

DEMOCRACY AND HUMAN RIGHTS

# DEMOCRACY AND THE STATE OF EMERGENCY

New Upsurge of the Corona Crisis in the Western  
Balkans, Croatia and Slovenia

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This is the fourth and last 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.



Elections in the times of the Corona crisis were held in Serbia and Croatia. In both countries, the incumbent parties were the clear winners while voter turnout was below 50 %.



A new upsurge of the number of infections is putting the fight against the pandemic back on the political agenda. The re-introduction of repressive measures is met with strong resistance by the population and has led to violent clashes in Serbia.



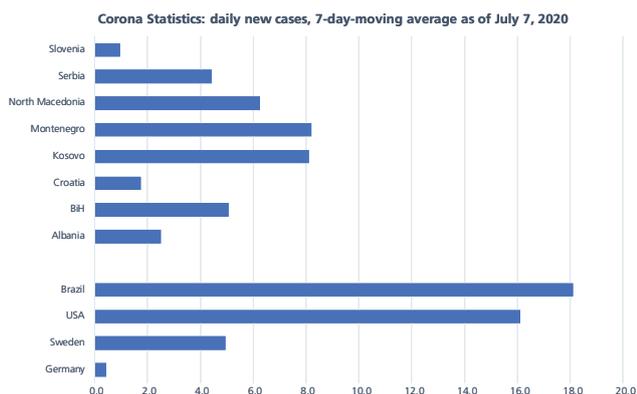
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# Editorial

Max Brändle

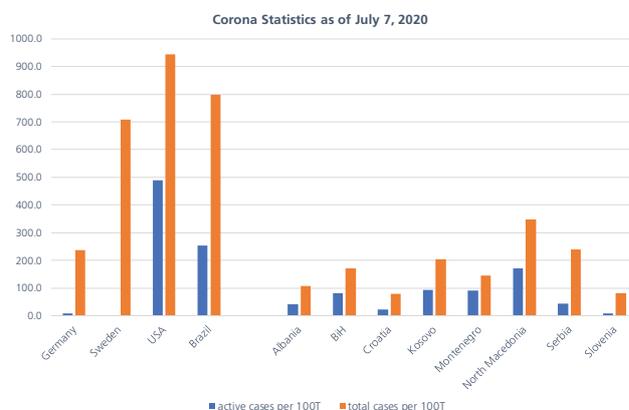
The Corona crisis in South East Europe is not coming to an end, the epidemiological situation is getting even worse than before. After the numbers of daily new infections had been decreasing, some countries, like Montenegro and Slovenia, had already declared that the pandemic was over in their country. We had seen an easing of measures in all countries of the region, but now this trend has been reversed. The fight against the Corona pandemic is clearly back on the agenda.



In the diagrams<sup>1</sup>, we can clearly see that the number of infections is alarming, even if it does not reach the level of the countries currently most affected worldwide, Brazil and the USA. Robust measures at the beginning of the crisis in March and April had prevented an imminent collapse of the weak health-care systems around the region. This has become a real danger once again as the numbers are rising. We had already seen how the fight against the Corona crisis has become a contentious issue and given rise to political battles inside the countries of the region along the entrenched conflict lines, this situation is aggravated by the upsurge of numbers now. 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. These reports have covered 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 were unfolding from April to July, we have monitored these developments and their repercussions on the democracies in the region. This fourth report of July 2020 concludes the series. We hope to build on the analysis provided in our project work.



The reports in this volume clearly show, that in all countries under observation the authorities have initially decided to abolish or loosen key measures that were adopted to fight the spread of the Covid-19 pandemic and that were affecting the political and civil rights. However, the re-opening was accompanied by the spike in the number of infected cases, which is why some measures affecting civil liberties were re-introduced (for example, restrictions on public gatherings and even locally limited curfews). The measures are not as strict as during the previous lock-downs because there is no support for it among the citizens. A dramatic worsening of the epidemiological situation, which cannot be excluded, could change this.

<sup>1</sup> There was no data available on active cases for Sweden, sources: <https://www.worldometers.info/coronavirus/> and <https://coronavirus.jhu.edu>

In spite of the restrictions, in some countries people went to the streets to protest for different reasons, showing the resilience of the civil society. In Albania, protests were organized during June in several cities. Friday's protests against the government took place regularly in front of the Slovenian parliament. In Serbia, protesters clashed with the police after it was announced that a curfew (from Friday to Monday) would be introduced in Belgrade. Serbian citizens are frustrated because only a few weeks ago the Serbian government had allowed gatherings attended by more than 10 000 people. In Bosnia and Herzegovina citizens marched as well.

Elections related themes are the hottest issue as the majority of the countries either have already held elections (Serbia and Croatia) or are facing them, some sooner (North Macedonia in July, and Montenegro in August) and some later (Bosnia and Herzegovina probably in autumn, and Albania in the next spring). In both Croatia and Serbia, the incumbent parties were the clear winners. So far it seems that the pandemic and socio-economic difficulties resulting from it are not damaging the ruling parties. The elections do not only concern fundamental human rights, but the integrity of democracy and the legitimacy of governments depend on them.

There might have been a short moment of unity between the government and the opposition in the very beginning of the crisis. 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. The traditional debates are reemerging, in many countries – like North Macedonia, Kosovo, and Montenegro – this has meant a return to toxic polarization. It is now clear that even an existential threat, such as coronavirus, is not able to alleviate polarization in the societies. For example, the celebration of Statehood Day on June 25, once again showed the deep national identity related divisions in Slovenia, and the same could be said for the Serbian Orthodox Church's processions in Montenegro. Political opponents are often seen as a threat to the country's well-being, as enemies and not as competitors. Such a toxic polarization is preventing compromises across the political cleavages. This is a very dangerous development because it prevents the checks and balances of the democracies in the region from working and destroys their commitment to democratic norms and values. The Corona crisis has aggravated this situation in many countries in South East Europe.

Detailed analyses of these developments in the respective countries can be found in this publication. We hope that with this publication and the previous reports on "Democracy and the State of Emergency" we were able provide insights into these processes and have allowed for some interesting comparisons. I would like to thank the authors of the reports and my colleagues in our network of offices in South East Europe for their contributions, efforts, and support.

# ALBANIA

Arjan Dyrmishi

## Abstract

- Albania returned to almost full normality during June as activities continued to reopen, including international flights and maritime borders, from June 22. The State of Pandemic declared on March 24, and extended to 23 June, ended without being renewed. But the reopening was accompanied by a significant surge in the number of cases of infection and fatalities.
- Sanctions for social distancing remain in force, introduced through amendments to the Penal Code adopted in April and the government has reiterated that its penal approach should be applied for breach of the imposed rules, warning that a significant trend in increased infections could force the authorities to reintroduce restrictive measures.
- Political gatherings continue to remain prohibited, while penalties can be handed out to citizens and businesses that violate the anti-Covid measures, including imprisonment.
- The opposition has criticised the government over the increased number of infections maintaining that the failure of the government to conduct more tests prevented the adoption of a tailored approach to reopening.
- Public confidence in the legitimacy and effectiveness of the government's measures to tackle the pandemic appeared low, as citizens flocked to the streets and beaches with no evident attention paid towards the announced measures. Citizens have defied the measures as hundreds joined several protests organised to express dissatisfaction with various government decisions relating to the environment, education and public transportation, among other areas.
- Political institutions' activities have almost returned to normality. The parliament has regularly convened to perform both legislative and oversight activities. However, its role remains largely that of rubber stamping in the decision-making process. The Constitutional Court has not yet been reconstituted.
- Political debate has mainly centred around electoral reform as general elections are scheduled to be held in less than a year, in April 2021. The institutional conflict between the president and the parliament was reframed as the Venice Commission determined that the president acted in line with the Constitution in the process of nominating judges for the Constitutional Court. This struck a new blow to the ruling majority and the executive claims that the president has violated the Constitution and delayed the process of appointment of the judges to the Constitutional Court.
- Taking advantage of this negativity the opposition parties have embarked on a political campaign that actually resembles an election campaign.

## Political and Civil Rights

Albania returned to almost full normality during June as activities continued to reopen, including international flights and maritime borders, from June 22. The State of Pandemic declared on 24 March and extended to 23 June in April, ended without being renewed.

Sanctions for social distancing remain in force, introduced through amendments to the Penal Code adopted in April and the government has reiterated that its penal approach should be applied for breach of the imposed rules. Additionally, some activities in closed areas such as night clubs continue to remain closed. However, the reopening was accompanied by a significant surge in the number of cases of infection and fatalities. From 7 June, there were 34 deaths and 1,246 infections. In the four weeks to 6 July, the number of infections reached 29,260 cases, of which 1,183 were active cases, and 79 fatalities.<sup>1</sup>

The resumption of public transportation has been delayed for over three weeks since the decision taken to resume the services by June 15. In Albania public transportation predominantly comprises buses and taxis operated by private companies. The associations of public transportation have opposed the measures imposed on public transportation operators deeming them too costly and have refused to resume services if they are not subsidised. Protests were organised on an almost daily basis and on several occasions protesters were dispersed by police and some were arrested on charges of illegal gathering. The Municipality of Tirana has threatened the public transportation companies with fines and the revocation of licences if the services are not resumed by 6 July.<sup>2</sup>

<sup>1</sup> <https://new.shendetesia.gov.al/category/lajme/>

<sup>2</sup> Municipality of Tirana: Fines and revocation of licenses for transport companies that do not start work on 6 July. 3 July, 2020 . <https://exit.al/bashkia-tirane-gjoha-e-heqje-licence-per-kompanite-e-transportit-qe-nuk-nisin-pune-ne-6-korrik/>

## *Several protests took place despite the restrictions*

Several other protests were organised during June in several cities, despite the restrictions imposed by the government and the increase in the number of infections. Environment-related protests were organised by residents in four different communities. High school final-year students in Tirana protested for three days against the quality of the matura exam prepared by the Ministry of Education.<sup>3</sup> The workers of a clothing factory protested over not having received their subsidy payments for the non-working period during lockdown.

### **Key Institutions**

The government has warned that a significant trend in increased infections could force the authorities to reintroduce restrictive measures. However, government ministers have also underlined in various public communications that a reintroduction of the lockdown measures would have fatal consequences for the country's economy.<sup>4</sup>

The prime minister has considerably reduced his appearances related to the pandemic since the reopening, however he underlined through a Facebook video communication in mid-June that political gatherings will remain prohibited, penalties will be applied to businesses violating the rules, including imprisonment, and citizens will be penalised if caught in violation of social distancing rules.<sup>5</sup>

The police have been given access to the lists of people infected with Covid-19 in order to enforce quarantine.<sup>6</sup> The Director of Police announced publicly that each police station is to check up on people who have tested positive for coronavirus as to whether they are remaining in self-isolation.

## *The parliament has gradually returned to its normal agenda*

The parliament has continued its law-making and oversight activities regularly, albeit in unusual circumstances with the opposition's boycott of over a year since February 2019. The permanent committees held ten hearings sessions with secu-

urity institutions, independent institutions, the judiciary and regulatory bodies. The National Security Committee held two hearings related to Covid-19 crisis management. The Chief of the General Staff reported to the Committee on the role played by the Armed Forces to support the measures along with measures taken to prevent the spread of the virus among Armed Forces personnel. The General Director of the National Civil Defence Agency reported on the measures taken by this body in response to those taken during the lockdown and the management of the situation relating to the earthquake in November.<sup>7</sup>

As the parliament has gradually returned to its normal agenda, the breadth of topics discussed has contributed to gradually marginalising the debate on Covid-19. Issues such as the reform of the judiciary, electoral reform and the EU integration agenda have been at the forefront. Online platforms have been routinely used by permanent committees while plenary sessions have convened under distancing rules.

## *The executive powers remain largely unchecked*

An urgent interpellation directed at the Minister of the Interior called by opposition MPs focused on the response against crime.<sup>8</sup> Organised crime has been set as one of the key priorities for Albania to fulfill in order to begin accession negotiations. The resumption of parliamentary activity has to a certain extent contributed to the rebalancing of executive powers. However, due to the executive's political control over the ruling majority in parliament, the executive's powers remain largely unchecked. This is also due to the absence of a functioning Constitutional Court. As such, the reconstitution of the Constitutional Court is also another condition to be fulfilled within the EU accession negotiations framework.

### **Political Parties**

The sharp rise in the number of infections and fatalities in the period since the reopening of most business activities at the beginning of June has been used by opposition parties to criticise the government's approach towards reopening. The main argument advanced by them has been the limited number of tests. The opposition parties have declared on several occasions that in Albania, we would have had lower levels of infection if more tests had been carried out because the authorities would have known where and how the Corona-virus was spreading.<sup>9</sup> The Democratic Party has expressed crit-

3 Final-year students in protest after the state matura test. 12 June, 2020. <https://www.reporter.al/maturantet-shperthejne-ne-protesta-pas-testit-te-matures-shtetore/>

4 Covid-19 / Lleshaj: Respecting the measures, another closure would be fatal. 27 June, 2020. <https://top-channel.tv/2020/06/27/covid-19-lleshaj-te-respektojme-masat-nje-tjeter-mbyllje-do-te-ish-te-fatale/>

5 Prime Minister Rama: No gathering of people, imprisonment of businesses found in violation, punishment of those caught without social distancing. 16 June, 2020. <https://www.rtsh.al/lajme/3-masa-anti-covid-kryeministri-rama-asnje-grumbullim-njerezish-burg-biznese-ne-shkelje-penalizim-atyre-qe-kapen-pa-distancim-social/>

6 Covid-19, police check on infected people, malls and supermarket customers. 17 June, 2020. <https://gazetasi.al/covid-19-policia-kontrollon-te-infektuarit-qendrat-tregtare-dhe-klientet-ne-supermarkete/>

7 The National Security Commission held two hearings. 16 June, 2020. <https://www.parlament.al/News/Index/10160>

8 The Assembly held an urgent interpellation directed at the Minister of the Interior, Mr. Sander Lleshaj, demanded by nine opposition MPs. 18 June, 2020. <https://www.parlament.al/News/Index/10172>

9 Increasing COVID Infections, Basha: More tests should have been done, Rama had his mind on TV shows. 17 June, 2020. <https://sh-qiptarja.com/lajm/rritja-e-te-infektuarve-me-covid-basha-duhet-te-ishin-bere-me-shume-testime-rama-e-kishte-mendjen-te-shfaqjet-ne-tv>

icism at the government for not taking into consideration a proposal made to the government to pay more attention to protecting medical personnel from being infected and providing more care to vulnerable social groups.

## *Opposition parties are capitalising on the negative economic effects of the crisis*

As Albania has entered the last year of the current legislature and elections are due to take place in about ten months, the opposition parties are capitalising on the negative economic and social impact produced by the hard lockdown measures and the limited support that the government has provided to businesses. According to the opposition, 47% of businesses have completely shut down and of the 42% of businesses that have resumed work, 32% have been obliged to reduce their workforce.<sup>10</sup> The chairman of the Democratic Party that represents the largest opposition party launched a political campaign during June. Through daily meetings and online communications with businesses and farmers to discuss their problems, he has made electoral-like promises that when the opposition returns to government it will adopt a different economic policy.<sup>11</sup> The motto of the opposition is that the policy undertaken by Prime Minister Rama is more threatening than the virus and that political change is needed. Opposition representatives have also demanded that Prime Minister Rama should resign and face criminal charges.<sup>12</sup>

### **Civil Society**

Due to the hard lockdown measures and economic and social disruption, public support for the measures eroded gradually. The allegations of corruption in public procurements conducted through opaque procedures and the demolition of the National Theatre contributed to the further decline of public support. The number of protests organised during this period and the disobedience of citizens towards official protocols may illustrate their attitude. CSOs have performed an active role in issues of concern such as electoral reform,-

<sup>13</sup>democratisation and human rights,<sup>14</sup> anticorruption,<sup>15</sup> and the EU integration process.<sup>16</sup>

### **External Factors**

Normal economic and social activity with neighbouring countries has not yet fully resumed as travel restrictions remain in place with Greece and Montenegro. The borders with Greece are open but only Greek nationals and people with permits issued by Greek authorities can travel to the country. Following the surge in the number of infections, Montenegro decided to close its borders with Albania on June 21. The land border with Montenegro was opened on June 1 after two and half months of closure. North Macedonia, on the contrary, opened its border with Albania on 26 June. Travel restrictions remain in place even with EU countries as the European Commission excluded Albania from the list of countries which were recommended to open borders to the EU. The increase in the number of cases, the conditions of the healthcare system and the unsatisfactory reliability of data were provided as the motives for this decision. The borders with Kosovo and North Macedonia remained open with no restrictions.

### **Concluding Remarks**

Albania was the first country of the region to impose measures to prevent the spread of Covid-19. Measures adopted through normative acts allowed the government to successfully circumvent the legislative and judicial powers. A series of executive decisions that restricted freedom of movement, the right to work, and the right to strike were issued between March 9 and 15, while a State of Natural Disaster was declared by parliament on March 24. The military was also deployed in the period March 9-15, although such an act can be carried out only with the authorisation of parliament.

## *Disproportionate empowerment of the executive*

The lack of a functioning Constitutional Court and the opposition boycott of parliament led to a disproportionate empowerment of the executive. The anti-quarantine provisions

10 Rama has used the pandemic politically"/ Vasil: 47% of businesses have been closed. 17 June, 2020. <https://www.vizionplus.tv/rama-e-ka-perdorur-pandemine-politikisht-vasili-47-e-bizneseve-jane-mbyllur/>

11 Basha meeting with businesses in Shengjini: The worst economic climate in 30 years. <https://top-channel.tv/2020/06/29/basha-takime-bizneset-ne-shengjin-klime-me-e-keqe-ne-30-vite/>

12 Increasing cases with COVID-19, Vasil demands Rama's resignation: To be prosecuted. 14 June, 2020. <https://gazetamapo.al/riritja-e-rasteve-me-covid-19-vasili-kerkon-doreheqjen-e-rames-te-ndiqet-penalist/>

13 Civil Society launches a referendum initiative. 18 June, 2020. <https://shqiptarja.com/lajm/shoqeria-civile-nis-iniciativen-per-referendum-kqz-te-na-pajise-me-fletet-tip-per-grumbullimin-e-firmave?r=kh13>

14 Ambassador Kim: Civil society, a powerful voice of Democracy. 18 June, 2020. <https://ata.gov.al/2020/06/18/ambasadoria-kim-shoqeria-civile-nje-ze-i-fuqishem-i-demokracise/>

15 "Thurje" initiative files request for opening criminal investigation on Fier incinerator. 24 June, 2020. [https://citizens-channel.com/2020/06/24/nisma-thurje-kallezim-penal-ne-spak-per-inceneratorin-e-fierit/?fbclid=IwAR1Y\\_r3ldSjOQnzJeHxtPC8S3Fsz2fxAz1qzZ-QDxDg6LgQbDA2lp8v94xXQ](https://citizens-channel.com/2020/06/24/nisma-thurje-kallezim-penal-ne-spak-per-inceneratorin-e-fierit/?fbclid=IwAR1Y_r3ldSjOQnzJeHxtPC8S3Fsz2fxAz1qzZ-QDxDg6LgQbDA2lp8v94xXQ)

16 Contribution of the Albanian Helsinki Committee to the Draft Plan of European Integration Measures. 11 June, 2020. <https://ahc.org.al/kontributi-i-komitetit-shqiptar-te-helsinki-per-draftin-e-planit-te-masave-te-integrim-it-evropian/>

added to the Penal Code in amendments made during the State of Natural Disaster enabled the police to arrest people who violated the measures. Overall, the crisis exposed the fragility of Albania's democratic institutions, but it also exposed the government's course of action that sought to politically exploit the situation created by the pandemic.

A wave of civil society and citizenry moves was triggered as a result of such governmental action, providing a renewed opportunity for civic activism that in Albania had been latent for many years. Despite the initial political convergence with the government measures, the opposition was quick to criticise the government on all fronts: the measures to stop the infection, the measures to support the economy and vulnerable groups and the measures taken before reopening. Overall, the pandemic did not contribute to reducing the existing political polarisation, although the ruling and opposition parties found common ground to agree on electoral reform on June 5.

In terms of Albania's international position, the crisis has not led to any change. The decision of the EU to open accession negotiations with Albania amid the Covid-19 crisis in March 2020, and the decision to financially and politically support Albania to overcome the crisis showed the importance of the country's close relationship with the EU.

## Timeline

March 9	First COVID-19 case detected on Albanian territory.	
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.	
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.	
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.	
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 Theatre building at 4:30am with the support of a hundred police. Citizens and civil society activists clash with police and over 50 are detained.	
May 18	Citizens and civil society groups organise a second protest against the government for the decision to demolish the Theatre building. Protests are organised in the following days in Tirana and other cities. Participants defy social distancing.	
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.	
May 30	The government announces the removal of the curfew hours and the reopening of most business activities with no timetable limitations.	
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.	
June 22	The State of Natural Disaster declared on 24 March ends with no further renewal proposed by the government.	
June 30	The number of fatalities doubles in two weeks after the end of the State of Natural Disaster.	

# BOSNIA AND HERZEGOVINA

Miroslav Zivanovic

## Abstract

- The end of the State of Emergency and normalisation of life, followed by little respect for protective measures, has led to a new and significant increase in the number of infected citizens which doubled during the last month
- The health crisis re-emerged and, together with the overall political, economic and social crisis, seriously diminished the institutional capacity to address crisis management challenges
- All affairs and the publicly disclosed misconduct of government officials are far from resolved or sanctioned, while new issues, from the migrant crisis to civil unrest, emerge on a daily basis
- The prospect of the Local Elections 2020 is unclear and ruling ethno-national political parties continue their political confrontations and decision-making blockade over a number of issues, at the same time trying to present political agreement on the local elections in Mostar as a positive political outbreak. However, their own inability to reach a compromise was the principal reason for Mostar's residents' being deprived of their right to political participation

## Political and Civil Rights

On July 5, Bosnia and Herzegovina recorded 5,380 Covid-19 infected persons, 50% (2,704) more than on June 8 when the third report was published. It is obvious that the pandemic crisis in Bosnia and Herzegovina is deteriorating due to, according to experts, a relaxation of public health measures introduced too early and too abruptly. It should be remembered that it was the beginning of February when Bosnia and Herzegovina authorities began introducing public health measures to deal with the Covid-19 threat. A State of Emergency was declared by mid-March and an almost complete lockdown was instructed through executive orders from crisis headquarters, significantly restricting freedom of movement and mobility of citizens. A curfew was enforced for the entire population as well as an absolute restriction on movement for minors (FBiH) and over-65 persons (FBiH and RS).

*The Corona-crisis re-emerged  
with a sharp increase in infected citizens*

Initial success in avoiding a major outbreak of the pandemic crisis encouraged the de-escalation and relaxation of measures introduced at the end of April and beginning of May. The declared State of Emergency was ended throughout the country and only measures relating to personal protective equipment, social distancing and the prohibition of gatherings of larger groups remained in place. Immediately after the relaxation of measures was introduced it was obvious that the majority of citizens were not complying with them nor with distancing requirements. As a result, an epidemic crisis re-emerged followed by a sharp increase in infected citizens. Still valid is an algorithm applied by primary care professionals for screening, testing and referral provided for testing people with an epidemiological link and developed symptoms. Faced with the increased number of infected persons, including health professionals, the overall response of the healthcare system is becoming significantly limited with a shortage of infrastructure, equipment and staff.

However, the latest increase in the number of infected persons did not provoke any substantial re-introduction of measures except the announcement that a State of Epidemic could be declared as well as stricter sanctions for those citizens not heeding the general measures relating to the use of PPE and or practicing social distancing.

The violation of general protective measures was the principal reason why organisers of the antifascist protest in Sarajevo on May 16 were questioned at police stations in Sarajevo and Mostar. This happened after a mass was held for the victims of the so-called Bleiburg Tragedy, held in the Sarajevo Cathedral of the Sacred Heart of Jesus on May 16, prompting thousands of antifascist protesters to march through the city claiming that the mass was a thinly disguised attempt to rehabilitate Nazi collaborators. Internationally and domestically, the protest was praised as a generally positive and progressive event, but still provoked some negative reactions from prominent ethno-national political figures who, among other points, raised the issue of violation of protective measures during the protest and called for the organisers to be held responsible. It seems that this call provided sufficient legal grounds for police involvement and questioning of the organisers a month after the protest. This activity of the police provoked a number of public reactions from intellectuals and various public personalities who felt this course of action represented an attack on freedom of assembly and expression.

## Key Institutions

The leaders of the ruling political parties and executive authorities are key decision-making actors in the context of the pandemic crisis. State, entity and cantonal parliaments meet occasionally, without having any substantial role in crisis management. In the reporting period of mid-June to mid-July, The Peoples Assembly of RS met once and used this session, among other issues, to adopt a new Rulebook of the Assembly which the opposition views as further derogation of democratic practices in parliamentary work. In the FBiH, during the reporting period, the House of Representatives held one on-line session and the House of Peoples held one extraordinary session to debate public procurement practice during the pandemic crisis. The Parliamentary Assembly of Bosnia and Herzegovina held one session of the House of Representatives and two sessions of the House of Peoples. A proposal from the parliamentary opposition to recall the Minister of State for Foreign Trade and Economic Relations and the Deputy Minister of State for Civil Affairs due to fact that they were present at gatherings where protective measures and social distancing were violated did not receive support from the majority of the House of Representatives. Additionally, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina established a Temporary Investigation Committee with the objective of examining emergency imports of medical equipment in Bosnia and Herzegovina. Furthermore, executive governments, without parliamentary supervision, make strategic decisions on the conditions of the issuance of state bonds used to raise the necessary funds to overcome the overall consequences of the pandemic crisis.

### *Real power is reserved for the leaders of ethno-national parties*

Intensive parliamentary debates cannot compensate for the inherited weakness of the legislative government. The parliamentary opposition on all administrative levels remains too weak to influence the parliamentary agenda, while parliamentary majorities continue to unconditionally support the executive government's proposed policies and measures. The practice of executive and legislative government clearly shows that real political power is reserved for a small circle of political leaders from ethno-national political parties. The strength of the so-called informal centres of political power is perfectly illustrated by the fact that two years after the 2018 General Elections, the Federation of Bosnia and Herzegovina is still waiting for a new Government of the FBiH, as well as the appointment of a new president and vice-presidents of the FBiH. Until political agreement on this issue, between Bosniak and Croat political leaders, is reached, the Parliament of the FBiH will merely be a silent witness to the obvious political stagnation.

## Political Parties

The governments in Bosnia and Herzegovina and their oppositions continue with the practice of cross-accusations. Ongoing political debates and disputes are only indirectly connected to the pandemic crisis, in spite of the fact that an increased number of infected people have strengthened public interest in overall crisis management. Public procurement affairs continue to fuel intensive political conflict between the ruling political parties and opposition. The case of 100 medical ventilators from China, worth BAM 10.5 million, which resulted in an official investigation and the indictment of the Prime Minister of the Government of the FBiH, the director of the company which bought ventilators, and the director of the FBiH Department of Civil Protection has been widened to include the director of the state Agency for Medicinal Products and Medical Devices of Bosnia and Herzegovina. This affair was included in a parliamentary debate only to reveal contradictory assessments from different institutions regarding the usability of the ventilators. While the Institute of Metrology of Bosnia and Herzegovina claims that the ventilators, according to their specifications, are usable, an expert witness, engaged by the Prosecutorial Office of Bosnia and Herzegovina, has determined that the ventilators are not suitable for the intensive care of patients. The ventilators affair is further escalating, due to a problem with their proper storage by a certified company or institution. In the Republic of Srpska, some opposition leaders, on the same grounds of misconduct and corruption relating to public procurement procedures, filed criminal charges against government officials.

### *Strong political conflicts are blocking any systematic effort to address the migrant crisis*

The resignation of the Minister of Security of Bosnia and Herzegovina, and leader of a political party in the ruling coalition, due to disagreements over the handling of the migrant crisis, introduced another heated political debate. More than 6,000 migrants from Pakistan, Afghanistan, Syria, Iraq and Iran are living in very difficult conditions mostly in the north-east part of the Federation of Bosnia and Herzegovina. Political conflict over this issue is very complex and illustrative of understanding the political dynamics of Bosnia and Herzegovina. It involves not only disagreements between governments and opposition, but also conflicts where state, entity, cantonal and local authorities are strongly opposed to each other and internally divided over the issue. This magnitude of political conflict is blocking any strategic and systematic effort to address the migrant crisis, leaving the issue of humanitarian assistance for migrants under the auspices of the international community and several humanitarian organisations in Bosnia and Herzegovina.

The issue of a loan Bosnia and Herzegovina obtained from the IMF to alleviate the effects of the pandemic crisis remain the subject of political conflict during the reporting period. Funds were finally unblocked on June 2, after state ministers agreed on how the funds would be distributed. According to a decision of the Council of Ministers of Bosnia and Herzegovina, the amount was distributed in a way that the Federation of Bosnia and Herzegovina received 61.5% of the amount for its ten cantons, the Republic of Srpska 37.5%, while Brcko District was granted 1% of the whole amount.<sup>17</sup> However, funds for the Federation of Bosnia and Herzegovina have still not been distributed to the cantons and local authorities due to the fact that the Ministry of Finance of the FBiH failed to prepare a decision on the distribution of the funds and submit it to the Government of the FBiH for final approval. It remains unclear as to the reason for this delay in deciding on the distribution of IMF funds.

### *Political agreement on local elections in Mostar*

The reporting period was also a stage for a “positive” political outbreak regarding the political agreement on local elections in the City of Mostar. Twelve years ago was the last time when the residents of Mostar had the opportunity to vote for their local representatives. After the Election Law provisions relating to the City of Mostar were challenged and abolished by the Constitutional Court of Bosnia and Herzegovina, political leaders failed to reach agreement on how to overcome this issue. As a consequence, local elections were suspended until June 18 and Bosniak and Croat political leaders, responsible for this political setback in the first place, announced that they had negotiated a political agreement on local elections in Mostar. This is just another example of key political decisions being negotiated and drafted outside of legislative and even executive government institutions. Now, after ethno-national political leaders have publicly shaken hands over this issue, it is to be expected that the Council of Ministers and Parliamentary Assembly of Bosnia and Herzegovina will make “fast-track” amendments to relevant election legislation.

On May 23, the Central Election Commission of Bosnia and Herzegovina decided to postpone Local Elections 2020 until November 15.<sup>18</sup> If both houses of the Parliamentary Assembly of Bosnia and Herzegovina miss the chance to adopt the 2020 Budget of Bosnia and Herzegovina this week, local elections will require another postponement, the newly elected president of the Central Election Commission of Bosnia and Herzegovina has stated. The organisation of the local elections continues to attract much political and public atten-

tion in Bosnia and Herzegovina. Political confrontation among political actors over the issue of local elections is becoming more complicated. The principal reasons for this are the result of political manoeuvring where a leading Bosniak political party and member of the ruling political coalition, together with a leading opposition party from the Republic of Srpska and other smaller political bodies in the Parliamentary Assembly of Bosnia and Herzegovina appointed new members to the Central Election Commission of Bosnia and Herzegovina, at the same time ignoring the will of its Croat and Serb political partners from the ruling coalition. As a result, both Croat and Serb political leaders are questioning the legality and even constitutionality of the present composition of the Commission. Also, they continue to accuse the Central Election Commission of Bosnia and Herzegovina of having sidestepped the legal framework when the above-mentioned decision to postpone elections was adopted. At the same time, the Commission continues to take the position that failure to adopt the 2020 Budget and ensure funds for the Local Elections 2020 in line with Article 1.2a, paragraph (6) of the Election Law of Bosnia and Herzegovina will affect the quality of the electoral process and the democratic standards of free and fair elections and require further postponement of the Local Elections 2020.

### **Civil Society**

It is unlikely that the rapid increase in the number of infected will raise public pressure to introduce another round of lockdown measures. Citizens welcomed the termination of the State of Emergency and gradual relaxation of measures, and it is expected that new circumstances will contribute to awareness-raising regarding proper use of PPE and respect for social distancing. This is the reason why crisis management officials and health experts constantly emphasise the need for citizens to comply with all active protective measures.

### *Free Meal Centres are recording an increasing number of users*

Civil society organisations and independent media outlets in Bosnia and Herzegovina continue to maintain their democracy watchdog role, starting to move their focus from the pandemic crisis to a more general context. The “Why not” Association continued with its daily monitoring of pandemic-related information published in the media and social networks. Civil society organisations, supported by several international humanitarian organisations, continue to provide critical aid and assistance to illegal migrants across the country. Free Meal Centres are recording an increasing number of users as a direct consequence of the pandemic crisis and struggling to provide enough supplies for all citizens in need of at least one hot meal per day.

17 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>

18 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).

## External Factors

From mid-June to mid-July, the Bosnia and Herzegovina authorities experienced difficulties with making decisions on the distribution of aid and assistance received from the international community. While media outlets regularly addressed this issue, official communication strategies based on dissemination of incomplete and selective information meant that it remained unclear as to why state authorities were experiencing difficulties in reaching the necessary decisions on the distribution of received donations.

### *The EU and USA remain the most influential external factors*

On June 25, Croatia imposed a 14 day self-isolation requirement for citizens of Bosnia and Herzegovina entering Croatia. Numerous negative reactions followed and approximately one-week later Croatia abolished this measure and opened its borders to citizens of Bosnia and Herzegovina. In the meantime, the EU and USA maintain their profiles of most influential external factors in the country. Besides the fact that they are the sources of the most substantial financial aid, they managed to facilitate an agreement and compromise on the distribution of the IMF-approved 330 million EUR loan. Another successful facilitation by these actors during the reporting period came in the form of a political agreement on local elections in the City of Mostar.

## Tentative Conclusions: Looking Back at the Last Four Months

The pandemic crisis management in Bosnia and Herzegovina can be regarded as a complex combination of success and failure. Authorities faced the immediate outbreak of the crisis with success, introducing lockdown measures successfully implemented by the security agency, which kept the number of infected citizens low and completely manageable for healthcare infrastructure and available resources. At that point, the proportion of professional expertise in the decision-making process was significantly high. Failure came with the realisation that Bosnia and Herzegovina had avoided a significant outbreak of the pandemic crisis leading to the relaxation of measures and decision-making based more on narrow political interests and populism than on professional advice.

### *The ruling political parties misused the pandemic crisis for their particular interests*

Confidence that the worst case scenario had been avoided opened up the way for an outbreak of corrupt and criminal behavior, predominantly connected with the "fast-track" public procurement procedures where ruling political parties

and their representatives in government and public administration misused the pandemic crisis and available public funds to promote their narrow and private interests. It seems that these illegal operations developed with unprecedented speed leading to "mistakes" and several affairs were publicly exposed, thanks to the independent media. This even led to the arrest of the Prime Minister of the Government of the Federation of Bosnia and Herzegovina.

In addition to this, failure to deal with the pandemic crisis comes from observed human rights violations in the following areas:

- Right to Life – where systems and applied algorithms failed to recognise and properly treat Covid-19 victims.
- Discrimination - developing as a direct consequence of highly decentralised and complex pandemic crisis management structure and unharmonised measures between different administrations.
- Freedom of Movement – lockdown restrictions were authoritarian and unconstitutional in some aspects, especially in relation to vulnerable social groups, such as children and the elderly.
- Right to Privacy – personal data of infected citizens were revealed without a properly conducted public interest test.
- Right to Freedom of Opinion and Expression, including media reporting and freedom of speech – they were under strong and unnecessary pressure during the State of Emergency.
- Right to Good Governance – the tendency of the Bosnia and Herzegovina authorities to follow narrow political and private interests, as well as corrupt and criminal behaviour, proved to be unsustainable in the context of the pandemic crisis. It resulted in failure to deliver financial aid and assistance on time, proved to be an obstacle for the distribution of donated materials and equipment, and opened up the way for numerous public procurement affairs.

Any possible answer to a second wave of the pandemic must seriously take into consideration the above-mentioned deviations detailed in experience gained from crisis management of the first wave.

### *Domination of informal centres of power and executive government*

An additional challenge comes from the fact that the already fragile and questionable democratic setup in the country was being additionally diminished by the domination of informal centres of power and executive government over the legislative and judicial branches of government during the State of Emergency and its aftermath. Still, encouraging for the prospect of democracy in Bosnia and Herzegovina is that several thousand citizens participated in the Sarajevo protest organised by the political opposition in the Federation of Bosnia and Herzegovina raising their voice against the mis-

conduct and corruption of the authorities. It is to be expected that the forthcoming local elections, if held, will provide additional opportunities for the successful promotion of those political actors who managed to maintain their political credibility during the pandemic crisis.

As far as the international position of the country is concerned, nothing much changed. The predominant role of the international community, institutionalised through the OHR, an increasing dependence on international financial institutions, and the international military presence make Bosnia and Herzegovina an example of triple dependence which demeans sovereignty, the political system and the internal cohesion of state and society. In these circumstances, the state's role on the international scene is marginalised and its foreign policy is quite modest in its scope.<sup>19</sup>

## Timeline

March 5	First case of coronavirus infection is registered in Bosnia and Herzegovina
March 16	State of Emergency declared on the level of Bosnia and Herzegovina entities (Federation of Bosnia and Herzegovina and Republic of Srpska)
March 17	State of Emergency declared for Bosnia and Herzegovina
March 22	Start of the "Stay at Home" campaign and curfews
March 24	Personal Data Protection Agency in BiH ban public disclosure of personal data of COVID-19 patients and persons in isolation and self-isolation
March 27	Persons under 18 and above 65 (FBiH) and above 65 (RS) prohibited from leaving their homes at all times
April 11	Agreement on a Letter of Intent to the IMF to unlock the EUR 330 million available for BiH through IMF's Rapid Financing Instrument (RFI)
April 15	RS Government establishes RS Solidarity Fund to address economic consequences of pandemic crisis
April 16	Council of Ministers of BiH fail to agree on criteria for distribution of IMF's RFI funds in FBiH
April 22	Constitutional Court of Bosnia and Herzegovina confirms violation of freedom of movement for persons -18 and +65 in FBiH
April 23	IMF transfers EUR 330 million but funds are still waiting for final approval of distribution from Council of Ministers
April 24	FBiH begins relaxation of measures – curfew and mandatory quarantine abolished
April 27	RS begins relaxation of measures
May 4	FBiH Parliament adopts law to remedy consequences of pandemic crisis (Corona Law)
May 21	State of Emergency abolished in Republic of Srpska.
May 22	Curfew abolished in Republic of Srpska.
May 23	Central Election Commission of Bosnia and Herzegovina decided to postpone Local Elections 2020 until November 15, 2020.
May 29	State of Emergency abolished in FBiH.
June 2	Council of Ministers reached agreement on distribution of IMF funds.
June 18	Council of Ministers adopted draft Budget 2020 with 4.2 million BAM for Local Elections.
July 4	Highest daily infected persons count (289) since the beginning of the pandemic crisis in BiH.

<sup>19</sup> Arapović, Adis. *Foreign Policy of Bosnia and Herzegovina: Determinants and Perspectives*. Sarajevo: Faculty of Political Sciences, 2010.

# CROATIA

Nenad Zakošek

## Abstract

- Since declaring the status of Corona virus epidemic on March 11, Croatia has experienced different phases of dealing with the disease. Initially, wide-ranging restrictions have been introduced and were effective. By mid-May, the spread of Covid-19 had been halted. However, the relaxation of epidemiological measures since then has caused a return of the epidemic. Since June 25, the daily growth of new cases of infections has again increased to a number between 50 and 100. This time the Croatian Government has not introduced a general lockdown because Croatian borders have been opened and tourists from EU countries have been invited to spend their holidays in Croatia.
- The Croatian economy has severely suffered from the lockdown measures due to the anti-epidemic policies. The last estimate of the European Commission, published on July 7, expects the Croatian GDP to fall by 10,8 % in 2020, which is one of the highest decline rates in the EU. According to the prognosis, a partial recovery shall be achieved in 2021, with an expected GDP annual growth rate of 7,5 %.
- Institutions which were assigned to deal with crisis management during the epidemic, led by the National Headquarters of Civil Protection, combined experts and politicians. They achieved good results, and it is fair to say that Croatia is among the countries which dealt with Corona virus epidemic in an effective way. However, the legitimacy of the crisis management institutions was tainted by their connection to the ruling party and their inequitable dealing with different categories of citizens.
- Democratic political life carried on during the lockdown and focussed on parliamentary elections after the parliament had been dissolved on May 18. An electoral campaign followed in which the ruling party, the Croatian Democratic Union (HDZ), was able to take credit for the effective crisis management during the epidemic. Their electoral motto "Safe Croatia" was received well by voters, which resulted in a clear electoral victory. The incumbent Prime Minister Andrej Plenković secured a majority support in the new parliament and announced that he will form the new Government with the help of two small liberal parties and the representatives of national minorities.

Since proclaiming the state of epidemic in the country on March 11, Croatia has undergone three phases of dealing with the disease. In the beginning, there was a timely and effective reaction of the Government which set up an institutional framework and introduced wide-ranging restrictive measures. There was a steep growth of infection cases during the first one and half months after epidemic reached Croatia, when each day between 30 and 100 new cases were registered. This rapid spread of the epidemic was contained by the end of April. On April 30, there were in total 2076 registered cases of Corona virus infection, out of which 1348 persons recovered, 69 died, and 659 cases of infection were still active. It was important that despite the rapid spread of the epidemic in this phase the number of severe cases of disease was kept low, so that hospitals and the health system were not overburdened by dealing with Covid-19. Nevertheless, normal functioning of health services was restricted, and only acute cases were treated.

The second phase, from the beginning of May until the end of June, was a period in which the epidemic was contained. The number of daily new infection cases fell below 20, and from May 22 to June 16 it was close to zero. At the end of this phase, on June 16, there were in total 2255 cases of infection, out of which 2140 recovered and 107 died. There were only 8 active cases. It seemed that Croatia had succeeded in containing the epidemic. In this period most of the restrictions were lifted, and Croatia opened its borders for foreign tourists. On June 15, it was decided that visitors from all EU countries as well as neighbouring Western Balkans countries could enter Croatia without restrictions. After the Croatian parliament was dissolved on May 18 and parliamentary elections were announced for July 5, the focus of public attention shifted towards the electoral campaign. Most citizens were convinced that the worst period of the epidemic was over. Croatian Prime Minister Andrej Plenković boasted on May 26 that his Government has defeated the Corona virus.<sup>1</sup>

*The epidemic returned with full intensity by the end of June*

<sup>1</sup> See <https://www.index.hr/vijesti/clanak/plenkovic-ova-vlada-je-pobijedila-koronavirus/2185893.aspx>.

But the events suddenly took a different turn and the epidemic returned with full intensity by the end of June. A third phase began in which the number of new infections jumped again to 50 to 100 cases daily. The bragging of the Prime Minister about how victorious his Government was in combating the epidemic was brutally repudiated by reality. He even played a prominent role in demonstrating to all Croatian citizens how wrong he was. Symbolic for the third phase are events surrounding Adria tour exhibition tennis tournament which took place from June 19 to 21 in the Croatian coastal city of Zadar. As an attempt to promote Croatian tourism in the times of Corona virus pandemic and to show how safe Croatia is for tourists, world No. 1 tennis player Novak Đoković and Croatian veteran tennis player Goran Ivanišević organized this tournament, which was open for spectators. Masses of people gathered at the tournament without respecting any epidemiological measures. No-one was wearing protective face masks or practicing social distance. Tennis players organized encounters with local school children, disrespecting all preventive measures.

### *Prime Minister Plenković refused to go to self-isolation*

The culmination of the tournament was the meeting between Novak Đoković and Prime Minister Plenković, again without any respect for epidemiological measures of precaution. But then the PR event transformed unexpectedly into its opposite. Instead of promotion for Croatian tourism and for the Prime Minister and his party during election campaign, the tournament turned into a PR disaster. On the last day of the tournament one of the tennis players, Georgi Dimitrov, was tested positive for Corona virus and the tournament had to be interrupted. Very soon after this it was announced that several other players, including Đoković and Ivanišević, were also positive on Corona virus.<sup>2</sup> The Croatian Prime Minister tested negative. But as a person in close contact with other infected people, according to epidemiological criteria he was obliged to go to a 14-day self-isolation. He refused to do this, because it would undermine his election campaign. What followed was a revealing demonstration that epidemiological rules proclaimed by Croatian institutions in charge of combating the epidemic did not apply to all citizens equally. Both Minister of Health, Vili Beroš, and Head of the Croatian Institute of Public Health, Krunoslav Capak, were eager to explain that the Prime Minister's meeting with Novak Đoković did not qualify as a "physical encounter". For many Croatian citizens this was proof that institutions in charge of implementing anti-epidemic measures are politically biased and are not able to uphold the principles of public health protection.

The return of an intensive spread of Corona virus infection in Croatia coincided with a general surge of the disease in the region. With the exception of Slovenia, all other countries of

former Yugoslavia and Albania are affected by the rapid spread of the epidemic. As of June 9, Croatia has reached the number of 3416 cases of Corona virus infections, out of which 115 persons died and 2323 recovered. There are 978 active cases. In this situation, the message which is propagated by the National Headquarters of Civil Protection is: "be responsible". This indicates that although the intensity of the epidemic has returned to its initial strength, there is no intention to re-introduce a total lockdown as it was implemented in the first phase of the epidemic (when the message promoted by public health institutions was "stay at home").

As explained by some epidemiologists and politicians, this is an attempt to get accustomed to "living with the Corona virus", a strategy which relies on responsible behaviour of citizens and not on restrictive measures enforced by the state. It remains to be seen whether this strategy can be successful in Croatia. For the time being, the Croatian situation concerning the Corona virus epidemic is still more favourable than in other South East European countries.<sup>3</sup>

### **Political and Civil Rights**

The restrictions of civil and political rights of Croatian citizens have been enforced differently in the three phases of crisis management aimed at combating the Corona virus epidemic. Due to the intense shock after the initial spread of the Corona virus in Croatia, and under the impression of Italy's failing public health system, Croatia rapidly introduced a range of restrictive measures which affected several civil liberties, from freedom of movement and assembly in public spaces to freedom of economic activity. These measures were introduced without using the ultimate instruments of repression, such as curfew or criminal liability for breaking restrictions. Violations of restrictions were treated as misdemeanours and fined with relatively heavy fines, at least when compared to the disposable income of average Croatian citizens.

### *The epidemiological measures started to be perceived as biased and not equitable*

From the very beginning the strategy of public health institutions was to appeal to responsibility and self-restraint of citizens. As long as this was perceived as treating all citizens

2 See <https://www.vecernji.hr/sport/stigli-rezultati-novak-dokovic-pozitivan-na-koronavirus-1411857> and <https://vijesti.hrt.hr/628237/goran-ivanisevic-pozitivan-na-koronavirus>.

3 As of July 9, in terms of the number of infection cases per 1 million inhabitants the situation is as follows: Croatia has 833 cases, Slovenia 845 cases, Albania 1139 cases, Montenegro 1698 cases, Bosnia-Herzegovina 1738 cases, Serbia 2477 cases, Kosovo 2778 cases and North Macedonia 3605 cases. In terms of death toll per 1 million inhabitants caused by Corona virus epidemic the situation is as follows: Croatia has 28 deaths per 1 million inhabitants, Albania 29,6 deaths, Montenegro 31,7 deaths, Kosovo 47,8 deaths, Serbia 50,3 deaths, Slovenia 52,9, Bosnia-Herzegovina 61,1 deaths and North Macedonia 172,4 deaths. The statistics is based on data provided by Johns Hopkins University (see: <https://Corona.virus.jhu.edu/map.html>) and my own calculation.

equally, these appeals were considered legitimate and they were supported by a vast majority of citizens. However, as soon as the epidemiological measures started to be perceived as biased and not equitable, for example by giving special treatment to Catholic believers, clergy or individual politicians, their legitimacy was damaged, and citizens were less inclined to respect the measures in a disciplined way.

After the relaxation of restrictions in mid-May, epidemiologists often complained that citizens neglected even the most basic rules, such as social distancing and wearing of protective masks. But in this context events such as the tennis tournament Adria tour, described in the opening section, caused the biggest damage to citizens' readiness to be disciplined, because neither tournament organizers, nor sport celebrities or politicians respected epidemiological restrictions. The "role model" effect was destroyed, which might have been more effective than restrictions and fines. Nevertheless, after too extensive relaxation, on June 25 National Headquarters of Civil Protection introduced mandatory wearing of protective masks in public transportation.<sup>4</sup>

It should be mentioned that restrictions of mobility and economic activities, combined with other consequences of the epidemic, caused serious damage to Croatian economy, which also negatively affects the state of civil and social rights. Most recent estimate of the European Commission, published on July 7, expects the Croatian GDP to fall by 10,8 % in 2020, which is one of the highest decline rates in the EU. According to the prognosis, a partial recovery shall be achieved in 2021, with an expected GDP annual growth rate of 7,5 %. The new Croatian Government, which is to be formed after the parliamentary elections, will have to deal with these problems in a most urgent way.

### *Public outcry on possible denial of voting rights to infected persons*

In the context of parliamentary elections on July 5, there was also a threat of serious violations of one of the basic political rights, the right to cast vote in elections. The State Election Commission announced on June 29 that citizens infected with the Corona virus will not be able to vote, because this would endanger the health of election officials who might come in contact with infected persons.<sup>5</sup> Citizens in self-isolation would also not be able to vote at polling stations, but were required to apply for a procedure, by which election officials would collect their ballots at their homes. There was a public outcry in reaction to this rule, the NGO Gong as well as the SDP member of parliament Peda Grbin requested a ruling of the Constitutional Court, which has oversight powers in the electoral process.

On July 3, Constitutional Court issued an opinion labelled "Announcement and Warning" which emphasized that State Electoral Commission must define a procedure for infected citizens to vote.<sup>6</sup> The solution was found in introducing a "trusted person" for infected voters. Persons diagnosed with Covid-19, treated in hospitals or at home, could apply for the procedure in which election officials would collect ballots without having direct contact with the patient. A "trusted person" would follow instructions by the infected citizen and thus fill in and cast ballot accordingly. The procedure was applied on election day, although some shortcomings were reported by infected citizens.

## **Key Institutions**

The Croatian institutional formula for dealing with the epidemic is a specific mixture of experts and politicians combined in a so-called "Headquarters for Civil Protection", which act within the legal framework created for emergency management. These headquarters of civil protection are organized on the national level as well as regional and local levels. At the beginning of the Corona virus epidemic, on March 18, the Croatian parliament adopted legal changes which increased the powers of the National Headquarters of Civil Protection to issue rules and instructions both to subordinated institutional levels of civil protection and to citizens.

### *Political bias undermined the legitimacy of crisis management institutions*

Initially, this institutional setup functioned well, and citizens regarded its instructions as adequate and fair. Later, media uncovered close connections between some experts in the National Headquarters and the ruling HDZ. It also became clear, that the ruling party tried to claim credit for the good work of the National Headquarters and the whole system of emergency management and public health in Croatia. As will be discussed in the next section, HDZ was partially successful in this attempt. However, it must be said that obvious political bias and some decisions which showed that not all citizens were treated equally damaged the balance between expert and political opinion in favour of the latter. This undermined both legitimacy and effectiveness of crisis management institutions.

Finally, as a positive aspect of Croatian dealing with the epidemic, it should be stressed that no state of emergency was declared and all political institutions, but also media and civil society, functioned normally.

4 <https://www.zet.hr/aktualnosti/vijesti/obvezno-nosenje-maski-u-javnosti-prijevozu/7297> .

5 <https://www.24sata.hr/news/dip-izdao-upute-za-izborni-dan-zarazeni-nece-moci-glasati-oni-u-samoizolaciju-moraju-se-javiti-702718> .

6 [https://www.usud.hr/sites/default/files/dokumenti/Priopcenje\\_i\\_upozorenje\\_od\\_3\\_srpnja\\_2020\\_u\\_postupku\\_nadzora\\_ustavnosti\\_i\\_zakonitosti\\_izbora.pdf](https://www.usud.hr/sites/default/files/dokumenti/Priopcenje_i_upozorenje_od_3_srpnja_2020_u_postupku_nadzora_ustavnosti_i_zakonitosti_izbora.pdf) .

## Political Parties and Parliamentary Elections

Regular parliamentary elections were due in 2020. Since the parliament in the current legislative period was inaugurated on October 14, 2016 and the full mandate spans four years, it was expected that the elections would take place in November or December 2020. But the Croatian constitution gives the parliamentary majority the power to dissolve the parliament at will. This instrument was used by the incumbent parliamentary majority led by the HDZ and Prime Minister Andrej Plenković. When dissolving the parliament on May 18, the argument which underpinned this decision was that the favourable epidemiological situation should be used to organize elections, because it was uncertain whether the epidemiological conditions would deteriorate in autumn. But it was also clear that the ruling HDZ was trying to claim credit for the successful containment of the epidemic and turn it into votes. Some opposition parties, above all the Social Democrats (SDP), criticized the HDZ for politically exploiting the achievements of combating the epidemic. Another left-wing force, a green-left coalition Možemo ("We can"), criticized the chosen election date for a different reason: they argued that the parliament shouldn't have been dissolved before it adopted a law on reconstruction of Zagreb, which was damaged by an earthquake on March 22.

### *The HDZ based its campaign on a guarantee of safety and stability*

After the State Electoral Commission registered the electoral lists submitted by parties, coalitions and a few independent candidates on June 18, a short official electoral campaign was opened. The ruling HDZ indeed based its entire campaign on the message that it is the only political force in Croatia which can guarantee safety and stability to citizens. Its electoral slogan was "Safe Croatia" and it focussed its promotional activities on the personality and leadership qualities of Prime Minister Andrej Plenković.

The ruling HDZ was challenged from right and left. The main right-wing competitor was led by a pop and folk singer turned politician Miroslav Škoro, who gathered several small extreme right nationalist parties around his "Homeland Movement". Another right-wing competitor was the party Most, founded in 2013, which 2015 became the strongest third party in Croatia. This party participated in two HDZ-led governments formed in 2016 (the short-lived Orešković-government and Plenković-government), but it was expelled from the government by the Prime Minister in 2017 and replaced by the liberal People's Party (HNS).

Both Škoro's "Homeland Movement" and Most can be characterized as right-wing populists. They accuse the HDZ and Plenković for not being patriotic enough and for protecting vested interests of HDZ clients. They claim for themselves to speak in the name of Croatian people. Pre-election polls indicated that that Homeland Movement and its coalition part-

ners as well as Most had good chances to enter parliament. As opposed to these two political forces, another populist party which was present in Croatian politics during the last decade, Živi zid, was marginalized and polls indicated that it had little chance to win parliamentary seats.

The strongest left-wing competitor was the SDP, which formed a coalition with six small parties representing single issues or regionalist interests. The coalition was labelled "Restart", indicating the need for a complete new start for Croatia. Its main electoral slogan was "Get out and change". The main target of SDP's and its partners' criticism were corrupt and clientelist governing practices of HDZ.

Two additional political forces were challenging HDZ from the left, the left-green coalition Možemo, who has roots in local politics in Zagreb, and a coalition of two small liberal parties, Pametno ("Clever") from Dalmatia, led by Marijana Puljak, and "Party with a Name and Surname" (SSIP), led by Dalija Orešković. The election results are shown in the following table.

	Votes in %	Seats in Parliament
HDZ	37,3	66
SDP/Restart coalition	24,9	41
Homeland Movement	11,3	16
Most	7,4	8
Možemo	7,0	7
SSIP/Pametno	4,0	3
HNS	1,3	1
Reformists	1,0	1
Živi zid	2,3	
National minorities		8

Although pre-election polls had indicated a close race between the HDZ and SDP's Restart coalition, the election was clearly won by the HDZ. It has achieved an advantage of more than 12 percentage points of votes and 25 seats compared to the Restart coalition. On July 6, Prime Minister Andrej Plenković announced that he has an agreement to form a government majority with the help of the eight representatives of national minorities and two small liberal parties, the HNS and the Reformists. This alliance which secures a second term for Andrej Plenković as Prime Minister without any support of right-wing parties clearly frustrates the ambitions of Miroslav Škoro, who was hoping that his Homeland Movement could achieve a kingmaker position in the parliament and get Government portfolios by blackmailing Plenković.

### *The HDZ electorate remained loyal and turned out to vote*

The calculation of Prime Minister to exploit Government achievements in anti-epidemic crisis management proved right. The HDZ electorate remained loyal and turned out to vote. At the same time the election turnout of only 46,9 % was the lowest turnout in national elections since the first free elections in 1990. Therefore, it can be said that HDZ profited from low turnout, while at the same time some SDP voters stayed at home. One day after elections, SDP president Davor Bernardić accepted his responsibility for the electoral defeat and resigned from his post. The SDP faces a painful process of recovery in the opposition.

## Tentative Conclusions

Four months after Corona the virus epidemic had been declared in Croatia, there is no unequivocal picture of achievements and failures of the Croatian crisis management. After an initial quick reaction and the introduction of a wide-range of restrictive measures, the spread of the Corona virus had been halted. The restrictions might have been too excessive, and the economic costs of the lockdown have been high. At first it seemed that the relaxation of restrictions would not cause a serious resurgence of the epidemic. However, after opening of the Croatian borders and an increasing disregard for epidemiological measures by the citizens, towards the end of June and the beginning of July, we have seen a rapid growth of new infections. At the present moment it is not clear whether Croatia will be able to contain the epidemic without re-introducing serious restrictions and an overall lockdown. This time such a turn of events would not be well received by the citizens.

Despite the uncertainty of future development, some temporary conclusions from the Croatian experience can be offered. It should be first stressed that the effectiveness of crisis management depends on the right balance of expertise and responsible political decision-making. This balance was initially achieved in Croatia, but it was later damaged by politically biased decisions of crisis management institutions. However, the collaboration of experts and politicians was not entirely abandoned. If Croatia is to deal effectively with the new surge of epidemic, the balance of expertise and political responsibility must be restored.

### *Effective and democratically legitimate crisis management weakens populist political forces*

The incumbent government can generate substantial political support from competent and democratically legitimate response to a crisis such as Corona virus epidemic. Although the Croatian Government made some mistakes, it was ultimately perceived as legitimate by citizens. This was confirmed by the good electoral results of the ruling HDZ. At the same time, the main opposition party, the SDP, did not adapt well to the extraordinary conditions and was severely defeated in the parliamentary elections. It can also be said that effective

and democratically legitimate crisis management weakens populist political forces.

### *Democracy and crisis management are compatible*

Finally, it is important to stress that democracy and crisis management are compatible. Although the role of the executive is strengthened, parliament can play an important role, not only as an institution which continually controls the executive, but also as an arena where innovative legislative initiatives can be prepared. In this context, unhindered scrutiny of the executive by the opposition, media and civil society is crucial. Finally, political innovation is possible in a crisis. It can give opportunity for new political actors to gain profile. This is what happened in Croatia with the emergence of new parties, the green-left Možemo and liberal Pametno/SSIP coalition, which entered parliament for the first time.

## Timeline

February 25	First case of Corona virus infection is registered in Croatia.	May 4	Personal services (hairdressers etc.) are reopened.
March 11	Government declares Corona virus epidemic on the entire territory of Croatia.	May 11	Mobility restrictions for travel in Croatia are relaxed: inter-city bus, railway and air lines are re-established.
March 16	All nurseries, schools and universities in Croatia are closed by a decision of Government.		Shopping centres, restaurants, cafes and hotels are reopened.
March 17	Government introduces the first emergency package of economic measures for alleviating the consequences of Corona virus crisis.		Nurseries and elementary schools (classes 1 to 4) are reopened.
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 18	Gathering of up to 40 persons is allowed, provided that epidemiological measures are respected. Cinemas, theatres and swimming pools are reopened.
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	Croatian Parliament is dissolved by a majority vote of representatives.
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 15	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 23	General prohibition of leaving one's residence is introduced, but numerous exceptions are allowed.	June 25	Croatian borders are opened for citizens of the EU and most other European countries, including Croatian neighbours Serbia, Bosnia-Herzegovina and Montenegro. Travellers from other parts of the world are not allowed to enter Croatia.
April 2	Government introduces the second package of economic measures for alleviating the consequences of Corona virus crisis.	July 5	Restrictions for persons travelling from Kosovo, North Macedonia, Serbia and Bosnia-Herzegovina are reintroduced, everyone entering Croatia from these countries (except those passing through Croatia) are obliged to stay in a 14-day self-isolation. For the two last countries restriction is again lifted on June 30.
April 9	Market places for fresh agricultural products are reopened with restrictions according to epidemiological guidelines.	July 6	Croatian citizens vote in parliamentary elections. The ruling Croatian Democratic Union (HDZ) wins the election with 37,3 % of votes and 66 seats in the 151 seats parliament.
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.		Prime Minister Andrej Plenković announces that he has reached an agreement to form the Government with the support of representatives of national minorities and two small liberal parties.

# REPUBLIC OF KOSOVO

Besa Kabashi-Ramaj

## Abstract

- During June, numbers of infections escalated beyond the highest peak of infections. As the cases continued to rise at an alarming rate, the government added additional restrictive measures. There are serious fears that Kosovo's healthcare system may soon run out of capabilities.
- The governing coalition parties, the LDK and LVV, split, amidst serious disagreements. A new government was installed without general elections on the basis of a controversial Constitutional Court decision. This new government has been met with skepticism and doubt.
- More intense US efforts to facilitate Kosovo's dialogue with Serbia increased the polarization between the LDK and VV and has, driving conspiracy theories of behind-the-scenes deals, land swaps, and secret agendas.
- In a dramatic turn of events just a few days before the meeting at the White House in Washington D.C., it became public that the Special Prosecutor's Office had filed an indictment with the Kosovo Specialist Chambers against the current President Hashim Thaci. The meeting in Washington did eventually not take place.

With almost three months in isolation and a range of moderate to severe restrictions moving up to a complete state lockdown, the Republic of Kosovo (RKS), like other countries of the region, as well as the rest of the world, does not seem to be even close to overcoming the Covid-19 pandemic. The economic impact has been a harsh byproduct of the pandemic, effecting the human security of all RKS citizens, especially job and food security. Despite the previous government's adopted aid package to support various categories of vulnerable citizens and businesses, the negative economic impact is uncontested as are mixed reviews on how well the aid packages were tailored. To make matters worse for the RKS, political stability has been non-existent since the beginning of the pandemic, initially with the Vetevendosje (VV) and Democratic League of Kosovo (LDK) rifts while in government as coalition parties, and subsequently with the fall of the newly-created government before their 60th day in office and the creation of yet another wide, coalition government which has been received with public distrust and resentment.

## Relaxation of Measures and Rise of Infections

Despite basing the initial relaxation of measures on the drastic decrease of Covid-19 infections during the beginning of May, the relaxation of measures back in May has resulted in a gradual increase in the number of Covid-19 infections. During June, numbers of infections escalated beyond the highest peak of infections during lockdown and the restrictive measures, exceeding 140 per day. This is a relative number, considering the fact that Covid-19 tests are limited and are available only to individuals who have actual symptoms. While much scientific debate has been conducted globally to address this exact issue - the risk of spread via asymptomatic individuals - RKS institutions have not adopted policies and actions to address this serious loophole to put a stop to the spread. The rise in infections during June has raised questions about the feasibility of the de-confinement plan, but also on the logic behind the previous almost three-month lockdown. The ever rapidly increasing numbers of infections are creating a perception among the masses that we have only postponed the inevitable and that the highly restrictive measures, since March 12, have been futile in preventing the impact the RKS is currently experiencing.

In response to this new situation, the Government of the RKS and the National Institute for Public Health (NIPH) drafted a new guideline for preventing the spread of Covid-19, updating the previous government's guidelines with restrictions and recommendations pertaining to the current situation and the de-confinement plan. These guidelines, in a nutshell, require that remote working be a new "modus operandi" for public and private institutions, with much stricter measures for the hospitality sector. As with the previous government, this government has followed in the footsteps of creating new entities, instead of using already existing ones, to manage the pandemic.

*As the Covid-19-cases continued to rise, the government added additional restrictive measures*

On June 22, the RKS Government established an Executive Committee to fight, monitor and counter Covid-19, yet again, besides health institutions, leaving out every institution legally foreseen to be involved in a national level emergency situation, including the Secretariat of the National Security Council. The government has tasked the Kosovo Police (KP) and respective work inspectors with enforcing these measures. As the cases continued to rise at an alarming rate, the government added additional restrictive measures on July 1. Additional measures include enforcing key worker teams within public and private institutions, remote working for all besides key workers and closing all offices and entities where infections have been identified.

## Political Turmoil Amid the Covid Crisis

As the pandemic spread across the RKS, it forced RKS institutions to take action to halt the spread of Covid-19 as well as to contain economic damage and plan for economic recovery. As the virus kept spreading, it brought serious structural issues to RKS institutions. Initially, the previous government's approach was to react fast, and with highly restrictive measures, to halt the spread, actions initially commended by many. Nonetheless, it did not activate the legal and institutional mechanisms in place and meant to be activated in scenarios where a State of Emergency is imminent, despite their dire need for improvement, as foreseen in the Strategic Security Sector Review.

### *The political situation deteriorated resulting in a no-confidence vote by the LDK*

As the governing coalition parties, the LDK and LVV, split, amidst serious disagreements on the tariffs on Serbia and the upcoming dialogue between the RKS and Serbia, as well as the subsequent fall-out after the Minister of Internal Affairs, a senior LDK official was relieved of duty, the political situation deteriorated resulting in a no-confidence vote by the LDK and other supporting parties. The result was a new, wide coalition government led by the LDK, approved by parliament on June 3. The new government was made possible without general elections, following a May 29 decision by the Constitutional Court, a decision highly criticised by civil society as creating an undemocratic precedent. The new government has caused internal rifts between senior officials of the leading governing party, the LDK, where the current Speaker of the RKS Parliament has vehemently disagreed with LDK stances towards the coalition with the LVV and the subsequent split, something not well received by the LDK, and this has subsequently caused the removal of the Speaker of the parliament from her senior party role within the LDK.

The new government in place has been met with skepticism and doubt, with its wide coalition structures and the implications for focused governance, attitudes towards the RKS and dialogue with Serbia and public appointment choices. The

large coalition structure has enabled a government to exist, but to the people it signifies a disjointed unnatural union of parties with narrow political existence agendas, which seek power without a clear vision of the needs of citizens nor the necessary actions to address them.

As for the RKS and Serbia dialogue, the more intense the US efforts became to facilitate the RKS's dialogue with Serbia, the more polarised the LDK and VV became, as conspiracies surfaced of a potential land swap deal, which the US has officially and vehemently denied. While the LDK was openly supportive of the US leading the efforts behind the RKS and Serbia dialogue, the VV was publicly suspicious, especially in light of the president's interference in the process, with whom it refused to team up in discussing the dialogue with the US. These events caused massive polarisation among citizens, driving conspiracies of behind-the-scenes deals, land swaps, and secret agendas. The EU, on the other hand, kept a low profile during these very publicly debated issues, only becoming visible in its appointment of Mr. Miroslav Lajčák as EU Special Representative for the Belgrade-Pristina dialogue, an action that generated a harsh reaction by the President of the RKS, who considered the appointment of an official from an EU member state that does not recognise the RKS as a state, a further statement of the EU's unfavourable policy towards the RKS.

As the new government appointed its government cabinet, civil society criticism flared, especially in light of the most recent appointment of a deputy minister for Education, Science and Technology, an individual deemed unfit for such a senior public position, lacking appropriate qualifications, such as a bachelor's degree.

### *Kosovo is in desperate need of a national emergency response system*

In addition, despite the pandemic and its implications for the security of RKS citizens, the security sector has not fared much better. The new government led by the LDK has not yet made public its senior cabinet officials team responsible for leading the national security portfolio, nor their qualifications specific to the requirements of the national security field, despite the fact that the RKS is facing a national security threat, like the Covid-19 pandemic. This shows an unfortunate consistency in neglecting to prioritise national security, continuing to feed short-term planning and structural loopholes despite constant reminders through actual events that the RKS is in desperate need of consolidating its security sector and especially a national emergency response system. This can even be seen in a recent government decision to increase capacities in the healthcare sector, some of which will take years (such as increasing human capabilities in Covid-19 related areas, like microbiology and infectious disease areas), or acquiring a vaccine which may take months, but are made public as immediate measures to counter Covid-19.

Furthermore, with a functional emergency management apparatus missing, the government has not activated the existing institutions intended for the purpose of facing a national security threat like the pandemic and continues to, incoherently and without proper cooperation, coordination or communication among all relevant actors, issue decisions, restrictions and measures in response to the Covid-19 spread.

As it is, there has been no regular review of the security sector, despite the drastic change in context due to Covid-19, and the recommendations of the previous SSSR (2014) addressing the necessary steps to construct a functional national emergency management plan have not been implemented nor have they been on the government's radar. Another review of the security sector is not foreseen at all.

## Dialogue with Serbia

Despite its many challenges, the primary focus of the new LDK led government has been to lead the negotiations with Serbia with the support of the US. A senior level meeting was scheduled at the White House, by the US, on June 27, where the Prime Minister and President of the RKS would meet with the President of Serbia, mediated by the US Special Envoy for the Dialogue between the RKS and Serbia, Ambassador Richard Grenell. The expectations for the outcome of this meeting were high on the RKS side, while the Serbian government downplayed its significance to the possibility of important decisions being made at the meeting. The US made its intent clear: to use this meeting for the normalisation of the relationship between the RKS and Serbia. But for Kosovars the expectation was recognition, despite many doubting such a giant leap was at all feasible.

In a turn of events, on June 24, just a few days before the June 27 meeting at the White House in Washington D.C., it became public that an international prosecutor at the Special Prosecutor's Office (SPO) had filed a ten-count indictment with the Kosovo Specialist Chambers (KSC) against the current President of the Republic of Kosovo and nine other former Kosovo Liberation Army (KLA) fighters and senior officers. The international prosecutor has indicted them with war crimes and crimes against humanity during and after the 1998-1999 war. While the indictment is only an accusation, the SPO claims it is the result of a lengthy investigation. Additionally, no details have been released about the alleged crimes. For charges to be filed, the pretrial judge has six months at his disposal.

### *Indictment against President Thaci prevents meeting in Washington*

Interestingly, despite the charges having been filed on April 24, they only became public on June 24, just 3 days before the White House meeting and the intensified EU efforts to facilitate a long-lasting agreement that would normalise the relationship between the Republic of Kosovo and Serbia. The president of the RKS has vehemently denied all the allega-

tions and has offered to resign if the charges are filed. On the local front, this event created a unique situation of internal conflict among the Kosovar Albanian majority population which has revered the men and women who fought for the rights and liberties of Kosovar Albanians during the 1998-1999 war, and those who have blamed some of the former KLA figures for the downgrading of the RKS as a state, insisting that they relinquish the still substantial power over Kosovar state institutions for future generations. As a result, on June 25, the RKS Government Prime Minister cancelled the trip to the US. These events were followed by the polarisation of public opinions reaching a peak, as well as intolerance of opinions perceived as controversial. Nonetheless, state institutions have voiced their clear support for the former KLA and their "just war" but also that the RKS will be cooperative with international justice institutions in formally and legally addressing all allegations.

### *Serious fears that Kosovo's healthcare system may soon run out of capabilities*

The damage recent events have done to the RKS internally but also to its future stability prospects in this region remains to be seen. Nonetheless, they have certainly dealt a serious blow to the momentum that the RKS and Serbia dialogue had gained with US support. In the meantime, the number of cases has started to rise drastically and there are serious fears that the RKS healthcare system may soon run out of capabilities to address all cases.

## Conclusions

When looking back on how the RKS has been handling the Covid-19 pandemic, one can clearly see serious structural issues. So far, the pandemic has been a test for the government and all RKS institutions as well as civil society. So far, the pandemic has led to government actions and measures not initiated through the system, however broken it may be, but directly, in parallel to existing emergency structures, short-term oriented and without an in-depth analysis, sometimes even "ad hoc". This led to short-term solutions that initially seemed effective but which have ultimately not enabled the RKS to successfully handle the pandemic, as numbers have skyrocketed since the measures were relaxed, while healthcare capacities are dwindling as we fear the worst might yet be to come.

### *Measures were taken in parallel to existing emergency structures*

The lack of sufficient human capital such as infectious disease doctors (only 47 for the whole of the RKS), very few microbiologists, initially only 39 respiratory units for the whole country, which still are far from reaching the capacity the RKS needs, are all a clear sign not only of two decades of an ill-managed healthcare sector but also of the fact that

RKS governments never gave national security capabilities (oriented to internal risk scenarios), like emergency response systems and capabilities, the priority they deserve. Not only has the RKS never properly planned the human capacities it needs to fulfill the needs of its healthcare system, but it is still failing to do so, today. Presently, there is no clear and efficient critical medical staff retention policy, and the system is plagued by maladministration.

### *Kosovo is proving itself incapable of handling the current situation*

So, can the RKS handle a second wave of Covid-19? Unfortunately, it is currently proving incapable of handling even the current situation, its healthcare system on the verge of collapse, let alone a second wave. Furthermore, in the RKS's previous experiences with smaller scale civilian emergencies, its systemic and capability inadequacies were made clear, but alas, never addressed. Just in recent days, the number of infections and deaths increased drastically in comparison to previous months. Four people with Covid-19 died on July 4, within only a two-hour span, at the Infectious Diseases Clinic in Prishtina, prompting a police wrongful death investigation into the possibility that the oxygen system might have been tampered with and been allegedly to blame for the Covid-19 patients' deaths. The unfortunate events have been met with speculation of sabotage as much as with an acceptance that the RKS government keeps on using "band aid" methods to address the major structural loopholes in the RKS ability to face a pandemic or any other national emergency successfully, instead of focusing simultaneously on generating long term solutions to the RKS's systemic and capability loopholes.

### *Kosovars gave up some of their freedoms without resistance*

The pandemic also revealed an interesting aspect about Kosovars' attitudes towards their civil rights and liberties. As the first wave of infections spread, and the former government restricted free movement, besides the political points contained in the president's complaint that the measures were unconstitutional, citizens did not resist the measures. This showed that, in facing the unknown and fear, RKS institutions were willing to take actions that were not perceived as democratic while Kosovars willingly and without resistance gave up their freedoms, as the state rule of law sector was tasked with enforcing them. Yet, after the measures were relaxed, this same population has not shown even the slightest level of similar behaviour towards the government demands for self-discipline in implementing social distancing measures and wearing masks.

### *The pandemic has shaken the foundations of human security*

Ultimately, for the entire time the country faced the pandemic, all efforts were mired by political turmoil and the prospect of a pending RKS Serbia dialogue. Unfortunately, Kosovar political parties continued to lack unity in how they would approach RKS foreign policy towards such a crucial dialogue. A disjointed foreign policy has been noticed also between the US and EU on how they approached the RKS and Serbia dialogue, reducing the RKS' chances for a successful dialogue, for internal political unity, and for a beneficial outcome. The latest war crimes indictments against the President of Kosovo and nine other former KLA fighters and senior officials has only further narrowed what seemed an opening for the RKS and Serbia to move past the frozen state of their political conflict. This may prove to be a missed opportunity for the RKS to use its "moment in the limelight" to finally detach from Serbia, though there is much speculation as to the bargain the RKS would have had to make.

Yet, the pandemic has most assuredly shaken the foundations of human and societal security in the country, aspects which the RKS struggled with even before the pandemic, and which are now alarmingly worse. As the pandemic-related measures ravaged the already weak Kosovar economy, job security, food security and health security (access to health) deteriorated further. The financial aid packages have not been implemented as foreseen, and many payments are still awaiting a review of the budget by the new government. On the other hand, every day, the RKS is facing a higher number of infections than ever before (since March), forcing the government to again return some of the measures removed. As the economy continues to disintegrate, and the healthcare system to be overwhelmed, anxiety is heightening and the sense of security diminishes among Kosovars.

Considering the complexity of setbacks the RKS is facing, it is crucial to understand and highlight the importance of responsible yet competent leadership, as well as the significance of addressing structural challenges properly, investing in systems that continue to deliver services to Kosovars - regardless of political changes, and developing a focus on tailored, long-term, self-sustainable solutions to Kosovars' socio-economic and security challenges. Therefore, it is paramount for Kosovars to understand and insist on their governments' constant honouring of their end of the social contract, as guardians of democracy.

## 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.                 | June 1  | Third phase of easing measures begins.   |
| 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.                                 | June 3  | LDK coalition government is voted on in Parliament and passes.<br>The number of Covid-19 infections starts to rise again.<br>US sets a June 27 White House hosted meeting, where the Prime Minister and the President of the RKS are to meet with the President of Serbia. |
| 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.     | June 22 | The RKS Government establishes an Executive Committee to fight, monitor and counter Covid-19.  |
| March 15 | The Government of the RKS declares a Public Health Emergency.  | June 24 | The Special Prosecutor's Office (SPO) ten-count indictment with the Kosovo Specialist Chambers (KSC) against the current President of the Republic of Kosovo and nine other former Kosovo Liberation Army (KLA) fighters/officers becomes public.                          |
| March 23 | The Government of RKS restricts free movement, providing a schedule.   | June 25 | Prime Minister Hoti cancels trip to the US.  |
| March 24 | The President files a referral with the Constitutional Court, on Government Decision No. 01/11 for declaration of a "Public Health Emergency".   | July 5  | Government reinstates some measures and adds new ones to counter the concerning high rates of Covid-19 infections.   |
| 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.  |         |  |

# MONTENEGRO

## Abstract

- Montenegro finds itself again in the midst of a fight against the pandemic.
- New measures have been adopted, i.e. re-introduced, affecting political and civil liberties, but this time, the executive and society in general are much more relaxed.
- A new spike in the number of coronavirus cases has suspended the gradual return of political dynamics to 'business as usual'.
- It seems that the opposition will not boycott the parliamentary elections scheduled for August 30.

Since the last week of June, the situation in Montenegro has changed rapidly.<sup>1</sup> Previously, it had seemed that the country had the coronavirus pandemic fully under control, which is why the National Coordination Body for Infectious Diseases (NKT), selected as the crisis management body, decided as early as 2 June, at the suggestion of the Public Health Institute, to declare an end to the coronavirus epidemic. Yet only a few weeks later, Montenegro finds itself again in the midst of a fight against the pandemic, with currently 452 (5 July) active cases. As a result, the daily press conferences, where the medical experts in charge of the fight against the pandemic answer questions, have been re-introduced.

### *Special temporary measures including curfews and a ban on gatherings*

This time, contrary to March, the executive and society in general have reacted in a much more relaxed manner to the spike in the number of coronavirus cases. New measures have been adopted, i.e. re-introduced, affecting political and civil liberties. As of June 26, political rallies in open public places are prohibited as well as religious gatherings, except on the property of religious facilities. What is more, for municipalities particularly hard hit by this new wave – Rozaje, Gusinje, Berane and Bijelo Polje - the NKT has introduced special temporary measures that also include curfews and a ban on all types of gatherings. Yet, all this cannot be com-

pared to the March-May lockdown. Not only because the government has continued with the opening of borders. There are also no demands for stricter measures from society and, this time, the government, which had previously dominantly tried to enforce compliance with repressive measures (custodial sentences), is now relying more on citizens' personal sense of responsibility. Therefore, from now on the focus of punishments for violating the measures will be much more on financial penalties and so the Law on the Protection of the Population From Infectious Diseases has been changed accordingly. It now includes penalties from 100 up to 20,000 Euros for breach of the measures.

The adoption of some of these measures, such as the ban on religious and political gatherings, has been criticised by NGOs. Under the new reality and circumstances for political processes, NGOs and the media have a crucial role to play in defending democracy by monitoring policies and shining a light on critical issues. That the media can fully perform its role has been confirmed by a Reporters Without Borders report which states that media rights in Montenegro have not been violated during the pandemic.

## Ongoing Political Processes

Previously to the new spike in the number of coronavirus cases, Montenegrin political dynamics had been gradually returning to 'business as usual' as the key parties retreated back to their familiar ethno-national camps. The topics dominating political debates before the outbreak of the pandemic were re-emerging. This was particularly the case with the relationship between the State and the Serbian Orthodox Church (SPC). On June 8, SPC Metropolitan Amfilohije announced that the processions in Montenegro would officially resume from June 14, and several days later he even called on devotees not to vote for the current government.

### *Several thousand at Serbian Orthodox Church processions*

Commenting on the announced resumption of the processions, Prime Minister Duško Marković made public the offer he and President Milo Đukanović had made to Metropolitan Amfilohije, according to which the application of the Law on

<sup>1</sup> This report has been compiled and edited by Dr. Max Brändle in consultation with experts from Montenegro.

Freedom of Religion would be suspended until the Constitutional Court of Montenegro and the European Court of Human Rights deliver a ruling, but the SPC rejected the offer. As announced by Amfilohije, the processions were held in several Montenegrin cities. Several thousand people attended, many more than allowed by the measures which resulted in the police pressing charges against the organisers. Due to an increase in the number of active coronavirus cases the NKT, as already stated, decided to ban outdoor religious gatherings, which the SPC accepted, suspending the processions.

This church issue was not the only manifestation of the deep polarisation within Montenegrin society. Very recently, the situation in the town of Budva also demonstrated how democratic standards are suffering from toxic polarisation. On May 4, the DPS, SD, Crnogorska and independent councillor Stevan Džaković submitted an initiative to dismiss Mayor of Budva Marko Carević (DF) and the President of Budva's municipal assembly, Krsto Radović (DCG). On May 29, a municipal assembly session began voting on their dismissal. The session was tense as councillors and citizens supporting the local government hindered the work, resulting in the session's overrunning with no vote on the dismissal, which is required by law. The then local government justified its behavior by accusing the new majority of political corruption, claiming that the dismissal of Carević and Radović would be an obvious violation of citizens' electoral will.

### *Riots, police interventions, and arrests of opposition figures in Budva*

On June 12, the new majority voted for a motion of no confidence against Carević and Radović. The session was held in the Slovenska Plaza Hotel hall after Radović refused to allow participants to enter the local assembly hall. Officials and members of the opposition parties then blocked the entrance to the town hall, which led to riots, police intervention, and the arrests of some opposition figures (the opposition and some NGOs complained about the excessive use of force and the instrumentalisation of the police for the ruling parties' political aims). The election of the new government in Budva led to protests and riots in other Montenegrin cities as well. During these developments both sides showed a lack of democratic capacity. On the one hand, the cooperation between Džaković and the DPS, SD and Crnogorska violated the principle of democratic legitimacy since he was elected as a councillor on the DF electoral list. On the other hand, the DF and DCG had ignored the democratic norms and rules in order to prevent Carević and Radović's dismissal at all costs.

### **Behaviour of the Key Institutions**

Parliament has continued to hold sessions throughout June and the beginning of July. In a confrontational manner, MPs discussed various topics: from the appointment of two Deputy Protectors of Human Rights and Freedoms and a member of the State Election Commission (SEC); a discussion on the Prosecutorial Council's proposal to elect Lidija Vukčević

as Supreme State Prosecutor; the position of minority peoples in Montenegro; to the Law on Amnesty. During these sittings, some MPs often did not follow the parliamentary agenda and used the opportunity to address other issues, mostly related to the events in Budva. The most important piece of legislation that was adopted concerns human rights: the Law on Same-Sex Life Partnership, which gives the same rights to LGBT persons that heterosexual couples have, without the possibility to adopt children. On 24 June, Prime Minister Duško Marković answered questions from representatives of the parliamentary clubs regarding his "Alliance for Europe" initiative and its results, coronavirus consequences if a new wave hits, improving the rights and position of minority peoples and other economy-related issues.

The Constitutional Court, finally, decided to start performing its role and for the first time checked the actions of the executive. It rejected the initiative of five DF MPs who demanded that the measures and orders of the Ministry of Health passed to prevent the spread of the coronavirus epidemic be declared unconstitutional and illegal. In its decision, the Constitutional Court determined that the measures achieved a fair balance between the need to protect the health and lives of citizens and the right to freedom of movement and freedom of assembly of persons.

### **Parliamentary Elections Scheduled: Will the Opposition Participate?**

On June 20, the President of Montenegro scheduled Parliamentary Elections for August 30, 2020. Since it is certain that the pandemic will be followed by an economic crisis, it is in the ruling parties' interest to hold parliamentary elections as soon as possible. The opposition parties all agree that, currently, fair conditions for elections have not been provided and it is still unknown whether they will boycott the upcoming elections. So far, some of them, such as the DCG and the URA, favour a boycott, while others are more cautious. Yet recently one could hear many political messages from the opposition camp suggesting that they will participate in the elections.

### *The events in Budva have strengthened cooperation among the opposition*

The SDP leader, Draginja Vuksanović-Stanković, has already announced that her party is preparing to run independently in the upcoming parliamentary elections. One of the DF leaders, Nebojša Medojević, has stated that the DF is ready to form a single opposition list, which is also endorsed by the SNP. Medojević's colleague from the DF, Slaven Radunović, even confirmed that negotiations on this matter have already begun. The decision of the DF to participate in the elections would most likely lead to the participation of its chief rival within the opposition camp – the DCG. This was announced by DCG deputy leader, Dragan Krapović, who stated that if all opposition parties agree on unity, the DCG would not present a problem. It also seems that the developments and tensions

related to the events in Budva have strengthened intra-oppositional harmony and increased the willingness of the opposition parties to set aside their political differences and cooperate more closely and, thus, have paved the way for their likely participation in the elections. However, whether to participate or not in the elections is not just a decision of political, but also of a financial nature. The recently published financial reports of the opposition parties question their ability to function and perform their role without state funding, which for some amounts to 80% of their total annual income.

According to the latest poll<sup>2</sup> (between June 20 and 28), the DPS is still by far the strongest political actor in Montenegro with the support of 39.8 %, while the DF is the strongest within the opposition camp with the support of 13.8 % of voters. According to the same poll, Democratic Montenegro with 13.2 %, the Social Democrats with 6.2 %, the SNP with 5.1 %, Albanian parties with 3.3 %, the Bosniak Party with 4.2 %, and the SDP with 3.8 % are also above the 3%-threshold.

## The Foreign Aspect

The Montenegrin government still sees EU membership as the most important foreign policy goal and the dynamics and developments related to the coronavirus pandemic have not changed this. The rule of law and the fight against corruption are the greatest challenges in this process. Montenegro was recently given the green light from EU member states to open the last chapter in the negotiation process - Chapter 8 (Competition). This was the most important foreign policy-related development. Tensions with Serbia are not as intense as they were at the beginning of the year, but occasional critical statements from both sides could still be heard.

## Tentative Conclusions

The extraordinary situation with the coronavirus pandemic has led to an accumulation of power in the hands of the executive in Montenegro. If one observes the period since the outbreak of the pandemic, one cannot detect signs that the government was using the current public health crisis as a cover to seize new powers that have little to do with the outbreak or to crack down on dissent. After it seemed that the country had the situation fully under the control, the executive began relinquishing powers and the restoration of civil and political liberties. One should expect that the same will take place once the number of active coronavirus cases starts to decrease again.

### *Accumulation of power in the hands of the executive*

Although justified, the mere accumulation of power in the hands of the executive demands a more active role from par-

liament. Particularly at this critical moment, parliament should be able to perform its oversight role. At the beginning of the crisis this was not the case, but it later changed, and parliament was extremely active, with sessions marked by confrontational debates between government and opposition MPs. The same cannot be said for the Constitutional Court which was passive almost until the end of the observing period.

### *Devastating effects of toxic polarisation on Montenegrin democracy*

The pandemic clearly demonstrated the devastating effects of toxic polarisation on Montenegrin democracy. Not even when faced with an existential threat such as coronavirus were Montenegrin political actors able to work together and build a consensus across the political landscape. The partisanship has become so polarising that it eliminates the possibility of a compromise and hampers the establishment of national harmony even in the most disturbing of times. The reasons for this are mainly to be found in the structure of the Montenegrin party system characterised by two cleavages: pro-Đukanović (Democratic Party of Socialists, DPS) vs. against-Đukanović (DPS) and pro-Montenegrin (pro-civic) vs. pro-Serbian (pro-ethnic), which is the dominant one. The socio-economic fissure is irrelevant to political competition. The long dominance of historical and ethnic divisions and the unresolved problem of nation-building in Montenegro have caused a high level of ethnification within the Montenegrin party system and contributed significantly to the irrelevance of socio-economic topics for political competition. This constellation has been causing a deep polarisation within Montenegrin society and has had a negative impact on the process of democracy consolidation.

### *Rivals become enemies, political competition descends into warfare*

In the Montenegrin political system, two political camps represent starkly differing narratives about national identity that are mutually exclusive and antagonistic. The political competition marked by such a toxic polarisation is dominated by a series of zero-sum conflicts regarded as existential and possess a winner-takes-all logic. Subsequently, Montenegrin political actors often do not respect the difference between an enemy and an adversary, which is a key condition for a democracy to work. In short, Montenegro is an example of the political system characterised by the conflict over national identity related issues, and in which partisan rivals become enemies, political competition descends into warfare, and institutions turn into weapons which, altogether, imperil democracy.

<sup>2</sup> <https://www.pobjeda.me/clanak/dps-stabilan-front-jaci-od-demokrata>

## Timeline

March 13	National Coordination Body (NKT) bans public gatherings and initiates the closing of schools, shops etc.	May 6	President of the Parliament Ivan Brajović announces that parliamentary elections should take place no later than November.
March 16	Montenegro confirms the existence of the first coronavirus cases on its territory – the last country in Europe to do so.	May 8	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).
March 20	President Đukanović postpones municipal elections in Tivat.	May 15	The temporary measure of prohibiting movement from 23:00 to 05:00 is lifted together with the gradual normalisation of traffic within Montenegro.
March 30	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.	May 24	Montenegro declares itself COVID-19-free.
April 16	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.	May 28	All types of gatherings in public places, both outdoor and indoor, including weddings and funerals, can be attended by up to 200 people.
April 21	The National Coordination Body decides to begin loosening measures affecting 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.	June 1	Montenegro opens its borders to citizens of countries which fulfill the criterion of having a maximum of 25 infected cases per 100 000 citizens.
April 22	The first session of parliament since the outbreak of the pandemic takes place.	June 2	NKT declares an end to the coronavirus epidemic.
		June 14	The SPC officially resumes processions.
		June 20	President Đukanović schedules parliamentary elections for 30 August.
		June 26	Amid the rapid rise in coronavirus cases the NKT bans political rallies in open public places as well as religious gatherings in open public places, except on the property of religious facilities.
		July 2	For the municipalities particularly hard hit by the new wave – Rozaje, Gusinje, Berane, and Bijelo Polje - the NKT introduces special temporary measures which also include curfews and a ban on all types of gatherings.

# NORTH MACEDONIA

Nenad Markovikj

## Abstract

- Although the situation in the country is very dramatic in terms of the spread of the Covid-19 virus, the country has entered a period of liberalisation from prohibitive and restrictive measures.
- Political parties have agreed on the date of the upcoming parliamentary elections – 15 July, 2020.
- The President of North Macedonia, Stevo Pendarovski, declared a new, eight-day State of Emergency on 15 June, 2020.
- Opinion polls indicate that the governing Social-democrats (SDSM) hold a slight lead as favorites to win the upcoming elections.

After the initial calming of the pandemic by mid-May in the country, the numbers of infected and deceased persons began to rise dramatically in June and July. Despite the rapid worsening of the epidemiological situation, the Government of North Macedonia continued to liberalise the measures undertaken to combat the pandemic. In the meantime, the political limbo in the country is coming to an end due to the set date of 15 July, 2020 for the parliamentary elections. In the meantime, as the elections draw closer, political debate is growing ever more heated. Opinion polls generally show a very steady trend of a slight edge held by the governing Social-democrats, mirroring the pre-Covid-19 situation to a large extent. The foreign political course remains constant, and North Macedonia is awaiting the negotiation framework for negotiations with the EU.

## Political and Civil Rights

If one analyses the development of the epidemiological situation in the country, on the one side, and the rapid liberalisation measures of the government, on the other, one might have the impression that North Macedonia is in a very controversial position at this specific point in time. In terms of the epidemiological situation with the Covid-19 virus, the situation in North Macedonia is nothing short of dramatic, with numbers of infected persons having reached new peaks by the end of June, and with a persistent three-digit plateau of daily infected cases in the last month, followed by dramatically increased numbers of deceased persons as well. The absolute peak of the infection since its beginning in late February occurred on 14 June, with 196 cases detected, and the largest number of deceased persons was recorded on 2 July with 15 cases.

Although almost all cities and regions in the country have been affected by the virus, the capital, Skopje, leads by far with currently over 2000 active cases, followed by Tetovo (nearly 400 active cases), Kumanovo, Štip, Ohrid and Struga. All other cities are below 100 active cases, with only four cities in the eastern part of the country with no active cases at the moment. Overall, on 5 July, 2020 there are 7,046 infected persons in the country, of which 3,678 are currently active cases while 3,027 cases have been cured. The death toll is 341 cases overall and the mortality rate in the country is 4.84%. It is one of the highest in the region, although methodologies on determining the Covid-19 mortality rate differ greatly among countries. In addition, there has been a very controversial regional debate on possible inaccuracies in certain countries in reporting Covid-19 deaths due to political reasons, which has not been the case in North Macedonia, despite its being in a pre-electoral period.

## *Rapid liberalisation despite growing number of infections*

In complete contradiction to the epidemiological state on the ground concerning the Covid-19 virus, the last month has been marked by a rapid liberalisation in all spheres of life, especially the economy and travel. In this regard, the government has allowed shopping malls to operate until 10pm, the working hours of bars, pubs, restaurants and cafes have returned to pre-Covid-19 outbreak working hours (in accordance with respective licenses), protocols have been developed for the functioning of casinos and other gambling facilities, gyms and workout facilities reopened on 26 June, restaurants are allowed to reopen indoor dining to guests, sporting events (both team and individual sports) will continue without spectators, while special protocols have been devised for museums, galleries, promotional events and so on. Regarding transit, the government decided to open all land border crossings on 26 June with all neighboring countries, without mandatory PCR tests for Covid-19 and without sending those entering the country into compulsory 14-day quarantine. On 1 June Ohrid and Skopje airports reopened after three months for air travel, respecting all protocols for safe travel in the present Covid-19 pandemic.

## *Public opinion is against the reintroduction of restrictive measures*

When current statistics relating to the pandemic in the country are compared to the measures introduced it seems that there is a huge discrepancy between indicators in the field and the liberalisation trend throughout the country. In addition, and despite the high rise in the numbers of deceased and infected persons, the government has rejected the possibility of reintroducing mobility restrictions in parts of or throughout the whole country, at least for the time being. This has opened up a turbulent social debate, with the public being concerned by the developments, but also putting vast pressure on the government to explain the discrepancy between the measures and the epidemiological developments surrounding the Covid-19 crisis. Despite this pressure, it seems that general public opinion is against the reintroduction of the measures, especially mobility restrictions, given that there is a widely-felt opinion in Macedonian society that these restrictions and the corresponding repressive measures did not produce much effect when they were in force, since the worsening of the situation began when these measures were in effect.

At present, only general measures apply in the country, meaning maintaining social distancing and wearing personal protective equipment in confined spaces, while no additional measures have been introduced. There are no limitations on media reporting and freedom of speech, while surveillance of citizens is immaterial as a topic since no measures relating to the surveillance of citizens were initiated during the whole period. However, and speaking of personal data protection, the government has publicly and for the first time revealed the names of citizens who have refused to follow the instructions of the Ministry of Healthcare where they are obliged to go into self-isolation after being in contact with an infected person. A list has been published including the names and addresses of citizens refusing to go into self-isolation with several on the list denying they refused to respect these directions and have publicly required an apology from the government for being placed on the list. Regardless of individual errors, the idea of publishing such a list has been generally approved by the public, although it does mean the direct exposure of a specific group of citizens.

### **Key Institutions**

The only centre of power and decision-making recently has been the Technical Government of the Republic of North Macedonia which, during the period of the State of Emergency in the country, was able to issue decrees. In the meantime, the parliament has not reassembled nor played any role in the crisis ever since its self-dissolution on 12 February, a result of the political agreement between the parties on pre-term parliamentary elections to be held on 12 April. However, the elections were postponed after the breakout of the virus and have finally been rescheduled for 15 July after a month-long negotiation process between the biggest parties. This led to a very peculiar situation where the President

of the country, Stevo Pendarovski, decided not to declare a new State of Emergency on 13 June, only to make a u-turn just two days later in order to cover the period where the State of Emergency must be in effect, so the remaining days of the previously paused campaign after the end of the State of Emergency would lead to the agreed date – 15 July, 2020.

## *Four months of complete inactivity from the Parliament*

Thus, on 15 June, President Pendarovski declared a State of Emergency of a duration of only eight days, after which all electoral deadlines would be immediately effective, which was the fifth declaration of a State of Emergency in North Macedonia since the beginning of the crisis. However, if the first four times were predominantly to help the government cope with the pandemic, the last declaration of a State of Emergency was made in the absence of any other mechanism for correctly setting the electoral dates, after an agreement between the opposition and governing parties to hold the elections on 15 July. After the elections, the Republic of North Macedonia will have a functioning parliament after more than four months of its complete inactivity during one of the most challenging times for the country.

In the meantime, the government issued a decree on 19 June reducing the financing of political parties for 2020 from 0.15% to 0.04% of the national budget, causing outrage from the opposition parties given that 2020 is an electoral year. This manoeuvre has been perceived as autocratic and unnecessary. The rationale behind the move is that the funds will be redirected to combat Covid-19 and that the cutback is normal in times when parties are not allowed to utilise classical campaign tools in the field due to the pandemic and so will incur less expenditure.

### **Political Parties**

The negotiations between the parties on the possible date of the elections has been a focus of political debate for most of the period. The inability to set a date for the elections has turned into a “staring contest” between the two biggest parties – the SDSM and VMRO-DPMNE, meaning that both parties did not want to make any compromises on the date. While the governing Social-democrats insisted on the 5 July (possibly 8, July), as a consequence of the termination of the State of Emergency on 13 June, the opposition Christian-Democrats insisted on a later date during the summer. The rationale of the opposition was that the epidemiological situation is fairly volatile and that holding elections on such an early date would represent a great risk for citizens, while the governing SDSM have convinced the public that the worsening of the epidemiological situation is exactly the reason to hold elections and establish a functioning parliament and government that will be political, and not technical. The parties of ethnic Albanians in the country opted for a possible compromise between all parties with regard to the elections date. After several rounds of negotiations, some of which

Opinion Poll (publisher and date)	International Republican Institute / BRIMA (17 March, 2020) <sup>1</sup>	TELMA TV/M-Prospekt (24 June, 2020) <sup>2</sup>	National Democratic Institute / TEAM Institute and STARR opinion research (2 June, 2020) <sup>3</sup>
SDSM+BESA (coalition Mozeme)	17% + 4%	23.5%	24.8%
VMRO-DPMNE and partners (Obnova za Makedonija Coalition)	16% (VMRO-DPMNE alone)	21.9%	21.2%
DUI	7%	6.4%	7.2%
Alliance for Albanians + the Alternative	5% (AA only)	5%	5.7%
Levica (the Left)	1%	0.5%	/
DPA	1%	0.8%	/
Integra	/	1%	/
Other parties	2%	~ 0.7%	/

were conducted under the auspices of the President of North Macedonia, a compromise was reached on both sides and the set date is 15 July.

### *Covid-19 is still the main focus of political battle*

Concerning the prioritisation of those topics upon which political combat takes place, the Covid-19 pandemic is still high on the priorities of all parties and is the main focus of battle between the big political actors. However, two new factors are dictating the political discourse of the debate. The first is the logical diversification of political debate as soon as the campaign formally began. This means that all political subjects participating in the elections have opened up a set of mostly expected topics for the parliamentary elections such as the Prespa Agreement, rule of law, poverty, employment, corruption, access to justice and so on. The pre-electoral period and the continuation of the campaign has caused a mushrooming of TV debates, direct duels between politicians and party leaders as well as very colorful and innovative ways to run political campaigns at a time when massive political gatherings are not an option.

### *DUI: Next Prime Minister should be ethnic Albanian*

The second factor to scandalise the political public and seriously disrupt political discourse is the idea of the leading party of ethnic Albanians in the country, the Democratic Union for Integration (DUI), promoting a campaign based on the idea that the next Prime minister of North Macedonia should be ethnic Albanian (the "Pse Jo?/Why not?" campaign). However, this idea has been rejected by both the SDSM and VMRO-DPMNE, where both parties have pushed their party leaders as possible prime ministers as a non-negotiable position in a situation where one or the other party would be in a situation to form a government. What is more, all other parties of ethnic Albanians in the country (BESA, the Alliance

for Albanians, the Alternative) as well as leading Albanian intellectuals have swiftly rejected the idea as highly populist and demagogic and so are not lending their support to this possibility.

In the meantime, the "tradition"<sup>1</sup> of releasing the audio of the private discussions of the leaders of the two biggest parties continues. Simultaneously, anonymous YouTube accounts have been uploading audio files of private conversations of the leaders of the SDSM, Zoran Zaev, and VMRO-DPMNE, Hristijan Mickoski, in an attempt to scandalise the public and gain political points. The recorded conversations cover a variety of topics including bribery, interfering with the justice system, contacts with persons from the criminal underground, slanderous remarks aimed at specific persons and political figures and so on. However, recently published opinion polls indicate that the published audio has not affected the ratings of the major political parties at all, even compared to the period prior to the outbreak of the Covid-19 pandemic.

The comparative data from three different sources indicate a slight, but constant advantage of the ruling Social-democrats (plus coalition partners) compared to the coalition led by VMRO-DPMNE, allowing for margin of error in polls statistics. Furthermore, in the Albanian campus it seems that the DUI have a very small advantage compared to the coalition between the Alliance for Albanians and the Alternative. The polls indicate considerable uncertainty in terms of post-electoral coalitions, especially after SDSM leader Zoran Zaev announced his support (MPs to be traded with VMRO-DPMNE) for a minority government led by either the SDSM or VMRO-DPMNE, just to eliminate the blackmailing potential of the DUI who are pushing the idea of an ethnic Albanian Prime Minister.

- 1 Reference to the wiretapping scandal prior to the parliamentary elections in 2016.
- 2 <https://360stepeni.mk/video-anketa-na-iri-sdsm-pred-vmro-dpmne-zaev-so-podobar-lichen-rejting-od-mitskoski/>.
- 3 <https://telma.com.mk/2020/06/24/anketa-na-telma-sdsm-so-voedstvo-p/>.
- 4 [https://www.ndi.org/sites/default/files/NDI\\_PPT\\_ENG\\_FINAL\\_PUBLICATION%20VERSION.pdf](https://www.ndi.org/sites/default/files/NDI_PPT_ENG_FINAL_PUBLICATION%20VERSION.pdf).

## Civil Society

Although tension in society has been heightened by both the worsening of the pandemic as well as heated political debate, it seems that social cohesion has slightly improved in this last period. This is mostly a result of the adaptive expectations of a public initially shocked by the significant spread of the Covid-19 pandemic but now gradually accepting the situation and adjusting to the high numbers of infected and deceased persons daily.

### *Part of the general public is simply ignoring the rising numbers of infections*

Since the number of infected and deceased persons is nowhere near a visible decline, part of the general public has simply started ignoring the situation and is attempting to continue daily routines. Moreover, there are no organised social groups pushing for the reintroduction of restrictive measures, although individual protests on social networks do exist.

The attention of the public has been additionally redirected to political issues and the upcoming elections creating an image of the “new normality” in which expectations regarding calming of the pandemic in the country are downsized to a minimum. So, the pro-liberalisation vs. the pro-restriction debate has gone very quiet in society, and it seems that mobility restrictions and additional repressive measures are not an option for the government given the general atmosphere in Macedonian society. Furthermore, there are concerns that the new government, formed after the elections in mid-July, might reintroduce a number of measures (mirroring neighbouring Serbia), perceived as a potentially very late and unnecessary reaction in a situation where the disease is spreading almost uncontrollably.

### *All religious leaders have taken a more serious position on the Coronavirus*

Social cohesion has also been improving relating to the religious landscape of the country, meaning that all religious leaders have finally taken a more serious position on the spread of the virus. Thus, the Reis-UI-Ulema of the Islamic Religious Community (IRL hereinafter) Sulejman Rexhepi, was replaced by a new leader for the IRL in late May, Shaqir Fetahu, after the scandalous behaviour of the previous leader during the Ramadan Bayram celebration - his denial of the existence of the virus. Furthermore, the new leader Fetahu has publicly addressed all Muslim believers with an awareness-raising rhetoric concerning the virus, reaching out also

to all citizens to respect the prescribed measures and join the fight against the virus. This constructive behaviour has been adopted by other religious communities as well, culminating in a joint meeting of the five biggest religious communities in the country on 30 June where all religious leaders issued a joint statement and warning against the dangers related to the Covid-19 virus. The meeting was held under the auspices of the Committee on Relations with the Religious Communities and Groups of the Republic of North Macedonia.

Regarding civil society organisations in the country, it seems that the attention of the whole sector has been redirected from the pandemic towards the upcoming elections, and the watchdog efforts of the CSOs are now exclusively channeled towards pre-electoral activities and monitoring. The most renowned CSOs active in the elections field of monitoring are already issuing statements and organising daily press conferences, warning against possible irregularities or commenting on current pre-electoral developments. In this regard, the topic of the pandemic has definitely lost its initial domination in the deliberative sphere and public space and is gradually being replaced by more trivial political topics.

## External Factors

After the initial “aid delivery race” between the EU, Turkey, China as well as other individual centres of power in the early stages of the pandemic, the situation on the ground has completely diffused in North Macedonia. No new deliveries of international aid are being made at the moment, aside from occasional deliveries by the EU within a previously agreed framework. The EU remains the most visible external actor in the country when it comes to aid delivery for combating the Covid-19 pandemic and has repaired its initially damaged status.

### *The EU remains the most visible external actor in the country*

The EU has also delivered the first draft of the negotiation framework for North Macedonia, to be finalised in autumn 2020. This indicates a gradual advancement in the Euro-integrative processes of the country in its accession to the EU and has been paired with the use of the term “Macedonian language” in official documents banishing all doubt as to whether the EU will accept the official use of this term. This has helped the current government reaffirm its pro-European foreign policy, never abandoned since the beginning of the Covid-19 crisis.

Looking at relations with its neighbours who are at the moment dictated to by policies of opening or closing borders according to the epidemiological situation in specific states, North Macedonia is also in the same position. Citizens of North Macedonia can travel freely only to Serbia, Albania, Kosovo and Turkey, while EU borders remain generally closed to citizens of North Macedonia (entry is allowed only under special conditions such as work permits, diplomatic visits

etc.). This is no surprise given that North Macedonia is among the states that have the highest number of infected cases daily in Europe. However, citizens of North Macedonia were expecting Greece to open its borders on 1 July, but to date this has not occurred. As a traditional summer vacation destination for Macedonian citizens, the Greek government will reconsider a decision whether to allow Macedonian citizens entry into Greece, which will probably not occur before mid-July, if at all. In the meantime, after the epidemiological situation rapidly worsened in Serbia and Kosovo in early July, North Macedonia is considering closing its northern border, but this decision has not yet been taken. Another controversy is related to the Bogorodica/Evzoni land borderpoint between North Macedonia and Greece. Although Greece generally allows Serbian citizens to enter the country, long convoys of Serbian tourists have been denied entry to the Greek side of the border crossing (Evzoni) and have been forced to enter Greece via Bulgaria. This has caused enormous confusion among the Serbian public due to a lack of clarity in these actions.

### **Tentative Conclusions: Looking Back at the Last Four Months**

North Macedonia was one of the countries that initially achieved some of the best results in dealing with the Covid-19 pandemic, in terms of the number of infected cases. The initial peak of the pandemic was convincingly below the expected results, although the mortality rate during the pandemic has been relatively high compared to the region. However, by the end of May, and immediately after the Muslim religious holiday of Ramadan Bayram, the epidemiological situation started to decline rapidly. The number of infected cases experienced a steep rise, and it became clear that the prohibitive and repressive measures of mid-May were already not yielding any results. The mortality rate began to grow in June in tandem with the spread of the pandemic, and it was clear that the situation had got out of control.

At the moment, North Macedonia is among the countries with the worst statistics in terms of spread of the infection in the region although it is very hard to make a fully informed summary for three reasons. The first is that numbers have rapidly started to rise beyond control in almost all countries in Southeast Europe, and many European countries as well. Secondly, there are serious concerns that some countries in the region have been intentionally hiding data, especially on Covid-19 mortality rates, as well as relating to the overall spread of the infection, mostly for political reasons. Thirdly, countries implement different methodologies on calculating the mortality rate and classifying deceased persons (whether somebody died of or died with Covid-19). North Macedonia utilises a methodology where absolutely all cases that died both of and with Covid-19 are included in the mortality rate, including persons that died on their way to hospital and were not treated at all (more than 30 cases to date). This substantially changes the qualification as to whether the country has successfully dealt with the virus, although the general assessment is far from positive.

### *Part of the population denies the existence of the Coronavirus*

Speaking of future projections with regard to dealing with a possible new wave of the Covid-19 pandemic, there are several lessons to be learned from the initial stage of the pandemic. The first lesson is that North Macedonia has a very serious problem with that part of the population that does not believe that the virus exists at all. Public opinion polls have indicated that this statistical mass cannot be ignored, and that this portion of the population is heavily contributing to both the spread of the virus and lowering overall awareness by ignoring scientific facts. The country needs to seriously work on awareness-raising among the population as soon as possible.

Secondly, if North Macedonia decides to reintroduce prohibitive measures at all at any point, these measures must be applied equally and without political compromise, given that the initial set of restrictive and prohibitive measures achieved very little result. Such a situation occurred mostly because of very weak enforcement together with compromises made with various social actors such as religious communities.

Thirdly, in no way should any restrictive or prohibitive measures affect the reopening of the economy or any effect these measures do have should be minimal and only in drastic situations. Going back to closing up the economy will lead to an increase in job losses, poverty and visible economic decline that will hit the country hard. Finally, mobility restrictions have obviously achieved very little in ameliorating the epidemiological situation in the country, thus alternative measures should be considered.

### *President Pendarovski as the only remaining political centre of power*

In terms of the state of the democracy in the country during the Covid-19 pandemic, it is obvious that North Macedonia found itself in a very peculiar position. Having a technical government and a parliament that refused to reassemble when it was needed the most, North Macedonia lost two cornerstones of its political structure and siphoned all political responsibility into the only remaining political pool of power - the president of the country, Pendarovski.

In a situation of highly dangerous political limbo, he had to declare a State of Emergency five times in order to enable the government to issue decrees and manage the situation to a reasonable degree. Decrees are in themselves a very authoritarian way to rule, thus the governing Social-democrats insisted on reconvening the parliament. After this option was ruled out, it was clear that elections must take place as soon as possible, after which a new composition of the parliament was to be summoned and the technical government replaced

by a fully-functional, political one. The political limbo created in the country is partially a consequence of the very poor management of the crisis up to this point, although the measures introduced in the country were similar or identical to those of the other countries in the region, both in content and dynamics. Furthermore, the crisis exposed all the inaccuracies and flaws of the constitution of the Republic of North Macedonia, relating to the State of Emergency, the recalling of parliament under the State of Emergency, the period of validity of decrees after the end of the State of Emergency and so on.

### *Self-inflicted de-parlamentarisation*

These open debates have indicated very little consensus among constitutional experts, reflecting on quite volatile and opportunistic interpretations of the Constitution by political elites, also. The democratic capacity of the parliament of the country as well as the overall democratic competence of the political actors was self-sabotaged for short term political gain, while the country went through a precedent of “self-inflicted” de-parlamentarisation.

Despite the political deficits that North Macedonia displayed during the crisis, it seems that this has not affected the political ratings of the parties, nor has it opened up significant room for populist movements and parties, although one cannot say that there is a complete absence of populist tendencies. This is mostly due to the fact that the political positions were already entrenched prior to the outbreak of the Covid-19 crisis, and they have not significantly changed in the meantime.

### *North Macedonia both joined NATO and opened EU accession negotiations during the pandemic.*

Another steady political indicator concerns the foreign politics of the country that have remained strongly on course for continuing the EU accession process, while the country both joined NATO and opened accession negotiations with the EU in the midst of the pandemic. These two events enabled a relatively steady foreign course for the country, parallel to a very heated political debate within it. Nevertheless, North Macedonia followed a very constant pro-European course devoid of any attempts to sabotage its relationship with its Western partners.

## Timeline

- February 26 First case of Covid-19 virus infection detected.
- March 13 Two municipalities, Debar and Centar Zhupa are quarantined due to an outbreak.
- March 16 Government decides to close all border crossings to civil transport (cargo transport excluded) as well as to close Skopje Airport to civilian transport.
- March 18 President Stevo Pendarovski declares State of Emergency.
- April 3 Special measures for Kumanovo due to outbreak.
- April 14 Incident in Chento area of Skopje – massive breach of mobility restrictions with nearly 150 protesters requiring the release of three people arrested for violating the police curfew.
- April 18 Mandatory wearing of PPE for residents of Kumanovo, Tetovo and Prilep. Special measures for Tetovo – no incoming or outgoing organised passenger transport to/from the city.
- April 30 Government decision to terminate the school year as planned on 10 June, 2020, online. High-school graduation exams abolished. Postponement of enrollment procedures for new pupils of elementary and high schools.
- May 7 A massive procession of Orthodox Church believers takes place on the second day of the religious holiday devoted to St. George (Gjurgjovden). Considerable attendance. Video footage indicates no social distancing and an almost complete absence of PPE among attendees.
- May 12 Government adopts a plan for the gradual liberalisation of restrictive measures; Islamic Religious Community reopens mosques.
- May 25 Ramadan Bayram religious holiday – prayers are held in mosques with certain protective measures being respected, although selectively throughout the country.
- May 26 Government abolishes all mobility restrictions throughout the country. PPE remains mandatory – public gatherings still prohibited.
- June 14 Highest number of infected cases in one day – 196.
- June 15 State of Emergency declared by President Pendarovski for the last, fifth time of a duration of eight days.
- June 26 Liberalisation measures introduced, opening of border crossings with neighbouring countries and airports.
- July 2 Highest number of mortality outcomes in one day – 15 cases.
- July 5 Infected Persons – 7,046  
Recovered Persons – 3,027  
Deceased Persons – 341  
Active Cases – 3,678  
Mortality Rate – 4.84%
- July 15 Parliamentary elections to take place in North Macedonia.

# SERBIA

Tara Tepavac and Tamara Branković

## Abstract

- With parliamentary, provincial and local elections held on June 21, Serbia marked the first national elections held in Europe amidst the Covid-19 crisis.
- Crisis Headquarters along with state officials' election activities nearly erased the public fear of a return of Covid-19, while the ruling Serbian Progressive Party placed the "victory over the virus" as one of the key messages of their election campaign.
- Yet, the Corona virus proved resistant to attempts to engineer democracy. The image of Corona-free Serbia perished quickly after the Election day, replaced by ominous images of overcrowded hospitals, exhausted medical workers, and a collapsing health system.
- Suspicion on manipulation with official Covid-19 data, combined with a lack of transparency, fostered another wave of citizens' distrust towards the institutions.
- Significant lack of responsibility and political accountability among the state officials disclosed, shifting back to blaming the citizens, triggered feelings of betrayal and anger among citizens which erupted in mass civic protests, switching between riots and peaceful demonstrations throughout Serbia.

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. Two months after the breakout of the Corona virus epidemic in Serbia, fear and uncertainty invoked by the spreading of Covid-19 seemed to be forgotten, or rather replaced by a tense atmosphere of the election campaign in the run-up to the parliamentary and local election on June 21.

## Turning a Blind Eye is over: Upsurge of Covid-19 cases

Along with the rise of temperatures, July brought a new spike of registered Covid-19 cases in Serbia. The atmosphere was already heating up around the parliamentary and local elections, marked with uncertainties around health and potential influence on further spreading of Covid-19 epidemics. Nevertheless, the elections were held on June 21, making Serbia the first of European countries to hold elections on the national level amid the Covid-19 pandemics.

Despite continuous reassurances from the Crisis Headquarters and President Vučić that the Corona virus is under control and that all necessary protective measures have been ensured, citizens' worries proved to be justified. After weeks of steady numbers, the official statistics on Covid-19 infected patients were on the rise on Government's official Covid-19 platform only days after the elections.

## *Mounting tensions, feelings of anger, betrayal and distrust towards state's capability*

The untimely victory over the Corona virus, proclaimed during the election campaign, withered away along with the rest of campaign scenography, and public discourse of state officials changed again almost overnight. Pictures of careless celebration of election victory in the headquarters of the ruling parties, were swiftly replaced with intimidating announcements of new restrictive measures in the face of overfilled hospitals and languishing health system. Press conference of the Serbian President on July 7th, who announced re-introduction of hard restrictive measures including long curfews in Belgrade limiting citizens' mobility, blaming the citizens' served as a tipping point. The mounting tensions, feelings of anger, betrayal and distrust towards state's capability to manage the crisis escalated in a new wave of public discontent, erupting into mass protests on the streets of Belgrade and other major Serbian cities.

## Voters with Masks and Unmasked Irregularities

On the morning of June 21, the Republic Electoral Commission delivered Coronavirus protective equipment at more than 8.200 polling stations located in Serbia. This occurred under the instruction of the Crisis Headquarters which came only five days prior to the Election day, despite the fact that more than a month passed since the State of Emergency was lifted and the election process resumed. It seemed that polling board members and many of the voters with masks and gloves, will be the only sight that differs the 2020 parliamentary and local elections in Serbia from the previous ones. Other usual scenes were in their place - from breaches of secrecy of voting, to the presence of parallel evidence of voters, potential vote buying, pressures on voters, violence and other irregularities reported almost regularly by domestic and international election observers over the years.

### *Lowest voter turnout of 49 % at parliamentary elections since 2000*

However, with the largest decrease in the number of eligible voters and the lowest turnout of 49 % at parliamentary elections since 2000, serious election irregularities recorded at 8 to 10 percent of polling stations<sup>1</sup> and only three political parties that passed the 3% threshold, it seems that the Coronavirus was the least of the concerns of Election Day in Serbia. The scale of recorded electoral illnesses tripled in comparison to the 2016 parliamentary elections. In-depth analysis conducted by CRTA election observation mission pointed out that serious irregularities contributed to around four percent higher turnout.<sup>2</sup> The level of the turnout was among some of the main arguments used both by the ruling majority, to support elections legitimacy, and by the boycotting opposition, to deny it.

The election boycott however remained only partially successful, as a part of the opposition parties changed their decisions after the election process resumed and joined the election race almost at the very end. A psychological game of maintaining the turnout above (or below) 50 percent was in the focus of the ruling party even before the Election Day, which introduced changes in the electoral rules since February aimed to support the variety of electoral offer on the ballot in response to announced election boycott – particularly by decreasing the threshold from five to three percent, but also changing the signature collection to meet Covid-19 circumstances. Even the numbers of polling stations in neighboring countries increased, as for instance in Bosnia and Herzegovina where five times more polling stations than usual were opened. Moreover, the increase in the number of polling stations in the neighborhood took place in Kosovo too,

with twice as many opened than in the previous elections. These moves could have also been interpreted as attempts to stimulate the voters' turnout.

## Election Campaigns in June Sideline the Public Health

It seemed that nothing should stand in the way of the elections, that resembled more to presidential than to parliamentary elections. The final stages of the election campaign in June nearly erased the fear of the Corona virus in the public. In the days prior to the Election day, life in Serbia seemed to be back to business as usual. Domestic election observers recorded that the intensity of the campaign on the ground was increasing together with the number of events organized by political parties that sidelined the public health protection - such as field trips, celebrations and different gatherings indoors, particularly in the Belgrade area.<sup>3</sup> On the other hand, data show that state officials were among the key interlocutors in the campaign - in 64 % in the capacities of their state positions. Almost all ministers took a tour across Serbia, together with the Prime Minister, visiting more than 70 towns in two weeks to promote state infrastructural and other projects.<sup>4</sup> Minister of trade, Rasim Ljajić, even staged in the mass of people at the concert organized by his party in Novi Pazar as the final event in the campaign, only days before the coronavirus catastrophe hit there and in neighboring towns.<sup>5</sup>

### *Misuse of state resources and deviation from international recommendations*

As the course of the election activities was erasing public fear, the ruling parties' campaign aimed at preserving the public memory on the Covid-19. This was exclusively done by the Serbian Progressive Party who tended to prescribe the government's actions against the virus to a single person - Aleksandar Vučić. These efforts were also made at the expense of the potential breach of personal data, misuse of state resources and deviation from international recommendations.

Despite the fact that the representation of the ruling majority and the opposition became more balanced in the last weeks of the election campaign, this was largely due to the obligatory electoral segments in the media. In the days after the Election Day, the gap between the ruling and the opposition parties started rising again, disclosing the persistent lack of

1 CRTA. Preliminary Statement on the Election day, <https://cрта.rs/en/minimal-standards-fulfilled-democracy-endangered>

2 CRTA. Preliminary Report on the Election Day, <https://cрта.rs/wp-content/uploads/2020/07/CRTA-Preliminary-Report-Election-Day-2020.pdf>

3 Nikolija Codanovic. "Kampanja za izbore na ivici epidemioloških mera". Istinomer, <https://www.istinomer.rs/analize/kampanja-za-izbore-na-ivici-epidemioloskih-mera/>

4 CRTA election observation mission. *Elections 2020 - Second Preliminary Report from May 25th - June 14th*. <https://cрта.rs/wp-content/uploads/2020/06/Elections-2020-Long-term-observation-report-for-the-period-May-25th-June-14th.pdf>

5 <https://www.telegraf.rs/english/3203250-serbian-minister-ljajic-stage-dives-like-a-rock-star>

pluralism in Serbian media. This was also confirmed by the CRTA, whose data exposed that the representation of the ruling majority was almost exclusively in the regular news parts of the program, in reporting on state officials' activities, while the opposition was almost exclusively represented in the election segments.

The responsible institutions – the Anti-Corruption Agency (Agency) and the Regulatory Body for Electronic Media (REM) – that were supposed to ensure and protect the law from different types of misuses by electoral participants and state institutions, displayed predominantly insufficient performance combined with the lack of proactive, transparent and consistent approach. Unlike the Agency, REM remained completely silent upon many complaints on law breaches in media reporting that it regularly received from the civil society. The media monitoring which it conducted and published for the first time since 2014, however, remained a source of spreading biased and opaque information on media representation of political actors.<sup>6</sup>

### *Revote at 234 polling stations*

Amidst the Corona crisis, these elections were also marked with the largest revote since 2000. Elections were repeated on July 1 at 234 polling stations, in comparison to the second largest revote organized in 2016 at 15 polling stations. The preparations for the revote, remained, however, without official reassessment of the election environment's resilience to the Covid-19, despite the fact that numbers of infected started increasing after the June 21. The most prominent civil society election observers assessed this as epidemiologically irresponsible and, following the letter<sup>7</sup> addressed by CRTA to the Republic Electoral Commission, the Government and the Crisis Headquarters, which remained without response, decided not to observe the revote.<sup>8</sup>

### **Ultimate Pyrrhic Victory of the Ruling Aleksandar Vučić**

Many of the actions conducted by the government in these elections could be described as attempts to conduct electoral engineering.<sup>9</sup> However, as many of the obstacles were bypassed to create a seemingly pluralistic, democratic, and legitimate electoral process – such as threshold and signature collection changes, shifts in usual institutional performance,

the revote – the Corona virus proved to be resistant to any sort of democracy engineering. The historical victory of the Serbian Progressive Party which won almost 190 seats in the Parliament, was soon overshadowed by the fact that the virus broke out hard, not only into its highest ranks, but in many communities in Serbia.

### *Degradation of the Parliament and widespread distrust of citizens*

On the other hand, the crushing defeat of the part of those opposition parties which eventually opted to participate in the elections brought the most homogenous composition of the Serbian Parliament since the 1990s. Although as many as 21 electoral lists competed in these elections, which is the highest since 2008, only seven electoral lists entered the parliament, in comparison the 12 lists which managed to gain mandates on 2016 elections. With four of them being the lists of national minority parties, for which applies a different set of rules, only three lists managed to pass the three percent threshold. The degradation in the performance of the Parliament as well as widespread distrust of citizens in their highest representative body have been flagged by the civil society watchdogs over the past years as one of key problems hampering the rule of law in Serbia.<sup>10</sup> In this light, considerable doubts are rising regarding the ability of such Parliament to perform the oversight necessary to uphold a functioning checks and balances system.

The limited OSCE/ODIHR mission to Serbia remained unconvinced of the democratic nature of the elections, by recognizing in its Preliminary Statement many of the issues that burden the electoral competition for years. ODIHR, for example, noted that the principles contained in the 1990 Copenhagen Document to keep a strict line between the state and parties were not respected, particularly through Vučić's role as president of the state and holder of his party list, and that the media space was dominantly occupied by the ruling parties.<sup>11</sup>

### *Absence of the EU accession process as an election campaign topic*

Continuous adaptations of democratic institutions and processes to the political interests, produced an additional side effect. For the first time, Serbia remained without the opening of a chapter in its negotiations with the European Union that advanced at snail's pace since 2014. This goes hand in hand with democratic backsliding, but also with the significantly low interest of domestic actors to push for the EU in-

6 CRTA. "REM Election Monitoring: Biased and Opaque". <https://cрта.rs/en/rem-election-monitoring-2020-biased-and-opaque>

7 CRTA. "CRTA asks the Government, Crisis Response Team and the REC to urgently clarify the epidemiological conditions for the conduct of the re-voting process", <https://cрта.rs/en/cрта-asks-the-government-crisis-response-team-and-the-rec-to-urgently-clarify-the-epidemiological-conditions-for-the-conduct-of-the-re-voting-process>

8 CRTA. "CRTA aborts the Observation of the Re-Voting Process on July 1 Due to Epidemiological Situation", <https://cрта.rs/en/cрта-aborts-the-observation-of-the-re-voting-process-on-july-1-due-to-epidemiological-situation>

9 Vujo Ilic. "Freedom of Election Overshadowed by the Turnout". Istinomer, <https://english.istinomer.rs/analyses/freedom-of-election-overshadowed-by-the-turnout/>

10 Otvoreni parlament, „Mnogo zakona i malo dijaloga tokom četvorogodišnjeg mandata XI skupštinskog saziva“, 03.06.2020, <https://otvoreniiparlament.rs/aktuelno/166>.

11 ODIHR. Republic of Serbia - Parliamentary Elections, June 21, Statement of Preliminary Findings and Conclusions. <https://www.osce.org/files/f/documents/8/e/455155.pdf>

tegration process. The latest example was the absence of the EU as an election campaign topic, which was not a novelty in comparison to previous elections. Despite the fact that Serbia used its opportunity as an EU candidate country to apply for funds through the EU's Solidarity Fund on June 18 in order to combat Covid-19 and its consequences, or that the EU deployed another contingent of aid and relief policies to Serbia, the Serbian public heard an EU membership promise five days after Election Day. Following Vučić's visit to Brussels and his meeting with the European Commission President von der Leyen, Vučić presented 2026 as the real year for Serbia to become an EU member after closing all chapters by the end of the new government's mandate in 2024.

## From Corona Crisis to Crisis of Trust

The lack of citizens' trust towards state institutions has been a canker in Serbian democracy for years. The Covid-19 crisis laid bare the gravity of decay and malfunctions of state institutions, lack of transparency and information in the public, lack of political accountability among political actors, as well as the depth of the gap between the citizens and the institutions.

In addition to distrust in the electoral process, increased by numerous irregularities witnessed both by election observers and citizens, the health crisis spilled over into a crisis of trust. Citizens' distrust toward the government in handling the Corona crisis was further aggravated by the behaviour of state officials, members of the Crisis Headquarters and party leadership. Contradictory reactions, recklessness and irresponsibility of officials added up to the overall feeling of uncertainty and confusion.<sup>12</sup> The lack of transparency and information on the numbers of Coronavirus cases as well as on decisions and plans of the Crisis Headquarters casted doubts in its independence from political influence needed for reaching decisions in the best interest of public health.

### *Decay and malfunctions of state institutions, lack of transparency and information*

For instance, the official data on the number of infected people by municipalities in Serbia has not been published as of June 10th, while the relevant institutions remained silent to the journalists demanding explanations for this lack of transparency and information.<sup>13</sup> These doubts have been reinforced with the decision to hold the elections amid the Covid-19 crisis, and claims of the Crisis Headquarters members that elections will not endanger public health. For instance,

on the Election Day, Deputy Director of the Institute of Public Health of Serbia Dr. Daria Kisić Tepavčević reassured the citizens that all safety measures are in place at the polling stations and called upon them to go out and use their voting right, claiming that going to the polling stations is not a bigger risk than going to a grocery store.<sup>14</sup> Yet, the majority of citizens did not believe in official numbers. According to Valcon, 65 % of citizens in Serbia distrust official information of the competent institutions, and 54 % of citizens assess the level of information on the epidemics as unsatisfactory. Serbia is leading in the region when it comes to the level of citizens' concerns, which grew for 9 % in a month, leading to 79 % of citizens concerned about the spread of the virus.<sup>15</sup>

### *65 % of citizens in Serbia distrust official information*

Only one day after the elections, Serbian investigative journalists from BIRN published a story claiming that the numbers of patients who died from Covid-19 was significantly higher than those communicated to the public. According to their insight into the government's Covid-19 information system, the number of patients who died was more than double, with 632 patients instead of 244, as had been communicated to the public.<sup>16</sup> Members of the Crisis Headquarters, otherwise often inconsistent in their reactions, harmoniously hastened to condemn the analysis as media sensationalism and conspiracy theories, but failed to offer any thorough and reasonable explanation for the mismatch in the numbers, causing even more discontent among the citizens.

Public discontent continued to mount in the days which followed. Disturbing images of the collapse of overcrowded and understaffed hospitals in the southern cities Novi Pazar and Tutin, with citizens left to die out of the reach of oxygen and doctors, went viral, spreading anger and resentment. The spike in registered cases was recorded by mid-June, with the highest number of newly infected people recorded in this city in one day marked on June 18. The day after, the Institute for Public Health in Novi Pazar stopped publishing official data on the number of people positive for coronavirus.<sup>17</sup> Nonetheless, the emergency situation in this city due to the increase of coronavirus infected patients was proclaimed only on June 25.

12 Uroš Dimitrijević. "Sve krize Kriznog štaba: Od „najsmešnijeg virusa“ do „(ne) znamo šta radimo“, BBC Serbia, 03.07.2020 <https://www.bbc.com/serbian/lat/srbija-53257800>

13 Nikola Kojić. "Država još čuti na pitanje zašto ne objavljuje podatke po gradovima i opštinama", N1, 10.7.2020. <http://rs.n1info.com/Vesti/a618392/Drzava-jos-cuti-na-pitanje-zasto-ne-objavljuje-podatke-po-gradovima-i-opstinama.html> Official statistics on Covid-19 in Serbia can be found here: <https://covid19.data.gov.rs/infected>.

14 "Kisić – Tepavčević o merama zaštite na biračkim mestima", Nova S, 21.06.2020. <https://nova.rs/video/kisic-tepavcevic-o-merama-zastite-na-birackim-mestima/>

15 "Istraživanje: Većina građana Srbije ne vjeruje u službene podatke o epidemiji", N1: Hina, 06.07.2020. <http://hr.n1info.com/Znanost/a524205/Istrazivanje-Vecina-gradjana-Srbije-ne-vjeruje-u-sluzbene-podatke-o-epidemiji.html>

16 Natalija Jovanović. „Korona: Broj umrlih i zaraženih višestruko veći od zvanično saopštenog“, Javno.rs, 22.06.2020. <https://javno.rs/analiza/korona-broj-umrlih-i-zarazenih-visestruko-veci-od-zvanicno-saops-tenog>

17 Milijana Rogač. "Novi Pazar, ogledalo "korna" krize u Srbiji", Istinaomer, 01.07.2020. <https://www.istinomer.rs/analize/novi-pazar-ogledalo-korona-krize-u-srbiji/>

Prime minister Ana Brnabić visited Novi Pazar in the midst of the crisis with the Minister for Health Zlatibor Lončar, provoking a protest of hospital staff and doctors who turned their back during their speeches in front of the hospital, while a group of enraged citizens whistled and booed the Prime Minister and Minister. Yet, both of them continued to claim that the health situation in this city is under absolute control, blaming the boiling atmosphere on the politicization and fake news.

At the same time, high ranking officials have been tested positive to Coronavirus in the days after the election results celebration in the premises of the ruling Serbian Progressive Party on the eve of the Election Day, including the Speaker of the Parliament, Maja Gojković, Minister of Defence, Aleksandar Vulin and Director of the Government's Office for Kosovo, Marko Đurić. While the images of guests and high-officials dancing, hugging and ignoring the protective measures still circling the public, the Minister of Health continued to blame the citizens for the lack of responsibility in respecting the same measures on a daily basis.

## First Mass Unrest in Europe Amidst Covid-19

The students were the first ones hitting the streets in protest when the intention to move them out of student dorms was made public. Their demands were promptly met.<sup>18</sup> Still, with the capacities of the hospitals throughout Serbia, particularly in Belgrade, reaching their limits, and official statistics on the numbers of registered cases and hospitalized patients rising, uncertainties and tensions were also on the rise. However, a new wave of protests followed when President Vučić revealed at a press conference that the rumors on re-introduction of strong restrictive measures are true, including long curfews restricting the freedom of mobility, and threatening to bring another blow to the economy.

*Desperate, angry, and scared,  
thousands of citizens took to the  
streets*

Desperate, angry, and scared, thousands of citizens went out on the streets to protest the manner in which the Corona crisis was handled. The protest erupted on July 7, marking the first mass unrest in Europe amidst Covid-19. Thousands of people from different sides of the ideological spectrum ranging from left to right, from pro-Europeans defending democratic values, demanding political accountability and re-formation of the Crisis Headquarters, to those demanding the protection of Kosovo, gathered spontaneously in front of the Serbian Parliament. A group of protesters stormed the Parliament on the first evening, to be quickly pushed out by

the police forces. However, the demonstrations escalated into riots when the police started using a disproportionate amount of tear gas to disperse the protesters, and using excessive force, beating up the protesters as well as journalists.<sup>19</sup> Hooligan groups infiltrating the protests were contributing to the erupting violence. This time, the attempt to stop the protests by scrapping the plan for more repressive measures, was unsuccessful, although Prime Minister Ana Brnabić announced more limited measures.<sup>20</sup>

The civic protests continued in the following two days without a clear political leadership behind them, while more cities joined the protests, and the majority of citizens were wearing protective masks and attempted to keep social distance. Despite being kicked out and beaten on the first day of the protest, the leaders of the opposition joined the protests in their civic capacity from the second day. In an attempt to isolate those groups keen on initiating violence, the majority of peaceful protesters turned to proven methods of civic unrest on the third evening, this time sitting down on the streets of Belgrade, Novi Sad, Niš, Kragujevac, Kruševac, and other cities throughout Serbia.

Civil society organizations engaged in recording the excessive use of force by the police, providing legal support to the victims of police brutality,<sup>21</sup> calling for decrease of tensions<sup>22</sup> and demanding political accountability from the officials.<sup>23</sup> The Ombudsman institution initiated a procedure to control the legality and regularity of the work of the Ministry of the Interior, and announced that the representatives of the National Mechanism for the Prevention of Torture and its Department for Urgent Action will monitor their actions on the ground, which (for now) concluded that on the second day of protest police used excessive force in individual cases, due to which procedures have been initiated.<sup>24</sup> The officials responded by continuously denying the excessive use of force against the protesters, labeling the protesters as hooligans, and blaming the opposition and foreign services for initiating the protests.<sup>25</sup>

18 N1 Beograd. "Protest studenata ispred Skupštine Srbije", 02.07.2020. <http://rs.n1info.com/Vesti/a615964/Studenti-zvizducima-reagovani-na-najavu-zatvaranja-domova-protest-u-Studentjaku.html>

19 BIRN. "VIDEO: Police Brutality During Covid-19 Protest Shocks Serbia", 08.07.2020. <https://balkaninsight.com/2020/07/08/police-brutality-during-covid-19-protest-shock-serbia/>

20 BBC News. „Coronavirus: Serbia scraps curfew plan for Belgrade after protests”, 09.07.2020. <https://www.bbc.com/news/world-europe-53353854>

21 Belgrade Center for Human Rights and Initiative A11 offered free legal aid to all the victims of police brutality on the protests. <https://www.facebook.com/BGcenterzaljudskaprava/photo/s/a.325156250830251/3457329064279605/>

22 Human Rights House Belgrade, "Press release regarding the police brutality at the protest", 09.07.2020. <http://en.kucaljudskihprava.rs/press-release-regarding-the-police-brutality-at-the-protest/>

23 CRTA demanded the resignation of the Director of Police in Serbia due to (in)action of police forces during the Belgrade protest. Press release "Vladimir Rebić da podnese neopozivu ostavku", 08.07.2020. <https://crt.rs/vladimir-rebic-da-podnese-neopozivu-ostavku>

24 Official webpage of the Ombudsman, <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6693-p-lici-niris-il-pr-rnu-silu-p-din-cni-sluc-vi-bic-ispini>.

25 Sasa Dragojlo. „Serbia Rocked by Violent Clashes Around Parliament”, BIRN, 08.07.2020. <https://balkaninsight.com/2020/07/08/serbia-rocked-by-violent-clashes-around-parliament/>

## Tentative Conclusion

By disclosing the state of democracy in its true light, with the (mal)functioning of institutions and processes brought to the surface along with manipulations, lack of transparency and political accountability, the Corona-virus pandemic has triggered more than just a health crisis in Serbia. Following the irresponsible and frivolous reaction of the state officials in the very beginning of the crisis, the state leadership recognized the seriousness of the situation with a slight delay, spreading uncertainty among citizens who were emptying the stores and pharmacies. A month into the crisis, the state seemed to have improved its management with the pandemic, at least from the perspective of spreading of Coronavirus that was restrained with the State of Emergency and hard restrictive measures, and announcements of mounting supplies of protective and medical equipment. Yet, with the elections putting the interests of the narrow political elite above the citizen's health and public interest, the situation quickly worsened. The overall track record in the management of the crisis over the past four months can be summed up with uncertainty and underperformance that further decreased already low trust among the citizens, leading to an overall lack of credibility.

### *The Corona virus has triggered more than just a health crisis in Serbia*

Faced with such a reality, the citizens took the streets aware of the health risk that they are taking, in a desperate cry against the increasingly authoritarian face of the regime. The reaction of the officials, escalation of violence and the scope of police brutality should be taken as the most serious alarm on the state of "democracy" in Serbia. While the announced re-introduction of hard restrictive measures served as a trigger for the protesters, the causes of their discontent are much more complex.

Riots spread throughout the streets of Serbian cities, police brutally against citizens, lack of credible information, biased and misleading media reporting, together with neighboring countries closing down the borders, dauntingly resemble the images from the 90s. Yet this time, while Europe is also busy wrestling with its own crises, the EU and its Member States must not turn a blind eye on the increasingly autocratic behavior of the Serbian regime. In light of a potential second wave of the pandemic that would bring disastrous consequences to Serbia and its citizens, it is high time to stop looking away and to support the citizens' demand for accountability as well as supporting the remaining democratic forces in all the processes and heavy decisions that await Serbia.

## Timeline

February 26	First press conference related to coronavirus held by the President and Crisis Headquarters - "The funniest virus in history".	June 4	Covid-19 Hospital on Belgrade Fair closed.
March 4	Calling 2020 Parliamentary and local elections for April 26.	June 5	Crisis Headquarters abolished the ban on gatherings outside, and extended the allowed number of people gathering indoors to 500.
March 6	First case of coronavirus infection registered in Serbia.	June 10	Football match between Partizan and Crvena Zvezda gathered around 25.000 football fans according to media reports.
March 13	Two Crisis Headquarters established: 1) Crisis HQ for Combating Disease, commanded by the Prime-Minister with medical experts included among members; 2) Crisis HQ for Economy, co-commanded by the President of the Republic and Minister of Finance.	June 21	Parliamentary, provincial and local elections held.
March 15	State of Emergency declared on the entire territory of Serbia. The Republic Electoral Commission ceased the electoral process on the following day, until the end of the State of Emergency. Nurseries, schools and universities closed by Government's orders.	June 22	BIRN publishing analysis on the mismatch in the number of Covid-19 related deaths.
March 18	Lockdown measures with curfews introduced for the first time since the Second World War.	June 23	Number of cases positive to Covid-19 registered over the last 24 hours exceeded 100 for the first time since the end of May.
March 28	First special Covid19 ad-hoc hospital established at Belgrade Fair.	July 1	Revote at 234 polling stations across Serbia.
April 10	Government adopted a package of economic and social measures for alleviating the consequences of the coronavirus crisis.	July 2	Student protests against closure of student dorms.
April 28	First session of the Parliament and confirmation of the State of Emergency.	July 6	President Vučić announced possible re-introduction of police curfew. Mass protest against government's management of Corona-crisis erupted in Belgrade, spreading to other cities in the following days.
May 6	State of Emergency abolished by the Parliament. Bill on the validity of the decrees the Government adopted during the state of emergency adopted by the Parliament, abolishing the measures from 11 and prolonging the measures from 15 of Government's decrees. By the end of the Second session 4 MPs went on hunger strike in front of the Parliament.		
May 11	Republic Electoral Commission unfreezes the electoral process. Several thousand of people protest in front of the Parliament, without respect to protective measures.		

# SLOVENIA

Igor Lukšič

## Abstract

- In mid-June, the government allowed gatherings of up to 500 people; by the end of June that figure was reduced to 50 because of the increasing number of COVID-19 cases.
- The celebration of the 29th Anniversary of Independence took place at an official, alternative celebration. Instead of uniting the country, events escalated into accusations and conflicts as well as demonstrations on the streets.
- A special police unit, the National Investigation Office, conducted a house search of Minister Počivalšek and a number of other defendants on suspicion of violating the Law on the Procurement of Protective Equipment.
- Minister of Home Affairs Alojz Hojs resigned (after the Director General of Police resigned) at the end of June with the explanation that the deep state is controlling the police and he has had no power to depoliticise them.

## Introduction

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 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 have been intensifying every Friday since April 24. Slovenia was the first country to declare an end to the epidemic in mid-May.

## From Interpellation to Interpellation

Voting on an interpellation against Economy and Technology Minister Počivalšek in mid-June confirmed the coalition's strength with 51 votes (out of 90). However, a new interpellation has already been filed against Minister of Home Affairs Alojz Hojs. The text is 120 pages long. The main complaint relates to the fact that the ministry lifted the ban after the administrative unit of Maribor banned a concert of Croatian singer and political activist Thompson. The main problem is that Thompson is accused of promoting the Ustasha and Nazism. His concert could have led to showdowns between those who support the Ustasha and their opponents.

The editorial board of the weekly "Mladina" reported Minister Počivalšek on suspicion of committing the criminal offense of abuse of official position in the purchase of protective and medical equipment. The Government of the Republic of Slovenia maintained, in June, almost the same share of public support as last month, namely 41%, while the share of opponents decreased to 43.7% compared to May.

## Dynamic Party Life

The SD party recorded a rise with a change of president at the end of April. The survey recorded a jump from 8 to 15%, but already in the second measurement fell back to its previous state. Among the parties, Janša's SDS remains firmly in first place with almost 17% support. The SDS lost about two percentage points. In second place is the LMŠ with 10% - a drop of four percentage points. They are followed by the Left with 8.9% and the SD with 8.3%, while in fifth place N.Si strengthened slightly with 4.8%. The coalition party SMS went from 0.2 to 1.1 % despite the interpellation against their President, Počivalšek.

At this September's congress, the SMC will change its name, insistent on a liberal orientation and remain a member of the European liberal family ALDE. Circulating among Brussels ranks, however, is that ALDE is extremely dissatisfied with the SMC's conduct and that it could even be excluded from it due to its collaboration with Janša's extreme right wing SDS government. ALDE have announced a visit to the SMC in autumn to check the adequacy of their policy against its principles and guidelines.

There is great dissatisfaction in the DESUS party of pensioners, which joined Janša's government after replacing long-time president Karel Erjavec with Aleksandra Pivec. An increasing part of the party wants the former president to return and leave Janša's government. Many who helped replace Erjavec did not count on Pivec taking the party into a coalition with Janša, which Erjavec would never repeat.

In the ranks of N.Si, events on Statehood Day saw that the political situation in the country was tense, so the president called for calm. He apologised to WWII veterans that they could not participate in the national celebration due to the restriction of a maximum of 500 participants at the event and not because the government banned the Red Star and representatives of the Partisan movement at the celebration, which was the will of Prime Minister and SDS President Janša. The Minister of Defence, Matej Tonin highlighted the bill on providing funds for investment in the Slovenian Armed Forces. The proposal allocates 780 million euros to the army between 2021 and 2026. He also announced that the idea of introducing a conscript army had not been abandoned, although the government did not receive support for it even from the coalition parties in a vote in the National Assembly at the beginning of the term.

On the night of June 30, four bottles of waste motor oil were thrown at the facade of the house of the president of the SNS parliamentary party, Zmago Jelinčič. Jelinčič was recently recorded saying, in coarse language, that the Slovenian nation was stupid and that it was a mistake for people to be given funds by the government.

## *Friday protests demand*

### *Prime Minister Janša's resignation*

Friday protests against the government took place regularly in front of the parliament in a calm atmosphere. The participants of the rallies demanded Janša's resignation, accused the government of stealing, pointed out the unjustified closure of Republic Square and demanded more democracy. Friday protests take on a slightly new dimension every time, with government supporters managing to stem the increase in turnout. The protesters carried signs reading 'Death to Janshism', which the government side presents as death threats to a specific person and the escalation of demonstrations into violence. The Ljubljana District Prosecutor's Office received a proposal to react but did not recognise any threats to a specific person in this message at the demonstrations and has so far rejected the proposal.

PM Janša wrote a letter to the Attorney General warning him to react to the death threats. He reminded him of the messages on the protesters' banners where they read 'Death to Janša' and 'Death to Janshism'. He warned the Attorney General that if he did not react he, Janša, would place individual responsibility on the Attorney General's shoulders for any possible actual death. The PM would therefore like the prosecution offices in Slovenia to prosecute his political opponents more strictly, thus enabling Janša and the SDS to have complete control over political and public life in Slovenia. Due to this letter, the SD party announced that they would consider the constitutional accusation of PM Janša.

## Government versus EU

The European Commission accused Slovenia of interfering in its exclusive sphere when it decided to check the criteria according to which the Bank of Slovenia was forced to allocate 5 billion euros to consolidate Slovenian banks in 2013. The consolidation of the banks at the time was carried out with the consent of the then government under pressure from the European Commission, which was otherwise threatening to introduce a troika. Prime Minister Janša proposed a settlement to the commissions and part of the opposition accused him of wanting to cover up some allegedly dishonest deals. Slovenia decided to review this practice of the Bank of Slovenia after it became clear to all parties that the criteria used to determine the weakness of banks were rather unprofessional, unjustified and inadequate. The European Commission then assured Slovenia that the same criteria would apply to other EU countries, which did not happen. Only Slovenia paid the high price.

The replacement of the Director of the Statistical Office of Slovenia in the middle of his term of office caused the EU Commissioner to request explanations from PM Janša. The Prime Minister dismissed the Commissioner by urging him not to interfere in Slovenia's internal affairs. The dismissed General Director of the Statistical Office of the Republic of Slovenia, Bojan Nastav, has filed a lawsuit with the Administrative Court for premature and allegedly illegal dismissal. The government referred to the Civil Servants Act for this dismissal, although the position of Director is regulated by the State Statistics Act.

## What's Going on in the Police?

As soon as Anton Travner was appointed new General Director of the Police with a full mandate, he dismissed the long-time head of the Public Relations Department, Vesna Drole, who has survived five police general directors and five different Ministers of Home Affairs. Last year, Drole received the internationally recognised PRO.PR award for her work. It is clear that the new government wants complete control over the work of the police.

## *The new government wants to control the police*

The police have been under much pressure lately. There is political pressure on individual investigations, discrediting of criminal investigators and police officers, numerous staff changes, and even the abolition of the National Investigation Office has been proposed. There have been calls on Twitter on how to replace the Criminal Investigator of the National Investigation Office, Tina Pahor. Pahor is participating in the investigation, where Minister of Defence Matej Tonin (N.Si) and State Secretary for National Security Žan Mahnič (SDS) are suspected of criminal offences: their allegedly controversial supervision of the commission for supervision of intelligence at the Ministry of Defence, when both were still MPs. In online pro-government articles, Pahor was described as the “bloodhound of Janez Janša and the SDS”. The Police Union of Slovenia defended her: “Various forms of pressure on criminal investigators who conduct investigations are unacceptable to us. We are convinced that Criminal Investigator Pahor performs her work professionally and legally, so we expect the police leadership to adequately protect her.” But that did not happen.

On June 30, the National Bureau of Investigation conducted searches at eleven homes of those suspected of purchasing masks. Among others, they searched the home of Minister of Economy and Technology and Deputy Prime Minister Počivalšek. On that day, Travner, the General Director of Police, resigned. He had been appointed by the current government at its first session in March. The Minister of Home Affairs, Hojs, also resigned, explaining that he could not depoliticise the police and eradicate the influence of the ‘deep state’ with the powers at his disposal. After replacing all the key people in the police and putting pressure on the work of the police, he failed to assert his influence: full control over the work of the police so as to investigate the people the coalition is interested in.

PM Janša stated that the courts, prosecutors’ offices, the National Investigation Office and a special police unit put ‘political sympathies and media pressures at the forefront when choosing priorities’. Here, the opposition parties demanded the resignation of PM Janša.

## Conflict at Statehood Day Celebration

The celebration of Statehood Day on 25 June once again showed the deep division in Slovenia, further inflamed by the Janša government. The government did not allow the flags of World War II veterans’ organisations because, according to them, they represent symbols of communism. The central state ceremony on Statehood Day celebrated more rural and conservative values.

### *An alternative celebration and counter-demonstrations*

At the initiative of Active Workers in Culture, an alternative celebration was organised on 24 June one hour before the government ceremony at Republic Square. Participants at the celebration and rally were critical of the partitioning of the

capital and, among others, the President of the Republic of Slovenia, Borut Pahor. The crowd stopped in front of the Presidential Palace where they lit candles and demanded that the President not visit the ‘foiba in Bazovica’ in Italy to mark the 100th anniversary of the burning down of the Narodni dom (Slovene National Cultural Building) in Trieste, the first victim of fascism in Italy in 1920. The Italian government decided to return the Narodni dom to the Slovene minority but at the same time, Italy would like to relativise the fact that the Slovenes were the fatal target of fascism.

Supporters of the government, and the SDS in particular, staged counter-demonstrations at an alternative celebration half an hour before the start. They called themselves yellow jackets, dressed in yellow jackets and announced “they will not allow the idle red mob to desecrate the most sacred symbols of Slovenia and the Slovenian state.” Police prevented them from physically halting the alternative celebration. There were no major riots, but one of the participants provoked others with a Nazi salute. The records showed that representatives of neo-Nazi groups were among the protesters.

These events on the occasion of the Slovenian national holiday only exacerbated the overheated political situation. PM Janša rebuked the opposition, saying that “irresponsible politicians and the media, despite limiting the gathering to 500 people, have been encouraging mass protests and close performances and violations of the law since the beginning of May.” “They endanger health and lives and spread Covid-19”.

## Increasing Number of Covid-19 Patients

In mid-June, the number of patients testing positive began to rise again. The source of infections was visitors from Bosnia and Herzegovina, Serbia, Russia and Sweden. Experts began calling for action and predicting a second wave. The government first prescribed the mandatory use of masks indoors and ordered quarantine for all visitors from Bosnia and Herzegovina, Serbia and Kosovo. At the end of June, the government once again banned people from gathering in groups of more than 50 participants.

The government has not abandoned the introduction of a corona infection tracking application. In a proposal of the fourth law for the management of the corona crisis, the government again proposed the use of a mobile phone app, which had not received support in the first meeting at the National Assembly. The Information Commissioner reiterated that the use of the application is only possible with a voluntary setting, it cannot be mandatory for all citizens.

## Hungarians are Buying Television Companies

In mid-June, NGO Reporters without Borders published 30 names of journalists who, according to their views, are the heroes of the corona crisis. Among them, six are from Europe and one is Slovenian Blaž Zgaga, who won a special prize from Deutsche Welle a month ago.

In June, PM Janša continued one-hour talks on NOVA TV, which is managed by the SDS and financed by Hungarian capital. At the end of June, Telekom Slovenia sold Planet TV to Hungarian TV company TV2.

On 16 June, PM Janša met with ambassadors of the Vishegrad Quartet, currently chaired by the Czech Republic. In this way Janša also reiterated his government's priority to link Slovenia more closely to this group of countries and not to the most propulsive leading element of the EU, which is made up of Germany and France in particular. At the beginning of July, President Pahor visited the President of Hungary, thus supporting the close relations cultivated by the current government.

## Conclusion

Slovenia was given a new government at the beginning of the corona-crisis in mid-March. After more than 100 days two deputy prime ministers, who are also the presidents of the two coalition parties, have been indicted. One minister has resigned, one passed an interpellation. The procurement of protective equipment was conducted by the government in such a way that it was evident how clumsy it was; how biased towards certain suppliers and that it overpaid for supplies. It was involved in many investigations due to these irregularities. The government and particularly the leading SDS party have further complicated their position by trying to influence the police, the prosecution and journalists, treating them as a privileged caste.

### *The government has used the Corona crisis to place its people in key positions*

The political front is visible in the media, on the street (weekly Friday demonstrations), in parliament, in the police, in the prosecutor's office and gradually in the courts and EU (some interventions by EU commissioners in government moves). This government has attracted many critics, opponents, and others working to get rid of it as soon as possible, in a period of just over a hundred days, though it began its mandate with the blessing of the majority of the public. The government has obviously used the corona crisis to place its people, mainly from the ranks of the SDS party, in key decision-making and control positions to wage war against critics and political opponents. It has also squandered state funds to buy support for coalition parties (allowances for students and pensioners; introduction of free transport for pensioners; additional subsidies to local communities).

### *Prime Minister Janša cannot hide his ambitions for authoritarianism*

Slovenia will again have to pay a high price for the third government of Janez Janša: dismantling systems, increasing deficits and public debt, increasing conflict and falling levels of political culture and democratic standards, as well as damaging its reputation among the international community, as it clearly adopts Orban's style of politics. Janša and the SDS party cannot hide their ambitions for what the public recognises as authoritarianism.

## Timeline

March 4	First case of COVID-19 infection in Slovenia confirmed.	June 1	Borders with Croatia opened to all citizens without restrictions.
March 7	Šarec government prohibits the gathering of more than 500 people outdoors and proposes that a maximum of 100 people can congregate indoors.	June 8	Schools opened to almost all pupils. SD announces interpellation of Minister of Home Affairs, Alojz Hojs.
March 12	Minister of Health of Šarec's government declares an epidemic due to the increased risk of spreading the new coronavirus.	June 15	Gatherings of up to 500 people allowed.
March 13	Janez Janša's new government of SDS, NSi, SMC and DESUS coalition formed.	June 24	Central State celebration on Statehood Day celebrates conservative values, while an alternative celebration organised by culture employees highlights urban values. Pro-government protestors dressed in yellow jackets try to prevent the alternative celebration and disrupt the speakers.
March 29	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.	June 28	Use of masks, once again, obligatory indoors; gatherings reduced from up to 500 to up to 50 people outdoors.
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.	June 30	Minister of Home Affairs, Alojz Hojs, resigns. General Director of the Police, Anton Travner, resigns. He was appointed to the position by the government at the first meeting in March.
April 28	The RCC Bishops' Conference announces that it will resume religious worship on May 4.	July 3	Demonstration in front of Parliament, as usual every Friday.
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 28	President of the Social Democrats, Dejan Židan, resigns.		

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# DEMOCRACY AND THE STATE OF EMERGENCY

## New Upsurge of 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, May, and June this fourth publication concludes the series.



The Corona crisis in South East Europe is not coming to an end, the epidemiological situation is getting even worse than before. After the number of daily new infections had been decreasing, some countries had already declared that the pandemic was over in their country. We had seen an easing of measures in all countries of the region, but now this trend has been reversed. The fight against the Corona pandemic is clearly back on the agenda. The re-introduction of repressive measures is met with strong resistance by the population and has led to violent clashes in Serbia.



There might have been a short moment of unity, but soon afterwards the fight against the Corona pandemic has been becoming a political battle inside the countries of the region. The traditional debates are reemerging. Political opponents are seen as enemies and not as competitors. Such a toxic polarization is preventing compromises across the political cleavages. This is a very dangerous development because it prevents the checks and balances of the democracies in the region from working and destroys the commitment to democratic norms and values. The Corona crisis has aggravated this situation in many countries in South East Europe.

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