



Quarantine in Tirana. Hector D. via Flickr under CC license

POLICY BRIEF

The impact of Covid-19 on governance and democratic oversight

The cases of Albania, Kosovo,
and North Macedonia

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By the Centre for European Security Studies (ed. Jos Boonstra)

Introduction

The Covid-19 pandemic has severely affected the Western Balkans. Not only have the health and well-being of citizens been (and still are) under threat, but young democratic institutions have also been put to the test. Just as in many other regions of the world, Western Balkan governments have taken restrictive measures without proper oversight by Parliament or other democratic watchdogs. In some countries, governments have misused their unchecked powers to speed through undemocratic legislation or further consolidate authoritarian tendencies. While in others, oversight institutions have been able to quickly regain their powers to hold governments to account.

Albania, Kosovo, and North Macedonia show a mixed picture that is roughly similar in all three countries. The good news is that these countries' young democratic institutions have proven to be resilient enough to withstand the challenges of lockdowns and states of emergency. The fact that the system did not break down, that rule of law prevailed, and that governments mostly acted in good faith in seeking security for the population can be considered as a positive sign. The bad news is that daily practice of democratic oversight through Parliament and other institutions – which was already troublesome – has been further weakened and, in some cases, largely absent, for

Key points:

Albania, Kosovo, and North Macedonia took harsh restrictive and security-oriented measures that were largely accepted by the population, which was well aware of the weak state of healthcare systems.

Government action to fight Covid-19 and subsequent oversight was complicated by political turmoil: Albania's Parliament lacks opposition parties; Kosovo's already-troubled cabinet fell over Covid-19-related measures; and North Macedonia was in the middle of elections.

All three countries will need to consider how to advance in building and consolidating democratic institutions, as the crisis laid bare their fragility but also their resilience to function under difficult circumstances.

instance in controlling how external development cooperation funding is used by the government.

This policy brief discusses democratic governance in Albania, Kosovo and North Macedonia, and assesses the resilience of democratic institutions to perform oversight of government during the lockdown. It is the outcome of a collaborative effort among a group of civil servants and civil society actors from Albania, Kosovo, and North Macedonia in the framework of the DECOS project. Through a series of online debates and written contributions, the following experts offered their views and provided information on the status of democratic oversight during the Covid-19 pandemic: *Zare Aliu, Hana Bajraktari, Jos Boonstra, Slavica Dimitrievska, Merijn Hartog, Aleksandra Jovevska Gjorgjevikj, Aleksandar Nikolov, Lulzim Peci, Erind Pirani, Alfonc Rakaj, Enea Shehaj, Aleksandar Stojanovski, Besa Tauzi, and Blend Zyrapi*. This policy brief offers a glimpse into the functioning of Albanian, Kosovar, and Macedonian democracy under stress, while bringing forward ideas for strengthening oversight mechanisms in challenging times.

About DECOS

The 'Developing Capacity, Cooperation and Culture in Overseeing the Security Sectors of Albania, Kosovo and North Macedonia' project (2019-22) seeks to empower democratic institutions and actors in their function of democratic oversight of security. It does so by increasing *capacities*, enhancing *cooperation*, and fostering a *culture* of oversight of the security sectors of Albania, Kosovo, and North Macedonia. DECOS consists of a *capacity building* and a *research component* that are directed at democratic oversight actors – parliaments, independent institutions, and advisory bodies; and civil society organisations – in Albania, Kosovo, and North Macedonia.

Because of the Covid-19 pandemic, most DECOS research, training and coaching activities are currently taking place online through interactive regional working groups that include lectures, training sessions and opportunities for debate and exchange of views and experiences.

The Centre for European Security Studies collaborates in DECOS with the Albanian Institute for Political Studies, the Institute for Democracy and Mediation from Albania, the Kosovar Institute for Policy Research and Development, and the Institute for Democracy 'Societas Civilis' from North Macedonia. DECOS is funded by the Netherlands Ministry of Foreign Affairs.

Shifting influences

A key development during the Covid-19 pandemic was the shifting level of influence and power among the executive, legislative and judicial branches of government. In general, executive arms in all countries gained in power as governments had to act swiftly to halt the spread of the virus. Some argue that, in Albania, there were instances in which power was misused, for example, by pushing through constitutional changes regarding elections. Others see the boycott of Parliament by the opposition as the main cause of these developments. In Kosovo, political disagreement over declaring a state of emergency dominated the debate, leading to confusion and no clear policy line from a government that had been formed barely a month before the lockdown. Meanwhile, North Macedonia was

led by a technical government, which made it less likely that authorities misused power.

One would suspect that such an increase in the power and influence of the executive was at the expense of the legislature. However, in Albania, Parliament was already weak due to the absence of an opposition. It did continue to function by signing-off on government policy. In Kosovo, the government's lack of majority resulted in regular parliamentary sessions, but without clear outcomes. The Macedonian Parliament was largely out of the loop – as the technical government went about its business of managing the lockdown – while early elections planned for April 2020 were postponed to July.

The judicial power offers a mixed picture. In Albania, the judicial system is undergoing an overarching reform process to meet European Union (EU) criteria. Courts were closed until the end of May. The Kosovar judicial system was active from top to bottom – the Constitutional Court ruled that government restrictions were not in accordance with the law and citizens could object to administrative decisions; there were severe delays though. North Macedonia's courts were already in a tight spot, in need of severe reform, among others to counter corruption. Covid-19 brought further to the fore the shortcomings of the judicial system, which could not cope with a scenario marked by restrictions and increased requests for involvement at the same time.

Independent oversight institutions' and public bodies' room for manoeuvre was, of course, severely restrained, but they did fulfil important roles, often resulting in increased recognition of their importance. This especially applies to institutions and bodies dealing with healthcare and education. Also, in all three countries, the Ombudsperson sought to continue addressing citizens' complaints. Often, institutions were asked to step up amidst difficult circumstances. For instance, the tasks of the Albanian Information and Data Protection Commissioner were multiplied as a result of institutions, companies and people starting to work (solely) online.

Different segments of civil society also got a boost as a result of the pandemic. In Albania, the work of NGOs and volunteers had peaked much earlier due to an earthquake in November. Overall, in all three countries, civil society actors working in social fields, disaster relief and aid organisations have played a significant role, in some cases even stepping in when and where the state fell short. The more active segments of civil society became even more involved in a variety of issues, from non-Covid-19-related matters such as protesting against the demolition of a theatre in Tirana to action to combat the sudden rise in domestic violence during lockdowns. Moreover, new groups protesting against restrictions or vaccination appeared.

The analytical civil society through think tanks and academia had some difficulty to respond but, as it adapted to online circumstances, it critically assessed governments' Covid-19 policies and spending. Switching to online project implementation and delays on donors' approval of (new) funding, proved challenging for civil society. However, once online, they played an important role in oversight and in contrasting information, acting in-between the authorities and the population. Moreover, scientists played a crucial role in explaining the virus and its consequences to the broader population.

Alike in most countries worldwide, in Albania, Kosovo and North Macedonia the importance of independent media and fact-based reporting also became more evident. According to some experts, media outlets went through a steep learning curve and stepped up their professionalism, while others found that there was a shortage of quality information provision and unbiased reporting.

Albania

When Covid-19 arrived in March, Albania was still recovering from the devastating earthquake that had hit the country at the end of November 2019. Thousands of people were still homeless and at high risk. The 'state of natural disaster', which allows government to restrict human rights and freedoms, was still in place, and was prolonged by Parliament until the end of June. The government introduced a curfew, which was enforced by the police and the armed forces. Albania closed its land borders with neighbouring countries and restricted citizens' movement from one city to another. Two hospitals in the capital Tirana were solely designated to treating corona virus patients. The government also approved two support packages for businesses and people affected by the economic consequences of Covid-19.

Covid-19 and the Albanian Parliament

During the lockdown, the Albanian Parliament and its oversight role were temporarily affected. The lack of digital infrastructure resulted in delays. Given that several parliamentary procedures (foremost voting) require physical presence, during the lockdown the legislature was somewhat sidelined as the executive took harsh but necessary measures. Also, the lack of sufficient consultations and public hearings was problematic, and a few laws were passed without in-depth debate. This situation also raised concerns among civil society and media.

The Albanian Parliament would benefit from increased remote working for parliamentarians and staff. This ranges from secure remote access to servers to digital signatures and online voting. Moreover, Parliament should have a bigger say over budget allocations, which would allow it to act quicker on changes that need to be made in times of crisis.

As time went by, citizens became increasingly critical, and oversight institutions regained some capacity to monitor government policy and spending. Unfortunately, Parliament was still void of an opposition, as the two main opposition parties had boycotted Parliament the year before. It will be a difficult road ahead for Albanian oversight institutions, foremost Parliament, the Ombudsman, and the Accounting Chamber, as they attempt to regain influence in a country which has been hit by protests, earthquakes and Covid-19, all within one year. Particularly worrisome is the lack of oversight of the government's spending, especially regarding the use of the substantial aid received from international donors; as time goes by and the urgency of the multiple crises lessens, the risk of corruption could increase. Civil society is an active actor that seeks to play a constructive role in oversight and in reaching out to the public and government alike.

Kosovo

Kosovo had formed a government in February 2020, just before the Covid-19 pandemic took hold of the country. Strict measures were taken to limit the spread of the virus, although these created tension between then President Hashim Thaçi and then Prime Minister Albin Kurti, for instance over declaring the state of emergency. By the end of March, the Kurti cabinet had fallen after a no-confidence vote in Parliament. Previously, in mid-March, the government had allocated €10 million to fund efforts to contain the spread of the virus and reinforce the healthcare system. By the end of the same month, the then already caretaker government announced a €170-million package to support municipalities, businesses and individuals. In early June, a new cabinet was formed (without general elections) when Prime Minister Avdullah Hoti was elected by Parliament.

Parliament has continued to function during the crisis, though at a slower pace. The government does not have a majority, which makes governance challenging and the role of Parliament influential. Kosovo's independent oversight institutions remained fairly active, for example, with the Ombudsman continuing to address numerous cases despite going through a transition process and leadership change. The fact that Kosovo's institutional set-up is fairly new, having been built almost entirely from scratch after independence, had a positive effect on its capacity to withstand the shock of working online.

Covid-19 and Kosovar civil society

Civil society in Kosovo is a force to reckon with. However, civil society organisations had to adapt their activism, oversight, research, and project implementation. During Covid-19, they had little access to information, and were effectively disconnected from their constituencies and from government activities. Alike Parliament, civil society's capacity to oversee the tough security measures that were taken to counter the virus was limited.

Civil society also played (or should have played in some cases) a very important role in facilitating information and countering the abundance of misinformation. During the lockdown and curfew, information was not available in the languages of non-majority communities in Kosovo (a constitutional obligation of the government). This obviously affected the security of these communities and increased citizens' probability of being fined for not obeying the rules. A number of CSOs of the Kosovo-Serb community, supported by CSOs of the Kosovo-Albanian community, protested against this, while Kosovo-Serb NGOs took the initiative and began translating government measures into Serbian and posting them on social media.

Dis- and misinformation also spread at an alarming rate, at the hands of both individuals and several media outlets. These ranged from underestimating the threat posed by Covid-19 to recommending unverified medical treatment, or raising panic. The Kosovo Government, media, and civil society were largely irresponsible to this phenomenon which endangered (and still does) the security of different segments of society. Civil society should work closely with the authorities to develop and implement mechanisms to counter dis- and misinformation.

North Macedonia

The North Macedonian Government declared a state of emergency that was prolonged until the end of June. The general elections, which were originally planned for November 2020, had been moved forward to April, but were moved to July due to Covid-19. During the crisis in spring and early summer, North Macedonia was ruled by a technical cabinet. To counter the virus, a three-stage plan was developed: first, a curfew was imposed while allowing basic economic activity; second, returning to work but taking strict health protocols into account; and third, a full return to regular work. However, this was not enough to prevent North Macedonia from being heavily affected by the virus, the incidence of which peaked in early summer.

Democratic oversight of government policy and spending took a backseat during the first months of the pandemic. While this was mainly due to technical reasons, the fact that the technical government was broadly supported also diverted attention from the need of oversight by Parliament and other institutions. Also, the fact that elections took place amidst the health crisis was not helpful, as political campaigning interfered with anti-Covid-19 messaging, resulting in negative public opinion regarding the authorities' response to the crisis.

Covid-19 and the Macedonian Ombudsman

During the lockdown, the Macedonian Ombudsman was able to address most citizens' requests. However, the Ombudsman was not consulted by the government during the lockdown. This was unfortunate, as the office could have made recommendations on how to safeguard human rights during the restrictions.

After an initial transitional period from mid-March until the end of May, the Ombudsman quickly adapted to functioning without in-person meetings, and was better able to address the increased number of requests in early summer. New campaigns regarding the activities of the Ombudsman were implemented. Toward the end of the summer period, Ombudsman staff began to make field visits around the country when possible to meet with citizens. While there is a need for more hardware and online infrastructure, and many citizens who do not have proper access to the Internet found it difficult to reach the Ombudsman, overall the office has shown resilience in carrying out its mandate of defending human rights.

In the coming period, the work of the Ombudsman is set to increase, as citizens have increasing privacy concerns over the Stop Corona application (a Covid-19 tracing app); over how regular urgent healthcare was sidelined to prioritise Covid-19 treatment; and over the government's testing policy.

The way ahead

Over the coming year, several quick fixes should help to get democratic oversight of government online (short-term). Over the next 2-3 years, the three countries should assess the crisis period more in-depth and act decisively on several shortcomings (mid-term). And over the coming 4-7 years, work needs to be put in to further strengthen and consolidate democratic reform and European integration (long-term). Here are some ideas for policy-makers and civil society actors:

Short term

- Develop online mechanisms and procedures for Parliament and independent institutions that are safe and easy to use. Avoid full dependence on these mechanisms as in-person procedures and meetings will need to become available again in the future.
- Offer the possibility to staff in Parliament, the Ombudsman, Accounting Chambers, Information and Data Protection Agencies and so one to (partially) work from home. Civil society organisations might be an example, even though they have less information to protect or procedures to take into account.
- Make essential government information available in as many languages as it is necessary for the population to understand, including sign language and brail.

Mid term

- Involve academia, think tanks and NGOs in an assessment of the authorities' reaction to Covid-19. What worked well and what did not? How can oversight institutions stay in the loop in times of crisis in the future?
- In the same vein, assess the role of (online) media and devise a broadly supported strategy to counter dis- and misinformation.
- Strengthen mechanisms for legislative oversight of budget and finance. Assistance packages developed by governments need to be carefully scrutinised during implementation, and the use of external donor funding should be monitored.

Long term

- Assess how authorities and oversight actors can capitalise on the trust that citizens developed in politicians and experts who acted for the common good in curtailing the virus. In other words: how to build trust in politics and bureaucracy that is based on the common good instead of narrow clientelist interests?

- From a regional point of view, Albania, Kosovo, and North Macedonia, possibly in conjunction with other countries in the region, could adapt their policies of closing borders and their capacity for coordination in halting the spread of the virus.
- Incorporate lessons learned of democratic oversight and reform in newly-developed programming for European integration (through pre-accession programming in Albania's and North Macedonia's case or the Stabilisation and Association Agreement in Kosovo's case).

Conclusion

The reactions to and the measures taken to contain Covid-19 have been very similar in Albania, Kosovo, and North Macedonia. When the virus got a grip on the Western Balkans, several countries in Western Europe were already showing high infection rates and mass hospitalisation. This prompted the governments in all three countries to act thoroughly and harshly by quickly imposing states of emergency, lockdowns and curfews. The acceptance rate among the population was high, as citizens were aware that healthcare services would not be able to cope with high infection rates.

Democratic oversight of these hard measures was largely absent in Albania, Kosovo, and North Macedonia, as was the case worldwide. Parliaments, oversight institutions and civil society encountered technical problems in performing their oversight role, but, at the beginning of the crisis, there was also a clear understanding that authorities needed leeway to act swiftly to stop the virus. The relaxing of measures opened increased possibilities for oversight and debate. Albania, Kosovo, and North Macedonia have learned that their executive, legislative and judicial institutions, as well as their civil societies, are resilient in the face of crisis though fragile in dealing with concrete issues at hand and exercising continuous oversight.

In the short term, all three countries will need to take measures to move governance and oversight largely online, without ignoring the need and possibility for in-person work when possible again. In the mid term, after this reality check of governance, reflection is needed on what worked well and what needs improvement. More importantly, action is needed to improve financial accountability of government assistance packages and donor aid. In the long term, all three countries should stay the course in building their democracies with the understanding that democracy does not only lie in institutions and mechanisms, but just as well in mentalities and behaviour. The respect earned by some politicians and officials who laboured for the common good and safety of the people under difficult circumstances is exemplary and a positive sign for the future.



CESS

The Centre for European Security Studies (CESS) is an independent institute for research and training, based in Groningen, the Netherlands. CESS seeks to advance security, development, democracy and human rights by helping governments and civil society face their respective challenges. CESS is an international, multidisciplinary and inclusive institute. Its work is part of the European quest for stability and prosperity, both within and outside Europe. CESS encourages informed debate, empowers individuals, fosters mutual understanding on matters of governance, and promotes democratic structures and processes.



DECOS

The DECOS project seeks to empower democratic institutions and civil society actors in their function of oversight of security. It does so by increasing capacities, enhancing cooperation, and fostering a culture of oversight of the security sectors of Albania, Kosovo, and North Macedonia.



In the DECOS project CESS works with:

- The Albanian Institute for Political Studies
- The Institute for Democracy and Mediation, Albania
- The Kosovar Institute for Policy Research and Development
- The Institute for Democracy 'Societas Civilis', North Macedonia



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