

THE MINISTRY OF INTERIOR AND THE POLICE IN ACHIEVING THE SECURITY OF THE CITIZENS IN CONDITIONS OF PANDEMIC CAUSED BY CORONAVIRUS COVID 19

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Abstract: The Ministry of Interior of the Republic of North Macedonia according to its scope of competencies is an integral part of the Crisis Management system, where in accordance with the Law on Internal Affairs provides professional assistance to citizens, legal entities and state bodies in exercising the prescribed rights and obligations, protection of life and personal safety of citizens and property.

However, there are certain restrictions in the legal regulations regarding the consistent execution of its scope of competencies in the field of prevention, early warning and first response in the event of a crisis on the territory of the Republic of North Macedonia, as well as restrictions in conditions of declared emergency. Situation for which the Government of the Republic of North Macedonia (RSM) faced for the first time as such a challenge.

Bearing in mind that this is a phenomenon that can generate certain security implications that may occur as a result of mass spread of the disease among the citizens of the Republic of North Macedonia, the measures and activities undertaken by the entities of the system and the Ministry of Interior, and they refer to the restriction of certain rights and freedoms and the declaration of a state of crisis on the entire territory of the country, whereby certain security risks are detected which, according to the capacities of the Ministry of Interior and the police in the crisis management system, can be a special obstacle in the execution of the scope of competencies and the undertaking of certain operative tactical measures and activities in accordance with the positive legal regulations.

Keywords: pandemic, security, emergency, crises and crisis situations, identification of risks and threats, security, response, coordination

Introduction

Coronavirus COVID 19 is a current viral respiratory infection that first appeared and was registered as an epidemic in the city of Wuhan in the Republic of China, has since expanded to more countries in the world, being declared a pandemic by the World Health

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Organization. Coronavirus is an infectious disease caused by a new virus that has not been previously identified in humans.

The Ministry of Interior of the Republic of North Macedonia, according to its scope of competencies, is an integral part of the Crisis Management system, where according to the Law on Internal Affairs, it provides professional assistance to citizens, legal entities and state bodies in exercising prescribed rights and obligations, protection of life and personal security of citizens and property.

Considering that certain restrictions have appeared in the legal regulations regarding the consistent execution of its scope of competencies in the area of prevention, early warning and first response in the event of a crisis on the territory of the Republic of North Macedonia, as well as restrictions in terms of a state of emergency has been declared for which the Government of the Republic of North Macedonia has faced such a challenge for the first time.

This research is aimed at improving the undertaking of measures and activities that are within the competence of the Ministry of Interior and the Police and for which execution in accordance with the Law on Protection of the Population from Infectious Diseases, is obliged to cooperate with the Ministry of Health and other entities. The Ministry of Health, which within its competencies based on the prepared Action Plan for dealing with the situation, will take all necessary measures and activities from a medical aspect in order to prevent the spread of the infectious disease, including recommendations for restriction of certain human rights and freedom.

Bearing in mind that this is a phenomenon that can generate certain security implications that may occur as a result of mass spread of the disease among the citizens of the Republic of North Macedonia, the measures and activities undertaken by the entities of the system and the Ministry of Interior are the same. They refer to the restriction of certain rights and freedoms and the declaration of a state of crisis on the entire territory of the country, whereby certain security risks are detected. According to the capacities of the Ministry of Interior and the position of the Police in the crisis management system, they can be a special obstacle in performing the scope of competencies and undertaking certain operational tactical measures and activities in accordance with the positive legal regulations.

The performed analyzes will make an appropriate contribution in obtaining a better picture of the possibilities and limitations of the Ministry of Interior and the police in conditions of emergency and crisis. Using its human and material resources within its competencies, arising from the positive legal regulations, to perform its tasks in prevention, early warning and giving an initial response to the crisis situation by carrying out the following tasks:

- Prohibition of diversion and establishment of a regime on the movement of local and highways, streets and other infrastructure facilities and on the endangered area or on the territory of the entire country;
- Increased provision of vital facilities, diplomatic and consular missions, international missions and organizations with diplomatic status in the countries;
- Transport and security in case of outbreaks of quarantine and other diseases of humans and animals, destruction of the environment, property and material goods and
- Other activities and tasks in accordance with the newly created conditions in the endangered area.

Legal framework for treatment of the Ministry of interior in terms pandemic caused by coronavirus COVID 19

The Ministry of Interior in accordance with its competence and integral part of the system management crisis where the Law on Internal Affairs provides support to citizens legal entities and state bodies in exercising the prescribed rights and obligations, protection of life and personal safety of citizens and the motto.

In carrying out its scope of competencies in the area of prevention, early warning and first response in the event of a fur situation on the territory of the Republic of North Macedonia, the organizational units of the Ministry of Interior act in accordance with the national legislation of RSMacedonia: RSM Constitution, National Security Concept and Defense, the Ministry of Interior, the Law on Police, the Law on Protection and Rescue, the Law on Crisis Management, and other laws and bylaws, including: Guidelines for operational and other procedures of the Ministry of Interior in times of crisis, The Directorate for Operational and Other Procedures of the ARM in Support of the Police in Case of Crisis, the Rulebook on the Manner of Performing Police Affairs with Special Emphasis on Article 201, the Standard Operating Procedures for Communication, Coordination and Cooperation between the Entities in the Crisis Management System in a declared state of crisis (third edition) and others.

Tasks of the Ministry of Interior:

1. Ministry of Interior in prevention, early warning and giving an initial response in the event of a crisis, realizes the following tasks:
 - Prohibition, diversion and increased provision of facilities of vital importance to the state, facilities that have confidential materials and documents, securities and documents important for the security of the country, diplomatic-consular missions and residential facilities of the country, international missions and organizations with diplomatic status in the country,
 - Transport and security in case of epidemics of quarantine and other diseases of people and animals, destruction of the environment, property and good material
 - Other activities and tasks in accordance with the newly emerged states of the affected area
2. For the realization of the stated tasks, the following operational and tactical measures and activities:
 - Blocking roads and sections;
 - Regulation, diversion, establishment of a new regime of movement,
 - blockade of space, physical security, establishment of control points, control of motor vehicles, persons and passengers, implementation of guard service and patrol activity;
 - Informing the relevant services of the competent authorities, as well as informing the public;
 - Transportation, security and escort of confidential and dangerous substances, confiscation of items for which there is a reasonable suspicion that they have been used or intended for committing a crime, as well as securing items from victims;
 - Exchange of Intelligence Data and

- Search, Field Search and Rescue The
3. Ministry of Interior in conditions of declared crisis will realize the following tasks:
- Taking measures and activities in order to deal with natural and other disasters, technical-technological disasters, epidemics and other human diseases and animals;
 - Securing the state border in conditions of crisis;
 - Establishment of public order and peace in cases when it is disturbed on a larger scale with indications to grow into civil unrest and
 - Extraordinary and strengthened security of facilities important for the security of the state, facilities important for the security of the state, facilities important for the defense, residences and residences of VIPs, diplomatic and consular missions and missions of international organizations, political summits and high-level conferences.

For the realization of the stated tasks in conditions of declared crisis, the Ministry of Interior will implement the following operational-tactical measures and activities:

- Establishment of control points for restriction of movement and establishment of control in a certain area;
 - Organizing patrol services, setting up ambushes, blockades, raids and searching facilities, persons and motor vehicles;
 - Blockade of a certain area, conducting and searching the field, finding objects and equipment, possible shelters and residences, interruption of logistical support to criminal-terrorist groups and its destruction;
 - Increased security of possible targets of attack, facilities of special importance for the state, international and diplomatic missions, residential facilities and residences of VIPs;
 - Increased control of border crossings of passengers and goods;
 - Intensified control of the state border and its eventual closure;
 - Intensified control of entry / exit of persons arriving in the country from areas that according to the WHO list have been declared as medium and high risk areas.
4. Issues that need to be regulated in the Legal and Institutional Framework related to the actions of the institutions during the declared crisis and state of emergency by the Government of RNM (Republic of North Macedonia)

The field of crisis management is fully regulated by law, but the experience of the past years has shown that it is necessary to pay more attention to certain issues. The research on the actions of the institutions during the declared crisis and state of emergency by the Government of RSM indicated the unwillingness of the institutions to manage a potential crisis. Activation of the Plans available has proven to be inapplicable, outdated or ready for ad hoc situations. In the absence of a single designated entity to lead the COVID-19 crisis management, the institutions found themselves in a position of reactive action. The only exception is the Ministry of Health, which has followed the guidelines of the World Health Organization.

The absence of a legal framework for declaring a state of emergency has led to numerous challenges as well as inconsistencies in practice. Starting with the declaration of a state of emergency and the (im) possibility of the Assembly to convene, there was

a conflict of opinion and different interpretations of the constitutional provisions between lawyers, politicians and representatives of all branches of government. In addition, a state of emergency may be declared for a maximum of 30 days. This has already been noted as one of the inconsistencies because five decisions were made to declare a state of emergency, which meant that the state of emergency lasted for a total of more than three months.

One of the explanations of the experts was that each individual state of emergency refers to a different factual situation and therefore should be considered individually. In addition, the constitutional provision according to which the Assembly should confirm the decision to declare a state of emergency "as soon as it is able to meet" is again debatable. Given that the parliamentary composition should review and confirm the decisions previously made by the President, there is a possibility that the opposition will challenge the decisions of the Prime Minister, and the main argument of the opposition is that the Government may abuse the declaration of a state of emergency. political goals. On the contrary, all five decisions taken by the Government to declare a state of emergency were unsuccessfully challenged before the Constitutional Court. Experts have received a variety of opinions on each of these issues, reiterating the ambiguity of existing provisions and the need to adopt a comprehensive legal framework.

The first two decisions referred to a 30-day state of emergency, the third and fourth decisions referred to a 14-day time frame, and the last (fifth) decision referred to an 8-day state of emergency. In terms of the challenges that existed in practice during the state of emergency, the General Coordination Headquarters was established ad hoc as a result of the absence of an institutional framework. The establishment of this body is based on a provision of the Law on Government, which stipulates that the Government may establish "professional and other services for its own needs and joint services for the needs of the Government and the ministries and other state administration bodies."

During the state of emergency, the General Coordination Headquarters actually met every day. Experts generally had a positive perception of this body, emphasizing its multidisciplinary nature and the importance of timely coordination between all relevant institutions.

A challenge, however, was to monitor the implementation of the measures because it depends on the capacity of other entities, the political will and especially the capacity and readiness of the police and inspectors to implement the measures. The Ministry of Interior, through the Bureau of Public Security at the regional and local level, monitored and directly or in cooperation with the competent inspectorates supervised the observance of the measures adopted by decisions of the Government of the North Macedonia.

Also, if we consider the national crisis management system that was established for the purpose of early detection, coordination and response to crises (including large-scale epidemics), unfortunately, it can be concluded that the system has not passed the test. During the interviews, it was determined that there is some duplication and overlap in the competencies of the Crisis Management Center and the Protection and Rescue Directorate. In addition, there are different opinions and perceptions regarding the efficiency and capacities of these two institutions. Although some experts said that the crisis management system gave a good response to the pandemic in the early stages, when a state of crisis was declared in the municipalities of Debar and Centar Zupa, most experts believed that the established system could not respond to a national crisis. .

In 2017, the Government appointed a national coordinator for disaster risk reduction, but without a clear and visible coordinating role in the work of these two institutions, for which in September 2019 the Government adopted a document "National Platform for Disaster Risk Reduction", in which are "sublimated priorities, expectations and obligations that are in function of creating an effective and efficient protection and rescue system". The document proposes systemic reforms, based on perceptions and assessments that there is "dualism, rivalry and lack of coordination" among key stakeholders in times of crisis. In addition, it is assessed that the current crisis management system does not allow synchronized action of the two independent institutions, and the main challenges in practice relate to misunderstandings regarding competencies. The National Platform proposes to prepare a new legal solution to define a single competent institution and a unified crisis management, protection and rescue system, which will integrate all available capacities and resources at all administrative levels. The most important elements of this system should be the clear hierarchy and the only command, coordination headquarters, as well as clearer competencies for stakeholders at regional and local level.

The Ministry of Interior as a subject of the crisis management system and a subject of the protection and rescue system has a role in certain areas of risk and disaster management and risk reduction policy organized by the "Directorate for Protection and Rescue (SSO) and the Crisis Management Center (CMC) and therefore it is very important to have precisely and clearly defined roles and responsibilities in order to plan, equip and develop its human and organizational capacities in the short, medium and long term.

So far, the two institutions have emphasized their role in risk assessment, although according to the statements of the experts, it can be concluded that they do not agree on the extent to which they are competent. The SSO considers that it has a leading role in assessing the capabilities, needs and gaps for risk management, but argues that the CMC does not provide them with the necessary information in order to perform that function effectively. Both organizations have a role to play in crisis management, ie the SSO is responsible for coordinating and managing natural hazards, and the CMC has a leading role in coordinating and managing national security risks or natural hazards when the answer to be given is greater than the SSO's ability to take the lead. Those crisis management roles are, in practice, vague and easily ambiguous.

Regarding the early warning, the CMC has a national monitoring system and has the authority for public alarm, for which the CMC and the SSO should work in coordination with the media, which means giving warnings to the public.

With the adoption of the Review Program in the framework of EU cooperation for civil protection and disaster risk management, and in order to assist in crisis management, the Government has adopted standard operating procedures (SOPs), which cover several areas, protocols and procedures for data collection, data management and analysis and their dissemination in relation to risk assessment, as well as planning the readiness for immediate action in a declared state of crisis.

The content of this document which foresees the roles of the Ministry of Interior and the Ministry of Health as well as other entities of the system in case of an epidemic, where it is foreseen that all activities to be undertaken in cooperation with the CMC were used and adjusted during dealing with the COVID-19 pandemic. However, the knowledge about the

existence of this document turned out to be limited, for which the scepticism of the experts regarding the applicability and practical application could be noticed.

By-laws that the system entities were supposed to adopt and develop within their institutions such as Rulebooks and instructions and Decrees deriving from the Law on Crisis Management and the Law on Protection and Rescue were not adopted, and would contain guidelines for acting in conditions of crisis or emergency.¹⁸

The plan for preparedness and response of the health system in emergencies, crises and disasters has been adopted to ensure inter-ministerial cooperation and participation of all competent institutions related to the competencies of the health system in:

- timely planning and taking operational measures of the health system for emergency response situations, crises and disasters;
- fast and timely reporting;
- constant communication and cooperation;
- upgrading the health care system;
- connection to the protection and rescue system and the crisis management system.

The Ministry of Interior established a main coordination body, composed of the main leadership of the Ministry, which proved to be particularly relevant given the complex decision-making process in this Ministry. There was also a coordinating body that coordinated the work between the police and the army, and this was assessed as a positive example.

The Institute of Public Health coordinates the activities between the centers for public health and the Ministry of Health in case of emergency and / or emergency public health and occurrence of unusual public health circumstances. This institution has been the national focal point for International Health Regulations since 2005. The Institute of Public Health assesses health risks and environmental risks, both infectious and non-communicable diseases. The plan envisions the Minister of Health appointing a national disaster health system response coordinator, as a special body preparing the health system for responding to emergencies, crises and disasters, as well as a national coordinator for sexual and reproductive health in response to the health system in emergencies, crises and disasters.¹⁹

In practice, due to the lack of guidelines and other bylaws, ad-hoc decisions are made, based on the best knowledge and understanding of those in a position to make decisions.

In August 2020, a Center for action in conditions of epidemics and other public health emergencies was opened in the Republic of North Macedonia. The opening of the Center will provide centralized information in real time, monitoring the situation, reporting, as well as advice on how to act in cases of events and emergencies related to public health. Combining the epidemiological expertise of the Institute of Public Health, the Center will offer digital solutions for a single early warning system for timely reporting and detection of

¹⁸ <http://cuk.gov.mk/files/Standardni%20operativni%20proceduri%20B5%20eng.pdf> 19 The Ministry of Health has adopted a Plan for preparedness and response of the health system in dealing with emergencies, crises and disasters (2017).

¹⁹ Law on Organization and Work 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. See: <https://srzvokrizi.mk>. Also: Tasks for the National Coordinator for Sexual and Reproductive Health in Response to the Health System in Emergencies, Crisis and Disasters, Available at: <https://srzvokrizi.mk/wp-content/uploads/2018/12/TORNational-SRS-Coordinator-in-Crisis.pdf> 20

public health conditions. The center will improve the supervision and coordination between epidemiologists, laboratory staff and public health experts from the ten public health centers and 21 regional units in the Republic of North Macedonia. The WHO assists in the operationalization of the Center and provides technical guidance, and a WHO public health expert will be part of the national team.²⁰ The Center will contribute to the construction of the national system for response to health emergencies and to the fulfillment of the obligations from the International Health Regulations (2005).

Lessons learned and future challenges

Usually, the change of government in the states is a big challenge in “normal times”, especially when such a process occurs during a pandemic. Despite the fact that the Republic of North Macedonia faced such a transition, the emergence of COVID-19 in the already complex and challenging circumstances caused the crisis management system to be exposed to a major test. This paper aims to examine the impact of the pandemic on the readiness of the Republic of North Macedonia and its crisis management capabilities - to highlight areas where there is good functioning for the needs to be maintained, as well as areas where it is necessary and to exert greater influence in the Republic of North Macedonia in order to be better prepared and capable to effectively manage any crisis in the future.

At the strategic level, through a participatory and transparent process, a national security strategy should be adopted, in accordance with the latest amendments to the Law in February 2020. Extending the notion of security, the new strategy should be based on risk assessment and to be supported by an action plan to build resistance to various security threats. In that context, the Assembly should take an active role, not only in terms of the adoption of this document, but also in overseeing its implementation. The legal gaps that arose in dealing with the COVID-19 pandemic should be overcome by adopting an appropriate legal framework for the state of emergency, which, among other things, will provide clear definitions of the roles and responsibilities of institutions, the decision-making process, oversight and control.

It is important to note that in the medium and long term the country has made a step forward in terms of crisis management system reform according to the already established recommendations in many analyzes conducted by stakeholders at national level and in the Review conducted within the EU civilian mechanism and protection. In the short term, the time coordination and exchange of information should be strengthened and this should be provided by law based on the experiences of the General Coordination Crisis Staff. The Republic of North Macedonia within the crisis management system should include the coordination of foreign aid, through appropriate procedures and operational standards. A formal emergency monitoring and control mechanism should be established. In doing so, not only the legality of the provisions should be assessed, but also the necessity, proportionality and effectiveness. The Assembly should ask the independent oversight and control bodies to prepare special reports regarding the oversight and control of the state of emergency, as well as the impacts of the COVID-19 pandemic in the areas that fall within their competence. It is of the utmost importance to reach a political agreement between the political parties on the

²⁰ According to the WHO, “the joint external evaluation of the readiness of the Republic of North Macedonia and its capacity to respond to emergencies recommended the establishment of such a center.”

ways that will enable the smooth and uninterrupted functioning of the Assembly. The Assembly should continue to perform its legislative function, especially in relation to pandemic laws and ongoing reform processes. The application of the existing oversight mechanisms available to the Assembly needs to be increased exponentially, including parliamentary questions, committee work, oversight hearings and field visits. A special commission on the COVID-19 pandemic should be set up in the Assembly to oversee the pandemic.

The exchange of opinions, ideas and practices with the majority of society, even in a situation where the pandemic is widespread, should be mandatory, and institutions should improve and rethink their own consultation procedures involving relevant parties. The crisis caused by COVID-19 and any crisis in the future can not be taken as an excuse to bypass this particularly important element in the policy-making and decision-making process. Institutions need to provide more flexibility in organizing work processes, and the state administration needs to be prepared to work effectively and safely both at work and at home. Each institution should identify key staff (by job position and job description) and provide the necessary working conditions for it. Institutions should have a designated person / working group responsible for security and organization of work processes in times of crisis. Institutions should be provided with adequate education and training for the effective management of various crises, including training through a number of thematic simulations or scenarios. Mechanisms should also be developed to monitor employee performance, including incentives for over-achievement and sanctions for under-performance. Regarding public procurement during a crisis, greater transparency is needed in all segments of the procedure, regardless of the type of public procurement mentioned in the Law on Public Procurement for this particular situation. State institutions should submit detailed reports to the Assembly on all public procurements conducted during the COVID-19 crisis. Through consultation with relevant stakeholders, the review of the public procurement procedure in times of crisis should be discussed and agreement reached on the implementation of the recommendations. The government should also prepare communication strategy (s) for emergencies, including security protocols for communication between various government institutions and agencies. Adequate technical and human resources will be necessary to ensure a comprehensive and practical approach to the target group.

Most recommendations will need to be approved by the Assembly in order to translate them into practice, such as the recommendation to establish a formal emergency oversight and control mechanism, prepare a comprehensive framework at the national level and designate an institution to have a leading role in responding to the health crisis. However, some of the recommendations can be implemented without such an approval, ie how the work processes will be organized and how the foreign aid will be managed more effectively. The Republic of North Macedonia should not invent anything new in designing the response to crises in the future. Many countries have adapted their protocols to better deal with the pandemic.

It is recommended in cases of emergency such as the pandemic caused by the COVID 19 virus to continue the work of the Parliament through greater digitalization - video conferencing and remote work - as they have proven to be quite effective in Estonia and New Zealand.

By identifying areas where institutions need to improve preparedness so that a more effective response can be provided to meet the needs of all citizens.

Conclusions and recommendations

1. It is necessary to prepare a law on emergencies, through a participatory and transparent process, taking into account recent experiences and lessons learned, in order to prepare better government institutions to deal with the risks that will arise from future crises. The Law on Emergency should provide for a multi-sectoral approach and involvement of the executive, which will enable the expansion and strengthening of mechanisms in different sectors. The law should include the following:
 - a clear procedure for declaring a state of emergency and its extension;
 - roles and responsibilities of each branch of government;
 - roles and responsibilities of the local self-government units;
 - decision-making process and coordination;
 - consultations with stakeholders;
 - supervision and control.
2. Approach the reform of the crisis management system in accordance with the conclusions and recommendations given in the National Platform for Disaster Risk Reduction. It is especially necessary to overcome all the shortcomings identified in the 2018 review, made as part of the Review Program in the framework of cooperation with the EU for civil protection and disaster risk management. The document proposes to merge the SSO and the CMC to form a directorate for civil protection, which will be part of the composition of the Ministry of Interior. This directorate would consist of two main segments: operational operations (formerly SSO) and strategic operations (formerly CMC), under the direction of Deputy Directors who will be accountable to the Director of Civil Protection. At the regional level, it is proposed to have one civil protection office in each of the eight regions. The proposed model should be the subject of public debate.
3. In order to strengthen cooperation and coordination between institutions, especially at local and regional level. The government should designate an organization to lead crisis readiness and management and be responsible for publishing, updating and reviewing all accompanying plans. The institutions should submit the plans to the designated management entity at the national level. The plans should be updated annually or as needed, and trials and preparations should be made for them at least once a year. Time coordination and rapid exchange of information have been identified as key aspects of crisis management. This refers to the work of the coordination crisis headquarters and the coordination bodies within the Ministry of Interior and the coordination body between the Ministry of Defense and the Ministry of Interior. These bodies should appoint people who will have the authority to make decisions in order to carry out their work effectively. It is a positive practice that should be adopted also in the relevant written operating procedures.
4. To initiate amendments to the Law on Crisis Management in which it should
5. Envisage the appointment of a single body to coordinate the response to the crisis. The operational work and other aspects of this Governing Body should be

prepared on the basis of the experience of the General Coordination Crisis Staff, i.e. it should include at least the following:

- Body composition - the law should provide for key members of this body, as well as additional members depending on the type of crisis / emergency (epidemic, earthquake, terrorist attack, etc.).
- Roles and responsibilities
- Decision making
- Monitoring the situation.

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