

# LEGAL AND POLICY CONSIDERATIONS FOR OBTAINING EFFECTIVE CRISIS MANAGEMENT IN THE REPUBLIC OF MACEDONIA

Vesna Poposka, page 137-148

## ABSTRACT

Crises are an integral part of social processes and everyday life. The art of dealing with them, the ability to predict and prevent, and the effectiveness in the alleviation of their consequences, is what predefines the development of the society as a whole-it is defined by the resilience and the fast recovery. The institutional structure is the key for establishing the mechanisms, and it is the normative framework that predefines it, converted into a legal and sub legal acts. The text aims to look at the current institutional arrangements for crisis management in the Republic Macedonia and see if it suits the purpose of crisis management in general, as well as some comparative experience as a suggestions for implementation of legal reforms, as precondition for obtaining effective institutional framework for implementation.

**Keywords:** crisis, management, law, framework



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## INTRODUCTION

*"Every crisis gives rise to a chance of a revival" - Nina O'Neill*

Attempt to define crisis management as a general term would lead to a definition like: complex of measures and activities, from preventive and reactive character, which the competent state institutions seek to respond with all sources of decreasing the threat to the security of citizens, eliminate them or reduce their effect to tolerant limits (Government of RM, 2009). Only in the last decade, the crises gave a new dimension and a challenge to the political leadership and those who are professionals in the field of crisis management. From Haiti to Japan, the new crises are characterized by:

- Unexpectedly large volume
- The fact that they are new, or altered, at least in memories (Leonard, 2012)
- Transnational (cross-border) character (Boin, A. et al 2010),

This means that crisis management requires more resources (which are certainly more limited), more knowledge and skills, greater cooperation and greater prevention and awareness of the consequences. If global warming a few years ago was considered a myth, today it increasingly charges their taxes, and hardly isolated efforts could be effective in the prevention of potential crises that originate from it.

Japan is a good example of how one catastrophe in another creates a "vicious circle" (Baubion, 2013)

1. Earthquake
2. Tsunami
3. Nuclear accident
4. Lack of electricity
5. Doubt about overseas exports and product quality
6. Fall of tourism

The effects of this cycle of crises were felt far beyond the state border of Japan.

Managing the risk of natural and man-made disasters brings with it the potential to save billions of dollars. Disaster risk management costs are similar to those envisaged for climate change, estimated at between \$ 75 billion and \$ 100 billion for the 2010-2050 period. The risk as an imaginary constructor is the basis for as many as 63 percent of global businesses, who see an opportunity for profit in reducing the risk of disasters (Sekutovski, 2017).

Crisis management as an activity of high state interest is established for the purpose of prevention, early warning and dealing with crises that pose a risk to the life and health of people and animals, material, natural and cultural goods, as well as general security in the state( Government of RM, 2009)

The basic legal framework for crisis management is the Crisis Management Law of the Republic of Macedonia, defining that:

- "Crisis" is a phenomenon that endangers the basic values, the permanent and vital interests and goals of the state, like the constitutional order and the security of the Republic;
- "Crisis situation" is a condition caused by risks and dangers that can endanger the good, health and life of people and animals and the security of the Republic, for whose prevention and / or regulation the use of a larger amount of resources is required.

Identical definition of the crisis also occurs in the Law on Protection and Rescue.

In addition, some of the issues that are addressed in crisis management are covered by the Law on Protection and Rescue, the Law on Occupational Safety and Health, and certainly a number of by-laws as well as special, or "thematic" laws.

It is difficult to list the sources of threat or potential crisis: from accidents, ( ie earthquakes, fires and floods) , to a migrant crisis, internal riots, political and economic crises, social and economic crisis, crises, military and security crises, terrorist attack , An epidemic of infectious diseases - it all comes under the generic notion of crisis. And it's all part of everyday life. Risks can not be avoided - but they can be managed successfully, less successful, or failing. And precisely this depends on the development of each microcosm.

Regardless of the source, the elements of the crisis are identical:

- There is an element of surprise;
- There is a perceived or actual loss of control, especially in the early stages;
- no urgent obvious solutions;
- there is a lack of time

In the management framework of a crisis, the same principles should always be integrated regardless of the nature of the threat or the current crisis, but it could remain flexible on individual circumstances. To be effective throughout the process, you must plan ahead, and be subject to regular training and targeted exercises. The example of the United Kingdom indicates that the crisis management system should be embedded within three layers, that is within an organization it is considered to be functioning on (Moore & Lacha, 2009).

#### *Strategic level*

Strategic level is more commonly known as GOLD (Gold) in many, but not in all parts of the UK, used in the context of senior management positions headed by a Chief Executive Officer. The strategy can be defined as a comprehensive plan to combine and streamline resources to manage a potential crisis, and to cope effectively with what should happen. The objective at the strategic level, therefore, is to establish a framework policy that will integrate the other two levels of the system.

#### *Tactical level*

Tactical level is commonly known as SILVER (Silver). In business terms this is likely to be a mid-rank manager. The tactic can be defined as a method of deploying and redeploying resources in order to achieve the overall plan. Therefore, the responsibility of those on a tactical level is to prioritize the distribution of tasks, planning and allocation of resources.

#### *Operational level*

The operational level is commonly known as BRONZE ( Bronze). Those on an operational level. They will have responsibility for a function or area. An additional element is the Emergency Services. Often, emergency

services will be involved in crisis situations involving commercial organizations. Examples from the UK over the last twenty years are numerous.

### **Organization and functioning of the organs and bodies in the crisis management system of R.Macedonia**

Unlike the practice of the United Kingdom, the impression is that the system is more "state-centric" than the separate organizations as actors that are not heavily involved in the crisis management system, except that they are obliged to adopt measures and plans for protection, approved by the Directorate for Protection and Rescue, and to comply with the requirements of the Law on Safety and Health at Work, ie to provide minimum measures and standards for fire protection, first aid, grounding of electrical installation and but. Even for these minimum standards, often implementation is a problem.

With the Law on Crisis Management, a Steering Committee and an Assessment Group are formed in the Crisis Management System and a Crisis Management Directorate ( Article 20, paragraph 2 of the Law) is established. The Steering Committee is the Government's body for coordination and management of the crisis management system. The Steering Committee is composed of ministers: the Ministry of Interior, Health, Transport and Communications, Defense, Foreign Affairs and the Head of the Assessment Group.

The assessment team consists of the Directors of the Public Security Bureau, the Security and Counter-Intelligence Directorate, the Intelligence Agency; Directors and deputy directors of the Center for Crisis Management and the Directorate for Protection and Rescue; The Deputy Chief of Staff of the Army, as well as the Head of the Security and Intelligence Service in the Ministry of Defense. With the law, in the crisis management system, an independent state administration body has been established by position and function of a directorate, with the status of a legal entity under the name Crisis Management Center, which oversees the implementation of the Law through its field inspectors. Inspection supervision is carried out in the state administration bodies, municipalities, public enterprises, public institutions and services, as well as trade companies that are of special importance for working in a crisis

situation. However, this list can not be exhausted completely, nor can all of the risks be completely eliminated. Inspection supervision, for example, can not sort out all the shortcomings for which special attention should be paid from the very nature of potential sources of threat: for example, testing the design of a particular plant and different technical and technological risks, ensuring quality of materials for work, providing electrical installations, etc. At the end of the day, awareness (and high penalties, but also the support and facilitation of working with high quality tools and materials for example) for each particular sector, is how they have an impact on the crisis management system.

The crisis management system can operate as a separate institutional framework, but it must not be seen as something separate and alien - because the risks exist in every sphere of living and functioning and form an integral part of development and evolution. An effective crisis management system requires integrative approach and inclusiveness, as well as an evaluation of the effectiveness, measures and results - that is, there must be a control system to determine whether the established system can respond to the purpose for which it was established.

### **Legal framework for the crisis management system in R. Macedonia**

The basic legal framework in the Republic of Macedonia. Macedonia is established with the Law on Crisis Management (Official Gazette of the Republic of Macedonia No. 29/05 of 04.05.2005, with the amendments and supplements). But, de facto, much of what is crisis management is regulated by a separate Law on Protection and Rescue (Official Gazette of the Republic of Macedonia No. 36/04 of 10.06.2004 with the amendments and amendments) and in a smaller Some aspects of risk management treat the Law on Occupational Safety and Health (Official Gazette of the Republic of Macedonia, No. 53 from 11.04.2013), the Law on Health Protection (Official Gazette of the Republic of Macedonia, No. 43, 29.03.2012 Year), the Law on Local Self-Government and others. It is important to note that R. Macedonia has not yet defined its critical infrastructure, at least not within the legal framework. In practice, in case of crisis, institutions usually forward the problem to each other (Jordanovska, 2006).

With this, the crisis management was largely bureaucratized, and in practice it is difficult to improve by amending. The two bodies that

emerged as successors at the centers of the Ministry of Defense and the Ministry of the Interior (Crisis Management Center and Directorate for Protection and Rescue) were developed to respond to the challenges, but unfortunately on the ground, the crisis situations are very often repeated , with an already expected order from the wider public.

Beyond the legal framework that directly relates to crisis management, legal regulation and public policies in other areas should also be taken into account, and how they affect the overall processes. Legal solutions are in conjunction, and the displacement of one can have a domino effect.

For example, if taken as a case study of floods in Tetovo(Spasovska-Trpkovska,2015), one of the key segments are the uncleaned riverbeds, which alludes to the problem of waste management, as well as the environmental awareness of the citizens and the local community in general. Systematic pollution that emanates its consequences is more in recent years, and how it is a crisis itself, but it is difficult to see systemic steps in that direction.

In addition to legal solutions, there are different regulatory instruments that are in use, such as the National Disaster Risk Reduction Strategy, the Strategy for Risk Management 2016-2025(Government of RM,2010) , the National Strategy for Protection and Rescue for the period 2014-2018 (Protection and rescue directorate, 2014), adopted by Assembly of the Republic of Macedonia.

From the tactile listing itself and from the inconsistency of the periods, it is more than obvious that the approach to risk management issues was neither integral nor aligned.

Also, different state administration bodies and various organizations can come up with their own suggestions and recommendations, such as the State Administrative Inspectorate's Strategy for Risk Management 2015. The Ministry of Information Society and Administration was initiator of the mobile application for early registration and risk prevention in 2012, but there is no feedback on the efficiency and value of the same (MISA, 2012).

The Red Cross of the Republic of Macedonia plays a particularly important role, having its own strategic plan for preparedness and action in case of disasters( Macedonian Red Cross,2012)

Municipalities and organizations, within their jurisdictions and as a legal obligation, assess vulnerability and adopt appropriate protection measures and plans, but the question is how often they are harmonized and updated, for example by changing the detailed urbanistic plan.

**De lege lata versus de lege ferenda (The law as it is versus the law as it should be, Latin proverb)**

General practice and theory refer that there are a few phases in the crisis management that should be considered, and implemented by law (OECD, 2013)

The crisis management system consists of different stages:

- a phase of preparation before the crisis,
- a response phase to limit the damage

During the crisis and

- Feedback after the crisis.

The preparation should include:

- risk assessment (systematic, sectoral, historical, national)
- an early warning system
- Procurement, maintenance and control of equipment and installations, training and exercises for emergency situations
- appropriate institutional structures

Once a crisis materializes, the answer should include:

- Detecting the crisis
- Monitoring the development of the crisis
- Select the appropriate plan and emergency response

The response should be coordinated and effective

- It has established operational procedures
- Leadership plays a crucial role

Effective crisis management urges for multi stakeholders approach, and the role of both private sector and state institutions is a must. However, the responsibility for the effectiveness of the crisis management system remains on the state, that should have its own mechanisms for making each actor plays by the rules.

Each organization needs a crisis management system for :

- preventing the potential crisis from developing into real crises;
- bring the crisis under control;
- through crisis management activities to direct its development and thereby contribute to an acceptable solution. A permissive solution is what restores the situation to normal, with a minimum number of casualties and damage to property and the environment, which at the same time, will maintain the security, integrity and ability of the affected organization to function. (Moore & Lacha, 2006)

### **Comparative experineces**

The Czech Republic has an integrated disaster management system. The legal framework is based on the Law on Crisis Management and the Law on Integrated Rescue System, both of the 2000s. Additionally, certain segments are covered by the Law on Defense and the Law on Economic Measures in Crisis Situations. De facto, dealing with crises takes place through "staffing" operations. At the national level, they are led by the government and through the National Security Council chaired by the Minister of the Interior, and at the regional and local level by the competent governors or mayors. The National Security Council is a government advisory body composed of the relevant ministers, which operates through four committees, including the so-called Committee on Civil Emergency (European Commission, 2017).

In the R. Slovenia, in turn, a central body for protection and rescue is a separate administrative unit within the Ministry of Defense. It manages, organizes and directs all administrative and professional procedures related to crisis management, protection and rescue. The legal framework is broader and covers different acts at different levels of governance(European Commission, 2017)..

In Sweden, the central role is played by the Secretariat for Coordinated Crisis Management, which is a government body and manages the complex administrative process (different is the social system itself named more than 200 municipalities, regions and a completely different administrative organization), and in close coordination with the Government on a daily basis. Besides him, the focus is in the Ministry of Defense(European Commission, 2017). .

## **CONCLUSION**

Facing theory versus practice shows a clear necessity for assessing the effectiveness of the crisis management system and reforms. Although more than ten years have passed since the crisis management system was established as we know it, there is no publicly available analysis of its effectiveness or evaluation of mechanisms, and crises are repeated with mathematical precision: floods by short period of raining, fires, drizzles, snow that surprises the institutions in the season. Despite the serious efforts that are being made, we still must stumble upon low constraints.

There is no publicly available analysis of the effectiveness of the crisis management system in the Republic of Macedonia. Macedonia, although it has gone a long time since the new legal framework was adopted.

There is a serious administrative-bureaucratic framework, practical duplication of credentials and activities, but the field lacks results.

It takes serious analysis of why this is so, and what can be done to improve it. Otherwise, everything will be reduced to remediation of the consequences rather than solving the systemic problems, which in the long run generates crises, and does not prevent them.

It is necessary to establish a strategically effective and efficient partnership between state institutions private sector.

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