

North Macedonia's Crisis Management Response to the COVID-19 Outbreak

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ABSTRACT

The Coronavirus - 19 (COVID-19) has had a tremendous impact on the world, as people struggle to fully understand the disease and respond effectively. North Macedonia also shares in this struggle and its Government has worked very hard to respond to COVID-19's effects on the country's citizens.

This report was conducted with the objective of examining the effects of COVID-19 on North Macedonia's ability to manage the crisis – all with the intent of being better prepared and more capable of managing a more effective response to any future crisis. It provides an initial assessment of key government and interorganizational institutions to gauge their capacity in order to adapt to and deal with future challenges caused by the COVID-19 pandemic. Our team took a comprehensive approach that included: an initial review/research of current documents (information gathering), a mapping of key stakeholders, review of existing protocols/plans, development of key questions, conducting interviews, analysis, and reporting out. Adoption of the recommendations could lead to a more proactive whole of government preparedness and response.

As much as the authors wanted to interview all relevant actors, it was not possible to do so. We experienced a number of limitations. Limitations imposed by time, availability of key stakeholders, and the need to keep both interviewers and interviewees safe, reduced our opportunities for interviews. However, enough relevant interviews did take place to allow us to present their findings with a high level of confidence.

EXECUTIVE SUMMARY

Background. In 2020, the world has been dealing with a global pandemic, the effects of which are yet to be fully known. Unto itself, this pandemic would and has presented a significant challenge to the governments, as they respond to the crisis. However, in North Macedonia, this was not the only crisis occurring. Simultaneously, the country was dealing with a severely unstable political and institutional situation, caused by the postponement of parliamentary elections, which led to the dissolution of the parliament and a technical government without a clear political mandate. Limited strategic plans and absence of legal frameworks to properly address the crisis compounded the current situation.

Purpose. With this as background, the National Democratic Institute (NDI) sought to conduct an initial assessment with the objective of examining the effects of COVID-19 on North Macedonia's ability to manage the crisis. This was done with the intention to assist North Macedonia's institutions to be better prepared and be more capable of managing a more effective response to any future crisis.

Methodology. Keeping safety and good health practices in mind, and with the limited availability of time, institutions, and key personnel, the authors were able to assess North Macedonia's preparedness and its response to the virus. Through research of existing documents and a number of robust interviews, the authors reviewed the political challenges, the state of play (crisis management response system) to identify pitfalls and opportunities.

The team conducted an initial assessment of key government and interorganizational institutions to gauge their ability/capacity to adapt to and deal with challenges caused by the COVID-19 pandemic. We assessed the strategic framework in which the crisis management response system has been built in North Macedonia as the first pillar. This also included an assessment of the existing institutional and legal environment, in addition to the coordination mechanisms for managing foreign assistance. This was essential, as the COVID-19 pandemic has caused the first major stress test for North Macedonia's crisis management system.

Because of the particularity of the situation the country has been faced with and the increasing citizens' demand for monitoring the work of the executive branch, the second pillar/segment is devoted to the work of the parliament, its oversight role and the supervision of the decisions made by the Government during the pandemic.

Finally, the third pillar examines how much the institutions respected the principles of legitimacy, transparency, and accountability through the lenses of stakeholder consultations, organization of work processes within and among state institutions, public procurement procedures, as well as communication with the public. In addition to analyzing legislation and gray literature produced by government agencies, academic institutions and non-state actors, the analysis relies on findings obtained through semi-structured interviews with representatives of state institutions, such as the Government, parliament, President's Office, and ministries.¹

Findings and Recommendations. Resulting from the research and the interviews conducted, the team came up with a number of key recommendations. The adoption of the proposed recommendations will lead to a more proactive whole of government preparedness and response.

1 For the list of interviews, please see Annex 1

1. CONTEXT

When the European Union (EU's) non-decision blocked the anticipated beginning of accession negotiations with North Macedonia in November 2019, the incumbent prime minister Zoran Zaev stepped down while promising new elections for spring 2020. Together with his government, Zaev had played at high stakes when negotiating (and finalizing) a name deal with his Greek counterpart Alexis Tsipras, concluding a long-standing dispute between the two countries in 2018, which had until then blocked North Macedonia's EU ambitions. While the resolution of this bilateral issue had been perceived as a necessary and pragmatic step by the authorities in Skopje, it had fueled a populist surge of sentiments among more conservative groups, ultimately further fissuring an already divided society. Concerning the societal atmosphere in early 2020, the country was fractured among political positions and party lines.

Politically, the ruling government-coalition of Social Democratic Union of Macedonia (SDSM) and the Democratic Union for Integration (DUI) had been working to evoke flaws in democratic structures and institutions; nonetheless, cases of high-level corruption continued to undermine and seriously hinder the deeply rooted distrust in the state institutions. Constructive dialogue between the main political groups was difficult, which obstructed the parliament from working effectively on many matters. This trend remained and intensified during the period when it became clear that elections would happen, with direct effects on the functioning of the technical government in a period when the parliament was dissolved. Furthermore, the political climate among decision-makers has been tense, and increasingly so after the government change. During the crisis, two important events took place: the long-awaited decision of the Council of the EU, endorsed by the European Council, for opening accession negotiations for membership of North Macedonia, and North Macedonia's inclusion into the North Atlantic Treaty Organization (NATO) as its 30th member.²

Additional factors were also at play. There was a trend of underfinancing and overburdening that was also visible in the country's health system. A 2019 World Health Organization (WHO) report noted a drastic shortage of doctors and nurses, fragmented and unclear structures, and a lack of accountability in the medical system overall, as well as a lack of binding standards to ensure a high quality of health services.³ Against this backdrop, quick and drastic measures against the spread of the COVID-19 seemed like a reasonable and pragmatic choice when the pandemic began to spread through Europe in early March. The initial preventive measures for the entire country were introduced on the 10 and 11 of March, whereas local quarantines targeting two specific municipalities, Debar and Centar Zhupa, were introduced on March 13, 2020.

2 Nechev, Z. (ed.) "Revitalizing North Macedonia's European perspective in 2020: what you need to know about changes, progress and challenges in EU accession policy", Konrad Adenauer Foundation (KAS) in the Republic of North Macedonia Institute for Democracy "Societas Civitas" – Skopje. Skopje, 2020. Available at: <https://idscs.org.mk/wp-content/uploads/2020/09/edited-volume-ENG.pdf>

3 "Primary health care organization, performance and quality in North Macedonia", World Health Organization, Regional Office for Europe. 2019. Available at: https://www.euro.who.int/_data/assets/pdf_file/0009/403020/MKD-PHC-report-160519.pdf

2. POLITICAL CHALLENGES

North Macedonia was administered by a technical government when the COVID-19 crisis expanded.⁴ With the task to organize the election, the technical government composed of Ministers and Deputy Ministers from the main opposition party was effective from January 3, 2020 in line with the national legislation. The elections were primarily scheduled for April 12, 2020 based on a common agreement by all political parties. The formation of technical government stemmed from the 2015 "Przino" political agreement, when the main political parties agreed that a caretaker government would be established 100 days ahead of election to ensure a fair vote and to remove doubts about ballot-rigging and political pressures. According to the Law on Government and its amendments from 2016, the opposition in the country proposes ministers and additional ministers in the technical government. The political party with the highest number of members of parliament (MPs) nominates individuals for the following positions:

- 1) Minister of Interior following a consultation process with the parliamentary majority;
- 2) Minister of Labor and Social Policy;
- 3) an additional Minister of Finance;
- 4) an additional Minister of Agriculture, Forestry and Water Economy; and
- 5) an additional Minister of Information Society and Administration.⁵

Because of its composition and different understanding of its role, the work of the technical government has been overshadowed by mutual dismissal between ministers of VMRO-DPMNE and SDSM and hardened positions, effectively challenging constructive cooperation.⁶ This had a direct effect on the decision-making process during the pandemic. Namely, the disagreements between the Finance Minister and the additional Minister from VMRO-DPMNE resulted in failure to sign a favorable agreement with the World Bank in the amount of 90 million EUR, intended for procurement of medical equipment, financing health insurance contributions for the unemployed and the vulnerable groups, and temporary support for the unemployed by providing cash benefits to those who lost their jobs during the crisis and others.⁷ An additional challenge was the extended mandate of the technical government, and the requirement to deal with a crisis for which it was not mandated by the law. Because of the COVID-19 crisis, the early parliamentary elections were postponed from April 12, 2020 to July 15, 2020.⁸

4 The interim government was effective since January 3, 2020

5 "Official Gazette" No. 59/00, 12/03, 55/05, 37/06, 115/07, 19/08, 82/08, 10/10, 51/11, 15/13, 139/14, 196/15 and 142/16

6 Political turmoil is documented in the 2020 IDSCS Parliamentary Elections Handbook available at https://idscs.org.mk/wp-content/uploads/2020/07/Priracnik_za_parlamentarni_izbori_2020_ENG.pdf

7 <https://www.slobodenpecat.mk/vladata-raspravashe-za-odblokiranje-na-potpishuvaneto-na-dogovorot-so-svetska-banka-od-90-milioni-evra/>

8 The holding of elections was stated by Prime Minister Zoran Zaev as necessary to take urgent measures to deal with the COVID-19 crisis. Following the elections held in July, the distribution of forces in Parliament remains a challenge. The pace of action also depends on decisions adopted in parliament and the government now remains to have a narrow majority which makes it difficult to speed up the process of taking urgent action.

In accordance with the Przino Agreement and the pre-election regulations, the Parliament had been dissolved on February 16 February – eight weeks before the planned election date. As a consequence, the Parliament could not perform its constitutional duty according to Article 125, and declare a state of emergency on a proposal by the President of the Republic, the Government or by at least 30 Representatives.⁹ In addition, the Parliament was unable to contribute to the decision-making process during the crisis nor perform its oversight role. This, according to many of the interviewees, was the single most problematic issue during the crisis. According to the same article in the Constitution of North Macedonia, “if the Parliament cannot meet, the decision to establish the existence of a state of emergency is made by the President of the Republic, who submits it to the Parliament for confirmation as soon as it can meet”.¹⁰ It was the President of the Parliament’s view that the Parliament could not reconvene.^{11,12} Not everyone agreed with him. There were experts^{13,14} and think tanks¹⁵ that were arguing for the Parliament to reconvene in order to deal with the COVID-19 crisis and effectively conduct its constitutional role of overseeing the work of the Government. There was also an initiative by some MPs at that time to re-convene parliamentary sessions in order to approve the state of emergency. This attempt ultimately failed, because of the lack of support by VMRO-DPMNE and DUI, and without the submission of a request by the abovementioned MPs from SDSM, as well as by the Parliament’s President Talat Xhaferi (DUI).¹⁶ However, despite the given right, none of the indicated actors submitted a request for convening a session, leaving the decision in the hands of the President of Parliament. According to the Parliament’s Rules of Procedure, only the President of the Parliament can reach this decision.¹⁷

The Constitution is clear in this kind of situation. If the Parliament could not be in session and decide, the decision to declare the state of emergency lies with the President of the Republic. However, because there was no such situation in the past, and it was difficult to determine if the President of the Parliament was interpreting the Constitution in a proper manner, the cabinet of the President needed to create or develop a procedure to locate this specific competence in the hand of the President of the Republic.¹⁸ Following consultation with the other branches of power, it was decided to do the following: the Government would send a request for emergency situation to the parliament; the parliament would reply that it was dissolved and could not reach a decision, thus, legally transferring the request from the technical Government to declare state of emergency to the President.¹⁹ It is important to mention that the members of the parliament were still receiving their salaries, regardless of the fact that they were in recess and despite multiple calls to justify their position by the citizens.

9 Constitution of the Republic of North Macedonia, article 122 - The decision to establish the existence of a state of emergency is made by a two-thirds majority vote of the total number of Representatives and can remain in force for a maximum of 30 days.

10 *Ibid.*

11 Statement by the President of the Parliament. During the interviews, there were a number of opinions that legally questioned the decision of the President not to reconvene the Parliament.

12 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf

13 <https://fokus.mk/fokus-express/denis-preshova-pravnitsite-ne-se-krojachi-na-pravoto-po-potreba-na-politicharite/>

14 Macedonian Academy of Sciences and Arts: “Legal aspects of the state of emergency” May 2020. Available at: http://manu.edu.mk/wp-content/uploads/2020/06/Lektor-2-Анализа_правните_аспекти_на_вонредната_состојба_МАНУ_04.05.2020_финална-1.pdf

15 <https://idsos.org.mk/wp-content/uploads/2020/05/ned-memo-16-2020-mk.pdf>

16 <https://www.slobodnaevropa.mk/a/kورونا-собрание-избори/30570904.html>

17 According to the Parliament’s Rules of Procedure, article 67, paragraph 2, the Speaker may convene a session upon the request of the President of the Republic, the Prime Minister or at least 20 Members of Parliament. For more information please see: https://www.sobranie.mk/rules-procedures-of-the-assembly-ns_article-rules-of-procedure-of-the-assembly-of-the-republic-of-macedonia.nspix

18 Interview with members of the Cabinet of the President of the Republic of North Macedonia

19 Interview with members of the Cabinet of the President of the Republic of North Macedonia

In addition to the Parliament, oversight on the work of the Government may be conducted also by other institutions and independent bodies such as the Constitutional court, the Ombudsman, State Commission for Prevention of Corruption as well as instances from the regular judiciary. Each of these institutions has a role to play and protect citizens' interest from different angles.

On March 18, 2020, the President of North Macedonia, Stevo Pendarovski signed the Decree for the state of emergency across the whole country, which enabled the technical government to rule by decrees.²⁰ Prior to this decision, the President managed to secure wide political consensus on the decision, including the indefinite postponement of the elections, during a leadership meeting with his cabinet. The meeting was attended by the highest political leadership of the main parliamentary political parties including the President of the Parliament, Talat Xhaferi and Prime Minister Oliver Spasovski.²¹ The consensus over the Decree and all the other legal, constitutional and political aspects deriving from it, were discussed by experts in law and constitutional law proposed by the attendees at the previously held leadership meeting.²² Based on these consultations and the reached consensus among the political parties, the decision to declare a state of emergency was taken for the period of 30 days, as requested by the Government and in accordance with the Constitution. Soon after, decisive restrictive measures to contain the pandemic, including curfews, limitation of non-essential movements, closure of borders and air traffic and others, were introduced. On June 15, 2020, President Pendarovski declared the fifth state of emergency. This Decree was different from the previous four,²³ due to the fact that it lasted eight days, in order to comply with the agreed upon dates among political parties for the start of electoral deadlines.²⁴ Re-declaring a state of emergency remained a challenge for the President each time because of a Constitutional provision that only recognizes that a state of emergency can last for a maximum of 30-days. In a situation when the Parliament is dissolved, and there is no Constitutional basis for extending the previous decision for a state of emergency, the President needed to make a new decision on the state of emergency based on a “new reasoned proposal from the Government”.²⁵

20 <https://pretsedatel.mk/en/decreed-for-state-of-emergency-addressing-remarks-by-president-pendarovski/>

21 <https://pretsedatel.mk/en/leadership-meeting-at-president-pendarovski-joint-consensus-on-election-postponement/>

22 <https://pretsedatel.mk/en/meeting-of-law-and-constitutional-law-experts-in-the-cabinet-of-the-president-of-the-republic-of-north-macedonia-stevo-pendarovski/>

23 Four of the decisions for determining the existence of a state of emergency provided that “the existence of a state of emergency is established...in order to provide protection and deal with the consequences of the spread of COVID-19.” However, the fifth decision established that “the existence of a state of emergency is established...in order to enable preparation and conduct of early parliamentary elections, with measures for protection of public health in conditions of a COVID-19 pandemic.”

24 <https://pretsedatel.mk/en/new-eight-day-state-of-emergency-declared/>

25 <https://pretsedatel.mk/en/president-pendarovski-it-is-necessary-to-re-declare-a-state-of-emergency/>

3. STATE OF PLAY (CRISIS MANAGEMENT RESPONSE SYSTEM)

The Constitution of North Macedonia²⁶ defines a “state of war” and a “state of emergency”, but not a “state of crisis.” However, determining the state of crisis and the crisis management system is established with the Law on Crisis Management.²⁷

A state of emergency is said to exist when a major natural disaster or an epidemic occurs. The determination is made by the Parliament on a proposal by the President of the Republic, the Government or by at least 30 MPs. If the Parliament can’t meet, the decision to establish the existence of a state of emergency is made by the President of the Republic, who submits it to the Parliament for confirmation as soon as it can meet.

During a state of emergency, the Government gains legislative power i.e. issues decrees with the force of law. This is the most effective and efficient mechanism to make decisions. The authorization of the Government to issue decrees with the force of law lasts until the termination of the state of war or emergency, on which the Parliament decides.

The legal framework for a state of emergency is very limited, as there is no special law regulating the issue. Consequently, no secondary legislation determining the roles and responsibilities of various institutions exist during the state of emergency.

The crisis management system and the accompanying institutional set up when a **crisis situation** is determined is much more complicated. The crisis management system is regulated by the Law on Crisis Management. The law stipulates that it shall be organized and conducted to provide prevention and early warning in managing crises that represent a risk to the goods, health and the lives of the people and animals and that are the result of natural disasters and epidemics or other risks and dangers and that directly jeopardize the constitutional order and the security of the Republic of North Macedonia or a part of it, where the conditions for declaring a state of war or state of emergency shall not exist.

The 2005 Law on Crisis Management introduced the establishment of:

- Steering Committee - a governmental body for coordination and management of the crisis management system (full composition in Annex 2)
- Assessment Group - a governmental body performing constant assessment of the risks and dangers to the security of the Republic and proposing measures and activities for their prevention, early warning and handling a crisis situation.
- Crisis Management Center (CMC) - an independent state administrative body providing continuity in the inter-departmental and international cooperation, consultations and coordination of the crisis management; preparation and assessment of unified assessment of the risks and dangers; proposing measures, and providing overall support to the Steering Committee and the Assessment Group. Regional crisis management centers were also established.

The municipalities and the City of Skopje are specifically mentioned as having a responsibility to perform an assessment of the risks and dangers at the local level, to recognize the needs and plan the resources, for the purpose of efficient prevention and early warning from a potential state of crisis.²⁸

26 https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix

27 Official Gazette of the Republic of Macedonia, no. 29/05, 36/11, 41/14, 104/15 and 39/16

28 Law on Law on Crisis Management, Official Gazette no. 29/05, 36/11, 41/14 and 104/15. Article 5

A **crisis situation** at either the national or subnational level is determined by the Government, based on a proposal from the Steering Committee. In such a situation, the main coordination role belongs to the CMC. Within the CMC, a headquarters shall be formed, as an operational and professional body that handles the activities for the prevention and management of crisis situations, headed by the Director of the Center. Likewise, within the regional centers, regional headquarters shall be formed.

Additionally, a crisis situation provides the legal base for the Army to participate in support of the police. The President shall decide upon a proposal from the Government, allowing for the participation of a part of the Army in handling the crisis situation. Moreover, the protection and rescue forces, formed pursuant to the Law on Protection and Rescue Operations, shall also participate in a crisis situation.

In this context, it should be mentioned that the country has established a **protection and rescue system**, regulated by the Law on Protection and Rescue.²⁹ The Law refers to the protection and rescue of people and material goods against natural and technological disasters in peacetime, a state of emergency, or war. The law describes an interlinked system of planning, financing, coordinating, mitigating consequences, preparing and responding to natural and technological disasters. It specifically mentions epidemics as infectious diseases. The law also regulates the division of responsibilities in accordance with the provisions in the Local Self-government Law, which further gives responsibilities and obligations for protection and rescue to the municipalities.

Another institution responsible for implementation of the activities for protection and rescue is the **Directorate for Protection and Rescue**, as an independent body. The Government appoints the Head of the Directorate. This institution has the responsibility to prepare a plan for the protection and rescue for natural and technological disasters and to prepare a threat assessment and a national plan for rescue and protection from natural and other accidents (adopted by the Government). Moreover, within the Government's Office, there is a National Coordinator for Disaster Risk Reduction.

The role of the health sector institutions is guided by the Law on Public Health,³⁰ Law on Protection from Infectious Diseases, International Health Regulations and the Sendai Framework (2015-2030). With the absence of existing formal structures to coordinate the work of state institutions during the state of emergency, on its 19 session, conducted on March 14, 2020, the Government created the **Coordination Crisis Headquarters (CCHQ)**. It would have responsibilities for the complete coordination of the state administration bodies, legal entities established by the state, the self-government units, in relation to prevention, transmission and spread of the coronavirus or COVID-19. This was led by the President of the Government of North Macedonia, with the aim of coordinating the entirety of the process. The administrative-technical support was provided by the Secretariat General of the Government.

This body is comprised of: all the deputies of the President of the Government, Minister of Health, Minister of Defense, Minister of Internal Affairs, Minister of Transport and Communications, Minister of Finance, Minister of Education and Sciences, Minister of Foreign Affairs, Director of the Centre for Crisis Management, and Director of the Directorate for Protection and Rescue. Other representatives of state institutions and public administration can also be included in the work of the CCHQ.

29 Official Gazette of the Republic of Macedonia no. 36/04, 49/04, 86/08, 124/10, 41/14, 129/15, 71/16, 106/16.
Available at: https://www.dzs.gov.mk/public/storage1/files/zakon_2.pdf

30 Article 6, paragraph 10 outlines the preparation for and management of a public-health emergency. Official Gazette of the Republic of Macedonia, no. 22/10, 136/11, 149/15 and 37/16

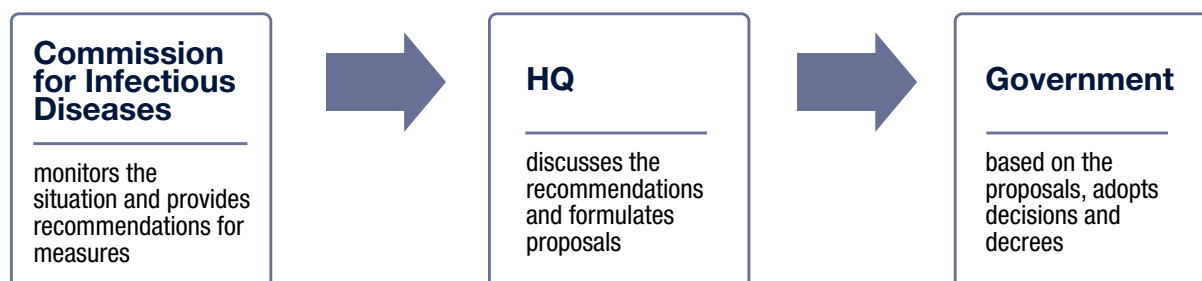
The CCHQ has the following mandate:³¹

- preparation of conclusions, measures and recommendations to the state administration bodies, local self-government units and other institutions regarding coordination and implementation of their legally prescribed competences, based on received reports, minutes and proposals from these institutions;
- proposing conclusions, measures, activities and proposals;
- monitoring the dynamic of realization and implementation of the conclusions, measures and recommendations adopted by the Government;
- providing guidelines to the institutions in order to achieve better coordination, organization, implementation, and operationalization of the measures, activities and recommendations.

During the state of emergency, the CCHQ met daily, every morning at 09:30am, immediately after the meeting of the Commission for Infectious Diseases that met at 08:30. The CCHQ would normally discuss the situation covering the previous 24 hours, review the recommendations of the Commission for Infectious Diseases, and review proposals and requests from other legal entities. Based on these proposals, the Government would adopt decisions and decrees with legislative force at the session of the Government conducted later that day.³²

The most prominent role during the COVID-19 pandemic was given to the Commission for Infectious Diseases. This is an advisory body formed by the Minister of Health,³³ that gives proposals and recommendations to the Minister. These recommendations have been leading the Government's response to the pandemic, during the state of emergency and even after the formulation of a new Government.

Decision-making process during COVID-19



After the parliamentary elections, the new Government formally established a new CCHQ in its first session conducted on September 1, 2020, with a similar composition, and leadership thus providing continuity during the response. However, the CCHQ now only meets weekly. With Dr. Venko Filipce remaining in the same position as Health Minister, there have been no changes in the approach of the Ministry of Health and the work of the Commission on Infectious Diseases. Furthermore, as the Government no longer maintains legislative power, any new recommendations or measures that require legislative changes would go through the normal procedural processes of the Parliament.

31 Government of the Republic of North Macedonia: Decision on Establishing Coordination Crisis Headquarters, 14.03.2020. Available at: <https://koronavirus.gov.mk/wp-content/uploads/2020/05/Одлука-формирање-кризен-штаб.pdf>

32 Interviews with several stakeholders from the Government and other institutions

33 Law on Protection of the Population from Infectious Diseases, Article 59

4. DETECTED PITFALLS AND OPPORTUNITIES

The following section looks into the major pitfalls of the functioning of the national crisis management system and the institutional response to the COVID-19 pandemic. Using an issue, discussion and recommendation format, the authors of this Report deemed it important to elaborate on the details for the detected challenges in three segments, which are essential for nurturing a resilient democratic system and strengthening the trust in institutions. The first pillar refers to the strategic and institutional framework, which determines the crisis management system in North Macedonia and its implementation while responding to COVID-19. Next, we focus on the work of the Parliament as the cornerstone of parliamentary democracy, with special focus on its oversight function. Finally, the report looks into the crisis management response from the aspect of legitimacy, transparency, and accountability. Each segment of the analysis is followed by direct and applicable recommendations to the stakeholder, aiming to represent a contribution towards building a resilient democratic system and strengthening the trust in institutions in times of a crisis.

4.1. Crisis Management System Fit for the 21st Century?

4.1.1. Strategic Framework

The risk or threat of a global pandemic is not mentioned in any strategic document at the national level. Still, several strategic documents at the national or institutional levels mention the risk of a national-level epidemic. However, there is a lack of an overarching current and comprehensive national strategy that would integrate the risk of a pandemic and an epidemic among a wider list of national security risks. This would serve as the basis for developing a whole-of-government approach.

The National Concept for Security and Defense,³⁴ adopted by the Parliament in 2003, used to be the essential strategic document for national security. The Concept defines the national interests, provides an analysis of the general security environment (including risks, threats and opportunities), and sets the goals and guidelines for the national security and defense policy. However, there are no considerations for the risks to public health in this document.

This Concept envisages that the Government shall further develop and adopt an integrated National Security Strategy “as soon as possible”. The Government adopted such a document in 2008, but it is not publicly available. Moreover, the fact that the obligation to adopt a National Security Strategy was not prescribed by law, but was requested by another strategic document, did not impose a clear procedure and legal responsibility for the Government to update and monitor the implementation of such a strategy. Nevertheless, in February 2020, the Law on Defense was amended³⁵ and introduced the obligation for adopting a National Security Strategy. The Strategy shall be proposed by the Government³⁶ and adopted by the Parliament.³⁷

34 Available at: http://www.mod.gov.mk/?attachment_id=39383&lang=mk

35 Law amending the Law on Defense, Official Gazette of the Republic of North Macedonia no.42/2020

36 Article 19, paragraph 3-a

37 Article 17, paragraph 8

The strategic documents referring to defense have been better developed and regularly updated, especially following the preparations for the NATO membership. The Strategic Defense Review 2018³⁸ is a Ministry of Defense strategic document that provides guidance for the future development of continued transformation of Defense in light of NATO Membership for the country. It includes an assessment of the threats, risks and challenges to national security, where “Natural and man-made disasters, epidemics and climate change” are assessed to be “indirect threats that are difficult to predict, but which may cause a significant burden to security and other state institutions.” The risk/threat level was assessed to be medium in the short (up to 1 year) and medium (up to 5 years) terms, and high in the long (up to 10 years) term. The document envisages support from the Ministry of Defense to the Ministry of Interior (Moi) in dealing with security threats and risks, as well as support for other national and local authorities and citizens, when dealing with crises, including large-scale epidemics.

An Assessment³⁹ of the jeopardy to the security of the Republic from all risks and dangers is an obligation stemming from the Law on Crisis Management.⁴⁰ The document shall be adopted by the Government, after being prepared by the Center for Crisis Management. The document is meant to integrate the assessments of all competent state bodies, on risks and dangers within their competence. The aim is to enable planned, timely, efficient and coordinated decision-making, guidelines, and necessary measures and activities within the crisis management system on the national and local levels. However, this document is not publicly available. The law also provides an obligation for the municipalities and the City of Skopje to adopt their own assessments. However, there are no deadlines for the institutions to adopt these documents, nor the obligation for their regular update.

The National Strategy for Protection and Rescue⁴¹ is adopted by the Parliament in line with the Law on Protection and Rescue. The Strategy outlines the measures for protection and rescue against natural and other disasters, including measures for radiological, chemical and biological protection (including protection from epidemics). This strategy also follows a risk assessment, but there is a blurred and unclear line between the methodology and purpose of the documents developed in line with the Law on Crisis Management and the Law on Protection and Rescue.

The Government Program is a political document setting out the 4-year governance framework, endorsed by the Parliament. Based on the Program, each ministry develops a 3-year strategic plan, which is updated annually. These documents review the results achieved by the ministry in the previous year and reaffirm the mission, vision, working principles and priorities for the 3-year period that follows.

38 Ministry of Defense: Strategic Defense Review 2018 of the Republic of Macedonia: Towards NATO Membership and Future Force 2028, June 2018. Available at: <http://mom.gov.mk/wp-content/uploads/2018/07/SDR-Paper-dated-05-July-2018.pdf>

39 The Methodology for Preparation of the Assessment, its contents, structure, manner of keeping and updating, as well as determining the entities in the crisis management system that will receive a full or extract of the Assessment shall be prescribed by a decree of the Government. Available at: <http://www.slvesnik.com.mk/Issues/9247419420625140885F81B2924945A6.pdf>

40 Article 45

41 National Strategy for Protection and Rescue, Official Gazette of the Republic of Macedonia no.6/2014, available at: https://ukimmkmy.sharepoint.com/:b/g/personal/ikt_pt_ukim_edu_mk/EYORiae61rtGj8an9hqjyYB5bd6Cm_FPuS5WBVf0PGXXA?e=EQuvAJ

Recommendation: The Government should prepare, and the Parliament must adopt a comprehensive National Security Strategy as required by the latest amendments to the Law on Defense from February 2020. Furthermore, the strategy must be developed through a process that is participatory and transparent and involves relevant stakeholders at each phase. In this sense, the document should move from the traditional understanding of security and security threats and risks, and consider a comprehensive overview of national security risks, such as the risk of a global pandemic. The new strategy should be based on a risk assessment and followed by an action plan for building resilience against various security threats. The action plan should identify clear roles and responsibilities for each institution and include a listing of the necessary bylaws to be adopted by the institutions. It is also critical that there is a mechanism to monitor and report on the implementation of the National Security Strategy. Here Parliament and especially the Committee on Security and Defense must play a crucial role in providing oversight. Other committees should also consider specific risks within their area of competence. For instance, in a case of pandemic, the Committee on Health Care and the Committee on Economy should assume a more active role.

4.1.2. Legislative and Institutional Framework

The area of crisis management is not completely regulated by law and may not have gotten the appropriate amount of attention. Research indicated that institutions were not prepared to manage a potential crisis. Plans that were available were either outdated or ad hoc. Without a designated/announced lead for COVID-19 management, institutions found themselves in a reactive posture. The lone exception to this was the Ministry of Health, which was following the guidelines outlined by the World Health Organization.

The lack of a legal framework for a state of emergency resulted in many practical challenges and inconsistencies in practice. Starting with the determination of a state of emergency, and the (in)ability of the Parliament to convene, there was a clash of opinions and interpretations of the constitutional provisions across legal professionals, politicians, and representatives of the various branches of power. Furthermore, according to the Constitution, the state of emergency can remain into force for a maximum of 30 days. This has already been noted as an inconsistency, as there have been five decisions on declaring a state of emergency, equaling to more than three months in total.⁴² Still, one justification is that each state of emergency referred to a different factual state and therefore should be considered separately. Moreover, the Constitutional provision that the Parliament shall confirm the decision on establishing a state of emergency “as soon as it can meet” is once again under question. As the new parliamentary composition is yet to consider and confirm the previous decisions of the President, there has been reluctance from the opposition to do so. The main argument of the opposition is that the Government has allegedly misused the state of emergency for political purposes. Conversely, all five decisions on establishing a state of emergency have already been unsuccessfully challenged in front of the Constitutional Court. During the interviews, there were diverse opinions on each of these questions, which once again emphasizes the vagueness of the current provisions and the need to adopt a comprehensive legal framework.

⁴² The first two decisions referred to declaring a state of emergency for 30 days, the third and the fourth decision established a timeframe of 14 days each, while the last (fifth) decision established a state of emergency for 8 days.

Regarding the practical challenges during the state of emergency, the lack of an institutional framework resulted in creating an ad-hoc Crisis Coordination Headquarters, based on the provision from the Law on the Government enabling it to establish “professional and other services for its needs and joint services for the needs of the Government and the ministries and other bodies of the state administration.”⁴³ The decision on the CCHQ contains only a provision on the regularity of meetings (at least weekly), without any further regulation of its work and decision-making process. In practice, the CCHQ was meeting daily during the state of emergency. Perceptions of this body were predominantly positive among the interviewees, highlighting the interdisciplinary nature and the importance of timely coordination among the most relevant institutions. Still, a particular challenge represents monitoring of the implementation of the measures, as they depend on the capacities of other entities, political will, and especially capacities and willingness of the police and the inspectorate to enforce the measures.

Furthermore, looking into the national crisis management system that has been established with the aim of early detection, coordination and responding to crisis (including to a large-scale epidemic), one might conclude that unfortunately, the system did not pass the stress test.

During the interviews, it was established that there was certain dualism and overlap of responsibilities between the Crisis Management Center and the Directorate for Protection and Rescue. Moreover, there were mixed opinions and perceptions regarding the efficacy and capacities of these institutions. While several interlocutors stated that the crisis management system responded well at the early stages of the pandemic, when a crisis situation was established in the municipalities of Debar and Centar Zhupa, the majority was of the opinion that the established system cannot respond to a national level crisis. The Crisis Management Center has 285 employees,⁴⁴ while the Directorate for Protection and Rescue has 278 employees,⁴⁵ which comes down to a total number of 563 employees responsible for crisis management and civilian protection. In 2017, the Government appointed a National Coordinator for Disaster Risk Reduction, however, with no clear or visible coordination role between the two institutions.

In September 2019, the Government adopted the document “National Platform for Disaster Risk Reduction” as a “sublimate of the priorities, expectations, and obligations that are in function of building an effective and efficient protection and rescue system.” The document proposes systemic reforms, based on the observations and assessments that there is “dualism, rivalry and lack of coordination” of the main actors in times of crisis. Furthermore, it assesses that the current crisis management system does not enable synchronized operation of the two independent institutions, while the main practical challenges refer to misunderstanding of responsibilities. The National Platform proposes preparation of a new legal solution that would generate a single responsible institution and would generate a unified system of crisis management, protection and rescue, and would integrate the available capacities and resources at all administrative levels. Important elements of the systems include clear hierarchy and unique command - coordination headquarters, and more clear responsibilities for the stakeholders on regional and local level.

43 Law on the Government, Official Gazette of the Republic of North Macedonia no. 59/00, 12/03, 55/05, 37/06, 115/07, 19/08, 82/08, 10/10, 51/11, 15/13, 139/14, 196/15, 142/16, 140/18, 98/19. Article 36, paragraph 3

44 Budget of the Republic of North Macedonia 2020: https://finance.gov.mk/files/Budget_na_RSM_2020.pdf

45 *Ibid.*

“The Protection & Rescue Directorate (PRD) and the Crisis Management Center (CMC) have organisational roles in aspects of DRM and risk reduction policy. Both describe a role in **risk assessment**, although they do not agree on the extent of each other’s responsibilities. The PRD considers itself as having the leading role in **assessing capability needs and gaps** to manage risks, but claims information is not provided by the CMC to allow them to fulfil this function effectively. Both organisations have roles in **crisis management**, with the PRD being responsible for coordination and leadership for natural hazards, and the CMC taking a leading role in coordination and leadership for national security threats or for natural hazards where the response is greater than can be led by the PRD. In practice, these crisis management roles are unclear and quickly become blurred. The CMC appears to have a role in **disaster recovery**, although this was not an area the peer review team was able to gather significant evidence. On **early warning**, the CMC runs a national monitoring system and has responsibility for public alerting, but both the CMC and the PRD appear to have uncoordinated media engagement, extending to issuing of warnings to the public. The peer review team did not see significant evidence of either the PRD or the CMC playing a role in influencing wider public policy decision-making to deliver **risk reduction measures**.”

Peer Review: The Republic of North Macedonia 2018

2018-2019 Programme for peer reviews in the framework of EU cooperation on civil protection and disaster risk management

To assist in crisis management, the Government has adopted Standard Operational Procedures (SOP), encompassing several areas.⁴⁶ Those procedures include protocols and procedures for data collection, management, analysis and dissemination pertaining to risk assessment and emergency preparedness planning in a situation of a declared crisis situation. According to this document the Ministry of Health is given an important role in the case of an epidemic; however, all activities should be carried out in cooperation with the CMC. The SOPs do not seem to have been considered during the COVID-19 response. There was little awareness of their existence among some of the interviewees, while some skepticism regarding their applicability and practical use was also noted.

Finally, we were not able to identify any secondary legislation adopted by a certain institution that would provide guidelines for operating in a situation of crisis or an emergency.

The Ministry of Health has adopted a “Preparedness and Response Plan on the Health Care System when Coping with Emergencies, Crises and Disasters” (2017).⁴⁷ This document is adopted to ensure intersectoral cooperation and participation of all line institutions related to the competences of the health care system regarding:

- timely planning and taking of operational measures by the health care system in responding to emergencies, crises and disasters;
- speedy and timely reporting;
- continuous communication and cooperation;
- upgrades to the health care system;
- connection of the protection and rescue system and the crisis management system.

46 Available at: <http://cuk.gov.mk/files/Standardni%20operativni%20proceduri%20B5%20eng.pdf>

47 The document is available at: http://iph.mk/wp-content/uploads/2018/08/HealthSystem_Preparedness_ResponsePlan_Crises_Emergencies.pdf

The Public Health Institute coordinates the activities between the public health centers and the Ministry of Health in the case of public-health necessity and emergency and the occurrence of a public-health extraordinary event. This institution is also the national focal point for the 2005 International Health Regulations. The Public Health Institute conducts health and environmental risk assessment regarding various issues, including communicable and non-communicable diseases.

During the interviews, it was mentioned that the plan has been helpful in general; however, it seems that the Ministry relies more on the human resources of capable and experienced individuals than on a written plan of action. The plan states that the Minister of Health appoint a National Coordinator for Health-Care Disaster Response,⁴⁸ as a separate body preparing the health care for response and operation in emergencies, crises and disasters as well as a National Coordinator for Sexual and Reproductive Health during Health-Care Disaster Response. In practice, only the latter has been made functional.⁴⁹

The lack of available guidelines and other bylaws led to *ad hoc* decisions, based on the best knowledge and understanding of the people in decision-making positions. The Ministry of Interior formed a main coordination body composed of the top management within the Ministry, which proved to be especially relevant taking into consideration the complexity of the decision-making process of this particular ministry as a part of the technical government. Additionally, there was a coordination body for coordinating the work between the police and the Army, which has also been assessed as a positive example.

In August 2020, an Epidemics and Public Health Emergency Operations Center opened in North Macedonia. The center is meant to provide centralized, real-time information, monitoring and reporting, and advice on the response to public health events and emergencies. Bringing together epidemiological expertise from the Institute of Public Health, it will offer digital solutions for an early-warning system to report and detect disease and public health events in a timely way. Ultimately, the Center will improve surveillance and coordination among epidemiologists, laboratory staff and public health experts across the ten other public health centers and 21 units in North Macedonia. WHO is assisting in operationalizing the Center and providing technical guidance, and a WHO public health expert will be embedded in the national team.⁵⁰ According to WHO, “a Joint External Evaluation of North Macedonia’s health emergency preparedness and response capacity recommended the establishment of an emergency operations center.” This newly created body is supposed to contribute to building a national health emergency response framework and fulfilling the International Health Regulations (2005).

48 In line with the Law on the Organization and Operation of the State Administration Bodies (Official Gazette of the Republic of Macedonia, no. 58/00, 44/02, 82/08, 167/10 and 51/11), Article 5.

49 Please see: <https://srzvokrizi.mk>. Also: Terms of Reference for National Coordinator for Sexual and Reproductive Health during Health-Care Disaster Response, available at: <https://srzvokrizi.mk/wp-content/uploads/2018/12/TOR-Национален-координатор-за-СРЗ-во-кризи.pdf>

50 “Epidemics and Public Health Emergency Operations Centre opens in North Macedonia”, WHO News, 07.08.2020. Available at: <https://www.euro.who.int/en/countries/north-macedonia/news/news/2021/8/epidemics-and-public-health-emergency-operations-centre-opens-in-north-macedonia>

Recommendation: To enable government institutions to be better prepared for meeting the challenges imposed by future risks, a Law on State of Emergency should be developed in a transparent and participatory manner, taking into consideration the recent experience and lessons learned. The state of emergency law should enable an all-of-government approach, including scaling up emergency response mechanisms in all sectors. The Law should address the following issues:

- clear procedure for declaring and extending of a state of emergency;
- roles and responsibility of each branch of power;
- roles and responsibilities of local self-government units;
- decision-making process and coordination;
- stakeholder consultations;
- oversight and control.

Additionally, the crisis management system should be reformed in line with the conclusions and recommendations outlined in the National Platform for Disaster Risk Reduction. It should especially address the shortcomings identified in the 2018 Peer Review within the Program for Peer Review in the framework of EU cooperation on civil protection and disaster risk management. The document suggests merging the PRD and the CMC to form one Civil Protection Directorate that would become part of the Ministry of Interior. This Directorate will have two pillars: Operations (formerly PRD) and Strategy (formerly CMC), headed by a Deputy Director and reporting to the Director of Civil Protection. At the regional level, it is recommended that there should be one Civil Protection Office in each of the eight regions. This proposed model should be subject to public debate.

In the short to medium term, it can be expected that institutional reforms would not be initiated in the midst of a crisis, when the stakeholders are expected to be fully focused on monitoring and managing the situation daily. Therefore, there should be significant efforts to strengthen the cooperation and coordination between the institutions, especially at the local and regional level.

The Government should name an organization that will lead the crisis management preparedness and response and be responsible for publishing, updating and ensuring all supporting plans are kept current. Institutions would be required to submit their plans to the identified national level management entity. Plans would be reviewed annually or as desired and would be rehearsed not less than annually.

Timely coordination and fast exchange of information has been identified as one of the key aspects of crisis management. This refers to the work of CCHQ, but also the coordinative bodies within the Ministry of Interior and the coordinative body between the Ministry of Interior and the Ministry of Defense. Such bodies should include the key individuals with decision making powers in order to work effectively. This is a positive practice that should be adopted into the relevant written operating procedures.

Included in the law should be the identification of a single entity for the coordination of the crisis response. The operational and other aspects of this lead organization should be developed based on the CCHQ experience and should be included but limited to:

- composition of the body. The law should prescribe the core members of the body, and additional members depending on the type of crisis/emergency (such as epidemic, earthquake, terrorist attack etc.).
- roles and responsibilities
- decision-making
- monitoring.

4.1.3. Coordinated Foreign Assistance

One of the core competences of the Secretariat for European Affairs is to coordinate the foreign assistance provided by the European Union and its Member States and of other foreign assistance intended for the reforms complementary to the EU accession process.⁵¹ As such, it was logical for the Secretariat to continue doing its primary duties during the pandemic. However, the Government felt the need to confirm the Secretariat's role with a conclusion from the 23rd session held on March 19, 2020.⁵² According to this, the Secretariat should establish a working group for coordination at the technical level and to detect, systematize and prioritize all needs for goods, services and financial means to deal with the consequences of COVID-19 crisis. This information needed to be shared with all the embassies in the country, international organizations and potential donors in order to effectively manage the assistance. Regardless of this “newly” established system of coordination of foreign aid, the communication and direct assistance in terms of both human and technical nature between the donors/embassies and state institutions continued to happen. Due to the lack of established protocols, many state institutions from one side, and foreign embassies and international donors from the other, relied on their personal connections and contacts to request, receive and disburse assistance.

Aware of this and the need to have a coordinated approach in identifying and redirecting available bilateral assistance for COVID-19 prevention activities, the Government instructed all public administration bodies receiving assistance from bilateral donors to inform the Secretariat about the amount and type of assistance.⁵³ Furthermore, and as needed, the Secretary of State at the Secretariat submitted a formal request to the bilateral donors to reallocate the existing funds for dealing with COVID-19, in accordance with the identified priority needs.⁵⁴

51 SEA Website. Available at: <https://www.sep.gov.mk/en/page/?id=12#.X61bNFNKiu4>

52 Available at: <https://vlada.mk/file/48782/download?token=xhPELoH5>

53 Minutes of the 29th session of the Government of the Republic of North Macedonia, conducted on 26.03.2020. Available at: https://vlada.mk/file/48780/download?token=U1_ijdfd

54 *Ibid.*

Recommendation: North Macedonia needs to incorporate the coordination of foreign assistance in the crisis management response system with appropriate procedures and operating standards and the Secretariat for European Affairs should play a key role in this. The COVID-19 crisis has shown that the limited capacities and resources the state has needs to be efficiently and diligently used. North Macedonia is increasingly aligning itself with EU policies and integrating on various levels with the Union’s mechanisms and instruments such as the Health Security Committee, Joint Procurement Agreements, Union Civil Protection Mechanism, Solidarity Fund, consular assistance in repatriation or exemption from temporary EU export restrictions of medical equipment. In addition, the country is already a NATO member that can make full use of NATO resources and mechanisms such as the Euro-Atlantic Disaster Response Coordination Centre.

4.2. Oversight of the Executive

4.2.1. Supervision of the Executive (Decrees with Legislative Force)

During a state of emergency, the Government assumes legislative power and adopts decrees with legislative force. When laws are adopted in a regular procedure by the Parliament, there is an opportunity for a discussion with the opposition, which has various tools at its disposal in order to challenge/improve the proposed legislation. The President can use the power of veto and decline to sign certain laws. However, none of these mechanisms exist in a state of emergency.

During the period from 18 March 2020 to 22 June 2020, the Government adopted 250 decrees with legislative force; the highest activity was recorded in April with 97 adopted decrees. Of these, 42.8% of the overall decrees refer to decrees that amend or change existing decrees.⁵⁵ To some extent, the frequent change of decrees can be justified by the uncertain dynamics of the pandemic and the need to adapt the rules and behavior to the new situation. However, it can also be an indicator of hasty decisions and ill-conceived provisions. Moreover, the Constitutional Court abolished certain decrees, as they were assessed to be in contradiction with the Constitution. It should be borne in mind that the Constitutional Court assesses only the legal aspects of the provisions, i.e. whether they are aligned with the Constitution, and not the necessity, adequacy, proportionality or other content-related aspects of the legal acts. In addition, frequent change of rules can confuse citizens, and lead to inadequate information, legal uncertainty and lack of trust in the system.

Shortly after the state of emergency was declared, North Macedonia notified the Council of Europe that the application of the measures adopted by the Government “may influence the exercise of certain rights and freedoms under the Convention and in some instances give reason for the necessity to derogate from certain obligations” from the European Convention on Human Rights (ECHR) and its protocols,⁵⁶

55 “Systematic review – Decrees with legal force adopted by the Government of the Republic of North Macedonia during a state of emergency 18 March 2020 – 22 June 2020”, Macedonian Young Lawyers Association. Skopje, 2020. Available at: <https://myla.org.mk/wp-content/uploads/2020/07/Sistemiziran-pregled-Uredbi-so-zakonska-sila.pdf>

56 Council of Europe - Directorate of Legal Advice and Public International Law, Note Verbale, JJ9021C Tr./005- 232, (02.04.2020), <https://rm.coe.int/16809e1288>

namely from the obligations under Article 8 (right to respect for private and family life), Article 11 (freedom of assembly and association), Article 2 of Protocol 1 (right to education) and Article 2 of Protocol 4 (freedom of movement). While the possibility for derogation is foreseen by the Convention, there has not been a publicly available assessment of the extent to which the country derogated from the stated articles, and review of the impact of the decrees on human rights and freedoms. Shortly after the notification was submitted to the Council of Europe, national civil society organizations⁵⁷ requested the Government to ensure the principle of non-discrimination and minimize the possibility of a disproportionately negative effect on those who are most disadvantaged in society and to report about the circumstances related to the derogation in a clear, unambiguous and transparent manner.

Furthermore, the Commission for Infectious Diseases is an expert body accountable only to the Minister of Health. The role of the Commission is only advisory, which limits the legitimacy of this body to lead the national response to the pandemic.

Recommendation: All stakeholders should ensure that the provisions adopted are well thought out, applicable and easily understood by those whom they concern. There is a need to establish a formal mechanism of oversight and control in a state of emergency, that would assess not only the legality of the provisions, but also their necessity, proportionality and effectiveness.

While the role of the Commission for Infectious Diseases has been critical in addressing the pandemic, and the authority of health experts is crucial, it should be taken into account that any national emergency requires a multi-stakeholder and comprehensive approach. In future, the recommendations of the Commission should be additionally examined by an interdisciplinary team of professionals, before being discussed by the CCHQ as a body which predominantly consists of politically appointed executives. A pandemic is not exclusively a health emergency, but it affects all segments of society.

The Parliament may request the independent oversight and supervisory bodies to prepare separate reports, or to include in their annual reports' sections relating to oversight and supervision during the state of emergency, as well as the impact of COVID-19 on the areas which are under their supervision. Moreover, the independent oversight and supervisory bodies may provide recommendations for identifying and addressing the risks of any misuses in the future. For instance, the State Commission for Prevention of Corruption should report on the risks of corruption during COVID-19, the Ombudsman should provide his view on the derogation of the country from the ECHR, while the State Audit Office might provide compliance and/or performance audit of selected programs.

57 Kotevska, Biljana "On shaky ground: Human Rights and COVID-19 in North Macedonia after derogation from the European Convention on Human Rights", European Policy Institute. Skopje, 2020. Available at: <https://epi.org.mk/wp-content/uploads/2020/05/ENG-ECHR-MK-COVID19.pdf>

4.2.2. Parliamentary Scrutiny (the Work of the Parliament)

On August 4, 2020, the new Parliament held the constitutive session. This was the first time the Parliament became functional since the start of the pandemic. The parliamentary service had previously prepared a full protocol for conducting the session, which had been endorsed by the Commission on Infectious Diseases. The availability of appropriate spatial and technical capabilities was crucial. This included designation of seats compliant with the requested distance, interpretation, and ensuring media presence while respecting the protocols. The following plenary sessions continued to be organized following the same protocol.

Currently, the Parliament has the necessary conditions for safely conducting plenary sessions. Unfortunately, the same cannot be said for meetings at the committee level. The biggest challenge is enabling the presence of the media in smaller rooms in a safe manner, but also other stakeholders, such as CSOs, experts, or chambers of commerce. The current technical capabilities for online streaming are not sufficient for smooth and direct broadcast, especially if there is more than one meeting at the same time.

Still, even if safety protocols for physical presence meetings in the premises of the Parliament are being followed, there is still the risk of certain MPs getting infected by the virus. This can happen through contacts outside the Parliament, which would place them in self-isolation. The parliamentary service has developed a strict protocol for voting in case of an MP who is in self-isolation, following an established route for moving and immediate disinfection. The expected scenario was indeed realized in practice. However, there is no solution in the case of COVID-19-positive MPs and there have already been several such cases. Moreover, the future trajectory of the pandemic is uncertain, and a lockdown in (parts of) the country is not excluded. In case of an increased number of infections, any in-person meetings pose a risk to the health of the MPs.

The importance of the oversight role of the Parliament in a time of a pandemic has already been elaborated, and not having a functional Parliament during the state of emergency was identified as one of the major drawbacks in handling the crisis. Within the current context, the utmost importance of the legislative role of the Parliament is twofold: 1) in light of the upcoming start of the accession negotiations with the EU, various reform processes shall continue 2) since the state of emergency has ended, the Parliament regained its legislative function and the Government can no longer make legislative interventions for the purpose of addressing COVID-19. Any such changes would necessarily go through the regular procedure within the Parliament.

Recommendation: Reaching a political agreement between the political parties on the module of enabling smooth and uninterrupted functioning of the Parliament is of the utmost importance. Introducing online committees and plenary sessions is encouraged, after adequately amending the Rules of Procedure. Different modules of sessions can be considered, such as: enabling both physical and online presence depending on the MP's preference and personal circumstances, online discussions regarding several issues and in-person voting on multiple issues on a designated day etc.

As for the legal aspects of enabling online sessions, it is necessary to clarify if the current Rules of Procedure allow for such mode of operation, i.e., if "the presence of an MP" could be considered as online presence as well. It is necessary to decide whether the provisions of the acts that regulate the work of the Parliament can be interpreted to enable remote or online work with virtual presence of the actors concerned. The President of the Parliament, in accordance with Article 60, paragraph 1, line 3 of the Rules of Procedure of the Parliament, takes care of the proper application of the Rules of Procedure and provides clarification regarding its application, for which he may request an opinion from the Committee on Rules of Procedure and Mandate-Immunity Issues. The Committee on Rules of Procedure and Mandate-Immunity Issues is competent to give recommendations for application and interpretation of the Rules of Procedure of the Parliament. Instead of amending the Rules of Procedure, which may take a longer period of time, the Commission could give a broader interpretation which would mean that the provisions do not contain restrictions on online work and that presence does not only mean presence in hall, but also a virtual presence, given that this is not explicitly prohibited in the Rules of Procedure.

Good practices: Virtual parliaments

Many parliaments worldwide are implementing a combination of physical meetings and teleworking. Popular platforms include Microsoft Office, Zoom, Cisco Webex Meetings etc. For multilingual parliaments, as the case of North Macedonia, Zoom and Cisco Webex Meetings allow for an interpretation feed.⁵⁸

In Estonia, regarding committees meeting remotely, the Constitutional Committee of the parliament agreed that "the current legislation may be interpreted to allow teleworking if all relevant conditions for participating in the sitting, like making remarks, asking questions and voting, are ensured."

The Parliament should continue performing its legislative function, especially regarding legislation addressing the pandemic and ongoing reform processes. The oversight role should be enhanced, through the use of existing mechanisms of parliamentary questions, committee work, possibility for oversight hearings and field visits. In addition, the Parliament may request regular reports from the Government on handling the crisis, at least every six months.

Utilizing the opportunity to create new working bodies, the Parliament might create a Special Committee on COVID-19 pandemic, composed of MPs from all political parties and chaired by the Speaker. The role of this committee would be to actively oversee the Government in its response to the pandemic, and would remain active in any given circumstances, even in an emergency situation. It is recommended that this committee also discusses the safety of MPs and parliamentary committees.

58 Please see: Inter-parliamentary Union: "How to run a parliament during a pandemic: Q and A", 01.04.2020. Available at: <https://www.ipu.org/news/news-in-brief/2020-04/how-run-parliament-during-pandemic-q-and>

Good practices on parliamentary oversight of the Governments' responses to COVID-19:

New Zealand: Epidemic Response Committee to hold the government to account during lockdown⁵⁹

This special parliamentary committee was established on 25 March 2020 to consider and report on matters relating to the Government's management of the COVID-19 epidemic. The Committee was composed of 11 MPs and was chaired by the leader of the opposition. The Committee was disestablished on 26 May 2020, after New Zealand had moved to COVID-19 alert level 2, and the parliament could function largely as it did pre-lockdown. This cross-party committee met remotely via video-conference three times a week, and its meetings were live streamed on Parliament's website and social media. The Committee had the freedom to call expert witnesses from across different sectors on a range of topics relating to COVID-19.

Canada: Committee on National Finance prepared a report on the Government's response to the pandemic and its economic consequences

In March 2020, the Canadian Parliament passed the COVID-19 Emergency Response Act, which granted the government considerable spending power and exempted the government from having to request Parliament's approval to expand its borrowing authority. To hold the government to account, the Senate authorized the National Finance Committee to study the emergency legislation, the government's response to the COVID-19 pandemic and its economic consequences. The Committee held eight meetings, heard 55 witnesses and received 53 written briefs. The Report⁶⁰ does not only provide an assessment of the situation, but also recommendations to the government and other stakeholders.

Australia: Senate Select Committee on COVID-19 to inquire into the Australian Government's response to the COVID-19 pandemic, final report due in June 2022

In April 2020, the Senate resolved to establish a Select Committee on COVID-19 to inquire into the Australian Government's response to the COVID-19 pandemic.⁶¹ That act⁶² establishing the committee prescribes that the committee have power to appoint subcommittees consisting of 3 or more of its members, to focus on particular matters. The committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit. It should be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

59 Please see: <https://www.parliament.nz/en/pb/sc/scl/epidemic-response/>

60 Available at: <https://sencanada.ca/en/info-page/parl-43-1/nffn-COVID-19-relief-in-times-of-crisis/>

61 Please see Committee's website at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/COVID-19/COVID19

62 Parliament of the Commonwealth of Australia, Senate Journal No.48 from 08 April 2020. Available at: <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fjournals%2F1e0f2e7c-6a92-426e-81ee-20d05ca814ae%2F0011%22>

4.3. Legitimacy, Transparency and Trust in Institutions

4.3.1. Stakeholder Consultations

The COVID-19 crisis significantly decreased the opportunities of the institutions of North Macedonia to conduct stakeholder consultations. From the interviews conducted, it became obvious that such endeavors were mainly undertaken by the Government itself, as well as by the President of the Republic. This is of essential importance for the democratic functioning of the state apparatus and their accountability. It ranges from informing the citizenry in a proper manner and security of working in hybrid or virtual settings, to providing a platform for stakeholder engagement by modifying their internal acts and Rules of Procedure. The crisis served as a stress test for the resilience of the state institutions and their adaptability to uphold their policy- and decision-making capacity.

Some state institutions could not find the rationale for consulting their stakeholders,⁶³ while others stated that they were limited by the time constraints or other actors. Groups of civil society organizations reacted⁶⁴ that their requests and proposals⁶⁵ submitted to the institutions for better social services, especially concerning the most vulnerable groups, had not been taken into consideration by the responsible institutions. However, a positive example has been set by the Government with the establishment of the Economic Council, a consultative body that provided information, general guidance and feedback on the economic measures for dealing with the consequences of the COVID-19 crisis on the Macedonian economy and the financial sector.⁶⁶ Besides representatives from the Government, the meetings were attended by representatives from the political parties, the Macedonian Academy of Sciences and Arts, university professors, as well as the chambers of commerce. Another positive example is the procedure and the consultation with a wider group of stakeholders that the President established before declaring each State of Emergency. The Security Council⁶⁷ was obliged to hold a session on which representatives of other societal groups were invited to elaborate the situation in their respective area. This would assist the Security Council in reaching the right decision and advising the President based on the most relevant data and competent information.⁶⁸ A public opinion survey conducted by NDI⁶⁹ showed that citizens would prefer democratic power sharing and consultative policy-making as a strategy to deal with COVID-19. The percentage of citizens that find democratic power sharing a more suitable strategy has increased from 54.5% in July to 75.3% in September. It is interesting to note that discussions in the focus groups conducted within the same research revealed sentiments among ethnic Macedonians that point to the opposite strategy. However, this was the result of the perception of selective sanctioning, leading to a lack of effectiveness of the measures. Even so, once the question of consistent sanctions towards people that don't respect the measures was reaffirmed, their opinions swayed back to democratic and consultative governance.

63 Interview with representatives from a ministry in the Government of North Macedonia

64 Reaction of the civil society organizations on the untimely and inappropriate action of the institutions in regards to solving the problems of the vulnerable and marginalized communities: "(Lack of) responsibility of the institutions for the most vulnerable citizens in times of crisis", 06.05.2020. Available at: <https://hops.org.mk/ne-odgovornosta/>

65 Available at: <https://fosm.mk/baranja-i-itni-preporaki-isprateni-do-nadlezhnite-institucii/>

66 Government of the Republic of North Macedonia: Announcement "Upon an initiative of Prime Minister Spasovski, a meeting of the Economic Council was held, an ad-hoc body for guidance and recommendations for dealing with the consequences for the economy and the financial sector from the coronavirus.", 21.03.2020. Available at: <https://vlada.mk/node/20640>

67 Additional information about the Security Council are available on the following link: <https://pretsedatel.mk/en/security-council/>

68 Interview with a member of the Security Council

69 NDI & IPSOS: Citizens perceptions and attitudes related to COVID-19, Qualitative and quantitative survey. September 2020

Recommendation: Having in mind the inconsistent approach in stakeholder consultations, many internal rules of procedures need to be adapted to comply with these kinds of situations. Stretching the existing rules would not help in the long run and the country needs to be prepared. This also goes in line with ensuring a proper functioning of the state institutions, but also accountability. Exchanging opinions, ideas and practices with the wider society even in a situation with the pandemic proportions is a must and the institutions need to step up and rethink their own procedures for stakeholder consultations. The COVID-19-provoked crisis or any other future crisis cannot be taken as an excuse to bypass this very important element in the policy- and decision-making process. This is also an issue of transparency, especially during the time when our Parliament was out of session. Pretending that going back to “business as usual” is going to happen would not help now, or in the future.

4.3.2. Organization of Work Processes

The COVID-19 pandemic exposed some serious gaps in capacities, both technical and human. The first discussion item is on the technical or hardware, such as computers or telephones that were available to the institutional workers. Simply stated, there was not enough capacity and this was conspicuous when the institutions switched to telework. Additionally, the necessary accompanying software that would allow workers to be effective from their homes was lacking. Both of these shortcomings greatly limited the effectiveness of teleworkers.

One of the interesting findings is that all interviewees highlighted that they managed to fulfil their regular duties, in addition to the extraordinary tasks imposed by handling the crisis. However, further exploration of the issue shows a huge disproportion between the workload of various employees – the burden was heavier on a smaller percentage of the public administration, while many employees remained with very limited responsibilities and obligations. Reasons for this include: lack of equipment, lack of clear rules and procedures for working from home, lack of mechanisms for establishing accountability, and subjective reasons such as professional and personal integrity and commitment by the individuals.

Still, many departments are dealing with issues that cannot be performed outside the offices, for instance, due to reasons related to logistics or security of documents.

Many representatives of institutions mentioned that they did not feel that they had a satisfactory level of education and training on how to manage the crisis. Few, if any, protocols and processes were in place on how to effectively manage their responsibilities during the pandemic. For example, what are the additional responsibilities in addition to their day-to-day ones that they must now address? Were there going to be additional meetings, both internally and externally, reports, messaging? Institutions were unsure of what steps could be taken to manage the virus. Separately, staff felt there was a sufficient amount of education and training on the steps to be taken to mitigate risk of an individual getting the virus. The only guidelines and training they received were the ones on protecting themselves from COVID-19 and ensuring safety at the workplace.

Recommendation: The institutions should enable greater flexibility in their organization of work, and the public administration should be ready to work effectively and safely both in the workplace and from home. Each institution should identify their essential personnel (by their positions and job descriptions), that should be provided with the necessary working conditions. In addition, each institution should identify the work processes that can be performed remotely.

Depending on the size of the institution, there should be an appointed person/working group that would be responsible for safety and organization of work processes in times of crisis. They should be also the focal point for the employees on providing updated information and advice on new regulations and measures. Additionally, new procedures that focus on digitalization should be introduced. Foreign donor assistance would be especially appreciated in this area, as the spending of the institutions have been limited and purchasing equipment might not be considered a priority. Moreover, new procedures should also address safety conditions in the workplace. From a legal aspect, there is a need to change the legislation in order to move from traditional administrative work requiring hard-copy documentation to electronic documents that would be digitally signed.

Another important aspect is the urgent necessity for professionalization of the administration. Institutions should develop mechanisms for monitoring the work of the employees, including incentives and sanctions for over- and under-performance.

Institutions should receive appropriate education and training on how to effectively manage different types of crisis. This could include developing procedures and protocols and a review of existing courses as well as training via a number of themed simulations or scenarios. Additionally, education and training could be focused on those individuals that are identified as essential to their organizations. More specifically, each institution could use a facilitated simulation as a catalyst to talk through or discuss their response to a crisis or to develop their response plan. Then all relevant institutions including the government's named lead institution, representatives from Ministry of Health, Ministry of Interior, Security Forces, Parliament, international organizations and donors, NATO/EU to name a few, could participate in a simulation at a national level where each institution shares its role and response to a national / international level crisis. These types of simulations should be conducted annually to take advantage of continuing advances in technology and institution personnel changes. Additionally, whenever a new government is elected, it would be important that newly elected and appointed officials receive initial orientation/education on their roles and responsibilities during a crisis. They need to be briefed on their role in the institution and about the relevant procedures and protocols. The education and training on how to effectively manage different types of crises should be accompanied by a well-designed and regularly updated training manual and/or checklist that includes the necessary steps that need to be followed during a crisis and can serve as a guide for all new officials.

4.3.3. Public Procurement

In March 2020, the Government adopted a “green lines” proposal of Transport Community Permanent Secretariat and Central European Free Trade Agreement (CEFTA) to facilitate trade and transport of goods by tackling only additional precautionary measures taken or to be undertaken to ensure the containment of COVID-19 outbreak.⁷⁰ In April 2020, North Macedonia signed and joined the EU Joint Procurement Agreement to procure medical countermeasures.⁷¹

70 Available at: <https://www.transport-community.org/wp-content/uploads/2020/03/Joint-TCT-CEFTA-proposal-green-corridors.pdf>

71 Please see: https://ec.europa.eu/health/preparedness_response/joint_procurement/jpa_signature_en

The COVID-19 crisis created an urgency for procurement of goods, services and works directed at containing the spread of the virus. In a press release, the competent authority, the Public Procurement Bureau, announced that “all contracting authorities that have to procure in a negotiated procedure without an announcement due to reasons of extreme urgency, for procurements that are directly related to the COVID-19 virus epidemic can realize them without first seeking the opinion of the Public Procurement Bureau, according to Article 55 paragraph (6) of the Law on Public Procurement”.⁷² The reasoning behind this procedure in the legislative act is “to meet the needs in the shortest possible time without any delay”.⁷³ This announcement also instructs for proper explanation of the reasons behind the specific procurement in the decision for the procurement itself. This significantly increases the risk of abuse/corruption, thus making the procurements during the pandemic and the issue of transparency and accountability even more important, especially in situations when the Parliament is not in session.

Besides the clear instruction by the Bureau, as many as two thirds of the concluded contracts for urgent procurements are published after the legal deadline, as revealed in the Report prepared by the Center for Civil Communication.⁷⁴ It goes further by noting that “for 68% of the concluded contracts, the institutions directly violated the Law on Public Procurement, which obliges them to publish the notifications for the concluded urgent contracts, together with a copy of the contracts, within ten days from their conclusion”.⁷⁵ The authors of this report discovered that “a significant part of the institutions do not state in the contracts either the agreed quantities or the agreed individual prices, which practically prevents the insight into the essential parts of the tenders.”⁷⁶ In addition, 43% of the value of all procurements can be located in only five economic operators, although there are a total of 186 economic operators that won a tender related to COVID-19. Taking in consideration that we are talking about emergency public procurement contracts for COVID-19 worth 6.7 million EUR of taxpayers’ money only for the first six months of the crisis,⁷⁷ then this data is devastating and only leads us to the conclusion that the state institutions did not manage to rationalize the use of public funds. This is all happening while the country is mobilizing all the resources for international donors, bilateral partners, EU and NATO mechanisms.

During the interviews, some of the interlocutors pointed out practical challenges in public procurement. In times of crisis, it is not unexpected that there might be changes in market prices and some institutions cannot fully complete their purchases. This is especially important for smaller institutions that have much more limited resources and capacities. One interlocutor pointed out that certain procurements for all institutions were done through the General Secretariat of the Government, and other procurements were implemented by the institutions themselves. It would be useful in the future to better regulate this division and essential procurement to be done centrally, in order to meet the needs of all institutions. In addition, all institutions had to refrain from unnecessary procurement, as well as minimize costs in order to use the funds to deal with COVID-19. It can be expected that financial constraints will make it more difficult for institutions to adapt to implement teleworking, as they will not be able to procure tools that will enable them to do so.

72 Public Procurement Bureau: “Announcement on the mode of operation of the Public Procurement Bureau”, Available at: <http://www.bjn.gov.mk/novosti/izvestuva-e/>

73 *Ibid.*

74 “Mapping corruption risks in public procurements of enterprises owned by the government and municipalities: Center for Civil Communications. Skopje, 2020. Available: <https://ccc.org.mk/images/stories/sumarenCOVID19.pdf>

75 *Ibid.*

76 *Ibid.*

77 *Ibid.*

Recommendation: As authors of this study, we share the views and formulated recommendation in the Report published recently by the Center for Civil Communication. Therefore, greater transparency is needed at all segments of the procedure, regardless of the type of public procurement mentioned in the Law on public procurement for this specific situation. The state institutions, even under such circumstances, need to conduct the negotiation by involving as many economic operators as possible. All relevant data and information need to be published online while elaborating in very specific details the need and urgency for such a procurement. In terms of transparency and accountability, the state institutions would need to send a detailed report to the Parliament for all the public procurement conducted during the COVID-19 crisis. And finally, in consultation with relevant stakeholders, a revision of the procedure for public procurement under crisis circumstances needs to be discussed and agreed upon recommendations implemented.

4.3.4. External Communication

Events of large scale like the COVID-19 pandemic demands careful communication of public health and other messages. In a situation where there are gaps in the scientific knowledge regarding the nature of the virus, mis- and dis-information are easily generated and amplified. This is especially applicable in the context of distortions of normal societal functioning on a daily basis complemented by weekend and extended curfews.

The Government did not have a developed communication strategy for emergency situations. In order to counter all of the challenges that may arise in these situations, the decision of the key decision-makers in the Government was to timely and accurately communicate core messages to general and specific audiences by using different media and IT-solutions; to maintain high level of transparency and availability of public officials and their public relations services for all sorts of questions by the journalists; be open about the likelihood that Government issued guidelines may and will be modified over time as new information about the virus appear; and finally, to counter all the myths and conspiracy theories that circulate, especially on social media, that can be harmful for the citizens of the country and may put additional pressure on the already weak crisis response system in North Macedonia.

There were at least two press conferences per day at the beginning of the crisis⁷⁸ where the minister of health, Dr. Filipce, accompanied by public officials and responsible individuals from relevant public institutions and state enterprises, informed the public about the new information regarding the spread and measures of containment of the disease. To assist the communication with the parts of its national audience who are deaf, hard of hearing, or speech impaired, a sign language interpreter was present at the Government's press conferences. Besides the press conferences, the minister of health would have several public appearances daily at the beginning of the crisis. As the crisis developed, the press conferences were completely digital, without the presence of journalists in the Government building as a precautionary measure to avoid close physical contact. Notably, they were organized in such a manner that the journalists would always have time to ask questions and avoid one-sided communication.

78 Although sometimes, according to the PR services of the Government, these numbers went to 5-6 press conferences per day. As the magnitude of the COVID-19 crisis decreased, the number of appearances of officials decreased and was lowered to a single press conference per day.

Furthermore, there are differences in the technical and other resources that can be used for communication by the ministries. Understandably, the Government stands out with the most sophisticated equipment as compared to other institutions. For these reasons, most of the press conferences by the ministers were held in the press center of the Government. However, not all departments benefited equally, and this was an especially relevant issue for the opposition as the technical Minister of Interior was relying only on the capacities of the Ministry of Interior.

The Government was also quick to introduce a COVID-19 information platform online (www.korona.gov.mk) updated on a daily basis in three languages (Macedonian, Albanian and English), as well as on the most relevant social media outlets such as Facebook and Twitter and communication platforms (Viber). The surge of information and data which needed to be uploaded to the different platforms in several languages, data update and maintenance of the websites required additional technical and human capacities. A COVID-19 contact tracing app for North Macedonia (the first in the wider Southeast Europe) was developed on a request by the Government. However, the app had only limited success for a variety of reasons ranging from limited number of users, lack of protocols for data gathering on societal level, and limited promotion to the general public.

The Crisis Management Center also maintains a website⁷⁹ providing real-time information on the current status of the pandemic in each municipality. This platform has been enabled by the NATO's Next-Generation Incident Command System (NICS).⁸⁰ However, there seem to be no connection between www.nicspublic.cuk.gov.mk and www.korona.gov.mk, even though both websites are dedicated to informing the public on the latest statistics and news related to COVID-19. While the latter has been widely promoted, the website maintained by the Crisis Management Center is difficult to be found, and there even their parent website www.cuk.gov.mk does not have any information on this specialized platform.

Finding the right balance in providing timely and sufficient information proved to be a challenging task. During the interviews, the Government's commitment for full transparency regarding the situation was highlighted. Up-to-date information sharing seemed to be a strategy for mitigating the risk of spreading disinformation and fake news. However, a recently conducted public opinion research⁸¹ showed that citizens feel over-saturated with information about COVID-19 in general, and this does not increase their feeling of being well informed about the virus nor that this information is of better quality.

When developing a communication strategy, it is also important to understand and consider various target groups of the general public. During the interviews, it was established that the Government used different communication channels (press conferences, social media, Viber messages, a specialized smartphone application and a website) in order to reach diverse audiences. However, there should be more consideration not only regarding the media channels, but also how messages are created, and who is the messenger. For instance, the public opinion showed that generally, ethnic Macedonians participants perceived information

79 <http://nicspublic.cuk.gov.mk>

80 Please see: NATO News: "Coronavirus response: NATO boosts capacities of North Macedonia to deal with coronavirus crisis" 27.03.2020, available at: https://www.nato.int/cps/en/natohq/news_174605.htm

81 NDI & IPSOS: Citizens perceptions and attitudes related to COVID-19, Qualitative and quantitative survey. September 2020

from official institutions like the Commission on Infectious Diseases and the Ministry of Health as relatively transparent. On the other hand, negative opinion about the quality of information received by these institutions was more frequent among ethnic Albanian participants. They believe this information lacks quality, accuracy and timeliness. They doubt meddling with numbers and believe that reported numbers were flawed before and after big national holidays.⁸² Furthermore, the interviews showed that the Government and the ministries were overwhelmed with questions and requests for clarifications from citizens regarding concrete measures. This might be an indicator that a large number of citizens were not able to properly understand the measures and how they apply in a particular case.

Recommendation: The Government needs to develop communication strategy for emergency situations, including security protocols for communication between the different governmental institutions and agencies. Ideally, an identified communication hub would take lead for aggregating all strategic communications coming from state institutions. Additionally, this lead institution would be responsible for the unified strategic messaging from the Government. This will ensure a unity of message and aid in the transparency and trust the citizens will have of their government. Adequate technical and human capacities are required to ensure a comprehensive approach towards the respective audiences.

82 *Ibid.*

5. WAY FORWARD

Countries usually find the transition of a government challenging enough during “normal” times, let alone during a pandemic – COVID-19. Not only was North Macedonia undergoing such a transition, but the addition of the COVID-19 to this already complex and challenging transition created quite the stress test for its crisis management system. This report sought to examine the effects of COVID-19 on North Macedonia’s preparedness and its ability to manage the crisis – all with the purpose of highlighting areas that worked well and should be maintained and other areas that need more attention if North Macedonia is to be better prepared and more capable of managing a more effective response to any future crisis.

On the strategic level, a comprehensive National Security Strategy should be adopted through a transparent and participatory process, in accordance with the latest amendments to the Law on Defense from February 2020. Through widening the notion of security, the new strategy should be based on a risk assessment and followed by an action plan for building resilience against various security threats. In this context, the Parliament should play an active role not only in adopting the document, but also overseeing its implementation.

The *legal gaps* revealed while responding to COVID-19 should be addressed by adopting an appropriate legal framework on the state of emergency, covering issues such as clear definition of roles and responsibilities of institutions, decision-making process, oversight and control. Most importantly, and in the medium to long term, the country should step toward reforming the crisis management system in line with the already established recommendations by multiple analyses by national stakeholders and the Peer Review within the EU mechanism for civil protection. In the short term, timely coordination and information exchange should be strengthened and legally prescribed based on the CCHQ experience. North Macedonia also needs to incorporate the coordination of foreign assistance in the crisis management response system with appropriate procedures and operating standards.

A formal mechanism of *oversight and control* in a state of emergency should be established. It should assess not only the legality of the provisions, but also their necessity, proportionality and effectiveness. The parliament should request that the independent oversight and supervisory bodies prepare special reports related to oversight and supervision during the state of emergency, as well as the impact of COVID-19 on the areas which are under their supervision.

Reaching a political agreement between the political parties on the module of enabling *smooth and uninterrupted functioning of the Parliament* is of utmost importance. The Parliament should continue performing its legislative function, especially regarding legislation addressing the pandemic and on-going reform processes. The use of the existing oversight mechanisms available to the Parliament should be exponentially increased including parliamentary questions, committee work, oversight hearings and field visits. The Parliament should create a *Special Committee on COVID-19 pandemic*, overseeing the response to the pandemic.

Exchanging opinions, ideas and practices with the wider society even in a situation with the pandemic proportions is a must and the institutions need to step up and rethink their own procedures for *stakeholder consultations*. The COVID-19-provoked crisis or any other future crisis cannot be taken as an excuse to bypass this very important element in the policy- and decision-making process.

The institutions should enable greater flexibility in *organization of work processes*, and the public administration should be ready to work effectively and safely both in the workplace and from home. Each institution should identify their essential personnel (by their positions and job descriptions), that should be

provided with the necessary working conditions. There should be an appointed person/working group responsible for safety and organization of work processes in times of crisis. Institutions should receive *appropriate education and training on how to effectively manage different types of crisis, including training via a number of themed simulations or scenarios*. Mechanisms for monitoring the work of the employees, including incentives and sanctions for over- and under-performance, should also be developed.

In regards to *public procurement* during a crisis, greater transparency is needed at all segments of the procedure, regardless of the type of public procurement mentioned in the Law on Public Procurement for this specific situation. State institutions should send a detailed report to the Parliament for all the public procurement conducted during the COVID-19 crisis. In consultation with relevant stakeholders, a revision of the procedure for public procurement under crisis circumstances needs to be discussed and agreed upon recommendations implemented.

The Government needs to develop *communication strategy/ies for emergency situations* including security protocols for communication between the different governmental institutions and agencies. Adequate technical and human capacities are a necessity to have a comprehensive and hand-on approach towards the respective audiences.

Many of the recommendations will need a parliamentary approval to place into action such as the recommendation to establish a formal mechanism of oversight and control in a state of emergency, the development of a comprehensive national level framework and the naming of an organization to lead the response of a health crisis. However, there are some recommendations that can be implemented without, such as how organization work processes will evolve and how foreign assistance can be more effectively managed.

North Macedonia does not have to reinvent the wheel as it reflects on its future responses. There are a number of countries that have adapted their protocols to better respond to the pandemic environment. Recommendations such as maintaining a working parliament through more digitalization – video teleconferencing and telework have shown to be effective in Estonia and New Zealand.

It is the authors hope that North Macedonia will review and strongly consider these recommendations as laid out in this report. Again, this report's intent was not to find fault or point out blame but rather identify areas where better preparedness will lead to a more effective response in meeting the needs of its citizens.

ANNEXES

Annex 1: List of interviewees

1. Dr. Venko Filipce, Minister of Health
2. Hari Lokvenec, Former Member of Parliament
3. Miki Milkovski, Deputy Secretary General, National Assembly of the Republic of Macedonia
4. Toshe Zafirov, Deputy Secretary General, Cabinet of the President of the Republic of North Macedonia
5. Aleksandar Spasov, External Advisor for Foreign and Domestic Policy, Cabinet of the President of the Republic of North Macedonia
6. Slavjanka Petrovska, Former Additional Deputy Minister of Interior
7. Nakje Chulev, Former Minister of Interior
8. Toni Petreski, Ministry of Defense
9. Dejan Jakimovski, Head of Sector, General Secretariat of the Government of the Republic of North Macedonia
10. Svetlana Siljanovska, Adviser to the Prime Minister of the Republic of North Macedonia, Government of the Republic of North Macedonia
11. Kalinka Gaber, State Secretary, Secretariat for European Affairs
12. Representatives of the Ministry of Labor and Social Policy

Annex 2: Visualization of the crisis management system

| Crisis Management System of the Republic of North Macedonia | | | |
|---|--|--|--|
| Body | Status | Composition | Competences |
| Steering Committee | A governmental body for coordination and management of the crisis management system. | The Ministers for: Interior, Health, Transport and Communications, Defense, Foreign Affairs and the Head of the Assessment Group. | Reviews the proposal for determining a crisis situation and proposes to the Government a determination of the existence of a crisis situation and a crisis-ridden area. |
| Assessment Group | A governmental body that performs constant assessment of the risks and dangers to the security of the Republic and proposes measures and activities for their prevention, early warning and handling a crisis situation. | Directors of the Public Security Bureau, the Security and Counterintelligence Directorate (now National Security Agency), the Intelligence agency; the Directors and the Deputy Directors of the Crisis Management Centre and the Protection and Rescue Directorate; the Deputy Chief of the General Staff of the Army, as well as the Head of the Security and Intelligence Service within the Ministry of Defense. | Shall deliver the analyses, recommendations and conclusions to the Steering Committee, the Prime Minister, the President of the Republic of Macedonia and to the President of the Parliament |
| Crisis Management Centre | An independent state administrative body | Legal entity. HQ in Skopje and regional centers in 35 municipalities. HQ composed of representatives from the Ministries included in the Steering Committee + the chief of the Medical Emergency in Skopje, the Director of the Protection and Rescue Directorate, as well as representatives from the Army, the Intelligence Agency, the Directorate for Protection of Classified Information and the Macedonian Red Cross | Providing continuity of the inter-departmental and international cooperation, consultations and coordination of the crisis management; preparation and updating of a unified assessment of the risks and dangers to the security of the Republic; proposing measures and activities for resolving a crisis situation overall support (expert, organizational, administrative etc.) of the Steering Committee and the Assessment Group. |

