

DEMOCRACY AND HUMAN RIGHTS

# DEMOCRACY AND THE STATE OF EMERGENCY

Easing Measures and Rising Tensions in the  
Struggle with the Corona Crisis in the Western  
Balkans, Croatia and Slovenia

**Max Brändle, Tamara Brankovic, Arjan Dyrmishi,  
Besa Kabashi-Ramaj, Igor Luksic,  
Nenad Markovikj, Tara Tepavac, Nenad Zakosek,  
Miroslav Zivanovic**

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This is the third edition in a series of reports which sets out to analyse the effects of the Corona crisis management on institutions, political and civil rights, parties, civil society, as well as external factors.



While the anti-Corona measures are being relaxed in most cases, the State of Emergency has not been lifted in all countries of the region, yet. North Macedonia is struggling with a worrisome increase of infections.



Five countries of the region are preparing for elections. The Corona virus crisis is in a way a mirror held up to each country revealing its strengths and weaknesses as well as its state of democracy.



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# Editorial

Max Brändle

After an initial shock of the arrival of the Corona Virus in Europe and in the region, governments have taken a robust approach in containing the spreading of Covid-19. The severe measures, in many instances a State of Emergency, have been successful in preventing the often already weak health-care systems from collapse. There might have been a short moment of unity between the government and the opposition in the beginning. But soon afterwards, we could witness how the fight against the Corona pandemic has been becoming more and more of a political battle inside the countries of the region. In addition to the debates about economic measures to mitigate the consequences of the pandemic, the traditional debates are re-emerging, in many countries – like North Macedonia, Kosovo, and Montenegro – this has meant a return to toxic polarization. The opposition has been accusing the governments of misusing the crisis to advance its political agenda.

The Friedrich-Ebert-Stiftung has been active in all the countries of the region for many years, supporting the development of democracy, social justice and the path to membership in the European Union. Through our network in academia and civil society, we have asked experts, political scientists, sociologists and political analysts, to write reports on the response of the governments to the crisis and their effects on democratic institutions and public life. The reports cover the situation of “Democracy and the State of Emergency” in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, Serbia, and Slovenia. As the Corona pandemic and responses to it in the region are unfolding, we will continue to monitor the development. After our reports in April and May, this is the third publication in this series which will be followed by a fourth report in July 2020.

In our analysis of this third month of the Corona virus pandemic, we can clearly identify the strengths and weaknesses of the political systems of the countries. The Corona virus crisis is in a way a mirror held up to each country. And this situation showed a rather mixed picture. We still have a State of Emergency in Albania and North Macedonia. All observed countries bar North Macedonia have continued easing the measures adopted to fight the pandemic. Unfortunately, North Macedonia had to deal with a dramatic worsening of the epidemiological situation, which is also strongly affecting

the political processes as it caused a blame game that goes along ethnic and religious lines. Yet, North Macedonia was not the sole example of religion-based rifts, because the political dynamics in Montenegro were also marked by tensions between the government and the Serbian Orthodox Church. Religious organizations were not the only ones that violated the measures. The main opposition parties in Albania called upon the public to disregard the measures and to ‘take back their rights’, while in North Macedonia the opposition leader personally violated measures on three occasions. In a very creative way, the citizens of Slovenia expressed their dissatisfaction with the government by organizing the so-called bicycle protests. In this context, it must also be emphasized that the civil society in Albania as well as Bosnia and Herzegovina were very active and have also shown their vivacity.

However, the issue of elections probably explains best the different states of democracy of the countries of the region. This can be regarded as a proxy for overall democratic development: In Montenegro and Albania, the opposition is not satisfied with the electoral environment and demands electoral reform; in Serbia, the government unilaterally decided about the date of the parliamentary elections and many opposition parties announced their boycott amid the lack of fair conditions; in North Macedonia, the political actors still haven’t made a deal on the new date for the parliamentary elections; and in Bosnia and Herzegovina, the opposition is against the postponement of the local elections and is accusing the Central Election Commission of overstepping the legal framework. In contrast to that, the parliamentary elections in Croatia will take place in July and there are no signs that they will be in any way contested.

This third reporting period from May 18 to June 8, 2020, was also marked by the continuation of a return to business as usual. In the case of Kosovo that means the talks about the dialogue with Serbia, in the case of Montenegro the debates about the national identity, and in the case of Slovenia the anti-immigrants discourse. It was also again revealed that political elites in many countries of the region are incapable of achieving national solidarity even when faced with an external threat such as the Corona virus. For example, Kosovo, Montenegro, Serbia, and North Macedonia appear more politically polarized than ever. In Albania and Bosnia and Herzegovina, the opposition accused the ruling majority and gov-

ernment for using the pandemic as an excuse to enrich its cronies. And last but not least, in this third period under observation we could determine new developments within the foreign policy component. The period was not marked by actions of the 'great powers', but by bilateral disputes between the countries that were caused by the decision to open (or keep closed) their borders. The decision of the Montenegrin government not to open the border with Serbia led to tensions between the two governments, while the Slovenian government expressed its dissatisfaction that Austria initially decided not to open its border with Slovenia. In addition to that, an issue between Greece and Albania emerged because the Greek border authorities fined Albanian citizens for violation of Schengen rules who had remained stuck in Greece due to the closure of the border.

These recent developments have shown a more and more diverse picture. While the danger of a second wave of infections is still looming, the relaxation of the anti-Corona-measures is leading to the re-emergence of political disputes within and between the countries of the region. The State of Emergency has not been lifted in all countries of the region and a worrisome increase of infections is menacing the social and political situation in North Macedonia. All this is happening while five countries of the region are preparing for elections. Detailed analyses of the developments in the respective countries can be found in this publication. We hope that we can provide an insight into these processes and allow for some interesting comparisons. The fourth and last report of this series will follow on July 13.

# ALBANIA

Arjan Dyrmishi

## Abstract

- The Covid-19-measures in Albania were further eased during May and early June due to a combination of factors that included a continued low number of infections and fatalities, and growing economic hardship and public dissent over the handling of the pandemic.
- Public confidence in handling the pandemic by the government declined as citizens and civil groups gathered to defy government decisions by disregarding social distancing rules. Opposition parties that fully supported the imposition of emergency measures in March, including the deployment of the military, called on the public to disregard the emergency measures after May 23 as being unconstitutional.
- Civil society action gained steam as protestors rallied against arbitrary government action and the disproportionate use of violence and so actions for equitable electoral reform were organised throughout the country.
- The further easing of lockdown measures and the gradual return to normality has revealed a deepening political crisis as general elections are expected within a year in a worsening institutional and socio-economic setting.

## Political and Civil Rights

Albania introduced tough lockdown measures to prevent the spreading of Covid-19 on 11 March. It was the first European country to introduce such measures applicable nationwide. The measures imposed included restricted curfew hours, administrative fines for breach of lockdown, quarantining and criminalisation of breach of quarantine and intentional infection, through amendment to the penal code, and the use of police and military forces to enforce the measures. With the imposition of a State of Natural Disaster on 23 March and its extension for a further 2 months until 23 June, Albania is perhaps a country that has kept such a state in place for longer in the region.

The measures have been gradually eased starting from the end of April by expanding the list of businesses allowed to open through the implementation of a reduced working hours timetable and measures to contain the spread of the virus. During May, restrictive measures were further eased by reducing curfew hours and further expanding the number of businesses allowed to operate.

Despite the State of Natural Disaster remaining in force until 23 June, the lockdown measures were considerably reduced from 1 June, including: the removal of curfew hours; the movement of citizens and vehicles throughout the country; the reopening of land borders (except air and maritime ones); the reopening of beaches and resumption of seaside activities under special authorisations and measures; the resuming of sports competitions without public attendance; the reopening of educational, cultural and training centres, internet centres and gyms but according to safety protocols; the reopening of kindergartens.

## *The Albanian economy will shrink by 9% in 2020*

The negative impact of the measures on the economy may have contributed to the government's decision to move towards a faster reopening than initially announced. According to European Bank for Reconstruction and Development forecasts the Albanian economy will shrink by 9% in 2020.<sup>1</sup> Opposition parties, pundits and business groups, increased pressure on the government to ease measures and allow businesses to reopen.<sup>2</sup>

The activities that will remain prohibited until 23 June include city and intercity public transportation, cultural activities, cinemas, theatres, nightclubs, swimming pools, mass gatherings, weddings, conferences and public hearings.<sup>3</sup>

Given the relatively low number of infections and fatalities (1,232 or 0.0432% of the population; 34 deaths as of June 6), a political debate has crystallised on whether such strict and extensive measures imposed were justified. The debate has involved the government and ruling majority on the one side, and the opposition parties, pundits and business groups on the other.<sup>4</sup>

- 1 Responding to the Coronavirus Crisis: Update on Albania (13/05/20). <https://www.ebrd.com/documents/admin/albania-coronavirus-policy-response-.pdf?blobnocache=true>.
- 2 Businesses: Remove blocking measures as soon as possible. <https://tvklan.al/bizneset-te-hiqen-sa-me-pare-masat-bllokuese/>
- 3 Ministry of Health. Updated information on COVID-19 coronavirus. <https://shendetesia.gov.al/30-maj--informacion-i-perditesuar-per-koronavirusin-covid-19/>
- 4 Businesses: Remove blocking measures as soon as possible. <https://tvklan.al/bizneset-te-hiqen-sa-me-pare-masat-bllokuese/>

The opponents have criticised the ruling majority and government for using the pandemic as an excuse to award emergency contracts to so-called oligarchs close to the government, and to strengthen its position by stoking up fear and exaggerating the threat from the virus to appear as the saviour of the people in the “war against the invisible enemy” which has been the dominant narrative held by the government.<sup>5</sup>

The Health Inspectorate ordered the closure of a TV station and a fine of 1,000,000 ALL (8,000 EURO) as it had allegedly breached the normative act by having two guests instead of one at the talk show table. Given the line of criticism maintained by the sanctioned TV station of the government, the closure order and fine raised questions about sanctions being used to stamp out freedom of expression.<sup>6</sup>

This debate on the unproportional and selective application of sanctions further escalated as the head of the main opposition party was fined twice within 24 hours and his driving license suspended for holding a meeting with supporters in a café and for meeting with artists who were rallying in front of a theater building.<sup>7</sup>

## *Overnight decision to demolish the theatre building*

The political debate on the misuse of the emergency situation was further heated after the swift decision of the government to transfer the ownership of the theater building to the Municipality of Tirana and its overnight decision to demolish it in the early morning hours of 17 May.<sup>8</sup>

The demolition was accompanied by clashes between police called to provide support for the demolition and artists and citizens trying to block it. The pictures of clashes involving hundreds of police officers and citizens with no protection, together with the infection curve remaining “flat” over following days and weeks, bolstered the argument that the government’s zeal to impose strict measures and to extend them was not based on the risk from the virus but rather on political calculations.

The largest opposition Democratic Party filed criminal charges with the Special Prosecution on Corruption and Organised

Crime against 22 officials for misuse of office, including Prime Minister Rama and Tirana Mayor Veliaj.<sup>9</sup>

After May 23, the main opposition parties called on the public to disregard the measures and to ‘take back their rights’.<sup>10</sup> The opposition considered as unconstitutional the decision of the parliament on 23 April to extend the emergency to 60 days. According to the Albanian Constitution, emergency measures can last for 30 days and be renewed once for no more than 60 days, every 30 days.<sup>11</sup> The opposition fully supported the measures when imposed in March, including the deployment of the military.<sup>12</sup>

## **Key Institutions**

The parliament has resumed its activities fully with four plenary sessions being held every week.<sup>13</sup> In accordance with the amended regulation of the parliament, plenary sessions were organised by observing social distancing measures. In addition to the law-making process, the parliament has conducted an unusual number of oversight activities for such a short period. Due to the pandemic, the usual annual reporting of the institutions that report to the parliament was resumed during May and June.

The Prime Minister was called to an urgent interpellation in the plenary to answer for the demolition of the National Theater.<sup>14</sup> Another urgent interpellation was also held at the plenary with the Minister of the Interior requested by a group from the opposition regarding the violence exercised by police forces during the demolition of the National Theater.<sup>15</sup>

The parliamentary commissions have also resumed legislative and oversight activities, but commissions’ meetings and hearings sessions take place online. The Commission on Legal Affairs, Public Administration and Human Rights has discussed 19 acts and held hearings with seven institutions that report annually:

1. Ombudsman
2. Public Procurement Commissioner
3. Civil Service Oversight Commissioner

9 National Theater: DP files criminal charges against 22 officials, including Prime Minister Rama and Mayor Veliaj. <https://www.rts.al/lajme/teatrit-kombetar-pd-kallezon-penalisht-22-zyrtare-mes-tyre-kryeministrin-rama-dhe-kryebashkiakun-veliaj/>

10 Bylykbashi: Starting today, the “State of Natural Disaster” and the measures are unconstitutional. <https://top-channel.tv/05/25/bylykbashi-duke-nisur-nga-sot-gjendja-e-fatkeqesise-natyrore-dhe-masat-jane-antikushetuese/>

11 Constitution of the Republic of Albania. Article 173

12 Basha: I support the government’s measures, but a State of Emergency must be declared. <https://ata.gov.al/03/21/basha-mbeshetes-masat-e-qeverise-por-duhet-shpallur-gjendja-e-jashtezakons-hme/>

13 Plenary sessions were held on May 14, 21, and 28, and on June 4. <https://www.parlament.al/Document/IndexAll?tipId=1>

14 MP Rudina Hajdari called on Prime Minister Rama in an urgent interpellation: The issue of the demolition of the National Theater at the centre of discussion. <http://www.parlament.al/News/Index/10103>

15 <http://www.parlament.al/News/Index/10126>

5 Prime Minister Rama’s Gigantomania in the fight against the invisible enemy. <https://www.reporter.al/gjigandomania-e-kryeministrirama-ne-luften-ndaj-armikut-te-padukshem/>

6 The Health Inspectorate orders the closure of Ora News television. <https://www.reporter.al/inspektorati-shendetesor-urdheron-mbylljen-e-televizionit-ora-news/>

7 Lulzim Basha fined for the second time last night at the National Theater. <https://shqiptarja.com/lajm/grumbullimi-mbrete-te-teatri-kombetar-gjobitet-per-here-te-dyte-lulzim-basha>

8 Veliaj: We respected the decision of the majority on a new Theater. <http://en.ata.gov.al/05/18/veliaj-we-respected-decision-of-majority-on-a-new-theater/>

4. Authority for Information from Files of the Former State Security
5. Prosecutor General
6. High Inspector of Declaration and Control of Assets and Conflict of Interest
7. Commissioner for Protection against Discrimination

The Commission on National Security held two hearings sessions, one with the Director of State Police to report on the role of Police in facing the pandemic and another with two deputy ministers of the interior on domestic violence during the pandemic and the situation of migrants at border crossings during this period.<sup>16,17</sup>

The Commission on Education and the Media held a hearing with the Minister of Education on the teaching process and completion of the academic year under the conditions of the pandemic.<sup>18</sup> The lack of previous experience with online tools and limitations to normal interaction has had an impact on the quality of the debate,<sup>19,20</sup> but despite the substance, the resumption of the activity of the legislative branch contributed to making the public debate more inclusive and diverse than the previous period when public debate was dominated by the government.

On the other hand, government representatives invited to the interpellations have been very dismissive of the opposition MPs' claims of their abuse of powers regarding the demolition of the theatre building and the use of disproportionate police force and violence.<sup>21</sup>

The activity of the judiciary is normalising. Since March 23, court hearings for administrative, civil and criminal cases were postponed until the end of the State of Epidemic.<sup>22</sup> Amendments to the administrative act providing for such postponement were made on May 27 and provided for the resumption of the activities of court proceedings by applying both social distancing protocols and the use of online tools.<sup>23</sup> However, the activity of the courts will resume only after the councils and judicial administration bodies of each court approve bylaws on specific organisational measures for the development of judicial processes.

### *The system of checks and balances remains in a precarious situation*

The absence of the Constitutional Court remains a formidable omission in such a context. Following the decision of the government to transfer the ownership of the National Theatre building to the Municipality of Tirana, the President of the Republic filed a lawsuit to annul the government decision.<sup>24</sup> However, it remains unknown as to when cases brought to the Constitutional Court will be deliberated on given that the Court has not been constituted yet.

As such, the system of checks and balances remains in a precarious situation. Since over a year ago opposition parties quit the parliament functioning with a reduced number of 122 members, out of the 140 of over a year ago.

General elections scheduled to take place in less than a year are expected to normalise the functioning of the legislature, but an electoral reform must be conducted in order to bring normality to the electoral processes that have been continually contested in Albania.

With the main opposition outside the parliament, a Political Council was established that includes the ruling majority, the opposition in the parliament and the opposition outside the parliament. The activity of the Political Council was resumed in early May, following the interruption due to the lockdown measures in March.

An agreement reached under the auspices of the EU, US and UK ambassadors to improve the voters' identification system and ballot-counting mechanisms is regarded as an opportunity to bring some normalisation to politics.<sup>25</sup>

However, the agreement is not supported by the opposition factions in the parliament without which the ruling majority and the opposition cannot obtain the qualified majority to pass the agreement into law.<sup>26</sup> The opposition factions in the parliament require that the electoral reform also include the modification of the current regional proportional electoral system with closed lists in favour of a more open and competitive system.

With deadlocked political processes, a weakened legislature and the lack of the Constitutional and High Courts, the Executive branch, supported by its ruling majority, continues to remain generally unchecked.

16 <http://www.parlament.al/News/Index/10115>

17 <https://www.parlament.al/News/Index/10106>

18 <https://www.parlament.al/Files/Procesverbale/0605165639Komisioni%20i%20Medies%2019.05..pdf>

19 Debate at the Law Commission on Internet Speed. <https://a2news.com/06/03/debat-ne-komisionin-e-ligjeve-per-shpejtesine-e-internetit/>

20 MPs' jokes during online meetings. <https://lapsi.al/05/11/video-tall-jet-e-deputeteve-gjate-mbledhjeve-online/>

21 Rama derides the interpellation on the Theater in the Assembly: I have nothing more to say. <https://lapsi.al/05/28/rama-tallet-ne-interpelancen-per-teatrin-ne-kuvend-nuk-kam-me-cte-them/>

22 Normative Act nr. 9, date 25.03..

23 Normative Act nr. 21, date 27.5.

24 President Meta sues the government in the Constitutional Court over the decision against the Theater. <https://www.zeriamerikes.com/a/5419441.html>

25 Electoral reform, an agreement is reached between the parties. <https://a2news.com/06/05/keshilli-politik-a2-zbulon-ceshtjet-e-dakor-desuara-mes-paleve-deri-tani/>

26 Parliamentary opposition revolts / Letter to Yuri Kim: We are not voting for electoral reform. <https://www.vizionplus.tv/revoltohet-opozita-parlamentare-leter-per-yuri-kim-nuk-e-votojme-reformen-zgjedhore/>



## Civil Society

The pandemic appears to have served as a catalyst for enhanced civil society action across Albania on several issues. In addition to demanding more transparency of government and that the judiciary draw up with a plan for re opening, as other sectors were reopening, civil society groups rallied against the demolition of the theatre building, the use of police violence, the increased trends of family and sexual violence, for the freedom of speech and the improvement of electoral accountability and the voting system. The Alliance for the Protection of the Theater, formed in opposition to the government decision to demolish the building, organised rallies in several cities to collect signatures for a petition to reconstruct the National Theater to its original design. The alliance filed criminal charges against the Mayor of Tirana.

### *The pandemic as a catalyst for enhanced civil society action*

Another protest was organised by a civil society organisation against the violence against a member of the Roma community by municipal police.<sup>27</sup> Civil society also organised rallies in the capital and three other cities to oppose violence against minors and sexual violence. Civil society groups were also engaged in collecting signatures for the organising of a referendum on the electoral system in opposition to the choice of electoral system by the political parties.<sup>28</sup>

Another cluster of civic resistance formed around the so-called mandatory vaccination. Dozens of activists marched in Tirana in early June to protest against the alleged government plan to administer the covid-19 vaccine through law.<sup>29</sup> The movement "No-Vax Albania" bases its narrative on the news that the Albanian government had volunteered to test a covid-19 vaccine on its population in April,<sup>30</sup> and the evasive declarations on the return of movement restrictions at weekends starting from October until next March.<sup>31</sup> The activists of the movement maintain that the government is planning to reintroduce lockdown measures in autumn in order to scare people and make them accept mandatory vaccination.

27 Protest against municipal police violence against the Roma and Egyptian community. <https://www.reporter.al/proteste-kunder-dhunes-se-policise-bashkiake-ndaj-komunitetit-rom-dhe-egjiptian/>

28 Electoral reform, civil society calls for transparency. <https://www.reporter.al/reforma-zgjedhore-shoqeria-civile-ben-thirrje-per-transparence/>

29 Activists against COVID-19 and 5G vaccines are protesting in Tirana. <https://www.reporter.al/aktivistet-kunder-vaksinave-te-covid-19-dhe-5g-se-protetstojne-ne-tirane/>

30 Rakacolli: Albania is not part of any study on the COVID-19 vaccine, fake news. <http://en.ata.gov.al/04/27/rakacolli-albania-is-not-part-of-any-study-on-covid-19-vaccine-fake-news/>

31 Rama: Two more weekends without cars, we will return to tradition after October. <https://abcnews.al/rama-edhe-dy-fundjava-dogendroni-mbyllur-do-e-kthejme-ne-tradite-pas-veres/>

## External Factors

The EU and western countries have increased their presence both economically and politically. The EU, US, and UK were heavily involved in brokering a solution to the political crisis on electoral reform. The EU has allocated to Albania 4 million Euros of immediate support for the health sector and 46.7 million Euros to support social and economic recovery. Aid to the healthcare system was provided by the US, Switzerland, Norway and Hungary. Turkey and China have provided similar aid but not such as to offset western support.<sup>32</sup>

### *The EU and western countries have increased their presence both economically and politically*

The opening of land borders with Greece and Kosovo led to the creation of large fluxes of people, given the transition of the Kosovo government and the unclear communication of a decision to thousands of citizens enduring long hours of queuing at the borders. The Kosovo government imposed a 22 Euro tariff and required evidence that citizens entering Kosovo had undergone the covid-19 test.<sup>33</sup>

The Greek Border Authorities fined Albanian citizens who had remained stranded there due to the closure of the border for violation of Schengen regulations. The Albanian government has entered negotiations with Greece to resolve the issue and has committed to reimburse the money spent on paying the fine if negotiations fail.<sup>34</sup> The border with North Macedonia remained closed while no issues arose at the border with Montenegro from either side.

32 OECD: The covid-19 crisis in Albania. <https://www.oecd.org/south-east-europe/COVID-19-Crisis-in-Albania.pdf>

33 Kosovo withdraws, removes the €22 customs duty on truck disinfection! Condition for citizens buffer or quarantine. <https://shqiptarja.com/lajm/shqiperia-rihapi-kufijte-tokesore-por-kosova-e-greqia-ven-dosin-kusht-tamponin-lirisht-kalohet-vetem-ne-mal-te-zi?r=kh6>

34 The Albanian government will pay fines to immigrants who came from Greece. <https://www.gazetaexpress.com/qeveria-shqiptare-do-te-paguaje-gjobat-e-emigrantëve-qe-erdhen-nga-greqia/>

## Timeline

- |          |   |        |   |
|----------|---|--------|---|
| March 9  | First COVID-19 case detected on Albanian territory.   | May 18 | Citizens and civil society groups organise a second protest against the government for the decision to demolish the Theater building. Protests are organised in the following days in Tirana and other cities. Participants defy social distancing. |
| March 11 | Minister of Health and Social Protection proclaims State of Epidemic. Albania becomes the first country in the region to impose partial lockdown measures to prevent the further spread of virus. The decision is taken on the same day the World Health Organization characterises COVID-19 as a pandemic.   | May 23 | The largest opposition party appeals to citizens to disregard the emergency measures as being unconstitutional. It invites citizens to take back parks and streets.   |
| March 24 | The Council of Ministers of Albania adopts a Normative Act proclaiming State of Natural Disaster for 30 days. The Normative Act provides for the restriction of air, land and sea traffic, suspension of education process, establishment of quarantine procedures and self-isolation, restriction of assembly, manifestation and gatherings, restriction on the right to property, special regulation on public service delivery and administrative proceedings. | May 30 | The government announces the removal of the curfew hours and the reopening of most business activities with no timetable limitations.   |
| March 25 | The European Council approves the opening of accession negotiations with Albania. Albanian government approves a financial package to support the unemployed and those employed in small size enterprises. Albanian Council of Ministers adopts Normative Act to postpone court hearings in administrative, civil and criminal cases until the end of the State of Epidemic.  | June 1 | Limitation of movement within the country is removed and land borders opened. A large part of public activities are reopened, including kindergartens, sports events, beaches, etc.   |
| March 31 | Albanian government notifies Council of Europe on the derogation from certain obligations of the Republic of Albania under Articles 8 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 1 and 2 of Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 2 of Protocol No.4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.              |        |   |
| April 16 | Albanian parliament convenes for the first time at a plenary session since the imposition of lockdown measures.   |        |   |
| April 23 | Albanian parliament approves government's proposal to extend the State of Natural Disaster for another 60 days, until 23 June.  |        |   |
| April 30 | Government announces gradual easing of lockdown measures.   |        |   |
| May 9    | Police detain 10 civil society activists who gathered at Tirana central square to celebrate Europe Day and to protest the extension of lockdown measures.   |        |   |
| May 14   | Government announces lockdown measures will be further eased by 18 May.   |        |   |
| May 17   | Tirana local authorities demolish the National Theater building at 4:30am with the support of a hundred police. Citizens and civil society activists clash with police and over 50 are detained.  |        |   |

# BOSNIA AND HERZEGOVINA

Miroslav Zivanovic

## Abstract

- What started as a health crisis caused by the Covid-19 pandemic has been replaced by an overall political, economic and social crisis.
- The state of emergency has been ended and society is gradually moving towards normalization, although it has been constantly shaken by scandals connected with public procurement corruption and crime, which has even led to the arrest of the prime minister of the Federation of Bosnia and Herzegovina.
- The 2020 Local Elections have been postponed; the ruling ethno-national political parties are politically opposed on a number of issues. There is almost complete paralysis of the decision-making process, which has provoked demonstrations and protests by citizens.

## Political and Civil Rights

The Bosnia and Herzegovina authorities started to introduce public health measures to combat the Covid-19 threat at the beginning of February. First, official advice on hand hygiene and respiratory etiquette was issued, followed at the end of the February with official recommendations on physical distancing. The first infection was registered on 5 March and a state of emergency was declared by the middle of the March, followed by an almost complete lockdown, delivered through executive orders, which significantly restricted freedom of movement and the mobility of citizens. A curfew was imposed on the entire population, as well as complete restriction of movement for minors (FBiH) and over-65s (FBiH and RS).

Educational institutions were closed and public and private gatherings were officially banned, while public transport and inter-city bus and train connections were cancelled. The working hours of public institutions and private enterprises were adjusted to a shift pattern, with employees working every other day or working from home, and/or the introduction of an early closure regime. Public gathering places were closed. All foreigners were banned from entering the country and a mandatory 14-day period of self-isolation or quarantine was required for all incoming BiH nationals. Religious communities introduced protective measures, including the cancellation of joint prayers in mosques and religious cere-

monies being held without the physical presence of the congregation. All non-essential businesses were ordered to close. Markets and shops which remained open during the peak of restrictions included: grocery shops, shops selling hygienic products, fish markets, pharmacies, specialized shops for medical and veterinary products, agricultural pharmacies, gas stations, kiosks, bakeries, dry cleaners, specialized shops selling orthopaedics and other supplies, specialized shops selling children's equipment, shops selling animal food and products and shops selling construction materials.

Quarantine and self-isolation were mandatory in precisely defined circumstances. Algorithms were defined for application by primary care professionals for screening and for testing and referring individuals with an epidemiological link or exhibiting symptoms. The overall response of the health system to the pandemic was timely, although faced with shortages of infrastructure, equipment and workforce. In order to address this problem, the authorities introduced a "fast-track" procurement process.

Daily media coverage of the pandemic was organized, with crisis management HQs at the various administrative levels having different communication strategies. Crisis management information was issued through daily press releases and press conferences involving government officials and health professionals. In order to prevent disinformation from causing panic and social unrest, decrees and legislative proposals were introduced, stipulating penalties for circulating information that may cause panic.

By the middle of April it was obvious that Bosnia and Herzegovina had avoided a major outbreak, resulting in increased public interest in the relaxation of measures. The end of April and beginning of May witnessed the de-escalation and relaxation of the measures. On 21 May, the state of emergency was ended in Republika Srpska, followed by the lifting of the curfew on 22 May. The Federation of Bosnia and Herzegovina ended its state of emergency on 29 May, while the curfew had already been lifted much earlier, on 24 April. Public institutions and private business enterprises, including non-essential businesses, gradually re-opened and restored their functions. While pre-school educational facilities were re-

opened, elementary and secondary schools and universities remained closed, with the school and academic year to be completed via an on-line curriculum. After two months of the state of emergency, only measures concerned with protective gear, respect of social distancing rules and the prohibition of gatherings of large groups remained in place.

### *Persons in mandatory quarantine complained about living conditions and lack of access to medical care*

While the state of emergency and restrictions were in force, several human rights issues emerged, the first of which, involving discrimination, developed as a direct consequence of the complex and highly decentralized crisis management structure and the lack of harmonization of measures between different administrations. Both the Presidency of Bosnia and Herzegovina and the Ministry of Human Rights and Refugees of BiH called on the crisis management authorities of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District to harmonize their approach to all categories of the population and respect the Law on Prohibition of Discrimination of BiH by preventing discrimination by age or any other grounds. In the context of discriminatory practices and the prohibition of torture and cruel, inhuman or degrading treatment, it is important to note the measures imposing mandatory quarantine upon entry. In many cases, persons held in mandatory quarantine complained about their living conditions and a lack of access to medical care. Their protests culminated in hunger strikes and threats of individual lawsuits. As a consequence of this pressure, mandatory quarantine was abolished on 24 April in the Federation of Bosnia and Herzegovina and on 12 May in Republika Srpska.

Furthermore, some elements of the crisis management orders which imposed restrictions on freedom of movement were found to be unconstitutional. On 22 April, Decision AP 1217/20 of the Constitutional Court of Bosnia and Herzegovina concluded that orders from the Federal Headquarters of Civil Protection prohibiting the movement of the persons under 18 over 65 years of age on the territory of the Federation of Bosnia and Herzegovina had violated of freedom of movement.

### *Privacy was violated when authorities made lists of Covid-19 patients publicly available*

The right to privacy was violated on several occasions when cantonal and local authorities made lists publicly available which contained the personal data of Covid-19 patients and persons required to take isolation and self-isolation measures. In response, on 24 March the BiH Personal Data Protec-

tion Agency decided to ban the public disclosure of the personal data of COVID-19 patients and persons respecting isolation and self-isolation measures. Furthermore, the Agency took the position that the Personal Data Protection Law of Bosnia and Herzegovina and other relevant legislation prohibits general and proactive public announcement of the personal data of persons who violate isolation and self-isolation measures.

### *Media freedom was under great pressure during the state of emergency*

The right to freedom of opinion and expression, including media reporting and freedom of speech, came under great pressure during the state of emergency. Attempts by the authorities to use legal force to impose some decisions and regulations to restrict expression and opinion in the media and on social networks were strongly opposed by journalists and the public, and were withdrawn soon after their introduction without being fully implemented. Still, the problem of the responsibility of governments to ensure unhindered access to information and decisions regarding the Covid-19 epidemic in a safe and free manner, without imposing any restrictions or censorship, remained present for the whole time the state of emergency was in force. Journalist associations and media experts were concerned about the one-way and limited manner in which the authorities communicated, often including incomplete, fragmented and contradictory information and even the physical absence of journalists from press events. Media reports about misconduct by various authorities during the pandemic provoked strong reactions from political and government officials, including threats and false accusations.<sup>1</sup>

The right to life in the context of the pandemic was widely debated as a result of two cases of Covid-19 deaths. In both cases, the system/applied algorithms failed to recognize that they were victims of Covid-19, despite the fact that they had developed strong symptoms and had tried to get tested on several occasions. These cases caused a stir, upsetting the public and raising suspicions that the algorithms applied by primary care professionals for screening, testing and referral were confusing and unsuited to a timely response by the health system. As a result, cantonal prosecutors in Sarajevo opened an official investigation into these cases and the director of the Primary Care Centre of the Canton of Sarajevo was replaced on 8 April.<sup>2</sup> Additional problems arose from the fact that, while autopsies of Covid-19 victims could be performed in Republika Srpska, they were not recommended in the Federation of Bosnia and Herzegovina. This led to the

1 Halilović, M.; Džihana A. Ograničavanje prava na slobodu izražavanja u BiH u toku trajanja pandemije Covid-19. Available at: <https://bhnovinari.ba/wp-content/uploads/2020/06/Ograni%C4%8Davanje-prava-na-slobodu-izra%C5%BEavanje-BOS.docx>

2 Bosnia and Herzegovina: Covid-19 Health System Response Monitor. Available at: <https://www.covid19healthsystem.org/countries/bosnia-andherzegovina/countrypage.aspx>

Minister of Security of Bosnia and Herzegovina requesting the imposition of legal sanctions against those professionals who opposed the carrying out of Covid-19 autopsies in the Federation of Bosnia and Herzegovina.

### *The right to good governance was also a victim of the state of emergency*

Finally, it seems that the right to good governance of the citizens of Bosnia and Herzegovina was also a victim of the state of emergency. This is very much related to the issue of government corruption in Bosnia and Herzegovina and the conduct of government officials in the public procurement of medical supplies, personal protective equipment, reagents and laboratory supplies, ICU equipment and capacity and ventilators. To address the issue of shortages of all the above-mentioned equipment and supplies, the authorities enabled “fast-track” procurement procedures, although they still faced difficulties in local and international procurement due to the disruption of global and international supply chains. The situation was obviously misused by governments and crisis management authorities. For example, a criminal investigation resulted from the public’s strong reaction to the blatant abuse of fast-track emergency public procurement procedures by crisis management authorities in the Federation of Bosnia and Herzegovina when it was realised that a small agricultural/raspberry growing company had purchased 100 medical ventilators, worth 10.5 million Bosnian Marks (BAM), from China with the approval of both crisis management authorities and the Government of the Federation of Bosnia and Herzegovina (29 April). Further investigations revealed that ventilators (80 of which had meanwhile arrived at Sarajevo airport on 30 April) had been purchased without pre-approved technical specifications or import permission, and as such were not suitable for use in Covid-19 IC units in the Federation of Bosnia and Herzegovina. In addition, these ventilators appeared to have been overpaid for by a large margin.

Under great public pressure, all Covid-19 related procurements by FBiH Civil Protection authorities were reviewed, with preliminary findings that all Covid-19 related purchases, including lab tests and PPE supplies, had also been made by selected companies not primarily registered as medical suppliers. Prosecutors began an official investigation, and the Prime Minister of the Government of FBiH, the director of the company which had bought ventilators and the director of the FBiH Department of Civil Protection were taken into custody and questioned by the responsible security agency. This investigation resulted in the official indictment of these three officials. Similarly, the Government of Republika Srpska came under question over the purchase of equipment for a mobile hospital from Germany. The hospital was reportedly worth BAM 3.6 million and was capable of accommodating 500 beds on 6000 square metres, with lab facilities, an Intensive Care Unit, showers, toilets and a kitchen. On 4 May, ques-

tions were raised in public over the purchasing procedure for this hospital, as it was unknown which company or entity had provided parts for the hospital, which is yet to be registered as the property of RS Government.<sup>3</sup>

### **Key Institutions**

Executive authorities are still the key power holders in the pandemic context. In the reporting period (18 May to 8 June) the People’s Assembly of RS met twice: to end the state of emergency and confirm all the decrees enacted by the President of Republika Srpska during the state of emergency and to debate a resolution adopted by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina on the issue of respect for the victims of fascist regimes. In FBiH, the House of Representatives has held only one online session during the reporting period to debate information about the activities of the Government of the Federation of Bosnia and Herzegovina during the state of emergency, with special emphasis on public procurement procedures. The Parliamentary Assembly of Bosnia and Herzegovina has held one session of the House of Representatives and one session of the House of Peoples in order to adopt legislation drafted by Council of Ministers, with measures developed to address the socio-economic consequences of the pandemic and debate a variety of acts under its regular jurisdiction.

### *Failure of parliaments to fulfil their role as checks and balances*

At all administrative levels, the parliamentary opposition is too weak to impact on the parliamentary agenda. Consequently, although parliamentary debates are intense, and sometimes even on the edge of physical conflict, they usually end with majority support for materials and legislation proposals submitted by the government. Members of parliament from ruling political parties understand their parliamentary role not as to oversee and supervise government policies, but more as unconditional advocacy of the proposed policies and measures. Essentially, parliaments in Bosnia and Herzegovina have evidently failed to fulfil their role in the overall system of checks and balances.

Being fully aware of obvious flaws in the system of checks and balances, several activists and law experts decided to submit appeals to the constitutional courts in Bosnia and Herzegovina and ask for a review of the constitutionality of several measures adopted during the pandemic and state of emergency. For example the Constitutional Court of Republika Srpska will have to review the constitutionality of the decision of the People’s Assembly of Republika Srpska to declare a state of emergency, as well as the constitutionality of decisions enacted by the President of Republika Srpska during the state of emergency.

<sup>3</sup> Ibid.



## Political Parties

During the reporting period, initial suspicions that ruling political parties and their representatives in government and public administration are misusing the pandemic both to promote their narrow and particular political interests and for corrupt purposes, including participation in organized crime, have been partially confirmed by the public uncovering of several public procurement scandals, which even led to the arrest of the prime minister of the Government of the Federation of Bosnia and Herzegovina. Public procurement scandals have caused intense political conflict between the ruling political parties and the opposition, as well as between the ruling parties themselves. Several thousand citizens participated in a protest organized in Sarajevo by the political opposition in the Federation of Bosnia and Herzegovina. The key motive behind the gathering was misconduct and corruption by the authorities. Furthermore, the Minister of Security of Bosnia and Herzegovina, who is also the leader of a party participating in ruling coalition, resigned his position.

### *Public procurement scandals have caused intense political conflict*

The Covid-19 virus is no longer the focus of current political debate. The health crisis is gradually being replaced by numerous issues developing from the ongoing political, economic and social crisis. Political disagreements and conflicts around a variety of issues are flourishing within public discourse in the country, but they continue to be two dimensional in their nature, with one dimension being the ethnic lines followed by political disputes between the political representatives of constituent peoples, even if they are part of ruling coalition, while the second dimension is the traditional opposition confrontation.

The forthcoming local elections are attracting a lot of political and public attention. On 23 May, the Central Election Commission of Bosnia and Herzegovina decided to postpone the 2020 local elections until 15 November.<sup>4</sup> The decision caused a divide between those political actors strongly opposed to any delay of the local elections, who accused the Central Election Commission of overstepping the legal framework and acting illegally, and parties that are silently calculating the potential political benefits of the postponement of elections. As previously, the Commission claims that measures restricting freedom of association and mobility will be detrimental to the electoral process and democratic standards of free and fair elections as will the fact that Council of Ministers have failed to adopt the 2020 Budget and ensure funds for the conduct of the 2020 Local Elections, in line with Article 1.2a, paragraph (6) of the Election Law of Bosnia and Herzegovina.

### *Antifascist protests against the commemoration of Bleiburg victims in Sarajevo*

Heated political debate followed the announcement that a mass for the victims of the so called Bleiburg tragedy would be held in Sarajevo's Cathedral of the Sacred Heart of Jesus on 16 May. Many political leaders and civil society representatives expressed criticism of this planned event, labelling it a provocation and an attempt to rehabilitate the Ustaša regime, notorious for committing war crimes during the Second World War. All three members of the Presidency of Bosnia and Herzegovina and the Mayor of Sarajevo condemned the event, as did the US and Israeli embassies. On 16 May, the mass was held with the participation of no more than 20 people, excluding the concelebrant priests, while others were encouraged to participate in regular masses in their parishes that day and offer prayers for the victims of Bleiburg and all innocent victims of any nation. At the same time, thousands of antifascist protesters marched through the city in opposition to the event. The protesters slammed the mass as a thinly disguised attempt to rehabilitate Nazi collaborators. Some commentators described the crisis as a convenient way of distracting public attention from issues like public procurement corruption and poor management of the pandemic.<sup>5</sup>

Political confrontation over a loan taken by Bosnia and Herzegovina from the IMF to alleviate the effects of the pandemic has attracted significant public attention. On 11 April, at a meeting with EU and US ambassadors, the leaders of the ruling political parties reached an agreement on a Letter of Intent for the IMF to make EUR 330 million immediately available to Bosnia and Herzegovina through its Rapid Financing Instrument (RFI). The principles for distribution of these funds within BiH were agreed, meaning that 62% would go to FBiH and 38% to RS, while 0.5% from each of BiH's entities (totalling 1%) would go to Brčko District. Of FBiH's cut, 50% would go directly to the 10 cantons of FBiH, while the exact distribution would be a matter of further discussion within FBiH. On 16 April, the Council of Ministers of BiH adopted these principles of distribution in general but failed to agree on the criteria for distribution within FBiH, in particular for the direct disbursements to cantons (cantonal population and the number of people employed in the private sector were proposed in the Parliament of FBiH). On 23 April, the IMF transferred the approved EUR 330 million to the Central Bank of Bosnia and Herzegovina in three separate tranches, which would become operational upon final approval of the distribution by the Council of Ministers of BiH. However, almost one month after the arrival of the funds, the political leaders of the Bosniak and Croat ruling parties had failed to agree on how to distribute the money.

4 Central Election Commission of Bosnia and Herzegovina. Available at: [http://www.izbori.ba/Documents/Lokalni\\_izbori\\_2020/Ostalo/Odluka\\_o\\_odgadjanju\\_izbora\\_2020-bos.pdf](http://www.izbori.ba/Documents/Lokalni_izbori_2020/Ostalo/Odluka_o_odgadjanju_izbora_2020-bos.pdf).

5 Mujkić, A. Na pragu smo čiste autokratije predvodene trojicom narodnih poglavica. Available at: <https://www.tacno.net/nasigradovi/asim-mujkic-na-pragu-smo-ciste-autokratije-predvodene-trojicom-narodnih-poglavica/>.

## *Money from an IMF loan blocked for months because of the inability of political leaders to agree*

As the loan was unused in the Central Bank's account, the state had to pay interest on the money to the IMF. The money has been blocked for months due to political bickering and the inability of political leaders to agree on how it would be distributed among the various levels of authority. While Croat ministers claimed the objections of Bosniak ministers and their "unacceptable and unfounded" proposals on how to divide the money were at fault, the Bosniak ministers blamed the Croats' proposal for not being in line with the Letter of Intent sent to the IMF. The funds were finally unblocked on 2 June, after state ministers agreed on how they would be distributed. According to the decision of the Council of Ministers of Bosnia and Herzegovina, the money would be distributed such that the Federation of Bosnia and Herzegovina would receive 61.5% of the total for its ten cantons and the Republika Srpska would get 37.5%, while Brčko District would get 1% of the total.<sup>6</sup>

### **Civil Society**

The ending of the state of emergency and the gradual relaxation of measures intended to prevent transmission was welcomed by the public, although health officials from the various administrative levels are still careful in their assessment of the further development of the pandemic. They are very much united in their call for full compliance with all mandated preventive measures (personal protection, physical distancing and disinfection of premises) and service-tailored rules and procedures issued by public health authorities. Several medical and health officials have warned that overly rapid relaxation and lifting of measures will allow the pandemic to surge out of control.<sup>7</sup>

## *NGOs continue their watchdog activities in the context of the pandemic*

Several civil society organizations, as well as a few independent media outlets in Bosnia and Herzegovina, are continuing to act as watchdogs of democracy activities in the pandemic context. On 30 May, Transparency International in Bosnia and Herzegovina (TI BiH) filed criminal charges with the District Prosecutor's Office in Banja Luka against the manage-

ment of the Public Health Institute of Republika Srpska for controversial procurement of medical equipment from unqualified bidders.<sup>8</sup>

The organization "Why Not" has continued its daily monitoring of pandemic-related information published in the media and on social networks. Civil society organizations were active in organizing protests in Mostar against the city's exclusion from the decision to organize the 2020 local elections, as well as the antifascist protests in Sarajevo.

Civil society organizations are also providing critical aid and assistance for the increasing number of illegal migrants across the country. In many cases their humanitarian work relies exclusively on support from international humanitarian organizations, while local and state authorities are even trying to limit or even completely prohibit their support for migrants. Besides their humanitarian work with migrants, several NGOs are publicly reacting to cases of police brutality against migrants.

The Foundation of Local Democracy, a Sarajevo based NGO responsible for managing a safe house for victims of domestic violence, reports a significant increase in the number of reported cases of domestic violence due to the difficult socio-economic conditions of many citizens.

### **External Factors**

Bosnia and Herzegovina has continued to receive aid and assistance from the international community. During the reporting period, aid and assistance were delivered by Poland, Turkey, the USA, the EU, the OSCE, NATO, the UAE and Qatar.

As of 1 June, Bosnia and Herzegovina has opened its borders to the citizens of neighbouring countries. On 20 May, the EU Council announced EUR 3 billion of macro financial assistance for states participating in the EU integration process, from which Bosnia and Herzegovina is expecting EUR 250 million. The USA and EU member states have confirmed their significant influence on the decision-making process in the governmental sector in Bosnia and Herzegovina. Representatives of both the USA and EU member states in Bosnia and Herzegovina facilitated the compromise agreement over the distribution of the IMF-approved EUR 330 million. Furthermore, the development agencies of USA and EU member states that are present in Bosnia and Herzegovina have adjusted their assistance plans and budgets to address the new circumstances of the pandemic, as have other international organizations.

6 Bosnia's Council of Ministers unlocks IMF's 330 million loan. Available at: <http://hr.n1info.com/English/NEWS/a514421/Bosnia-s-Council-of-Ministers-unlocks-IMF-s-330-million-loan.html>

7 Čerkez: Više ne možemo kontrolisati situaciju, mi nismo preporučili ukidanje izolacije. Available at: <https://www.klix.ba/vijesti/bih/cerkez-vise-ne-mozemo-kontrolisati-situaciju-mi-nismo-preporucili-ukidanje-izolacije/200522064>.

8 TIBIH filed criminal charges against the Public Health Institute of the Republika Srpska. Available at: <https://ti-bih.org/tibih-podnio-kriminalnu-prijavu-zbog-nabavki-instituta-za-javno-zdravstvo-rs/?lang=en>

## Timeline

- March 5 First case of coronavirus infection registered in Bosnia and Herzegovina
- March 9 Educational institutions closed (RS)
- March 10 Restrictions on non-essential businesses (RS)
- March 11 Educational institutions closed (FBiH)
- March 16 State of emergency declared on the level of Bosnia and Herzegovina entities (Federation of Bosnia and Herzegovina and Republika Srpska)
- March 17 State of emergency declared on the level of state of Bosnia and Herzegovina
- March 19 Restrictions on non-essential businesses (FBiH)
- March 20 Cancellation of all inter-city bus and train connections and city transport
- March 22 Start of the “Stay at home” campaign and imposition of curfew
- March 24 Personal Data Protection Agency in BiH bans public disclosure of personal data of COVID-19 patients and persons respecting isolation and self-isolation measures
- March 27 Persons under 18 and over 65 (FBiH) and over 65 (RS) prohibited from leaving their homes at all times
- April 11 Agreement on a Letter of Intent for the IMF to release EUR 330 million to BiH through its Rapid Financing Instrument (RFI)
- April 15 RS Government establishes Solidarity Fund of RS to address the economic consequences of the pandemic
- April 16 Council of Ministers of BiH fails to agree on criteria for the distribution of IMF's RFI funds in FBiH
- April 22 Constitutional Court of Bosnia and Herzegovina confirms violation of freedom of movement for persons under 18 and over 65 in FBiH
- April 23 IMF transfers EUR 330 million, but funds still await final approval of distribution from Council of Ministers
- April 24 FBiH begins to relax measures – curfew and mandatory quarantine ended
- April 27 RS begins to relax measures
- May 4 Parliament of FBiH adopts law to remedy consequences of pandemic (Corona Law)
- May 21 State of emergency ended in Republika Srpska
- May 22 Curfew ended in Republika Srpska
- May 29 State of emergency ended in FBiH



# CROATIA

Nenad Zakošek

## Abstract

- Croatia has achieved very good results in combating the epidemic. As of June 10, there are only 13 active cases of Corona virus infection. For two months, from mid March to mid May, Croatia has been immobilised by wide-ranging restrictions. Since mid May, most restrictions have been lifted.
- Emergency management has been carried out by a special body, a blend of experts and politicians, called National Headquarters of Civil Protection, which is headed by the Minister of the Interior.
- Democracy was not diminished during lockdown measures, the Parliament was in session and the Government was exposed to scrutiny by the opposition, agile media and civil society.
- On May 18, the Croatian Parliament has been dissolved and the President of Croatia has called for a parliamentary election, to be held on July 5. This is two months earlier than the regular election was due.
- The focus of political debate has shifted away from dealing with the epidemic towards electoral competition. Despite the Government bonus for efficient handling of the Corona virus crisis, all polls indicate a very tight electoral race between the Governing Croatian Democratic Union (HDZ) and the Social Democrats (SDP), who lead a wider coalition of opposition parties.

During the last three months Croatia has experienced a very intensive and shocking Corona virus epidemic crisis, from which it has emerged with very good results. After it has registered its first Corona virus infection case on February 25, the Government proclaimed the state of epidemic on March 11. Although Croatia as a Mediterranean tourist country is very open to international traffic and has intensive economic ties with Italy, one of European centres of Corona virus pandemic, it has been able to quickly contain the spread of Corona virus infection. This was due to an effective concept of emergency management, which has been mobilized to combat the epidemic, and due to functioning institutions of public health.

During the last 30 days, from May 10 to June 10, the epidemic has been brought to an almost complete halt: in this period only 62 new cases of Corona virus infection have been registered (to a total of 2249 cases) and 16 new deaths from Corona virus occurred (to a total of 106 fatalities). As of June 10,

there are only 13 active cases of Corona virus infection in Croatia. With these results Croatia compares well with other countries in the region.<sup>1</sup>

From March 16 on, for nearly two months the Croatian society was immobilised in an all-encompassing lockdown. Closing of a substantial part of economic activities (retail shops, cafes, hotels and restaurants, but also a part of services and manufacturing companies) and public services (all educational and cultural facilities) was combined with mobility restrictions, both for domestic and international travels. Citizens were required to stay in their place of residence, but exceptions were allowed, and implementation of these restrictions was not very strict (it was easy to obtain a mobility permit).

## *Serious economic costs, Croatian GDP expected to fall by 9.4 % in 2020*

From the end of April onwards these restrictions have been gradually eased and from mid-May most of the restrictions were lifted. Despite a relative short period of lockdown, economic costs of the crisis caused by the Corona virus epidemic are expected to be serious. The Croatian Government is expecting that the Croatian GDP in 2020 will fall by 9.4 %, which is mostly due to Croatia's dependence on tourism. The Government has introduced measures to alleviate the economic crisis, aiming to help both companies and workers.

1 Only Montenegro with no active cases and Slovenia with 20 cases have a similarly favourable situation. As of June 10 other countries in the region have many more active cases of Corona virus infection: Albania 327, Kosovo 354, Serbia 432, Bosnia-Herzegovina 551, and North Macedonia 1536. As of June 10, in terms of the death toll per 1 million inhabitants caused by Corona virus epidemic the situation is as follows. Albania with 12.1 deaths per 1 million inhabitants, Montenegro with 15 deaths and Kosovo with 17.2 deaths are better than Croatia, which has 25.9 deaths. Worse results are registered in Serbia with 35.9 deaths per 1 million inhabitants, Bosnia-Herzegovina with 46 deaths, Slovenia with 51.9 deaths and North Macedonia with 78.1 deaths. In this context we should have in mind that all these countries have much better results than most of developed West European countries: e.g. Germany has 105.3 deaths per 1 million inhabitants, Switzerland 225.1 deaths, Netherlands 348.3 deaths, France 437 deaths, Sweden 465.5 deaths, Italy 565.7 deaths, Spain 577.4 deaths and United Kingdom 607 deaths. This statistics is based on data provided by Johns Hopkins University (see: <https://coronavirus.jhu.edu/map.html>) and my own calculation, except for Kosovo, where I have used data provided by wikipedia (see: [https://en.wikipedia.org/wiki/COVID-19\\_pandemic\\_in\\_Kosovo](https://en.wikipedia.org/wiki/COVID-19_pandemic_in_Kosovo)).

Immediately after the relaxation of the anti-epidemic measures, the Croatian Parliament has been dissolved on May 18 and Croatia has entered a period of election politics. This has shifted the focus of public debate away from the Corona virus epidemic towards a range of topical political issues. Parliamentary elections will be held on July 5.

## Political and Civil Rights

Croatia has answered the Corona virus pandemic with a very specific set of measures. It was generally the intention of the Croatian Government to restrict social contacts and ensure social distancing by recommendations and not by repression. That is why there was no proclamation of the State of Emergency. A curfew – either for all citizens or for some specific groups of people – was never even contemplated as a possible measure. Nevertheless, apart from epidemiological recommendations, there were four types of restrictions whose violation was threatened by repressive measures, mainly by substantial monetary fines.

First, there were mobility restrictions for persons who were sent to self-isolations. This measure was prescribed by epidemiologists, implemented by health inspectors and controlled by the police. Several categories of people were obliged to go to 14-days of self-isolation (in their own homes): 1) all contact persons of infected patients who were not yet tested positive for coronavirus; 2) all persons (foreign and Croatian nationals) entering Croatia from abroad (this was applied from March 13). The requirement of a 14-days self-isolation were eased on May 11 and completely lifted for citizens of ten EU member states on May 28 (for details see Timeline). In addition, all patients tested positive for coronavirus, who had only light symptoms and didn't have to go to hospital, were also required to stay in self-isolation.

Secondly, on March 23, mobility restrictions were introduced for all citizens, i.e. they were not allowed to leave their place of residence (i.e. local administrative territorial unit). Later, on April 18, these mobility restrictions were relaxed and citizens were allowed to travel within the borders of their county of residence (Croatia has 21 counties, Zagreb and the surrounding Zagrebačka county were regarded as one administrative unit). On May 11, travel restrictions within Croatia were completely lifted.

Thirdly, the freedom of assembly was temporarily suspended due to epidemiological concerns. On March 9, gatherings of more than 1000 people were prohibited. Ten days later, on March 19, a much stricter rule was introduced, and gatherings of more than 5 people were prohibited. These measures were relaxed on May 11, when the number of people who were allowed to assemble was raised to 40. Finally, from May 27 on, there are no restrictions of the freedom of assembly, only general epidemiological rules (minimum distance, wearing masks) apply.

Fourthly, there were substantial restrictions of business activities (closing of cafes, restaurants, bars, personal services such as hairdressers etc.), which heavily affected many entre-

preneurs, workers and companies in Croatia. Most restrictions were applied starting on March 19. Only gradually these restrictions were eased (see Timeline), and on May 18 they were completely abandoned. Thus, economic activities in Croatia were locked down or restricted for exactly two months. Even after the lifting of restrictions, economic life in Croatia is still recovering very slowly.

In terms of the severity of restrictions, it must be stressed that violations of any of these restrictions was treated as a misdemeanor, not as a crime. These acts are punishable by quite substantial monetary fines, even in repeated cases of violation of restrictions. A case of a woman in Vukovarsko-srijemska County was reported in the media, who violated self-isolation measure for four times. As a consequence, a health inspector issued an ordinance by which she was obliged to stay in mandatory public quarantine.<sup>2</sup>

### *Outcry by the civil society against the idea to track persons in self-isolation*

A proposal of the Croatian Government to track persons in self-isolation by their mobile phones was regarded as a serious threat to human rights. After a critical outcry by the opposition and civil society against this measure, the Government dropped the initiative. Some legal experts have also pointed out that according to Croatian Criminal Law, the spreading of false information (false alarms) can be treated as a criminal offence and is punishable by prison sentences (up to three years of imprisonment). Thus, an authoritarian administration could use this instrument against critical media under the pretense of combating „fake news“. No such attempts were made in Croatia. Media in Croatia were able to perform their scrutiny vis-a-vis Government and other state and political agents.

Finally, although it is not a form of restriction of civil or political rights, one more measure undertaken to combat Corona virus epidemic must be mentioned because it has a great impact on citizens' lives. This is the closure of all educational institutions, from pre-school level to universities. Although face-to-face instruction was substituted by online teaching and for the primary school classes 1-4 also by a special educational programme on public TV, lives of many families with small children were disturbed through this interruption. On May 11, nurseries for pre-school children and schools for the classes 1-4 reopened. Primary school classes 5-8 as well as secondary schools and universities remained in the online teaching modus. A particular problem was the organisation of the state-wide baccalaureate which is performed as a series of unified tests for the students completing their secondary education. Passing the state baccalaureate is the main requirement for entering university education. Due to the now favourable epidemiological situation in Croatia, the

<sup>2</sup> <https://www.24sata.hr/news/iz-samoizolacije-izasl-a-4-pu-ta-pa-sad-ide-prisilno-u-karantenu-687117>.

Ministry of Science and Education has decided that the state baccalaureate will take place in all secondary schools from June 8 to July 3.

## Key Institutions

In terms of the institutional set-up for dealing with crisis management in response to Corona virus epidemic, Croatia is an interesting case. The Government decided to empower a specific body, a blend of experts and politicians, to deal with the epidemic. The body is called "National Headquarters of Civil Protection" and is headed by the Minister of the Interior. Its members are various medical experts and state officials. Its legal position was strengthened by changes to the Law on the System of Civil Protection. It must be also stressed that the National Headquarters is rooted in a system of catastrophe relief which has been developed on the basis of experience from the socialist system and from the war 1991-1995.

### *Collaboration between experts and politicians has achieved good results and secured legitimacy*

The effectiveness of this mode of crisis management was supported by an intact institutional system of public health, which is coordinated by the Croatian Institute of Public Health. It would have been even more effective if another institution of public health from the socialist system, the Immunological Institute in Zagreb, specialized in vaccine development and production, hadn't been destroyed by a flawed privatisation. All major political parties have promised that they intend to restore the Institute. The work and communication of National Headquarters was received well by Croatian citizens. The very good results in combating Corona virus epidemic in Croatia demonstrated that a mode of collaboration between experts and politicians even under stressful conditions caused by the pandemic can achieve desired goals and secure legitimacy.

Therefore, it is no wonder that the Government of Prime Minister Andrej Plenković was eager to take political credit for the good work and achievements of the National Headquarters. This is to some extent justified, since the institutional model of coping with the crisis was indeed proposed and politically supported by the Government. At the same time Prime Minister Plenković and the Government mainly focused on measures to alleviate the economic crisis.

The Parliament has been in session since the proclamation of Corona virus epidemic on March 11, and the parliamentary opposition performed its function to scrutinize the Government and offer alternative policy solution, especially in the context of designing measures against the economic crisis. Regular parliamentary elections were due in September 2020. But the Parliament can decide by a majority vote (at least 76 votes) to dissolve itself and thus cause an early election. The election date is then determined by the President of

the Republic, not earlier than 30 and not later than 60 days after dissolution of the Parliament.

The HDZ-led Government obviously intended to politically harvest political support which was created by the successful work of the National Headquarters and initiate an election as soon as the epidemiological situation allowed it. The opposition also supported the idea of an early election. Thus on May 18 the Parliament was dissolved by a large majority of 105 (out 151) votes. The only political actor who opposed the dissolution of the Parliament was extra-parliamentary green-left coalition *Možemo* (modelled upon the Spanish *Podemos*, which means "We can"), who demanded that a legal framework for the reconstruction of the capital city of Zagreb, which was heavily damaged by an earthquake, must be adopted before the Parliament can be dissolved. These appeals were ignored. On May 20, President Milanović has called a parliamentary election to be held on July 5.

## Political Parties and Political Controversies

After the relaxation of the anti-epidemic measures, political parties have focused on the preparation for parliamentary elections. The upcoming elections will be the 10th since the first free election in 1990. Croatian Electoral Law allows party coalition lists to compete in the elections. Parliamentary representatives are elected in 10 electoral districts with 14 seats each. In addition, there are 3 seats which are elected in a special electoral district for the Croatian diaspora citizens, and 8 seats elected in special districts for national minorities.

A specific feature of the Croatian party system is that the two parties which performed best in the first free election in 1990, HDZ and SDP, still dominate the party competition. Among the post-communist systems of Central, East and South East Europe only Albania has a similar party system.

The HDZ is a conservative nationalist party which represents a broad ideological range of positions from right centre to extreme right. SDP is a communist successor party which has undergone a significant political transformation and represents modernist and anti-fascist left-wing traditions in Croatia. In the 30 years since the first election in 1990, HDZ has been in government for 22 years and SDP 8 years. Both HDZ and SDP sometimes compete alone and sometimes in a coalition with other parties. In the upcoming election HDZ will run alone, while SDP is leading a coalition together with a number of smaller parties: an agrarian Peasant Party HSS, regionalist parties IDS from Istria, and PGS from Rijeka, liberal GLAS and two single issue parties, the Pensioners Party HSU and party SNAGA representing interests of debtors.

According to the polls there are only a few other political options which have realistic chances to win parliamentary seats. As a political newcomer Miroslav Škoro is trying to capitalise on his good performance in the presidential election in December 2019, when he won 24.4 % votes in the first round. He has founded a party called "Patriotic Movement" and is leading a wide coalition of extreme right parties.

As a right-centre party Most emerged as a new political force and a voice of small provincial cities from Dalmatia in the 2015 parliamentary election. It participated in two governments since then, and after Prime Minister Plenković eliminated them from his cabinet in 2017 it has moved further to the right. They still enjoy some electoral support in the Dalmatian electoral districts.

Finally, green-left coalition *Možemo*, which has gained profile as determined critics of Zagreb Mayor Milan Bandić, who has ruled the Croatian capital for 20 years by a combination of corrupt and clientelist practices. The Zagreb earthquake has dramatically revealed the weaknesses of this model of administration. Vocal advocacy of a legislation to secure the reconstruction of Zagreb could result in several seats for *Možemo* in the Zagreb electoral districts.

A latest Crodemoskop nation-wide opinion poll, conducted in the first week of June, has shown the following party and coalition ratings: SDP-led coalition receives 27.2 %, HDZ 26.6 %, Patriotic Movement of Miroslav Škoro 13.5 %, Most 4.1 % and *Možemo* 2.4 % of votes.

### *The focus of the public debate is on ideas for economic recovery*

After the election has been scheduled for July 5, the political debate in Croatia is moving beyond concerns related to Corona virus epidemic. The focus is on ideas and proposals which can help economic recovery of Croatia. There is a widely shared sense that Croatia needs more courageous reforms to foster economic growth and solve other urgent problems in the post-pandemic period. Combating clientelism and political corruption, which are often associated with the ruling HDZ, occupy a significant part of the political debate. In this context an important new circumstance has emerged: on May 29 a great corruption scandal affecting mid-range HDZ officials has been revealed after the police and anti-corruption agency USKOK have arrested a dozen of persons in connection with a project of the wind power station Krš-Pađene in Croatia. In the centre of the scandal is HDZ state secretary in the Ministry of Administration Josipa Rimac, who has been accused of receiving bribes, influence peddling and abuse of power. Although Josipa Rimac was at the peak of her power during the mandate of former HDZ president Tomislav Karamarko and has fallen out of favour with current Prime Minister and HDZ president Plenković, the scandal is a great burden for HDZ and could influence its electoral prospects.

## External Factors

Croatian concerns with economic recovery after successfully combating the Corona virus epidemic have again shifted the interest of the public debate towards the EU. In this context tourism and opening of the borders to EU member states play a crucial role. As has already been indicated, Croatia has removed all restrictions for visitors from 10 EU member states. Further EU member states will be added to this list as the epidemiological situation improves. From the point of view of the Croatian Government appeals by European politicians to their citizens to stay in their home countries and do not travel to other European destinations (as recently voiced in Germany, Austria and the Czech Republic) are a form of unfair economic nationalism.

A second EU-related topic of great importance is the economic recovery plan which was recently been proposed by the European Commission. Although there is no political consensus in the EU about the proposal, Prime Minister Plenković has claimed credit for negotiating additional 10 billion Euro of recovery grants for Croatia, which are reserved in the proposed plan. It remains to be seen whether voters will reward his optimism.

## Timeline

|             |  |        |  |
|-------------|--|--------|--|
| February 25 | First case of Corona virus infection is registered in Croatia.   | May 2  | Reopening of churches for religious services.  |
| March 11    | Government declares Corona virus epidemic on the entire territory of Croatia.  | May 4  | Personal services (hairdressers etc.) are reopened. Public and private health facilities establish full scope of medical services (previously restricted to emergency cases).  |
| March 16    | All nurseries, schools and universities in Croatia are closed by a decision of Government.   | May 11 | Travel restrictions for EU citizens entering Croatia are eased (travellers entering Croatia must provide documents to prove business or tourist purpose of travel). Mobility restrictions for travel in Croatia are relaxed: inter-city bus, railway and air lines are re-established. Shopping centres, restaurants, cafes and hotels are reopened. Nurseries and elementary schools (classes 1 to 4) are reopened, but higher classes (5-8) of elementary schools, secondary schools and universities remain closed. Gathering of up to 40 persons is allowed, provided that epidemiological measures are respected. |
| March 17    | Government introduces the first emergency package of economic measures for alleviating the consequences of Corona virus crisis.  | May 18 | Cinemas, theatres and swimming pools are reopened. The Croatian Parliament is dissolved by a majority vote of representatives.   |
| March 18    | Croatian Parliament enacts changes to the Law on the System of Civil Protection by which the Headquarters of Civil Protection of the Republic of Croatia (National Headquarters) is authorized to issue rules and guidelines regarding protection from the Corona virus pandemic.  | May 20 | Croatian President calls for a parliamentary election to be held on July 5.  |
| March 19    | All facilities such as theatres, cinemas, swimming pools, gyms, cafes and restaurants as well as retail stores (except those for food and hygiene products) and personal services (hairdressers etc.) are closed.  | May 28 | All travel restrictions are lifted for citizens of 10 EU states with favourable epidemiological conditions (Austria, Czech Republic, Germany, Hungary, Estonia, Latvia, Lithuania, Poland, Slovenia and Slovakia).   |
| March 22    | All public transportation on international and national railway, bus and coastal ship lines as well as inner-city public transportation is cancelled. Transportation by ferries to the Croatian islands is restricted to island inhabitants. All market places for fresh agricultural products are closed. Zagreb, the capital of Croatia, and its surrounding is hit by a strong earthquake which causes heavy damages in the historical city centre. | June 6 | Football matches of the First Croatian Football League are allowed, but without audience.  |
| March 23    | General prohibition of leaving one's residence is introduced, but numerous exceptions are allowed.   |        |  |
| April 2     | Government introduces the second package of economic measures for alleviating the consequences of Corona virus crisis.   |        |  |
| April 9     | Market places for fresh agricultural products are reopened with restrictions according to epidemiological guidelines.  |        |  |
| April 27    | Reopening of all retail stores except those in big shopping centres. Inner-city public transportation is permitted with restrictions. Museums, libraries and galleries are reopened.   |        |  |

# REPUBLIC OF KOSOVO

Besa Kabashi-Ramaj

## Abstract

- As the Republic of Kosovo (RKS) entered a new phase of a decreased number of infections from COVID-19, with several days of zero infections at central and especially local level, the Government of the RKS decided to lift all COVID-19 state measures, save for individual measures, dissolving the government decisions made since March 11, when the pandemic started showing signs of spreading.<sup>1</sup> The positive trend of zero infection has not been the case for every municipality, and since the relaxation of measures, a slight upward trend has been noticed, but at least currently, it is not yet presenting a cause for concern.
- It has been a challenging two and a half months for the RKS, as its institutions struggled to maneuver a State of Emergency due to the pandemic, with minimal loss of life and alternative ways to deal with the healthcare deficiencies in the treating of people with COVID-19. As the initial COVID-19 infections were confirmed, the government of the RKS began taking measures that would prevent the virus from spreading further. With limited knowledge on the virus, how it spreads, how contagious it is together with the many theories circulating, there was doubt regarding initiating restrictive measures, before the situation became clearer, hence the initially adopted milder measures.

## Political and Civil Rights

The initial measures adopted on March 11, were less restrictive and focused on banning public gatherings as well as limiting or banning the activity of businesses that were listed as non-essential, as well as shutting down all educational institutions, from childcare to higher education. As the number of COVID-19 infected patients rose daily, the government firmed up the measures in coordination with the Kosovo National Institute for Public Health (NIPH), including suspending intercity transport, flights in and out of country and most businesses, save for a shortlist of essential ones. Subsequently, it created the Special Commission for the Prevention of Infection from COVID-19, a commission which the govern-

ment tasked with managing the “prevention of infection from Corona Virus COVID-19”.<sup>2</sup>

## *Despite the gravity of the situation, Kosovo never declared a State of Emergency*

A Public health emergency was declared on March 15, as the virus continued to spread and numbers of infections rose. Despite the gravity of the situation, the government of the RKS never declared a State of Emergency, which would have enabled it to put into motion mechanisms not available under a National State of Emergency. While the RKS emergency management system is non-functional, to say the least, RKS institutions do have some foundational elements for this, despite how limited and in need of development those capabilities are. As with the Strategic Security Sector Review, laid out in 2014, the National Response Plan has proven to be inadequate and must be reviewed to address the RKS security structure and capabilities as well as vertical and horizontal coordination, communication and cooperation gaps. The role of the National Security Council and its Secretariat is also significant in national emergency situations. Nonetheless, the approach adopted by the RKS government has seemed to be one that relies on the structures it has itself created than previously existing ones, considering their limitations.

By March 23, the spread of the virus had reached a worryingly high level, prompting the government to take drastic measures, including restricting free movement to a government provided schedule with an assigned time that could be used by every citizen, based on their ID numbers, to go out and cater for basic necessities such as groceries. While the schedule was constantly modified to address the needs of citizens, it was only lifted on May 28, over two months after the decision was adopted.<sup>3</sup>

1 [https://telegrafi.com/kurti-prezanton-hapjen-e-fazes-se-trete/?utm\\_source=tag\\_coronavirus-vendmet\\_widgets&utm\\_medium=article\\_widgets&utm\\_campaign=coronavirus](https://telegrafi.com/kurti-prezanton-hapjen-e-fazes-se-trete/?utm_source=tag_coronavirus-vendmet_widgets&utm_medium=article_widgets&utm_campaign=coronavirus)

2 <https://kryeministri-ks.net/en/documents-en/>

3 <https://kryeministri-ks.net/en/documents-en/>



## Key Institutions and Political Parties

The measures, especially those regarding freedom of movement, while predominantly received well, caused much controversy among some who considered the decision too restrictive, or attacking a constitutionally guaranteed right to free movement. In light of the continuation of the measures, on March 28, the government of the RKS, handed over the authority to manage the State of Emergency to the Ministry of Health. Normally, in facing a national state of emergency, there is a hierarchical increase in the level of seniority for decision-making, commensurate to the deteriorating situation. For the RKS, such a practice could only be put into place by declaring a National State of Emergency. As this was not the case with the RKS, having declared a Public Health Emergency, the Situation Management Authority went to the Minister of Health, whose ministry, as of April 8 until May 31 when all restrictions were lifted, periodically reviewed the epidemiological situation in the country, re-issuing instructions, guides and decisions, tailored to each municipality, as to most effectively prevent the spread of COVID-19.<sup>4</sup>

As the pandemic evolved, private sector companies began to take a major financial hit, and employees started being laid off. The expected economic impact upon peoples' wellbeing as well as the sustainability of the private sector did not go unnoticed. The government of the RKS adopted several tailored emergency financial packages with the intent of absorbing the economic blow to households and businesses. These tailored packages were approved and implemented immediately, despite some challenges as to criteria, on the part of applicants, due to the fast roll-out necessitated by the situation. The Ministry of Finance, subsequently, has planned and prepared a financial recovery stimulus which is expected to amount to 1.26 billion Euros.<sup>5</sup> As to its feasibility and implementation, this remains to be seen, especially with the recent government change. At the same time, the Ministry of Health, in light of foreseeing a decrease in numbers of COVID-19 infections, drafted a three-phase plan that would contain an initial phase begun on May 4, a second phase on May 18 and a third phase beginning June 1, each entailing specifics as to the relief of restrictions but also measures obligatory according to the NIPH.<sup>6</sup> It has been of some concern to see that since the removal of most of the restrictions was announced on May 28, there has been a slight increase in infections. This trend is not specific to the RKS, as we see it happening in neighboring countries and further. But it does warn of the precautions necessary, especially if a second wave of infections is a possibility.

4 <https://kryeministri-ks.net/en/government-held-its-38th-meeting/>

5 <https://telegرافي.com/ministria-e-financave-prezanton-pakon-e-rime-kembjes-ekonomike-vlera-e-saj-pritet-te-jete-1-26-miliard-euro/>

6 <http://niph-rks.org/te-vazhdojne-masat-e-distancimit-fizik-dhe-mbajtja-e-maskave/>

## *Disagreements about the tariffs on Serbian imports caused a major strategic rift*

Despite government efforts to handle the pandemic with the least loss of human life and despite the measures utilised, there were incidents that raised the question of how well the system created to handle the pandemic was functioning. The case of a quarantined 26-year old with mental health issues, who had just returned from Germany and had not been approached by psychiatric treatment services before jumping to his death was one of them<sup>7</sup>. Not announcing a National State of Emergency that would mobilise all emergency-related institutions, those with a primary as well as secondary role, to respond procedurally and legally allowing for the constitutionally afforded restricted rights, was another case that caused controversy. Thirdly, internal disagreements between the governing coalition parties on how to handle the tariffs on Serbia and the RKS-Serbia dialogue, considering the US focus on a solution to the dialogue between the RKS and Serbia, was another major strategic rift that contributed to the degradation of the relationship of the governing parties. Finally, the last straw to end the relationship between the governing parties was the removal of the Minister of the Interior, by the Prime Minister, a minister deputy-head of the party the Prime Minister was governing with.

In April and May 2020, alongside the pandemic, equal focus was given by all parties to the political rifts, detracting from a nationally unified effort to defeat the pandemic. It initially began with the President, who opposed the government measures to halt the pandemic, considering them unconstitutional as a State of Emergency had not yet been declared.<sup>8</sup> What ensued was a legal clash that is still present, where the legalities of the procedures used to enforce measures during the pandemic had indications of being politically nuanced, at both ends. The President filed a complaint with the Constitutional Court of the Republic of Kosovo, questioning the constitutionality of the government's decision on the measures, and that was just the beginning of a legal and political "tit for tat" between the government and the President. As the Constitutional Court decided that, in a nutshell, the actions were unconstitutional despite the necessary measures for the situation, claiming that "the Decision [No. 01/15] of the Government of 23 March 2020 is incompatible with Article 55 [Limitations on Fundamental Rights and Freedoms] of the Constitution in conjunction with Articles 35 [Freedom of Movement], 36 [Right to Privacy], 43 [Freedom of Gathering] and Article 2 (Freedom of Movement) of Protocol no. 4, Article 8 (Right to Respect for Private and Family Life) and Article 11 (Freedom of Assembly and Association) of the ECHR" (Constitutional Court, 2020)". While measures continued to be enforced, the strategy changed, with measures being tai-

7 <https://telegرافي.com/tag/agon-musliu/>

8 <https://www.botasot.info/aktuale-lajme/1259695/presidenti-thaci-albin-kurti-e-shkeli-ne-menyre-flagrante-kushtetuten-e-kosoves-duke-kufizuar-levizjen-e-lire-te-qytetareve/>

lored to every municipality, by the Ministry of Health in coordination with the National Institute for Public Health (NIPH) and local municipality authorities.

The pandemic has brought up two major issues about the RKS, the first one being the still vivid disunity of the political parties in place, even in national emergency situations and the lack of a consolidated emergency management system that allows for a coordinated response. Despite this, the RKS has been complimented, during the pandemic, on how it managed to keep the numbers of infections as well as deaths to a bare minimum, being taken as a good example, even internationally.

Still, in the face of a pandemic, the RKS leadership will be remembered as being disjointed. The political parties leading the government as a coalition, Vetevendosje (VV) who won the election, and the Kosovo Democracy League (LDK), which came second, were both off to a good start until serious disputes erupted in light of their intractable changes on how to handle the tariffs imposed on Serbia and the subsequent dialogue, amidst US pressure to move forward. Additionally, as US and EU foreign policy disagreed on this matter, supporting different timelines and the way forward for the dialogue between the RKS and Serbia, the local political environment became even more polarised. The dialogue, which was initially halted back in 2018, partially because the tariffs imposed on Serbia became a centerpiece of local political discourse and the RKS's relationship with its strategic partner, the US. As the US and the EU insisted that the RKS lift the tariffs in order to resume the dialogue, the RKS newly-formed government continued to refuse to do so unconditionally and at the same time Serbia was leading a substantial campaign against RKS recognition. Additionally, officially unfounded information started circulating that a territorial swap may be a part of the deal between the RKS and Serbia, a claim that has been firmly denied by US officials.<sup>9</sup> The split between US and EU foreign policy in the matter also did not help. The situation grew more complex as the rifts between the President and the Prime Minister on the constitutionality of the measures erupted and came to a halt upon the government's dismissal of the Minister of Internal Affairs, a minister and senior official of the LDK. What followed was the LDK's pulling out of the coalition, and a vote of no confidence against the LDK-led government ensued, which was passed in the RKS Parliament on March 25.

### *Tremendous disappointment, hopelessness and sheer rage from the population*

The inability of both political parties to hold the government together and deliver on their promises to the people was

<sup>9</sup> <https://www.securitycouncilreport.org/monthly-forecast/2020-04/kosovo-5.php>; <https://www.rferl.org/a/u-s-denies-pushing-plan-for-kosovo-serbia-land-swap/30512952.html>

accepted with tremendous disappointment, hopelessness and sheer rage by the population. What initially had been a major following and support for the new government became splintered groups of frustrated people who hurled hate-speech at each other. The President's request for the Prime Minister to provide a candidate so that a new government could be created was to no avail. The President followed to mandate the LDK to create a new government, which the incumbent government considered unconstitutional, filing a complaint with the Constitutional Court. The Constitutional Court's response was in favour of the President's decision, generating both heavy criticism and support from masses siding with one or the other party, contributing further to polarising these masses.<sup>10</sup>

After the date the Constitutional Court decision allowed the proceeding of the creation of a new government on May 29, the LDK mandated candidates for the creation of the new government, proceeded to create coalitions with other parties, and on June 3, the LDK-led coalitions government was voted in, in the RKS, passing with 61 votes. The new government consists of predominantly smaller parties, like the AAK, NISMA and minorities, as VV and the PDK (Kosovo Democratic Party) are now in opposition.

Beginning with the Constitutional Court's decision to allow the new government to be created up until the new government's voting on June 3, the process has been mired by severe political rifts between parties; between the President and the Prime Minister but also within party structures, where there have been obvious disagreements on the way forward; one such case being the public rift between the Chairwoman of the Assembly of the RKS, also a deputy head of the LDK and senior LDK officials, including the head of the LDK. The political unrest has been, at least in the past month, the centerpiece of life in the RKS, taking the focus away from the pandemic and even escalating into peaceful protests by followers of the previous government and VV. Such have been applauded by those frustrated with the end of the previous government's term, while being criticised heavily by others who considered the pandemic to be a health crisis that should have taken precedence over any other matter and where public gatherings such as protests (even if respecting distance and measures during the actual protest) were contrary to all measures taken for two and a half months, to prevent the further spread of COVID-19.

### *Social polarisation has never been more obvious*

Ultimately, the pandemic has brought up not only issues related to RKS's capacities to handle an emergency, but it has also reconfirmed the serious issues the RKS has with political stability, regardless of the security backdrop. Furthermore,

<sup>10</sup> Vendimi I GJK 28 Maj - <https://gjk-ks.org/en/decisions-from-the-review-session-held-on-28-may-2020/>



social polarisation has never been more obvious, and while people seem to be more aware of the responsibility any chosen government has towards meeting their needs, they remain predominantly loyal to one political party figure. As for the civil society, a great number of influential figures had already joined the governing parties, especially the VV-LDK government, having seen it as a genuine opportunity to make a difference, leaving civil society organisations with a lesser voice during these past three months. The media, on the other hand, has played an important role in how the masses were influenced, at times giving air space to far too many polarising subjects which may have indirectly contributed to the hateful discourse amongst people, obvious in social media outlets. In addition, most local media outlets are perceived as having an allegiance to one or the other of the larger parties, leaving little space for the perception of the media as independent and uninfluenced.

## External Factors

Finally, as the new government is in place, and important processes lie ahead, be those related to facing the human security needs of the people or handling the final steps of the dialogue with Serbia, it remains to be seen what impact the unfavourable political turmoil will have on such important processes. The current global context is also complex, due to the pandemic and other global issues. As the RKS's strategic partners, such as the US and the EU, face their own challenges, it is crucial to see how the RKS's government but also parliament members comprehend the importance of timing and capturing the moment to resolve the RKS's strategic issues before risking any international policy shifts that may or may not keep the Western Balkans and the RKS in as high a priority.

## Timeline

- March 2 National Security Adviser Robert O'Brien and US Special Envoy for Serbia and Kosovo Negotiations Richard Grenell host a meeting with Kosovar President Hashim Thaçi and Serbian President Aleksandar Vučić at the White House.
- March 11 RKS imposes initial mild restrictions on public activities, public gatherings, businesses, except for educational institutions which mean schools recess and public events are to be held without an audience.
- March 12 The Government of the RKS creates the Special Commission for the Prevention of Infection from COVID-19, a commission tasked with managing the "prevention of infection from Corona Virus COVID-19" on behalf of the Government of the RKS.
- March 15 The Government of the RKS declares a Public Health Emergency.
- March 23 The Government of RKS restricts free movement, providing a schedule.
- March 24 The President files a referral with the Constitutional Court, on Government Decision No. 01/11 for declaration of a "Public Health Emergency".
- March 25 Review of the Motion of no confidence against the Government of the Republic of Kosovo, proposed by a Parliamentary Group from KDL.
- March 28 The Government of RKS tasks the Ministry of Health with managing the State of Emergency.
- April 6 Constitutional Court interpretation contends the measure taken by the Government as unconstitutional, despite not questioning the motives behind them.
- May 7 The Constitutional Court approves the incumbent government's request for an interim measure to be in place until 29 May 2020, suspending the Presidential Decree on mandating the runner-up party to create a government, until the same date.
- May 18 Second phase of easing anti-COVID measures begins.
- May 31 Government suspends all pandemic-related decisions on restrictions.
- June 1 Third phase of easing measures begins.
- June 3 LDK coalition government is voted on in Parliament and passes.

# MONTENEGRO

Max Brändle

## Abstract

- On 24 May, Montenegro declared itself COVID-19-free, restrictions on ordinary life and freedom of movement were lifted and international travel re-opened.
- This return to business as usual includes the restoration of political and civil liberties as well as the re-emergence of national identity-based toxic polarisation, particularly the case with the relationship between the State and the Serbian Orthodox Church.
- Parliamentary elections, which should take place no later than October, will not be postponed. While the opposition parties agree that fair conditions for the elections have not been provided, they are divided on the issue of a boycott.
- Tensions rose between Montenegro and Serbia after the Montenegrin government decided not to include Serbia on the list of countries to which the border was opened in June.

On 17 March, Montenegro was the last country in Europe to confirm the existence of the first coronavirus cases on its territory and on 24 May the country achieved COVID-19-free status.<sup>1</sup> Although a State of Emergency was not introduced, the measures adopted to fight the pandemic have had significant implications for civil and political rights, particularly freedom of assembly and the mobility of citizens. The National Co-ordination Body for Communicable Diseases (NKT) banned gatherings of more than one person in all public areas and religious ceremonies with citizens present, also suspending public transport, while curfews were introduced from 30 March.

Since then, Montenegro has continued to successfully deal with the coronavirus pandemic and has declared itself COVID-19-free. Accordingly, the National Coordination Body for Infectious Diseases (NKT), which was selected as a crisis management body, decided to ease some of the measures affecting political and civil liberties: religious ceremonies have been allowed as of 11 May, as well as intercity traffic within regions; since 15 May the temporary measure of prohibiting movement from 23:00 to 05:00 has been lifted together with the gradual normalisation of traffic within Montenegro,

as has the temporary restriction of a maximum of two adults per passenger vehicle. 18 May saw the resumption of railway transport, while on 19 May airports began to reopen. From 28 May all types of gatherings in public places, both outdoor and indoor, including weddings and funerals, can be attended by up to 200 people. On 25 May, Prime Minister Marković announced at a press conference that on 1 June, Montenegro will open its borders to citizens of several countries which fulfill the criteria of having a maximum of 25 infected cases per 100 000 citizens.<sup>2</sup> This all culminated in the NKT deciding, at the suggestion of the Public Health Institute, to declare an end to the coronavirus epidemic on 2 June.<sup>3</sup>

## *The return to business as usual means the re-emergence of toxic polarisation*

In other words, Montenegro is returning to business as usual. This, however, does not only mean that the executive is relinquishing power, that political and civil liberties are being restored and that Parliament continues to hold sessions; it also means the re-emergence of national identity-based toxic polarisation.

## Return to Business as Usual

The Montenegrin political dynamic has been gradually returning to 'business as usual' as the key parties retreat to their familiar ethno-national camps. The topics dominating political debate before the outbreak of the pandemic are re-emerging. This is particularly the case with the relationship between the State and the Serbian Orthodox Church (SPC). In the months prior to the pandemic this was a key issue within the national identity conflict. On 12 May, the SPC organised a liturgy at Ostrog monastery and afterwards a procession along the streets of Nikšić to mark the day of Saint

1 <https://www.ijzcg.me/me/coronainfocg>

2 <http://www.gov.me/vijesti/224695/Premijer-Markovic-na-konferenciji-za-medije-CG-je-prva-Corona-Free-drzava-u-Evropi-uspjeli-smo-zahvaljujuci-partnerstvu-s-gradan.html>

3 <http://www.gov.me/en/News/225975/National-Coordination-Body-End-of-coronavirus-epidemic-in-Montenegro-pandemic-continues.html>

Basil of Ostrog. The liturgy and the procession were attended by thousands. This represented a clear violation of the measures adopted to fight the coronavirus pandemic, not only because mass gatherings were banned, but also because social distancing was not respected either. If it were only the religious perspective that interested the SPC, they would have stayed at the monastery to conclude their observances. However, they decided to walk through the streets to demonstrate their strength and pressure the government. Subsequently, the Bishop of Budimlje and Nikšić, Joanikije, who was identified as the organiser of the event, and seven priests were arrested and were remanded in custody for up to 72 hours (they were released afterwards).<sup>4</sup>

### *The Serbian Orthodox Church demonstrates its strength and pressures the government*

This sparked grave reactions from many sides demonstrating, once again, the clear divides in Montenegrin society. Citizens organised protests and roadblocks in several towns and chanted “we will not give up our sanctities” (the message of the SPC’s previous protests against the Law on Freedom of Religion).<sup>5</sup> President Milo Đukanovic accused the SPC of claiming exclusive rights for itself and wanting to rule Montenegro and determine its developmental direction. All opposition parties, except the SDP, sided with the SPC and strongly criticised the government’s actions. Not even the fact that the SPC’s leadership admitted that it had knowingly violated the measures to fight the pandemic was good enough reason for the opposition to even slightly criticise it. Metropolitan Amfilohije stated that, initially, they had decided that this year’s liturgy would only be held in the church, but seeing so many people they had changed their minds and decided to proceed with the procession through the streets.<sup>6</sup>

Yet this is no surprise. The opposition parties all know how much popularity Amfilohije and the SPC enjoy among the pro-Serbian electorate. Any pro-Serbian party daring to criticise the SPC would be punished by voters. They all want to politically profit from the energy that was unleashed by the well-attended processions. This is particularly true of the Democratic Front (DF) as the radical right’s political actor. The DF, as one side of the national identity divide, usually profits from increased national identity-related tensions, i.e. from the debate between the pro-Serbian ethnic concept and the civic concept: between Montenegro as a second Serbian state and Montenegro as a multi-ethnic state. Yet these disagreements are not only to be found in the relationship between the government and the opposition, but also within the opposition itself. The DF accused United Reform Action

(URA) of serving the ruling Democratic Party of Socialists (DPS) and promoting the civic concept of the country, which in the DF’s view is the same as anti-Serbian.<sup>7</sup> DF officials have used the same words when describing another opposition party - the Social Democratic Party (SDP). On the other hand, the president of the SDP, Draginja Vuksanović-Stanković, stated “the SDP cannot build political unity and partnership with structures with which it has huge political differences on the basic issues of relations with the State and the character of the State”.<sup>8</sup>

On 4 June, the SPC organised another procession, this time in Bar, and several thousand people attended. This was another example of a violation of measures as only gatherings of up to 200 people were allowed. The SPC demonstrated again that it can easily mobilise its followers and exert heavy pressure on the government, if necessary.

### **Parliamentary Debate Also About National Identity**

And while in April and May 2020 MPs mostly discussed economy-related topics, the debate in the parliament now also reflected a return to business as usual. Parliament continued its second session, begun in April, respecting social distancing. During these sittings some MPs often did not follow the parliamentary agenda and used the opportunity to address other issues, such as the relationship between the State and the SPC, which is why parliamentary debate mostly centred around this topic, particularly several days before and after the celebration of St. Basil’s day on 12 May. Inflammatory rhetoric could be heard and one of the DF leaders, Andrija Mandić, even said that military uniforms would be made ready if necessary.<sup>9</sup> Mirroring the spirit of these remarks, the head of the DF MP’s Club, Milutin Đukanović, stated that his political alliance does not advocate that Montenegro should be run by Bosniaks, Muslims, and Albanians.<sup>10</sup>

On 27 May, a fourth session of the parliament was held, dedicated to Prime Minister’s hour. Prime Minister Duško Marković answered MPs’ questions mostly relating to the ongoing national identity debates. He stated that all attempts and attacks on endangering peace, stability, and especially the independence of Montenegro were in vain and that they would be sanctioned.<sup>11</sup>

4 <https://www.pobjeda.me/clanak/joanikiju-i-svestenicima-zadrzavanje-do-72-sata>

5 <https://www.vijesti.me/vijesti/drustvo/hapsenja-sukobi-tenzije>

6 <https://www.pobjeda.me/clanak/amfilohije-vidjevsi-ovoliko-ljudi-nismo-se-mogli-odreci-svetovasiljevskog-naroda>

7 <https://www.dan.co.me/?nivo=3&rubrika=Politika&clanak=744336&datum=2020-05-16>

8 <https://www.dan.co.me/?nivo=3&rubrika=Politika&clanak=744544&datum=2020-05-17>

9 <https://www.vijesti.me/vijesti/politika/mandic-ako-joanikija-posaljete-u-spuz-necemo-se-drzati-obecanja-amfilohiju-nego-spremite-uniforme>

10 <https://www.portalanalitika.me/clanak/vukovic-df-u-treba-ce-vam-oprostaj-gradana-za-ono-sto-cinite-jukanovic-necemo-cg-kojom-upravljaju-bosnjaci-i-albanci-video>

11 <https://www.vijesti.me/vijesti/politika/markovic-svaki-pokusaj-destrukcije-i-destabilizacije-ce-bit-i-sankcionisan>

## *Hardened identity politics is negatively influencing Montenegrin democracy*

The unresolved national identity issue has caused a high level of ethnification in the Montenegrin party system and contributed significantly to the irrelevance of socio-economic topics for political competition. It has also caused deep polarisation within Montenegrin society and had a negative impact on the process of democracy consolidation. As an example of this, the DF and SPC have been using a rather peculiar term in describing their opponents, both in the government and the opposition (Social-Democratic Party) – “Satanists”. This is a classical example of the dehumanisation of the adversary, which is very dangerous as it legitimises violence. What is more, one DF official stated that it is time for the DPS and Đukanović to leave power and one should not choose the means for it.<sup>12</sup>

### **Upcoming Parliamentary Elections – Another Divisive Topic**

Since it is certain that the pandemic will be followed by economic crisis, it is in the ruling parties’ interest to hold parliamentary elections as soon as possible. On several occasions their officials have announced that parliamentary elections, which should take place no later than October, will not be postponed. The opposition parties all agree that, currently, fair conditions for elections have not been provided. Yet, so far, they have not been able to agree on a joint stance regarding the calling of parliamentary elections. Some favor a boycott, while others are more cautious, some even hinting that they would participate.

## *Opposition parties are divided regarding a boycott of parliamentary elections*

SDP Leader Draganja Vuksanović-Stanković announced that her party is preparing to run independently in the upcoming parliamentary elections thereby expressing her hopes that there will be an agreement on the conditions for the elections. Additionally, the President of New Serbian Democracy and one of the leaders of the DF, Andrija Mandić, allegedly presented a plan at a video conference, with President of Serbia, Aleksandar Vučić, envisaging a joint list of all the Serbian organisations at the upcoming parliamentary elections.<sup>13</sup> On the other hand, Democratic Montenegro (DCG) called upon their fellow opposition MPs to leave the parliament and to pledge to boycott the forthcoming elections until, as they stated, fair conditions for their organisation are

established.<sup>14</sup> However, in order to improve the electoral environment one must hold talks with the ruling parties and this is precisely what the opposition has been rejecting. Opposition parties did not attend a meeting that Ivan Brajović, as President of the Parliament, had convened for 1 June with the presidents of the parliamentary parties.

The divisions within the opposition parties were again demonstrated when the DF rejected a call from the “Resist” movement (the organiser of last year’s civic protests) to discuss whether the opposition should participate in the upcoming elections. One of the leaders of the Democratic Front, Andrija Mandić, told the “Resist” movement that it is no longer a partner of the DF and that the attitude toward the Law on Freedom of Religion is the DF’s key criterion for any future political cooperation.<sup>15</sup> The DF has hardened its stance and seems to be emboldened by the increased support from Serbia as well as by Serbia’s interference in Montenegro’s internal affairs. By emphasising identity politics as a key criterion for cooperation, the DF is also pursuing its narrow political interests as it profits from the salience of the national identity-related divide in political competition.

### **Tensions with Serbia**

From the external factor’s perspective, the third reporting period was marked by the tensions between Montenegro and Serbia. Several Serbian politicians spoke out against the arrest of Bishop Joanikije and the clergy, including President Aleksandar Vučić, Defence Minister Aleksandar Vulin, and Foreign Minister Ivica Dačić. The Montenegrin Foreign Ministry strongly condemned a statement from Dačić, who stated that “we are coming to a situation where a fratricidal war between Serbs and Montenegrins is almost beginning”. The Foreign Ministry accused him of using the rhetoric of Slobodan Milošević’s spokesman and of irresponsibly, rudely and dangerously interfering in Montenegro’s internal affairs.<sup>16</sup> The ruling DPS also reacted to the statements of Serbian officials calling them inappropriate interference in the internal affairs of Montenegro. Amidst the arrest of Joanikije and the clergy, President Vučić spoke on 16 May via a videoconference call with the political representatives of the Serbian people in Montenegro, promising to help them, as they are, according to him, a part of the overall Serbian national corps.<sup>17</sup>

## *Serbia reacts harshly to Montenegro’s decision not to include Serbia in its open borders regulations*

12 <https://www.vijesti.me/vijesti/politika/kovacevic-vrijeme-je-da-dukovic-ode-i-za-to-ne-treba-birati-nacin>

13 <https://www.pobjeda.me/clanak/df-ne-bojkotuje-izbore-sve-srpske-organizacije-na-jednoj-listi>

14 <https://www.pobjeda.me/clanak/demokrate-pozvale-opoziciju-na-bojkot-izbora-i-napustanje-parlamenta>

15 <https://www.pobjeda.me/clanak/mandic-porucio-pokretu-odupri-se-da-vise-nisu-partneri-df-a>

16 <http://www.mvp.gov.me/vijesti/224520/Reagovanje-povodom-izjave-ministra-vanjs-kih-poslova-Republike-Srbije.html>

17 <https://www.dan.co.me/?nivo=3&rubrika=Politika&clanak=744540&datum=2020-05-17>

In addition to this, the decision of the Montenegrin government not to include Serbia on the list of countries to which the border was opened in June prompted harsh reactions from the Serbian side (including a ban on Montenegro Airlines landing at Belgrade Airport). The Serbian leadership branded the decision purely political, which Montenegrin Prime Minister Duško Marković denied saying that it was based on epidemic standards set by the Montenegrin Health Authorities, and adding that Montenegro had not reacted angrily when Serbia banned the export of medical equipment at the beginning of the epidemic, nor when it banned the export of wheat.<sup>18</sup>

## Timeline

|          |  |
|----------|--|
| 13 March | National Coordination Body (NKT) bans public gatherings and initiates the closing of schools, shops etc.   |
| 17 March | Montenegro confirms the existence of the first coronavirus cases on its territory - the last country in Europe to do so.   |
| 20 March | President Djukanovic postpones municipal elections in Tivat.   |
| 30 March | NKT introduces curfews: on weekdays from 19:00 to 5:00, on Saturdays from 13:00 to 5:00, and on Sundays from 11:00 to 5:00.  |
| 16 April | Parliament organises the first online videoconference sessions of the Committee for the Economy, Finance and Budget and the Committee for the Political System, Judiciary and Administration.  |
| 21 April | The National Coordination Body decides to begin loosening measures that affect political and civil liberties. The curfew is still in place, but is now shorter, with citizens not allowed to leave their homes between 23:00 and 5:00. |
| 22 April | The first session of parliament since the outbreak of the pandemic takes place.  |
| 6 May    | President of the Parliament, Ivan Brajović, announces that parliamentary elections should take place no later than November.   |
| 8 May    | The National Coordination Body announces that religious ceremonies are allowed from 11 May, as well as domestic public transport in the country's three zones (North, Central and South).  |
| 15 May   | The temporary measure of prohibiting movement from 23:00 to 05:00 has been lifted together with the gradual normalisation of traffic within Montenegro   |
| 24 May   | Montenegro declared itself COVID-19-free   |
| 28 May   | All types of gatherings in public places, both outdoor and indoor, including weddings and funerals, can be attended by up to 200 people  |
| 1 June   | Montenegro opened its borders to citizens of countries which fulfill the criteria of having a maximum of 25 infected cases per 100 000 citizens  |
| 2 June   | NKT declared an end to the coronavirus epidemic  |

<sup>18</sup> <http://www.gov.me/en/News/224791/PM-Markovic-We-make-decisions-on-opening-borders-on-basis-of-health-standards-not-politics.html>

# NORTH MACEDONIA

Nenad Markovikj

## Abstract

- The epidemiological situation of Covid-19 in North Macedonia has dramatically worsened in the last month, with a steep rise in the number of infections.
- Restrictive measures have been reintroduced, causing deep dissatisfaction in the country.
- North Macedonia is in political limbo – a state of emergency was declared for the fourth time on 30 May 2020; parliament has not been reconvened and the country has a caretaker government – major parties cannot agree on the date for the upcoming parliamentary elections.
- Complications from the new wave of the Covid-19 virus have worsened social cohesion between the country's two major ethnic and religious groups – relations between religious communities and the state are also in decline.

Ever since the outbreak of the Covid-19 virus in North Macedonia, the government has imposed serious restrictions on the mobility of citizens. On 18 March, the government asked the Parliament of the Republic of North Macedonia to declare a state of emergency. However, parliament was not in session due to the pre-term elections that had been scheduled for 12 April. On 18 March, the president thus declared a state of emergency of 30 days duration. President Stevo Pendarovski summoned the leaders of all relevant political parties to discuss the pre-term elections. It was decided to postpone the elections indefinitely and hold them once the Covid-19 crisis came to an end. The severest mobility restrictions were imposed in an attempt to anticipate possible social dynamics during Orthodox Easter. However, as the epidemiological situation began to show signs of easing, the government gradually started to loosen measures in late April and early May, as well as announcing that further liberalization would follow.

## Political and Civil Rights

Unlike other countries in the region and most other European countries, North Macedonia is going through a phase of dramatic worsening of the epidemiological situation. Although in early and mid-May it seemed that the situation was under control, immediately after the Muslim holiday of Ramadan Bayram (25 May) the number of infections began to increase at a steep pace, and is still worsening. The abso-

lute peak of the Covid-19 epidemic in North Macedonia occurred on 5 June 2020, with 180 registered cases, which is 73 cases more than the previous peak on 16 April 2020, when 107 new cases were detected. In the period after the temporary liberalization of measures, more cases were identified per day in North Macedonia than in all the other countries in the region together. However, one should bear in mind that most of these cases originate from the period when mobility restrictions were in effect, which evidences the ineffectiveness of the measures in the last month, for reasons explained below.

## *North Macedonia is going through a phase of dramatic worsening of the epidemiological situation*

Taking into consideration the relatively volatile and fast changing situation in the country in the last month related to the spread of the Covid-19 epidemic, it is expected that mobility restrictions and other repressive measures varied a lot in the previous period. The general trend of the government's policy in the previous period was to slowly prepare society for the gradual liberalization of measures, especially in the economic sphere. Liberalization occurred after what was seen as the last curfew during the Ramadan Bayram weekend, which lasted from 11 am on 24 May 2020 (Sunday) until 5 am on 26 May 2020 (Tuesday). This mobility restriction was introduced in order to intercept possible family gatherings during the most important Muslim religious holiday. Immediately after this measure ended, the government completely removed all mobility restrictions on 26 May 2020, while all economic entities (including bars, pubs, restaurants and cafes) were allowed to resume their activities from 28 May 2020, although under certain protective protocols. Additionally, the obligatory 14-day state quarantine for citizens of North Macedonia returning from other countries was replaced with mandatory home isolation following the submission of a negative PCR test for Covid-19, no older than 72 hours. Protective measures such as the mandatory wearing of protective gear (masks, scarves or shawls) remained in force, and the gradual return of labour working from home was planned under strict protocols in companies and state institutions.



However, this liberalization trend was very short-lived. After the alarming worsening of the epidemiological situation in the country, the Commission for Infectious Diseases (CID) and the government both began to gradually distance themselves from the previous liberal approach and started to publicly promulgate the idea that some municipalities where an outbreak had occurred should be quarantined and isolated in order to calm the new epidemic wave. After an enormous rise in the number of infections in several municipalities within and near Skopje, Tetovo, Kumanovo and Štip on 3 June, the government adopted a suggestion from the CID to reintroduce mobility restrictions across the whole country, although with different regimes for different municipalities. A complete ban on movement for all citizens between 9 pm on 4 June (Thursday) until 8 June (Monday) was introduced on the territory of all municipalities in and in the vicinity of the city of Skopje as well as municipalities of Kumanovo, Štip, Tetovo, Lipkovo, Karbinci, Bogovinje, Brvenica, Tearce, Želino and Jegunovce (all of which had been heavily hit by the spread of the Covid-19 virus). In all other municipalities in the country, a "lighter" version of the mobility restrictions was introduced, from 9 pm on Thursday to 5 am the next morning (Friday), and from 4 pm to 5 am the next morning on Friday, Saturday and Sunday. The reintroduction of prohibitive measures, especially in the capital, has caused public outrage and a massive spillover of anger on the part of the population publicly and on social media, with an estimated 20,000 vehicles leaving Skopje for other cities in just one afternoon on 4 June 2020, which has been seen as a new opportunity for the virus to spread outside the capital, especially via asymptomatic cases.

### *The reintroduction of prohibitive measures has caused public outrage*

Although the prohibitive measures related to public gatherings that were introduced at the very beginning of the crisis are still in effect, massive breaches occurred in the later period, mostly because of the improving weather conditions, religious gatherings during the holy month of Ramadan (iftar gatherings) and the fact that minors (elementary and high-school pupils) were not physically attending school and were gathering in parks and public spaces. Very weak repressive measures were introduced by the Ministry of Interior for social groups violating the prohibition on public gatherings, which gives part of the explanation for the rapid worsening of the epidemiological situation in the country.

On the positive side, no repressive or prohibitive measures on media reporting and freedom of speech have been introduced, although personal data protection remains a challenge. The government gives daily press conferences (mostly Minister of Healthcare Venko Filipce) and all journalists from all media outlets can ask questions live via the Zoom platform. Since the new wave of the Covid-19 virus has affected many social groups and locations in the country, many politicians and public figures have been infected and have publicly admitted to it on their social media profiles. This usually insti-

gates thorough research of their contacts and other possibly infected figures, with news outlets publicly exposing the names and identities not just of the infected persons but also of possibly infected contacts. The rapid circulation of data on social media and the country's relatively small size remain an issue when the identity of infected persons is revealed. However, the government does not reveal the identity of infected persons unless they have already revealed the illness themselves. No surveillance measures have been introduced in the country, and the surveillance of citizens has not been a critical issue at any point.

## **Key Institutions – a Political Limbo**

There is a worsening political crisis in the country, caused by the democratic limbo under which the country is operating during the epidemic. On the one hand, the parliament dissolved itself on 12 February in order to meet the deadline for the pre-term parliamentary elections which, prior to the Covid-19 crisis, had been scheduled for 12 April. This resulted in the formation of a caretaker government 100 days prior to the elections, subject to the so called Pržino format, introduced in 2016, which envisages the opposition joining the government and placing either ministers or deputy ministers in all crucial ministries, with the ultimate goal of providing legitimacy and legality to the elections. However, due to the pandemic the elections were postponed indefinitely.

### *A dissolved parliament and a caretaker government*

On the other hand, on 18 March President Stevo Pendarovski declared a 30-day state of emergency, which has since been prolonged three times: on 16 April (30 days), on 15 May (for two weeks) and on 30 May (for an additional two weeks). This has enabled the government to take over the legislative function and issue-decree laws, which at the moment is still the modus operandi of the country's political setup. In the meantime, the president of the now-dissolved parliament, Talat Xhaferi, has refused to reconvene parliament, and it will most definitely not reconvene until new elections take place.

This has put the country in the very unfavourable position of having both a dissolved parliament that cannot exert democratic control over the government and a caretaker government that cannot function to its full capacity. Furthermore, the leaders of the largest political parties have tried to reach agreement on a new election date under the auspices of the President of North Macedonia, but to no avail. Government parties are pushing for early elections at the beginning of July, while the opposition opts for a date later in summer. The complexity of the epidemiological situation in the country and the dramatic rise in the number of infections further reduces the likelihood of reaching consensus over the election date.

Developments of this sort will leave the country in prolonged political uncertainty, with political pressure building on the President to indefinitely prolong the state of emergency so

the country can have a functioning government. The pressure increases given that there is legal uncertainty over whether deadlines for elections are reset or not once the state of emergency is terminated. In case of the second scenario, North Macedonia has only 22 days to prepare and implement parliamentary elections as the elections were postponed with 22 days remaining until election day.

## Political Parties

Although the date for the elections is still very uncertain, what is more or less certain is that they will take place between the first and the second wave of Covid-19 epidemics, most probably between July and September. The fairly certain prospect of parliamentary elections has heated up the political battle, where the previous conflictual and adversarial discourse between the major political parties is reaching its peak, in parallel to the epidemic. Open negotiations between the parties on the date of parliamentary elections took place in mid-May, although after the worsening of the situation with Covid-19 this channel of communication has closed for the time being. The governing parties are inclining towards early elections and are supporting a scenario in which the President terminates the state of emergency, after which 22 days remain until the election day. The opposition is pushing for a later date, resonating with general concern in society regarding a new peak of the epidemic in North Macedonia as a factor hindering the holding of parliamentary elections.

*After the worsening of the epidemiological situation, the opposition has become more aggressive*

In the meantime, political communications by the two largest parties, the Social Democratic Union of Macedonia (SDSM) and VMRO-DPMNE,<sup>1</sup> is gaining in intensity and conflictual capacity and is shifting its focus back to the Covid-19 contagion topic. In the period when the situation was more or less under control and there were fewer infections and deaths, the opposition focused on economic measures and based its arguments mostly in the economic sphere. After the worsening of the situation, the opposition has opted for a much more aggressive approach, openly criticizing the Minister of Healthcare as incompetent and biased and pointing directly to the CID as politically controlled, incapable and confused. Opposition Christian-Democrats VMRO-DPMNE have on occasions called for resignations of members of the CID as well as the Minister of Healthcare, highlighting daily infection figures, especially compared to the region and the rest of Europe. Additionally, the opposition is utilizing the spread of the Covid-19 virus among part of the leadership of the So-

cial-Democrats by derogatively naming the occurrence as the "SDSM cluster" in public appearances.

The governing SDSM is constantly retaliating in public discourse, mostly through daily press conferences, which usually underline transparency and their refusal to hide and manipulate contagion data, attempt to convince the public that, in spite of the epidemic's new peak, the situation is under control, and highlight that epidemic clusters are being controlled while the number of tests performed daily is increasing. The Minister of Healthcare has pointed out that the steep rise is a result of mass screening and the detection of asymptomatic cases, which are over 90% of new cases according to a press conference held by the Minister on 5 June. In addition, the SDSM has on three occasions presented video materials in which the leader of the opposition is shown clearly violating prohibitive measures, being recorded twice in a gym and once in a restaurant in the centre of Skopje. The visit to the restaurant on 3 June with two other persons<sup>2</sup> was even the subject of intervention by the Ministry of Interior's Rapid Response Unit. The opposition leader later admitted to the visit on social media, spurring a vast social polarization over the very violation of the prohibitions, as well as over the scope of the measures used to locate and detect the leader of the opposition in his implied visit, as well as previous situations.

At the moment, there are no published opinion polls by relevant organizations that would indicate the standings of the political parties, but once the election date is set, a mushrooming of opinion polls can be expected, with party ratings on a weekly basis.

## Civil Society

Social cohesion in Macedonian society has been badly jeopardized recently and is declining, especially since the rise in Covid-19 infections. Society is polarized in three major ways: political, religious/ethnic and pro-liberalization vs. pro-prohibition. Political polarization is more visible and is becoming deeper as elections approach, although it is more or less within the normal range of ideological conflict for a society in the region, with the contagion from Covid-19 adding to heightened emotions and conflictual capacity.

*Social cohesion is declining, while political polarization is deepening*

However, a really worrying trend in the last month is relations between the state and religious communities, as well as between the two largest religious groups in the country, Orthodox Christians and Muslims. The refusal of the Islamic Religious Community (IRC) to close all mosques in order to allow prayers for Bayram Ramadan has angered part of the public

<sup>1</sup> Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity.

<sup>2</sup> Liberalization measures for restaurants mean that only two persons can sit at one table, at a proper distance, while a larger number of guests can sit at one table if they are part of one family.



and caused outrage among the more secular part of society. This was preceded by a decision by the IRC to reopen all mosques for prayer on 12 May, inspired by a public gathering of Orthodox Christians in the city of Struga for a religious procession on 7 May. Although the IRC accepted a number of measures to protect its believers during prayer (protective gear, social distancing and open space prayer), this event initiated a classical ethnic and religious outbidding between Orthodox Christians and Muslims and has reopened dormant divisions between ethnic Macedonians and ethnic Albanians. Orthodox Christians have expressed great discontent that mobility restrictions for Orthodox Easter were in force for much longer (84 hours) than for Ramadan Bayram (42 hours) and are openly accusing the government and the CID of favouring the country's Muslim population.

### *Dormant divisions between Orthodox Christians and Muslims come to the fore*

Two additional factors have contributed to the radicalization of the “blame game” between the two religious and ethnic communities. First, the vast majority of new infections have been caused by family gatherings during the holy Muslim month of Ramadan (iftar dinners) which provoked open revolt on the part of the Orthodox Christian (and secular) part of society out of fear that prohibitive measures might be reinstated through no fault of Orthodox Christian and secular citizens. Second, the very reintroduction of prohibitive measures and the complete restriction of movement for a number of municipalities in the country between 4 and 8 June 2020 is perceived as being specifically targeted at the important Orthodox Christian holiday of All Souls Day (Zadušnica) on 6 June, in an attempt to prevent the virus spreading at mass gatherings in graveyards. These two episodes have further strengthened the position of some Orthodox Christians, who allege that the Muslim population are being favoured over Christians and have expressed their dissatisfaction in public discourse and particularly on social media.

The reintroduction of mobility restrictions has also instigated a pro-liberalization vs. pro-prohibition debate in society, although there seems to be very little difference between the two discourses at the moment, meaning that both sides agree that a number of prohibitive measures had to be reinstated, and there is an almost unanimous consensus that the part of the state that is not infected with the virus has to resume with the “new normality” and that there is no need for further mobility restrictions. Additionally, there have also been calls for only infected municipalities (or even only neighbourhoods) to be placed under quarantine, and not all municipalities within and in the vicinity of the capital Skopje, since the model that has been chosen also implies mobility restrictions for areas unaffected by the virus. Lastly, the model chosen for mobility restrictions between 4 and 8 June 2020 has been heavily criticized by both camps, since over 20,000 vehicles left the capital on 4 June 2020, which is in-

terpreted as posing an epidemiological risk of spreading the virus throughout the country, and especially in tourist destinations such as Ohrid and Struga. The perception that a “no in – no out” quarantine model was a better idea for the given time period is predominant in society.

### **External Factors**

There have been no recent radical changes in the direction of the country's foreign policy. It is clear that after an initial period of concern regarding the medical capacity to fight the Covid-19 virus and a massive call for medical aid from third countries, the situation in North Macedonia has gradually stabilized. In addition, foreign countries have almost completely stopped sending aid to North Macedonia, with only the EU delivering occasional aid as part of previously agreed packages. On 4 June, the EU delivered eight respiratory machines to the country as part of a previously agreed aid package of EUR 4 million for urgent medical needs and supplies.

The Government of North Macedonia had an initial plan to open the country's borders on 1 June. However, the worsening of the Covid-19 situation has delayed these plans, probably until mid-June. Furthermore, many countries in the region (Croatia, Montenegro etc.) are still not allowing Macedonian citizens to enter their borders, while others are rethinking the matter since the number of infected persons has grown rapidly. The situation is very volatile at the moment, and it remains to be seen whether North Macedonia will open its borders, and whether some neighbouring countries or other countries in the region will possibly prohibit the travel of Macedonian citizens to their countries.

## Timeline

- February 26 First case of infection with the Covid-19 virus detected
- March 10-11 Discontinuation of the educational process at all levels, prohibition of public events in confined and open spaces over 1000 participants
- March 16 The government decides to close all border crossings to civilian transport (cargo transport excluded) and close Skopje airport to civilian transport.
- March 17 Parties agree to postpone elections indefinitely
- March 18 President Stevo Pendarovski declares a state of emergency
- March 19 Restrictions on free movement for all citizens across the whole country
- April 14 Incident in the Chento area of Skopje: massive breach of mobility restrictions, with nearly 150 protesters demanding the release of three persons arrested for violating curfew.
- May 7 A huge procession of Orthodox believers occurs on the second day of the religious holiday devoted to St. George (Gjurgjovden). Video recordings indicate no social distancing by attendees and the almost complete absence of protective gear.
- May 12 The government adopts a plan for the gradual liberalization of restrictive measures; the Islamic Religious Community reopens the country's mosques.
- May 15 The President of North Macedonia announces the third state of emergency, lasting two weeks.
- May 17 The government adopts the third set of economic measures to combat the economic consequences of the Covid-19 virus.
- May 22 Mobility restrictions on the occasion of Ramadan Bayram introduced (42 hours); mandatory quarantine is replaced by home isolation for citizens returning to the country from abroad.
- May 25 Ramadan Bayram religious holiday – prayers are held in mosques with certain protective measures being respected, although selectively, throughout the country.
- May 26 The government abolishes all mobility restrictions across the whole country. Protective gear remains mandatory – public gatherings still forbidden.
- May 30 The President of North Macedonia announces the fourth state of emergency, lasting two weeks.
- June 3 Reintroduction of mobility restrictions across the whole country, with different regimes for different municipalities based on the spread of Covid-19.
- June 4 Mobility restriction for the capital starts at 9 pm – over 20,000 vehicles leave Skopje in one afternoon to avoid the mobility restrictions.

# SERBIA

Tara Tepavac and Tamara Branković

## Abstract

- As the number of COVID-19 infected patients decreased, Serbia eased the social distancing and other protection measures introduced by the Government
- From public concern No 1, Coronavirus became the hot topic for the promotion in ruling parties' election campaigning
- Tensions and polarisation in the society increase along political lines, deepened ahead of the parliamentary and local elections

The COVID-19 pandemic reached Serbia amid an election campaign marked by a reshuffle of the opposition, decisions by several opposition parties to boycott the elections and the ruling majority's dominance of the media. The Corona virus was not treated particularly seriously for the first few days of the pandemic. The first official case of coronavirus in Serbia was officially recorded on March 6. A state of emergency was declared on March 15. The next day, the Republic Electoral Commission postponed the 2020 parliamentary and local elections. Measures to combat COVID-19 introduced by the government included a strict curfew and closure of business and schools, as well as stricter border controls. By mid-May, Serbia had succeeded in containing any further escalation of coronavirus. The State of Emergency was lifted on May 6 while political tensions were escalating.

## *Fear and uncertainty of COVID-19 seem to be forgotten*

Two months after the breakout of the Corona virus epidemic in Serbia, fear and uncertainty invoked by the spreading of COVID-19 seem to be forgotten, or rather replaced by a tense atmosphere of the election campaign. In the run-up to the 2020 parliamentary and local election which will be held on June 21, the media is dominated with an array of messages from political parties promoting their electoral lists, or persuading citizens to boycott the upcoming elections. The divisions along political lines are deepening the polarisation in the society, with a strong dominance of the ruling party and scattered opposition split between participating and boycotting the elections. The ruling majority slogans are omnipresent in the Serbian public, the opposition running on elec-

tions is struggling to gain any significant presence in the media, while the pro-boycott campaign is barely visible.

## Almost Corona-free Serbia

In an administrative sense, Serbia welcomed June as an almost Corona-free country. The number of registered cases marked a decrease with a total of 11,965 of COVID-19 infected patients and 2.09 percent of mortality by June 9, 2020. The majority of social distancing measures were further relaxed. The only remaining measure is the ban on indoor gatherings for more than 500 people. Social distancing, habits of wearing protective masks and gloves withered away, and by the end of May life returned to business almost as usual.

Schools prolonged remote classes, while the Education Minister announced the return to regular activities for high-schools with respect to protection measures from the beginning of June, as well as possibilities for both elementary and high-schools to arrange classes for preparation of graduation and entrance exams. After two-months of online lectures, students are back at the universities for the regular summer exams since the second half of May. Even the sport stadiums revived in the first weeks of June, with the football fans filling the stands for the Serbian LingLong Tire SuperLiga, sponsored by a disputed Chinese company to be opened in Zrenjanin.

The Constitutional Court which has been called to assess the constitutionality of the State of Emergency declaration by several initiatives from MPs and expert civic groups, rejecting each and every one of them on procedural grounds without assessing the meritum of the State of Emergency decision. Yet, concerns about the reasoning for the relaxation of Government's protective measures are mounting in the public, questioning if the ruling majority urged the elections in June on the account of public safety for the perks of the party ratings. The benefits from the dominance of the ruling majority in the media, weeks of promoting its handling of the COVID-19 as the most successful in the region, as well as financial and humanitarian support targeting the most vulnerable groups of citizens, are hard to resist.

## *The end of the State of Emergency also ended the hype towards China*

It seems that the end of the State of Emergency and the re-launch of the election campaign also brought an end to the hype towards China, that dominated the public discourse during almost the entire crisis. On the other hand, positive tones on the EU finally increased in the media by the end of May, although it is still represented predominantly in a negative tone on the TV stations with national frequencies. With the election topics dominating the media, the usual space dedicated to the debates on Serbia's foreign policy and relations with neighboring countries was shrinking. The only exceptions are the news related to the Corona virus, as well as to the mass protests raging across the United States of America. The relationship with neighboring Montenegro came into focus due to the renewed Orthodox Church-related protests in this country, led by the Serbian minority. However, these events were quickly put aside, until the information that Montenegro will not open its border with Serbia on June 1 resonated. This provoked strong reactions by pro-government tabloid media in Serbia, which described Montenegro as a fascist country, and by the state officials led by Prime Minister Ana Brnabić who called upon Serbian citizens not to go on summer vacation in Montenegro.<sup>1</sup>

## (Un)happy Ending of the Parliament's XI Legislature

Escalation of tensions marked the final chapter of the Parliament's XI Convocation. The last plenary sitting held from May 8 to 10, began with a protest of the opposition movement Dveri at the staircase of the Parliament that escalated into physical violence, and ended in a hunger strike of five MPs. In an attempt to prevent the MPs and government officials from entering, the opposition led by MP Boško Obradović clashed with several ruling majority MPs.<sup>2</sup> The epilogue was one torn jacket and hours of speeches in the plenary condemning the behavior of – as the Speaker of the Parliament called them – a horde of scumbags and fascists. Highest state officials promptly condemned the violence and called upon the European Union to react. The heated atmosphere in the plenary was reflected in the addresses of MPs, and was dominated by the topic of the election campaign and a brutal display of insults and attacks towards the opposition, independent media and civil society. Offensive speeches were left without reaction from the Speaker presiding over the session, who at the same time regularly turned off the microphone to opposition MPs demanding a reaction and restriction of insults in the plenary.

### *Physical violence and hunger strikes in front of the Parliament*

Little was heard about the last-minute changes of three laws on the agenda adopted by urgent procedure, another legacy of the Corona virus to the Serbian legislative system. The Law on the Election of Members of the Parliament and Law on the Local Elections were amended to allow the submitters of the electoral lists access to a wider circle of institutions for the verification of collected signatures of supporters, in the light of new circumstances induced by the Corona virus. These changes were criticised from a part of the MPs for putting those who submitted their electoral lists before the State of Emergency in an unequal position. Due to the ongoing COVID-19 pandemic, the Government also proposed the amendments of the Law on Protection of the Population against Infectious Diseases, which increased the fines for non-compliance with the regulations, decisions or orders issued by the relevant authorities. However, the legislative agenda was yet again overshadowed by party clashes, as a true illustration of the parliament that served as a mere scenography for mutual attacks of MPs, personal insults and defamation of political opponents throughout this convocation.

## From Lock-down to Street Protests

The staircase of the Parliament was in the spotlight all the way through this last sitting of the XI convocation. It was turned into a stage for an unprecedented series of MP's hunger strikes by the end of the sitting. Over the last three decades of a renewed multipartism in Serbia, a total of seven MPs used this radical form of protest<sup>3</sup> - five of them in May 2020, out of which four in one day.<sup>4</sup> The series was initiated by the independent MP Miladin Švarlić who was enraged about rumors on the alleged solutions for the Belgrade-Prishtina dialogue. He was soon followed by opposition MP Boško Obradović, demanding from President Aleksandar Vučić to organise a dialogue with the opposition and postpone the elections until conditions for safe, free and fair elections were ensured. Later on, he demanded from the Public Service Broadcaster to enable him to elaborate his requests in an hour-long live program. In an alarming move for any parliamentary democracy, two MPs from the ruling Serbian Progressive Party - Aleksandar Martinović and Sandra Božić engaged in this radical act, demanding from the prosecution and judiciary to react and investigate the violent behaviour of Obradović. At the same time, they raised concerns about the independence of the judiciary, claiming that the public prosecutors had been appointed by the previous regime of Dragan Đilas. Apart from displaying – to say the least – an unawareness of the role and power that the Parliament and MPs (can) have, particularly the ruling majority, as well as their political accountability, Martinović's statements on the judiciary and prosecution were interpreted by some as an indication of potential pressure on the state prosecution.

1 AlJazeera Balkans. Brnabić pozvala državljane Srbije da ne ljetuju u Crnoj Gorri, <http://balkans.aljazeera.net/vijesti/brnabic-pozvala-drzavljan-srbije-da-ne-ljetuju-u-crnoj-gori>

2 Milica Stojanović, Serbian Right-Winger Clashes with Minister outside Parliament, BIRN, May 8, 2020, <https://balkaninsight.com/2020/05/08/serbian-right-winger-clashes-with-minister-outside-parliament/>

3 Otvoreni parlament, RECAP Štrajk gladu kao vid borbe narodnih poslanika u Srbiji, 20.05.2020. <https://otvoreniparlament.rs/aktuelno/162>

4 Julija Simić, "Four Serbian MPs go on hunger strike", EurActive.rs, May 11, <https://www.euractiv.com/section/enlargement/news/four-serbian-mps-go-on-hunger-strike/>

Milardin Ševarlić was the first one to end his hunger strike on the following day, disappointed by the lack of attention to his demands. Sandra Božić ceased the strike on the following day as well upon the request of President Vučić in a press conference, while Aleksandar Martinović ended his protest a day later, after their demands were fulfilled and the Prosecutor's Office stated that evidentiary actions against Boško Obradović have been taken. This was the first case of ruling majority MPs ending such a strike due to the fulfilment of their demands. On the other hand, opposition MP Obradović remained on strike for eleven days, supported by another MP from Dveri for nine days, without any state officials paying a visit. A vivid illustration of the unequal treatment of MPs that characterised the past years can also be found in the reaction of the Speaker of the Parliament, who visited all the MPs stating her concerns for their health except for the two opposition MPs from Dveri.

### *The rise of tensions in the Parliament spilled over to the streets*

The rise of tensions in the Parliament spilled over to the streets, leading to a mass gathering of several thousands of citizens divided in two opposing groups, ruling majority supporters and opposition supporters, separated by gendarmerie cordon. Only five days after the abolishment of the State of Emergency, the social distancing measures and protective masks seemed to be history. Protests and public rallies directly violating the recommendations of the Government's Crisis Headquarters continued in the following days. Along with protests of the opposition "Alliance for Serbia", protests were organised by a right-winged and animal-protection movement Levijatan protesting against the migrants, extreme right against the 5G network and compulsory vaccination, as well as by students in solidarity against the treatment of the Serbian Orthodox Church. The alarming ease in which key political leaders from all sides disregarded expert advice and supported mass gatherings yet again exposed a lack of responsibility and political accountability. Moreover, this approach continued even in the electoral campaign. According to the CRTA observation mission, political actors from all sides were using full protective measures against COVID-19 transmission (social distancing, masks, sanitizers) in only 6 % of the organised promotional activities across Serbia between May 12 and 24, and in 47 % of cases these measures were only partially applied.<sup>5</sup>

## **Election Campaign in Focus**

As soon as the State of Emergency ended on May 6, the election campaign for 2020 elections was resumed on May 11, placing Serbia among the global pioneers of elections in the post-COVID-19 environment. However, the actions towards securing safety of the election environment were mainly dictated by the still active Crisis Headquarters. Even though it was expected that the Republic Electoral Commission (REC) would soon come out with recommendations and guidelines for organising the Election Day, less than three weeks prior to June 21 any instructions have not yet been issued. Instead, the REC is waiting for the still missing guidelines from the Crisis Headquarter in this regard. The only novelty induced by the COVID-19 and the State of Emergency that relates particularly to the 2020 electoral process can be found in the changes of the electoral laws adopted in the last sitting of the Parliament.

### *Two parties committed to boycott changed their strategies*

By the end of the deadline for submission, 21 lists were proclaimed to compete in the elections - four belonging to the current majority and 17 to the opposition - marking the largest number of contestants since the 2008 parliamentary elections.<sup>6</sup> It seems that neither COVID-19 nor the boycott influenced the variety of electoral offers, at least when it comes to the numbers. However, it is essential to be mindful of the last-minute legislative changes that interfered with the electoral competition design. Just weeks ahead of calling the elections, the threshold was lowered from 5 % to 3 %, as an obvious countermeasure to boycott, attracting political parties from the outskirts of the political spectrum. Moreover, two parties that were committed to boycotting the elections before the State of Emergency, consequently changed their strategy and submitted candidacies: the Movement of Free Citizens and the Enough is Enough movement. By the end of the day, four former pro-boycott parties decided to compete for seats in the Parliament.<sup>7</sup> Another trademark of 2020 opposition offer are three extremist and anti-EU parties on the ballot<sup>8</sup>, who, together with seven anti-EU and EU-sceptic parties, outnumber the modernist and pro-EU options.

5 CRTA election observation mission, Elections 2020 - First Preliminary Report from March 4th - March 16th and May 12th - May 24th, <https://cрта.rs/wp-content/uploads/2020/06/Izbori-2020-Izve%C5%A1taj-dugoro%C4%8Dnih-posmatra%C4%8Da-Crta.pdf>

6 In 2008 parliamentary elections 22 lists were proclaimed.

7 These include the following: 1 of 5 million, Enough is Enough, Movement of Free Citizens, Healthy Serbia - Stamatović

8 These include the following: Levijatan Movement, Zavetnici, Serbian Radical Party

## Proliferation of Electoral Lists without Pluralist Offer

Yet, the substantive variety of the electoral offers remains a weak spot, seen from the perspective of genuine political programmes. The number of the proclaimed electoral lists does not correspond with a vibrant scene of political actors competing on concrete policies and ideas. The electoral offer and competition remains without substantial programs, both for the parties competing and those boycotting the elections, as recorded by CRTA election observation mission.<sup>9</sup>

### *The Corona virus is one of the strategically hot topics in the election campaign*

International organisations, such as the Global Network of Domestic Election Monitors (GNDEM), recommend that political actors constrain from using COVID-19 and all related actions of the state in election campaigning, assessing such practices as the misuse of state resources. However, the Corona virus became one of the strategically hot topics in the campaign of the ruling Serbian Progressive Party (SNS). Praising the state efforts in combating the Coronavirus; depicting opposition as those who criticize and hinder this struggle;<sup>10</sup> utilising medical facilities, medical personal and doctors for delivering promotional messages;<sup>11</sup> push polling<sup>12</sup> by directly connecting the impressions on the State of Emergency and government's results with readiness to vote for the SNS, are some of the techniques which the ruling majority utilises to benefit from the recent collective crisis.<sup>13</sup> But the new circumstances did not bring any systemic innovation in campaigning techniques, with the exception of the SNS that tested new technologies for organising twice a virtual rally via Zoom. Dystopian images of people's faces from dozens of TV screens applauding party president Aleksandar Vučić went viral. Moreover, old (mal)practices in campaigning continued in these elections, such as the misuse of state resources or breaches of personal data protection. An illustrative example is the letter signed by President Vučić delivered to the ad-

resses of all pensioners across Serbia in the second half of May, promoting the financial support measures for the pensioners allocated by the state due to the COVID-19 crisis.

The gap in media representation between the ruling parties and the opposition, which was highly criticized by the civil society, watchdog organisations and the opposition in the previous period, slightly decreased after the State of Emergency.<sup>14</sup> Skyrocketing dominance of the ruling majority that occupied 91 % of media time devoted to political actors during the State of Emergency, dropped to 60 % in the first two weeks of the re-launched election campaign. On the other hand, the time for the opposition that competes at the elections increased from 4 % to 28 %. Still these changes are a consequence of the mandatory media regulations, rather than a substantial improvement in the quality of pluralism and public debate.

The outlines of the public debate which Serbian society witnesses during this election campaign, will not erase the enormous lack of pluralism, nor will it resolve the boiling societal polarisation. Although a full-scale OSCE/ODIHR observation mission has been considered prior to the pandemics, such an operation remains solely on the domestic observers from civil society. The OSCE/ODIHR expert mission arrived only in the beginning of June, with limited possibilities hindering it from observing the entirety of the electoral process. Despite the fact that the political scene seems predictable, there are still many factors surrounding the elections that remain unknown. These include the potential rise in the number of COVID-19 infected patients, possibilities for social and political conflicts to evolve on a larger scale, or the rise of extreme options through the competition for parliamentary seats, which could be game-changers in Serbia's political and social life in the times to come.

9 CRTA election observation mission, Elections 2020 - First Preliminary Report from March 4th - March 16th and May 12th - May 24th, <https://cрта.rs/wp-content/uploads/2020/06/Izbori-2020-lzve%C5%A-1taj-dugoro%C4%8Dnih-posmatra%C4%8Da-Crta.pdf>

10 Srpska napredna stranka, Gradimo budućnost Srbije - Srbija se oporavlja od koronavirusa zahvaljujući našim plemenitim zdravstvenim radnicima, <https://www.facebook.com/watch/?v=378785239708568>

11 Srpska napredna stranka, Tokom poslednjih nekoliko godina mnogo je investirano u zdravstvo, <https://www.facebook.com/watch/?v=697029011048032>

12 Push poll is a telephone call propaganda technique which does not aim at measuring opinion but altering it and affecting the election outcomes.

13 CRTA election observation mission, Elections 2020 - First Preliminary Report from March 4th - March 16th and May 12th - May 24th, <https://cрта.rs/wp-content/uploads/2020/06/Izbori-2020-lzve%C5%A-1taj-dugoro%C4%8Dnih-posmatra%C4%8Da-Crta.pdf>

14 Ibid.



## Timeline

|             |   |         |  |
|-------------|---|---------|--|
| February 26 | First press conference related to coronavirus held by the President and Crisis Headquarters - "The funniest virus in history".  | June 1  | Schools reopened for graduation exams and university entry exams   |
| March 4     | Parliamentary and local elections called for April 26 2020.   | June 4  | COVID-19 Hospital on Belgrade Fair closed  |
| March 6     | First case of coronavirus infection registered in Serbia.   | June 5  | Deadline for electoral lists to submit candidacies<br>Closure of Voter Register<br>Crisis Headquarters abolished the ban on gatherings outside, and extended the allowed number of people gathering indoors to 500 |
| March 13    | Two Crisis Headquarters established   | June 10 | By the end of the appealing processes, a total of 21 electoral lists was proclaimed  |
| March 15    | State of emergency declared on the entire territory of Serbia.  |         |  |
| March 16    | Republic Electoral Commission ceases the electoral process until the end of the state of emergency. Nurseries, schools and universities closed by government order.   |         |  |
| March 18    | Lockdown measures with curfews introduced for the first time since the Second World War. Total ban of movement until further notice for citizens over 65 years of age. Prohibition of movement from 20:00 to 5:00 every day for citizens under 65 years of age. |         |  |
| March 20    | Minister of Health declares the outbreak of a coronavirus epidemic in Serbia. First coronavirus-related death registered. Inter-city transport cancelled. Borders closed.   |         |  |
| March 21-22 | Public transport in cities cancelled by government order.   |         |  |
| March 22    | Curfew for those under 65 years of age extended from 17:00 to 5:00.   |         |  |
| March 28    | First special ad-hoc COVID19 hospital established at Belgrade Fair.   |         |  |
| April 10    | Government adopts package of economic and social measures to alleviate the consequences of the coronavirus crisis.  |         |  |
| April 28    | First session of parliament and confirmation of the state of emergency.   |         |  |
| May 6       | State of Emergency ended by parliament. Bill on the validity of decrees adopted by the government during the state of emergency adopted by parliament, reversing the measures in 11 of the government's decrees and prolonging those in another 15.             |         |  |
| May 10      | 4 MPs went on hunger strike in front of the Parliament  |         |  |
| May 11      | Republic Electoral Commission unfreezes the electoral process<br>Several thousand people protest in front of the Parliament without protective measures   |         |  |
| May 12      | First day of the election campaign<br>Another Opposition MP joins the hunger strike   |         |  |
| May 15      | Universities across Serbia re-open  |         |  |
| May 20      | First meeting of the Supervisory Board of the Parliament, in charge of overseeing actions of political parties, candidates and media in the elections, established for the first time in the last 20 years.   |         |  |
| May 31      | List of final polling stations and territories published  |         |  |

# SLOVENIA

Igor Lukšič

## Abstract

- The parliamentary opposition has united in the interpellation of the Minister of the Economy and Technology due to the very problematic spending of public money on medical equipment. Protests against the government are intensifying and have moved out on to the streets every Friday since April 24.
- Slovenia was the first country to declare an end to the epidemic in mid-May.
- Slovenia is doing very well regarding health and social policy goals, but very poorly in the democratic standards of the government.

Prime Minister Marjan Šarec resigned on January 27, announcing that Slovenia was going to the polls. He was convinced that none of the parties in his coalition would join any new possible government led by Janez Janša. However, Janša managed to form a new coalition government from the SDS, NSi, SMC and DESUS. This new government was elected on March 13. The first case of COVID-19 infection in Slovenia was confirmed on March 4. On March 7, the Šarec government prohibited the gathering of more than 500 people and proposed that a maximum of 100 people could congregate indoors. The Minister of Health, Aleš Šabeder (in Šarec's government), declared an epidemic on March 12 due to the increased risk of spreading the new coronavirus. In its first week in office, Janša's government prohibited public transportation, then air transport and also restricted movement across the borders. For the first two months the new government behaved as if Slovenia was at war. In under six weeks they replaced leading people in key positions responsible for repressive and control apparatuses. In May they even replaced the director of the Statistical Agency of Slovenia. Media Associations have succeeded in gaining the support of international institutions in the fight for freedom of the press since the new government exerted much more pressure on the media compared to the previous one.

## The End of the Epidemic in Slovenia

The government declared an end to the epidemic at a correspondence session minutes before midnight on May 14. Under the previous arrangement, the announcement of the beginning and end of the epidemic had been in the hands of the Minister of Health. The government took this decision into its own hands, making it clear that for them it was more of a political than a professional issue and therefore PM Janša (SDS) was not going to leave this decision to the medical doctors and Minister of Health (DESUS). The decision to declare an end to the epidemic was made without consulting experts despite the fact that the government's own expert group headed by Dr. Beović and the NIPH, headed by Dr. Krek, had been appointed by this government. Even these pro-government bodies felt that the government was too hasty in its declaration of the end of the epidemic and they above all expressed regret that they had not been consulted beforehand.

Despite the end of the epidemic, the government still retained a special speaker for the epidemic, Jelko Kacin, and still insists on keeping some measures in place such as using masks in shops and all enclosed spaces as well as maintaining social distancing of 1.5m between individuals. At the end of May a few opposition MPs refused to continue to wear protective masks at National Assembly sessions after the epidemic was declared at an end. Deputies already sit at a safe distance from one another and there are no further safety reasons for the masks.

*Firing the director of the  
Statistical Office  
shows Janša's authoritarian  
style of governing*

The government replaced a top official once again. This time, for the first time in the history of Slovenia - before the end of his term - the director of the Statistical Office was replaced at a correspondence session because he did not want to pass on data to a member of the government group for the



preparation of anti-corona measures. The group leader called the PM, and the PM immediately fired the director at a correspondence session on May 21, one week after the declared end of the epidemic. This story will certainly stir up the Slovenian political scene, as it once again shows the authoritarian dimension of PM Janša's style of governing.

The government drafted a third package of laws to help those most affected by the corona crisis, but certain groups remained on the sidelines. On May 28, the National Assembly approved this third package of anti-corona measures worth a billion euros. It is endeavouring to help tourism by introducing vouchers to the sum of 200 euros per adult citizen and 50 euros per child. These vouchers are expected to have a multiplying effect on the whole economy.

Cultural employees demanded a similar status for themselves as that of tourism through the measures: introducing vouchers to citizens for culture. On May 27, some cultural groups protested for the reform of cultural policy and for more funds for culture, which suffered enormous losses in the crisis due to the cancellation of events. In early June, the protest was repeated in the centre of Ljubljana.

As part of his regular work, the Ombudsman received the Secretary of the Ministry of the Interior. He expressed the expectation that his findings and suggestions would help to plan future controls and prepare guidelines for the work of the police, especially in the field of human rights protection. The Ombudsman considers that much attention should continue to be paid to the independent, impartial and professional handling of complaints against police officers and to raising awareness of the role of civic and other monitoring of police officers' work.

### *President Pahor calls for restoration of confidence*

At the end of the crisis, President of the Republic Pahor began to speak more often in public on important political issues. According to him, the government reacted well to the crisis when it also had excellent cooperation with the opposition in the first month, but then there was a drop in confidence due to unnecessary actions. He called for the restoration of confidence because he is convinced that Slovenia needs a strong and stable government during the recession.

For the first time ever, the president has sent two candidates to the National Assembly for one seat in the Constitutional Court. One of the candidates is clearly an SDS candidate, while the other candidate is non-partisan and appears to have won a majority in the National Assembly.

### **Dynamic Party Life**

In May, events in party life were very dynamic. Public support for the SDS decreased slightly in March, April and May, while support for the opposition LMŠ party and the government NSi increased slightly.

A large part of the membership of the government party DESUS demanded an extraordinary meeting of the leadership at which they were supposed to set the limits to which they are still ready to support the government of Janez Janša. Staff changes, an attack on the freedom of the press, solo actions by SDS ministers in government and a pact with Hungary triggered this reaction. Among the leaders of this 'rebellion' was Health Minister Gantar. DESUS allegedly once again demanded that the government should not initiate ideological topics that divide Slovenia. The process went along the lines that the president and at the same time the Minister of Agriculture, Aleksandra Pivec, had further strengthened her pro-government position as she had succeeded in replacing the party's secretary general, while at the same time placing in the public mind the possibility of replacing Minister Gantar. Events at DESUS have currently calmed down and the party remains a strong supporter of SDS and Janez Janša's government policies.

### *Tanja Fajon is believed to be able to strengthen the SD as new party president*

The president of the Social Democrats party, Dejan Židan resigned at the end of May and the presidency appointed Tanja Fajon, vice-president and MEP, as his stand-in until the congress. The SD made this move because it believes that Fajon will be able to significantly strengthen the party and assail the position of Prime Minister. Fajon has been one of the most popular politicians in Slovenia for many years and she especially stood out in the 2018 European elections when she received by far the largest number of preferential votes from all candidates.

Former PM Šarec's LMŠ party formed committees for various fields and named presidents (would be ministers) to serve as the shadow government. Among the presidents of one of the councils is the former Minister of Development from the ranks of the opposition party SAB, from which he resigned six months ago. Some harsh words were exchanged between the former government and current opposition parties because of this transition.

One MP from the government party, the SMC, joined the opposition party, LMŠ, in mid-May. He was followed by the crossing over of another MP from the SMC party to the SD opposition party. These two moves did not significantly endanger the government majority, but they did point to some possibility where the majority of the Janez Janša government could collapse.

The government offered the opposition the signing of a cooperation agreement entitled Partnership for Development. The proposal includes the coordination of policies to overcome the crisis and restart social life. The initiative was supported only by the Slovenian National Party, which has so far supported the government, both previous and current, while other opposition parties rejected the idea and called for early elections and a change of government. Opposition parties have expressed the belief that it is not possible to work with this government after what it has demonstrated in the first two months.

### *The SDS government is primarily concerned with consolidating its power and controlling public media*

The government formulated this proposal after it became clear that it had no real idea of where to take Slovenia and how to position it in the international arena. It emerged that it had made so many mistakes in its first months that it lost high expectations and support for the measures against the corona crisis. The public is becoming increasingly aware that the SDS government was primarily concerned with consolidating power by taking over the most important positions in the country and controlling public RTV. With this proposal, the SDS in particular wanted to amend the deterioration of their public image.

### **The Epidemic is Over, but the War Continues**

The government, which vowed that all measures were aimed at saving lives and pointed out that the previous government had exposed the population to the huge threat of the epidemic, issued the following message: "In doing so, we must face the fact that there are many people whose lives are slowly running out. Even with them being transferred to a hospital just because they are infected with a new coronavirus does not make sense." Doctors have reported what they have learned from the experience of high mortality in nursing homes: above all, the virus must be prevented from entering the home. Gradually, the new government agreed with the position of the medical profession, which was previously represented by the government of Marjan Šarec. The debate over the more deadly behaviour of both governments is still ongoing, but it occupies the sidelines. The issue of the long-term consequences and mitigation of these consequences is coming to the fore. Mortality in nursing homes due to COVID-19 was high, but statistics show that fewer people died in nursing homes in 2020 than in the same period last year. A third of the deaths, 37, are attributed to just one nursing home.

### *The aggravation of the epidemic issue has passed from the government to medical experts*

At the end of May, Director Krek of the NIPH announced a new wave of the epidemic, which he estimates will be even worse. He claimed news of the end of the epidemic was fake. Thus, the aggravation of the epidemic issue has passed from the hands of government politicians to the mouth of the profession, which for government party politicians performs the task of scaring people away from an uncertain future and thus establishes appropriate conditions for consolidating the notion that the war is not over and therefore more authoritarian approaches and measures are needed.

To mark the end of the epidemic on June 1, aircraft of the US Air Force and the Slovenian Army flew over Slovenia. This way of celebrating is unusual in Slovenian political culture of the last 30 years of its democracy and is in fact foreign. The SD party protested against the flyovers because "it was not a war, it was an epidemic". PM Janša described it as "anti @Slovene Army and anti @NATO, pro #Kremlin and pro #Beijing". The PM suggested that one of the leaders of Friday's protests, Mr. Jenull, has much more in common with Mussolini than was thought.

### *"It was not a war, it was an epidemic!"*

Due to the large number of illegal border crossings with Croatia, the police stepped up controls from Tuesday to Friday on June 1, after the announcement of the end of the epidemic. They said: "A very large increase in illegal border crossings was not detected in May, but controls will be tightened." The government will send an additional 1,000 police officers to the border. This shows that the government confronting the old enemy replaced its crown on the same day with an already known enemy – the migrant. The war against the enemy thus continues.

According to opinion polls from the end of May, the population's concern about the coronavirus fell below 50 percent for the first time since the appearance of the new coronavirus. At the end of May, more than two-fifths of respondents (42%) said that the government's measures to contain the virus had been too strict and 12% said it had been too strict (last week the ratio was 34% : 16%).

Friday Protests continue. They began as cyclists' protests as cycling was allowed and pedestrian gatherings were not. Citizens cycled across Slovenia during anti-government protests on Friday, June 5. They wrote and drew messages on the ground at Republic Square in front of the parliament with chalk, even as rain fell. They also tested the responses of police officers who had detained some protesters for this offence the previous Friday. This time, the police officers told them that they would not punish them, issuing only a warning.

In mid-May, 63% of respondents said they were aware of the purpose of the protests on bicycles. More than half of the respondents (54%) believed that such a method of protest is more appropriate than not. A few more agree with the demands of the protesters (57%). 27% of respondents did not support the protests.

When the Programming Council of public broadcasters at RTV SLO met in its revised form, the government side won a majority and immediately replaced the president of the council. They are also preparing to replace the Director and editors. PM Janša and his supporters have been announcing the abolition of public broadcasting or at least the cessation of subscription payments since the government took office. After this, public media attacks by the government stopped.

Since mid-May, PM Janša has appeared every Monday on NOVA24 TV, which is the television of his SDS (90% owned by partners from Hungary). With the end of the epidemic, the usual press conferences have resumed, at which journalists have the opportunity to put questions to ministers and other government representatives.

## Foreign Affairs

In mid-May, a political debate took place concerning a letter that the Minister of Foreign Affairs added to Slovenia's report on the state of justice in Slovenia. In this letter, the minister presented his personal views and the views of the SDS party on the judicial system, which many considered inappropriate (some MEPs, the Slovenian Judges' Association and the opposition). At the request of the opposition, this was also discussed by the Foreign Policy Committee of the National Assembly in early June. The opposition proposed that the government withdraw the letter and apologise to the EU Commission since the letter does not express Slovenia's views. However, the commission condemned all criticism with a coalition majority and supported the minister's letter.

Slovenia reciprocally opened its borders to Croatia and Hungary, also opening them to all EU member states and especially its neighbours, Italy and Austria, with the latter not opening its borders to Slovenia in May; only on June 4 after diplomatic activity from the Slovene Ministry of Foreign Affairs. Slovenia perceives this unprincipled attitude of its western neighbours as unequal and unfair treatment within the EU and especially within the Schengen area. This bias is all the more obvious since Slovenia was the first and most successful to end the epidemic among all of Austria's neighbours.

At the beginning of June Slovenia (together with Latvia and Estonia) joined the Visegrad Group in opposing mandatory quotas for the relocation of migrants in the future migration pact being prepared by the European Commissioner for Home Affairs.

## Timeline

- March 4 First case of COVID-19 infection in Slovenia confirmed.
- March 7 Šarec government prohibits the gathering of more than 500 people outdoors and proposes that a maximum of 100 people can congregate indoors.
- March 12 Minister of Health of Šarec's government declares an epidemic due to the increased risk of spreading the new coronavirus.
- March 13 Janez Janša's new government of SDS, NSi, SMC and DESUS coalition formed.
- March 29 The Government adopts the prohibition of movement and assembly of people in public places and areas within the Republic of Slovenia and the prohibition of movement beyond municipalities.
- April 24 European Commission vice-president and Commissioner for Values and Transparency, Vera Jourova, contacts Slovenian authorities regarding the media freedom situation in the country. She sends this message to the government: "No hate, no threats, and no personal attacks." The first anti-government demonstration of cyclists in front of the Parliament in Ljubljana.
- April 28 The RCC Bishops' Conference announces that it will resume religious worship on May 4.
- May 1 Demonstration of at least 4,000 cyclists in front of the Parliament in Ljubljana, Maribor and some other cities.
- May 4 The first major relaxation of the measures. Outdoor hospitality areas of restaurants allowed to serve customers. Religious ceremonies and some other activities also permitted.
- May 8 Demonstration of more than 10,000 cyclists around the Parliament in Ljubljana and several hundred in other large Slovene cities.
- May 11 Public passenger transport resumes.
- May 14 Government declares the end of the epidemic in Slovenia.
- May 25 Schools and kindergartens opened to some pupils.
- May 28 President of the Social Democrats, Dejan Židan, resigns.  
Government offers opposition a partnership for development.
- May 29 Demonstration in front of the Parliament and in several other large Slovene cities.
- June 1 Borders with Croatia opened to all citizens without restrictions.  
Schools opened to almost all pupils.  
Events with fewer than 200 participants allowed.
- June 5 Demonstration in front of the Parliament with decreasing participants.
- June 8 SD announces interpellation of Minister of Home Affairs, Alojz Hojs.

## ABOUT THE AUTHORS

### **Max Brändle**, Serbia

Max Brändle is currently director of the Friedrich-Ebert-Stiftung Office in Belgrade for Serbia and Montenegro. Before this he has worked for the Friedrich-Ebert-Stiftung on various positions in Berlin and Zagreb.

### **Tamara Branković**, Serbia

Tamara Branković is a research at the Center for Research Transparency and Accountability (CRTA). Her research interests cover processes of democratisation and Europeanisation in post-socialist societies, with specific focus on the quality of democratic processes.

### **Arian Dyrmishi**, Albania

Arjan Dyrmishi is the Executive Director and Founder of the „Centre for the Study of Democracy and Governance“. He has held different senior positions in the Albanian government, including the Prime Minister’s office, the Ministry of Defence, the National Intelligence Service and the State Minister for Diaspora.

### **Besa Kabashi-Ramaj**, Republic of Kosovo

Besa Kabashi-Ramaj is the Director of the “Centre for Research Documentation and Publication“. She has served as an adviser on national security issues to the Prime Minister of the Republic of Kosovo and has working experience in the areas of management, policy making, international security, national security and defence reform, military affairs and public information.

### **Igor Lukšič**, Slovenia

Igor Luksic is professor of Political Science at the Faculty of Social Sciences of the University of Ljubljana. In the years 2008 to 2012 he was Minister of Education and Sport in the Government of the Republic of Slovenia. He has been chairman of the Social Democratic Party of Slovenia from 2012 to 2014.

### **Nenad Markovikj**, North Macedonia

Nenad Markovikj is an associate professor and head of the political science department of the Faculty of Law Faculty at the Cyril and Methodius University in Skopje. He is one of the founders and a senior researcher in the Skopje-based think tank, the Institute for Democracy “Societas Civilis” – Skopje (IDSCS).

### **Tara Tepavac**, Serbia

Tara Tepavac is working as a Senior Researcher and Coordinator of the Open Parliament at the Center for Research Transparency and Accountability (CRTA). She is a PhD candidate at the Karl-Franzens University of Graz with a background in political science.

### **Nenad Zakošek**, Croatia

Nenad Zakošek is professor at the Faculty of Political Science of the University of Zagreb. His research focuses on comparative analysis of elections and parties in Croatia and Europe and on regime transformation in postcommunist countries.

### **Miroslav Živanović**, Bosnia and Hercegovina

Miroslav Živanović currently works for the University of Sarajevo Human Rights Centre, being responsible for its programmes and projects in the field of human rights education, reporting and research.

## IMPRINT

Friedrich-Ebert-Stiftung | Office in Belgrade  
Dositejeva 51 | 11000 Belgrade | Serbia

Responsible:  
Dr. Max Brändle | Director, Regional Office for Serbia and  
Montenegro

Phone +381 11 3283 285  
[www.fes-serbia.org](http://www.fes-serbia.org)

To order publications:  
[info@fes-serbia.org](mailto:info@fes-serbia.org)

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# DEMOCRACY AND THE STATE OF EMERGENCY

## Easing Measures and Rising Tensions in the Struggle with the Corona Crisis in the Western Balkans, Croatia and Slovenia



The “Democracy and the State of Emergency” reports monitor and analyse the development of Corona crisis management, provide a basis for comparison and allow for an investigation of possible negative effects, a further backsliding of the democratic development and authoritarian tendencies in the Western Balkans, Croatia and Slovenia. For this purpose, the reports are building on a broad definition of democracy that includes institutions, political and civil rights, political parties, civil society, elections, as well as the behaviour of external factors. After our first reports in April and May, this third publication will be followed by further analysis in July 2020.



Governments have taken a robust approach in containing the spreading of Covid-19. The severe measures, in many instances a State of Emergency, have been successful in preventing the healthcare systems from collapse. Subsequently, the fight against the Corona pandemic has been becoming more and more of a political battle inside the countries of the region. In addition to the debates about economic measures to mitigate the consequences of the pandemic, the traditional debates are re-emerging, in many countries – like North Macedonia, Kosovo, and Montenegro – this has meant a return to toxic polarization. The opposition has been accusing the governments of misusing the crisis to advance its political agenda.



The Corona virus crisis is in a way a mirror held up to each country revealing the strengths and weaknesses of political systems of the countries. This situation shows a rather mixed picture. While five countries of the region are preparing for elections, we can determine the state of democracy of these respective countries. While the anti-Corona measures are being relaxed in most cases, the State of Emergency has not been lifted in all countries of the region, yet. North Macedonia is struggling with a worrisome increase of infections. At the same time, bilateral disputes between several countries came to the fore which were caused by the decision to open (or keep closed) their borders.

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