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Andrej Zwitter, Annajorien Prins, Hannah Pannwitz¹

Abstract:

State of Emergency Mapping (STEM) is a database project providing information on emergency powers *de iure* and *de facto* in order to gain a better understanding of the politics of law in different regions of the world. Phase 1 of the database project covers 15 years of empirical data that maps state of emergency declarations worldwide. More specifically, the database offers an insight into the nexus between state of emergency declarations and their effect on the states' commitment to international human rights obligations, through the analysis of reported derogations from the International Covenant on Civil and Political Rights (ICCPR). As a result, questions on the frequency of specific human rights derogations, the type of human rights that are derogated from during states of emergency and the triggers that caused the emergency declaration can be answered with this database.

Introduction	3
1. Methodology and Parameters	3
2. Database Categories	5
3. Data Preparation	7
4. Results.....	8
5. Data Analysis	11
Conclusion.....	13

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Introduction

The declaration of a state of emergency status is the tool of last resort for states to maintain domestic order and to protect themselves against threats from inside and outside. However, account of events, from the Weimar Republic to the Egyptian situation up until the ousting of president Mubarak, have shown that emergency declarations are used as a political tool to protect a government's rule.² They can grant extended powers to the executive, and accelerate decision-making and judicial processes – to some extent at the expense of democratic control and rule of law. The State of Emergency Mapping (STEM) database project was developed to examine the accuracy of these common assumptions regarding state of emergency declarations.³

The State of Emergency Mapping Project features an open access database for researchers to study the occurrence, circumstances and backgrounds against which emergencies are being declared and to connect these with the laws governing the declarations.⁴ The first phase of the project records state of emergency declarations worldwide in a database with a focus on the legal dimensions of emergency declarations and their consequences in terms of effective use of emergency powers. Consequently, the database includes many more categories so as to be relevant for other research interests, such as what the most frequently derogated human right is or which countries most frequently reports their states of emergency to the UN, as well as which countries report their state of emergency declarations.

With this working paper we aim to provide an introduction to the database, the rationale behind it and an overview of the main conclusions drawn from it. The first section will elaborate on the focus of this database and the methodological choices such as using the reported derogations from the International Covenant on Civil and Political Rights (ICCPR) as a source. In the second part, we will provide definitions of the categories used in the database and discuss the data preparation. The third part introduces the preparation of the data for the database. Section four presents the data, and the fifth section draws initial conclusions from the gathered data regarding the questions raised in the introduction.

1. Methodology and Parameters

The parameters of this database allow for the inclusion of primarily legal information, but additional information of a non-legal nature is also taken into consideration. Firstly, the database has its fundamentals in data stemming from legal documentation. As a state of emergency declaration entails legal consequences for a governance system and the domestic order of a country, a key focus is, therefore, placed on the legal elements of such declarations.

² For an outstanding critical translation and assessment regarding Carl Schmitt and the Weimar Republic see: Carl Schmitt, *Dictatorship - From the Origin of the Modern Concept of Sovereignty to Proletarian Class Struggle*, trans. Michael Hoelzl and Graham Ward (Cambridge: Polity Press, 2012).

³ STEM has been established as a collaborative project between the Departments of Legal Theory and International Relations, University of Groningen, through the research section Research in Ethics and Globalization (GSG-REG).

⁴ Andrej Zwitter (2014). *State of Emergency Mapping: Database Project; Phase 1*, www.emergencymapping.org.

This is done, on the one hand, through asserting the legal basis and limitations of emergency powers within a country by focussing on the relevant laws and constitutional articles. Reference to the specific articles of a country's constitution is made within the database to reveal the constraints placed on state of emergency declarations. These national legal documents are included in the database. On the other hand, attention is paid to the legal consequences with respect to human rights obligations and the states' commitment to it based on depositary notifications sent to the UN. As will be demonstrated, the latter provide a large amount of valuable information and offers an insight into the correlation between emergency declarations and human right commitments. Hence, these UN documents have been taken as primary sources to this database. Article 4 paragraph 1 of the ICCPR states:

“In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin”.⁵

Additionally, paragraph 3 of article 4 states that:

“Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation”.⁶

These depositary notifications are made available in the UN Treaty Section.⁷ The legal consequences for human rights commitment were assessed by way of reviewing the depositary notifications and including the specific human rights derogations that countries reported in the database. This means that the STEM database pays particular attention to the interaction between international human rights law and domestic states of emergency. Thus, it highlights the direct impact of state of emergency declarations on a state's commitment to international agreements on human rights. Since depositary notifications give legal effect to the derogation from the ICCPR, provide an insight into the correlation between states of emergency and human right commitments and contain a vast array of facts surrounding the emergency powers, these notifications have been used as the principal source to populate the database, e.g.: the date of the emergency declaration, potentially a reference to domestic legislation, the person responsible for the declaration, the estimated duration of the state of emergency, as well as a statement regarding the specific human rights that will be derogated from. At this moment all declarations that have been reported to the United Nations Human

⁵ Article 4 of the International Covenant for Civil and Political Rights (ICCPR) is available at the Office of the High Commissioner for Human Rights, while further information on signatories and parties can be found in the online UN Treaty Collection: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> and https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

⁶ See supra note 5.

⁷ UN Treaty Collection: <https://treaties.un.org/Home.aspx?lang=en>. Otherwise the Treaty Collection database can be found through the Treaty Section of the UN Office of Legal Affairs.

Rights Committee and that have been made digitally available by the United Nations are included in the database ranging from 1998 to 2013.

Aside from the legal focus, further emphasis is placed on information of additional relevance concerning emergency powers. This inclusion is, however, strictly limited to three categories: ‘details’ and ‘trigger’, which are filled with information from either the depositary notification or a news source, necessitating the inclusion of the category ‘news sources’. As a result, the database includes data on the trigger of the emergency declaration and details of the event causing the state of emergency declaration. This is done to grasp all dimensions of the legal instrument, both in terms of practice as well as in legal usage. The news articles inform a different part of the database than the legal data, but one has to be particularly attentive to potential biases given the political nature of state of emergency declarations and the signalling effects of such declarations.

2. Database Categories

The State of Emergency Mapping Database (STEM) aims to map all relevant elements and consequences of emergency declarations to create an overview of the nature and usage of this legal instrument. The definitions and criteria delimited in the codebook are specified below:⁸

Country. Within the database it is specified which country it is that made the state of emergency declaration.

Temporal categories. There are three different dates included in the database to fully comprise all temporal elements of the state of emergency declaration: The date of a state of emergency declaration, the date of the derogation report send to the Human Rights Committee of the UN via the Secretary-General and the termination date of the state of emergency. These dates can all be obtained from the depositary notification send to the United Nations Human Rights Committee via the Secretary-General. The relevant report date used in the database is the day that the depositary notification has been forwarded by the Secretary-General to the Human Rights Committee, since this is the day all other states can be formed and, thus, the derogation as an action stipulated in an international treaty has legal effect.

Duration. The duration of a state of emergency declaration is measured in days and is counted from the date that the state of emergency becomes effective until the day before the state of emergency is lifted.

Extension. In this category it is clarified whether a state of emergency declaration is an extension of a previous declaration.

International Covenant on Civil and Political Rights (ICCPR) Derogations. As specified in Art. 4 of the ICCPR, States may derogate from certain human rights articles of the ICCPR, namely those not specifically mentioned by article 4 as non-derogable rights.⁹ Moreover, Art. 4 of the ICCPR also states that the articles that may be derogated from as the derogation measures should not be inconsistent with other obligations under international law

⁸ The codebook can be found here: <http://emergencymapping.org/database-phase-1.html>.

⁹ For this reason the relevant articles 8 (3), 9 (2), 9(3), 10, 12 (1), 12 (2), 13, 14, 17 (1), 17 (2), 19 (1), 19 (2), 20, 21, 22 (1), 22 (2), 23, 24, 25, 26 and 27 of the ICCPR have been included in this database as separate categories.

and should not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. Therefore, they may be no derogations made from:

- The right to life. (Art. 6)
- Freedom from torture or cruel, inhuman or degrading treatment or punishment. (Art. 7)
- Freedom from slavery or captivity in servitude. (Art. 8 paragraphs 1 and 2)
- The right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation. (Art.11)
- *Nulla poena sine lege*. (Art. 15)
- The right to recognition everywhere as a person before the law. (Art. 16)
- Freedom of thought, conscience and religion. (Art. 18)

Noticeably, not all articles that can be derogated from are usually also being derogated from, such as the right to marriage, children's rights, the right to participation in public affairs.¹⁰

Declaratory organ. The declaratory organ is the executive body capable of deciding upon the declaration of a state of emergency. The body that is capable of declaring such a state is determined by national constitutions. Often the body that is allowed to declare these emergency powers is the highest executive in the country, e.g. the President.

Declaratory person. This is the individual who declared the state of emergency. After the position of the individual is specified under the heading of 'declaratory organ', his/her name is specified here.

Duration and other Limitations of the State of Emergency according to Constitution or other Law. It is important to assess the basis on which the state of emergency declaration has been made, since the legal basis determines the content and the consequences of the emergency declaration. If there are temporal limitations stipulated in the Constitutional clauses dealing with emergency powers, this has been included in the database. In this way, a greater understanding of the use of emergency powers can be established. Furthermore, there can be spatial limitations and a limited objective tied to the emergency powers specified in the constitutional clauses.¹¹ If this is the case, it will also be mentioned in the database to establish an encompassing overview of the emergency powers' legal basis.

Region. Under this heading the region within the country where the state of emergency declaration is in effect is clarified. This can be either nation-wide or for a specific province/region/town/location.

National/sub-national. Under this heading the region in which the state of emergency is in effect is clarified. Under the heading 'region' the exact location is specified. With this heading, however, a categorization is made between a state of emergency that is effective nationally, or on a sub-national basis, in order to further differentiate between emergency declarations.

Trigger. This category specifies the trigger of the state of emergency declaration. The entry can either be a man-made disaster or a natural disaster. This differentiation is made to

¹⁰ Specifically, the articles that have not been derogated from are articles 10, 20, 23, 24, 25, 26 and 27 of the ICCPR.

¹¹ Andrej Zwitter, "The Rule of Law in Times of Crisis - A Legal Theory on the State of Emergency in the Liberal Democracy," *Archiv Für Rechts- Und Socialphilosophie* 98, no. 1 (2012): 95–111.

clarify the different types of state of emergency declarations. All state of emergency declarations that are triggered because of a natural event, such as an earthquake or flood, are understood to have been triggered by a natural disaster. Those state of emergency declarations that are proclaimed due to human behaviour are understood as triggered by man-made disasters.

Details. This category allows for specific information related to the disaster that leads to the declaration of a state of emergency. It is used to further elaborate on the actual events that triggered the declaration. No categorization has been generated thus far to specify the different circumstances under which the state of emergency declaration operates.

News sources. In this category the sources are specified that are used for informational purposes to determine both the trigger of the state of emergency declaration and the details of the occurring events. These news sources are most often international due to their more country-neutral perspective to the matter.

3. Data Preparation

In order to populate the different categories, the depositary notifications concerning the ICCPR that were sent to the UN Secretary-General were thoroughly reviewed for information. These depositary notifications are accessible online on the website of the UN Treaty Collection.¹² All information presented below can be found in our database files and in the depositary notifications, constitutional articles and news articles used to develop the database. The legal database from the World Intellectual Property Organization (WIPO) was another useful source, as most of the national constitutions that were included in the database were obtained from there. Lastly, the news sources vary significantly due to the relative lack of news coverage on state of emergency declarations worldwide. However, available BBC sources proved to be most useful for the news articles category in this database.

Aside from the sources that were used, it is crucial to address the manner in which data preparation occurred. One important element of the data preparation concerns the differentiation that we made between depositary notifications that contained a state of emergency declaration and depositary notifications that contained an extension of the earlier emergency declaration. The data showed that of all 191 reported states of emergency a significant amount entailed extensions; 110 extensions. More specifically, 90 of the 110 extensions of emergency declarations were reported to the UN by Peru. Colombia, Guatemala and Jamaica are three other countries that have extended emergency declarations, but not as frequently as Peru. Quite a different category in this regard is Sri Lanka, which decided to make a report 10 years after its first report to the UN that a state of emergency still exists, but with less human rights derogations. In order to avoid a distorted picture of the actual reports and the overrepresentation of a select group of countries, extensions have been excluded from the figures in this paper.

Therefore, of the total 191 depositary notifications, only 81 are used in this paper. In the case of figure 1, the data is obtained from these 81 depositary notifications. For figure 2, only 62 of the 81 depositary notifications could be made use of. 19 of the 81 depositary

¹² See supra note 4.

notifications were found to contain no information on the human rights derogations the countries made. No information could be obtained from those 19 reports and only 62 depositary notifications delivered information for figure 2.

Besides, in the database there are a few depositary notifications that have been categorized as extensions but that have not been included in the overall number of the 110 extension reports. These extensions are a separate issue, since such reports mention that the emergency declaration is an extension of a national state of emergency declaration, but it was reported for the first time to the UN Secretary-General. These reports were also included into the graphs and table presented earlier, since they constitute a first report rather than an extension report.

4. Results

The first UN-reported state of emergency included in this database dates back to the 31st of October 1998, leading up to the most recent addition of the 4th of August 2013. This means that the database covers 15 years of reports and holds 190 states of emergency. In order to give an accurate overview of the discovered results the following elements will be discussed: the countries that report human rights derogations to the UN, the frequency of these reports, the human rights that are derogated from, what the most common trigger is of these states of emergency and whether or not the emergency declarations stand by themselves or are part of a continuation of emergency power extensions.

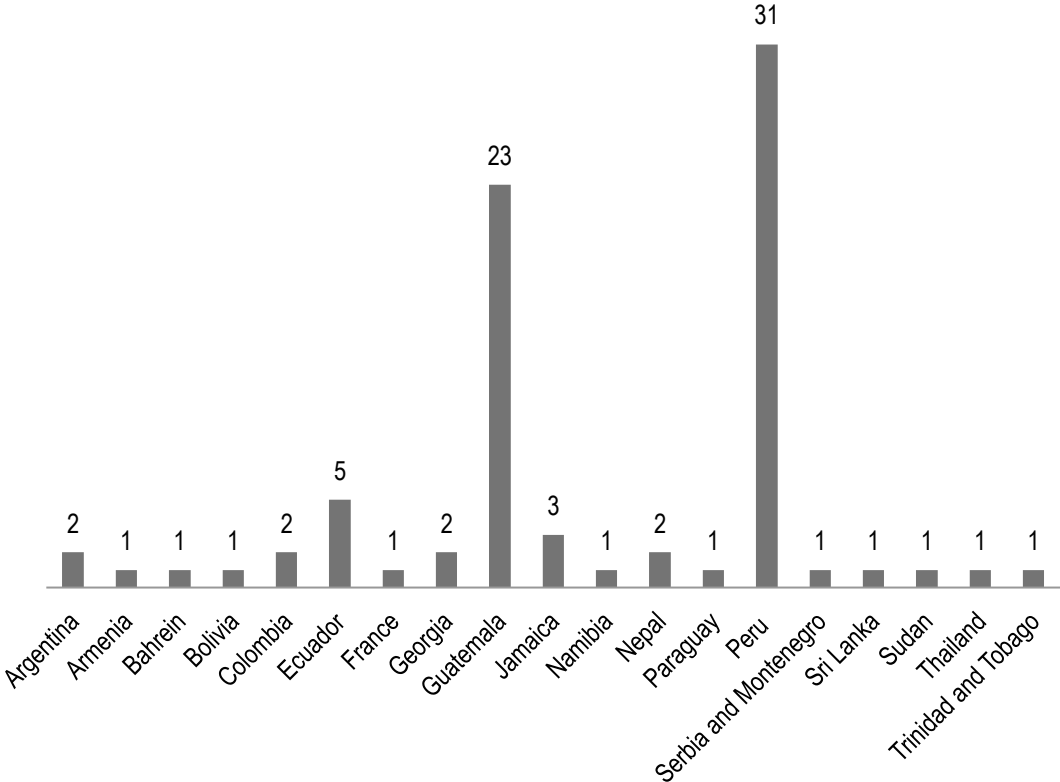
4.1 Countries

The data shows that a high number of states of emergency are declared in Latin American countries. Whereas there are a vast number of countries that have declared and exercised emergency powers across the world throughout the period of 1998-2013, it is only a relatively small number of countries that have reported their states of emergency and related human rights derogations to the United Nations. Specifically two countries, namely Peru and Guatemala, have a more significant inclination both to declare a state of emergency, and also to report the effect of these declarations to the United Nations Human Rights Committee. Moreover, these two countries appear to have declared emergencies for certain areas in the country comparatively frequently and have specifically stated the human rights that would be derogated from in those times. On the 17th of June in 2002 Peru made its first report to the United Nations concerning a state of emergency. After this first included report, data shows that Peru has an inclination to report close to 10 states of emergency per year to the United Nations. These depositary notifications total 121 reports for the research period. Of these 121 depositary notifications, however, 90 are reported extensions of earlier state of emergency declarations and thus, excluded from graph presented below.

Aside from Peru, Guatemala is also a frequent reporter. Guatemala reported its first state of emergency declaration to the UN on 31st of October in 1998 and is consequently the first report included in the database. Aside from a single report in 2001 and 4 reports in 2005 and 2006 together, most reports were made by Guatemala in the period of 2008–2012. Within the overall 15-year time period Guatemala reported 22 states of emergency, while with the

extension reports included, these total 39 depositary notifications. Accordingly, Guatemala is the second most frequent reporter, following Peru.¹³

Figure 1: Reported States of Emergency, extensions excluded: 1998 - 2013



4.2 Human rights derogations

There are various human rights articles in the International Covenant on Civil and Political Rights that can be derogated from.¹⁴ There is a tendency visible in the type of articles that is derogated from during states of emergency. Countries specify the articles and specific paragraphs from which they will derogate during the state of emergency. States never derogate from all possible articles at the same time. Therefore, there are a few key articles that stand out, as is illustrated by the figure on the next page. On the other hand, a number of articles are not derogated from in the first place.¹⁵

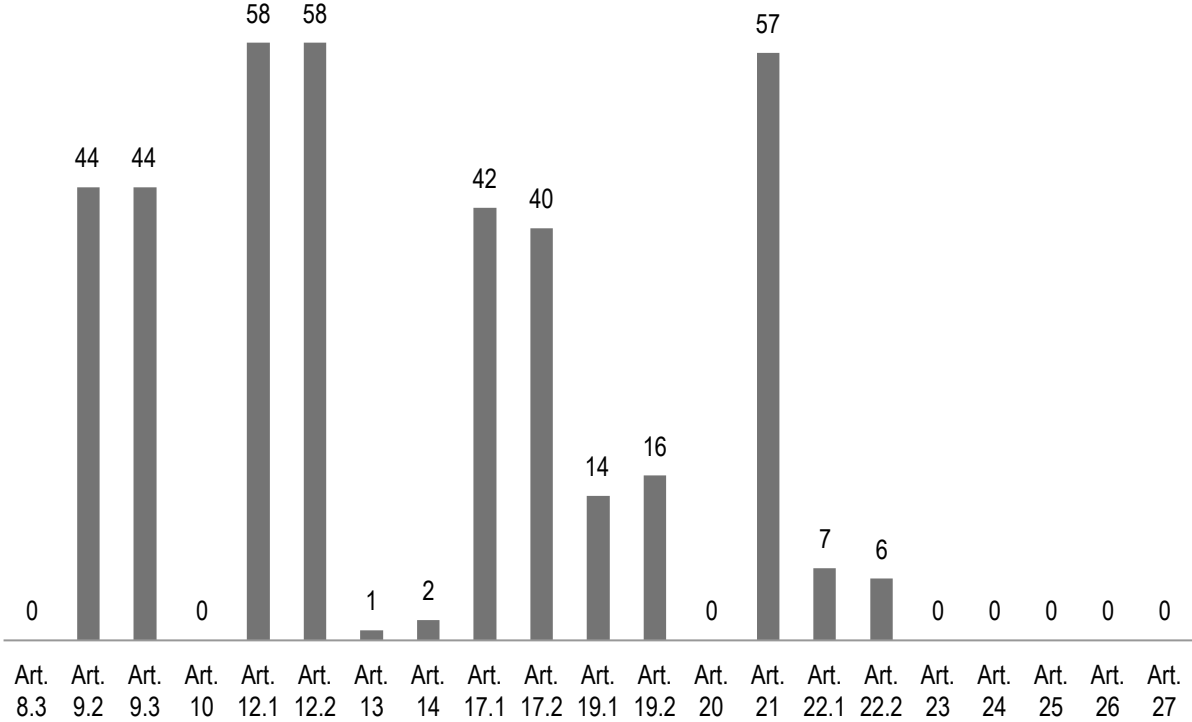
¹³ Other than Peru and Guatemala, there are 17 different countries that have reported states of emergency with human rights derogations to the United Nations over the 15-year period. These are: Argentina, Armenia, Bahrain, Bolivia, Colombia, Ecuador, France, Georgia, Jamaica, Namibia, Nepal, Paraguay, Serbia and Montenegro, Sri Lanka, Sudan, Thailand and Trinidad and Tobago. Most of these countries have only reported a state of emergency declaration with human rights derogations once or twice to the UN Secretary-General. The only country that has reported more frequently than once or twice is Ecuador.

¹⁴ The articles that derogations can be made of are the following: articles 8 (3), 9 (2), 9(3), 10, 12 (1), 12 (2), 13, 14, 17 (1), 17 (2), 19 (1), 19 (2), 20, 21, 22 (1), 22 (2), 23, 24, 25, 26 and 27.

¹⁵ See supra note 7.

The graph shows that most countries report derogations from articles 12 (58 times) and 21 (57 times) in particular, and articles 9 (44 times) and 17 (paragraph 1; 42 times, paragraph 2; 40 times) after that.¹⁶

Figure 2: Reported ICCPR Human Rights Derogations, extensions excluded: 1998-2013



4.3 Duration of state of emergency

The duration of the reported states of emergency differ significantly. Sri Lanka is known to have the longest reported state of emergency declaration. However, the exact duration is unknown. The first report was made in 2000 but no termination date was ever specified. The second Sri Lankan depositary notification concerning the same state of emergency in 2010 only specified a narrowing down of the human rights that are derogated from, not the date at which the emergency powers would no longer be effective. After Sri Lanka, the longest reported state of emergency was by Sudan in 2001 with an emergency declaration in effect for 365 days. Thailand (260 days) and Nepal (268 days) are also remarkable concerning the longevity of the emergency declaration. Peru and Guatemala frequently declare a state of emergency of 60 and 30 days respectively. The frequency of reports is influenced by the

¹⁶ Article 12 paragraph 1 concerns the right to liberty of movement and freedom to choose his residence. Article 12 paragraph 2 concerns the right to leave any country, including his own. Article 21 concerns the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. Article 9 concerns the right to the liberty and security of person, without being subject to arbitrary arrest or detention, as well as the right to being informed of the charges and the right to trial within a reasonable time or to release. Article 17 concerns the right to not be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence or unlawful attacks on honour and reputation.

constitutional arrangements regarding time limitations on emergency powers and democratic overview that exist in those countries, making an average duration result difficult to measure.

4.4 Trigger

Two different triggers have been used in order to determine the causes of the state of emergency declarations. The database demonstrates that most states of emergency with human rights derogations reported to the United Nations are triggered by so-called ‘man-made disasters’. Events that are caused by so-called man-made disasters are those that have a significant impact on the domestic order and lead up to an emergency declaration by the government, and are not directly related to a natural disaster. Of the 81 emergency declarations that were reported to the United Nations, 13 of the reported states of emergency were triggered by natural disasters and the remaining 68 were triggered by man-made disasters.

5. Data Analysis

Whereas one might expect the recent states of emergency that occurred during the Arab Spring to have a dominant presence, the actors that most frequently report their states of emergency and the exact human rights derogations originate from different countries altogether.¹⁷ We will now discuss and analyse the discovered tendencies and patterns, in order to contextualize the results that were found.

5.1 Countries

It is evident that not all states report their emergency declarations and the potential effect on their national human rights commitment. Most notably, the usual suspects infamous for their misuse of state of emergency declarations, such as Egypt, are absent from the list. This seems to indicate that these countries might not be signatories to the ICCPR, that these countries do not want the international community to know that they intend to derogate from human rights, or that these countries do not intend to derogate from human rights during their state of emergency declarations. The fact that Egypt is a signatory, cancels out one of the reasons for the lack of reporting. Thus it is crucial to remark that some states which are known to be signatory to the ICCPR and have declared a state of emergency with likely human rights consequences are missing from this database. Furthermore, as is evident from the data presented above, there are two countries that are unexpectedly well represented in the list of countries that reported their state of emergency declaration: Peru and Guatemala.

Peru and Guatemala portray a very different inclination towards declaring as well as reporting states of emergency in comparison with the other countries found in this database. Both countries have constitutional limitations on the duration of states of emergency. The constitution of Peru states that state of emergency declarations may last only 60 days,¹⁸

¹⁷ Arab Spring countries except for Bahrain are not present in the database.

¹⁸ The Political Constitution of Peru of 1993 states in Art. 137 that a state of emergency may be declared for a specified amount of time in either the entire country or a part of it. The emergency declaration may not exceed 60 days, while it is possible to extend the declaration with a new decree. No requirements are mentioned in relation to extensions. Additionally, reference is made to a state of siege which may not be longer than 45

whereas the Guatemalan constitution stipulates the duration of 30 days.¹⁹ While a temporal limitation on emergency declarations is written into the constitutions, no limitations can be found on the number of extensions. It follows that every month or every two months an extension will need to be declared by the executive to allow for a continuation of emergency law. One might question the governance and usage of the legal instrument if it is so frequently used. Therefore, insight in this occurrence could lead to a different constitutional arrangement for Guatemala and Peruvian emergency powers. Nevertheless, at the moment it can only be concluded that both countries have a salient practice of emergency declarations.

Why these specific countries are so prolific in reporting states of emergency to the United Nations and others are not is yet unclear. A possible connection that has been made in this regard concerns international scrutiny, which the openness of both the Peruvian and Guatemalan government allows. However, seeing that it has become standard practice for both Peru and Guatemala to use emergency powers for perhaps not exactly domestic-stability-threatening situations and to report this at times to the UN even before the emergency powers have come in effect, is an interesting finding.

The 17 other countries included in the database did not report states of emergency as often as Peru and Guatemala to the United Nations Human Rights Committee. While there are 167 parties to the ICCPR, only 19 in total have gone to the effort of internationally reporting the consequences of the state of emergency declarations for their commitment to the ICCPR over a period of 15 years. This reveals that many countries forgone this responsibility, given the many instances where countries declared emergency powers with human rights consequences without reporting this internationally to the UN. Examples that were already mentioned are Egypt and Israel, and more recent examples can be found in the countries involved in the Arab Spring movement during which several states of emergency have been declared.²⁰

5.2 Human Rights Derogations

Clearly, the depositary notifications have shown that states of emergency entail consequences for the commitment to this international human rights treaty. The graphs have illustrated the negative correlation between emergency powers and the freedom of movement as well as of association. This insight could contribute to later research into the usage of emergency law for the protection of democracy and the rule of law, or its potential misuse. As seen in this research, only a certain amount of human rights are derogated from, and an even smaller number is derogated from frequently. However, the frequency of extensions challenges the temporary nature of emergency declarations and allows for the possibility of systematic restrictions on certain human rights. This potentially negative influence on the

days, where Congress approval is necessary for an extension. The constitution can be found at the World Intellectual Property Organization, <http://www.wipo.int/wipolex/en/details.jsp?id=6544>.

¹⁹ The Political Constitution of the Republic of Guatemala of 1993 states in Chapter IV, Art. 138 that a state of emergency may not be longer than 30 days. If the government aims to extend the emergency declaration a new decree needs to be issued. The constitution can be found at the World Intellectual Property Organization, <http://www.wipo.int/wipolex/en/details.jsp?id=7526>.

²⁰ Andrej Zwitter, "Arab Spring – State of Emergency and Constitutional Reform" in *Air and Space Power Journal*, Summer 2014 (Forthcoming); University of Groningen Faculty of Law Research Paper 2013. Available at SSRN: <http://ssrn.com/abstract=2369374> or <http://dx.doi.org/10.2139/ssrn.2369374>

commitment to civil and political rights through repeated extensions of emergency declarations highlights the necessity of constitutional limitations on emergency powers.

5.3 Duration of State of Emergency

The data on duration of emergency declarations suggests that constitutional clauses highly impact the ensuing usage of the legal instrument. When no specific temporal limitations are included in the constitution or other legal document on the basis of which states of emergency are declared, as is evident in the Peruvian and Guatemalan constitutions due to the lacking limitations on extensions, it is to be expected that no temporal limitations to the emergency powers will be maintained in practice either.²¹ On the other hand, the frequency of Peru and Guatemala to report states of emergency of rather short durations also lays bare that mere temporal limitations in the constitutions do not bring about an effective control mechanism either.

5.4 Extensions

Peru stands out with regards to its practice of extensions. The data suggests that an institutionalisation of this practice has taken place in Peru. This can be supported by the details in the database: more than once were states of emergency reported to the UN even before they were nationally effective. However, the fact that Peru has declared so many extensions does not necessarily make it the "bad guy". It rather indicates that Peru's constitution forces the government to declare these extensions, thus allowing for international scrutiny. In other words, extensions rather indicate a constitution that, while maybe unfortunately structured as it does not set limits to extensions, at least forces the government to be more transparent than otherwise.²² A similar idea can be constructed on the basis of the Guatemalan extensions. Totalling 17 reported extensions, Guatemala also portrays signs of a strong constitution that binds the government to extend states of emergency, leading to the possibility of scrutiny.

The inclusion of this section in the database is therefore crucial, and capable of revealing the strength of the constitution in constraining emergency powers.

Conclusion

The database has exposed the correlation between state of emergency declarations and international human right commitments. It has revealed that the rights to freedom of movement and association are most often derogated from during states of emergency, that Peru and Guatemala most frequently report their emergency declarations to the UN and that only 19 countries of the 167 parties reported and derogated from ICCPR articles in the 15-year period. The database has also provided an insight with respect to national constitutional arrangements concerning emergency laws. Furthermore, it has brought to light the different durations of emergency declarations and ensuing consequences for human right commitments, with Sri Lanka having reported an emergency of an un specified duration and

²¹ See supra notes 18 and 19.

²² See supra note 18.

Guatemala and Peru continuing to extend their previous declarations. This database aims to contribute to future research, for instance concerning the reasons for some countries to report human rights derogations to the United Nations while others do not. It can also contribute to future research on the effectiveness of constitutional limitations concerning regulation of emergency powers and preventing misuse in countries with weak governance structures. Furthermore, this database gives rise to questions about the effectiveness of ICCPR enforcement mechanisms for human rights commitments.

This working paper concludes Phase 1 of the project and initiate a small-scale research paper for peer-reviewed publication. STEM now enters into Phase 2 with several extensions to the current content:

- (1) expanding the current time period of reported human rights derogations to the UN that is included in the database
- (2) extending the research scale to regional organizations (OSCE, CoE, OAS)

Moreover, the database will be kept up to date with recent state of emergency reports to the Human Rights Committee. For more information about the database, the codebook and the research section, follow this link: www.emergencymapping.org.