

Securitisation and situations of emergency (Part I)

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Plan

- To map the main types of emergencies
- To better understand the role of security actors during various peace-time emergencies;
- To gain insights into how NHRIs can operate in the specific context of the armed conflict.

Emergencies



Three missions of the armed forces

defence against
external armed
threats (the so-called
defence role)



Three missions of the armed forces

participation in building
and preserving peace,
regionally and globally
(the so-called
peacekeeping role)



Three missions of the armed forces

support to civilian
authorities (the so-called
internal role)



Types of internal roles of armed forces

Schnabel and Krupanski (2014, 129) recognize five clusters:

1. law enforcement-related tasks;
2. disaster assistance-related tasks;
3. environmental assistance-related tasks;
4. cross-over tasks; and
5. miscellaneous community assistance.

The factors leading to more frequent internal role of armed forces

- (1) a demand for assistance in delivering services normally provided by civilian public services and government agencies, when they are temporarily unable to do so effectively or adequately due to an exceptional or emergency;
- (2) the comparative advantage of armed forces in possessing relevant equipment, skills, experience, and manpower, as well as unhindered access to all parts of a country; and
- (3) the ability of armed forces to serve as a national unifying mechanism.

The risks

- jeopardize the civilian control over the armed forces
- increase militarism
- politicization
- risks to the rights of freedom of assembly, movement, and association

Some inquiry questions

- Is the legal framework clear on whose mandate is to propose and whose mandate is to authorize the domestic deployment?
- Is the command structure set and are the lines of duties and accountability between different security forces clearly separated?
- Are the soldiers properly trained to perform the delegated tasks?
- Are they adequately equipped?

NHRIs as early-warning systems

NHRIs during and after armed conflict

Kyiv Declaration (2015)

- Take measures to identify early signs of possible conflict and steps to prevent conflict, including through addressing the violations of human rights;
- Monitor the situation of human rights in accordance with international and regional human rights standards, documenting and responding to violations regardless of which party in the conflict allegedly committed the relevant acts or omissions, and report thereon to international, regional and national human rights mechanisms;
- Objectively and impartially assess the human rights situation and advise on the respect, promotion and protection of human rights and humanitarian law in conflict and in post-conflict periods;
- Take measures for the prevention of human rights violations, including against the most vulnerable, marginalized and minorities groups in fragile situations;
- Carry out systematic communications with authorities with the aim of providing information and recommendations on the measures required to ensure the promotion and protection of human rights in accordance with international and regional standards;
- Promote a dialogue between and with conflicting parties aiming to ensure the promotion, protection and respect of human rights, with particular attention to vulnerable and marginalized groups;

Kyiv Declaration (2015)

- Establish close partnership with civil society organizations, engage with relevant state institutions, and establish communication with representatives of authorities and nonstate actors who de facto act on behalf of the parties to the conflict;
- Take steps to ensure human rights are placed at the center of negotiations between the conflicting parties, including in peace agreements, and monitor their implementation;
- Advise and advocate for the promotion, protection and respect of the rights of refugees and IDPs (displaced as a consequence of conflict),
- Take measures to overcome the consequences of conflict in society, address past human rights violations that occurred in the context of conflict(s), contribute to the fight against impunity, promote transitional justice processes, facilitate access to justice for those affected by the conflict, including through effective investigations and reparations, to build peace, reconciliation and strengthen social cohesion;
- Hold information campaigns, undertake human rights education, training and awareness raising, including for armed forces and law enforcement agencies and monitor compliance with standards of international human rights and humanitarian law in the context of conflict;
- Involve international organizations in ensuring the protection of human rights in a conflict area; and
- Support the development of equality and human rights, including economic and social rights, in building a peaceful and just society.

Thank you!