‘Experientia mutua omnibus prodest’ or ‘Mutual experience benefits all’. This old proverb applies to many subjects, but I ask your attention in this case for a very particular topic: i.e. the need for co-operation between national reviewers entrusted with the democratic control on intelligence services. Indeed, the strengthened international co-operation between intelligence services forces the democratic oversight bodies to take notice of this evolution. The creation of this network will contribute to a more thorough oversight and enhance the democratic strength of our society. To increase the chances of success, we need your support. Therefore, I would like to ask you for your support for this initiative.

Thank you for your attention.